

# Journal of the House

## FORTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 20, 2012, 10:00 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair.

The roll was called with 124 members present.

Rep. Kelley was excused on excused absence by the Speaker.

Present later: Rep. Kelley.

Rep. LeDoux was excused later in the day on verified illness.

Rep. Cassidy was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Phillip Rhoades, pastor, Garnett Church of the Nazarene, and guest of Rep. Feuerborn:

As we pray, please remember the family of Rep. Ward Cassidy, who lost his brother-in-law.

Father, we bless Your Holy name this morning. We give You all honor and glory for who You are.

Your Word says, pray much for others; plead for God's mercy upon them; give thanks for all He is going to do for them. Pray in this way for kings and all others who are in authority over us, or are in places of high responsibility, so that we can live in peace and quietness, spending our time in godly living and thinking much about the Lord.

So, Father, we pray for Your highest will for others, Lord, especially for our leaders; and we thank You for all You are doing for them through our prayers. Because of these prayers, we are able to live in peace and quiet, thinking much about You.

We ask You to give them wisdom, boldness, and cover them with truth. May their decisions and lives be lived in total accordance to and with Your will. In Christ's Name, we pray, Amen

The Pledge of Allegiance was led by Rep. Gonzalez.

Kansas Trivia Question – Referring to its central position, Senator John James Ingalls called Kansas the nation's what?

Answer: Navel

**COMMUNICATIONS FROM STATE OFFICERS**

From David N. Harper, Director, Division of Property Valuation, Kansas Department of Revenue, pursuant to K.S.A. 79-1490, 2011 Preliminary Real Estate Appraisal/Sales Ratio Study.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H Sub for SB 294**.

Representative O'Neal thereupon appointed Reps. Rhoades, Kelley and Feuerborn as conferees on the part of the House.

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 303**.

Representative O'Neal thereupon appointed Reps. Landwehr, Donohoe and Flaharty as conferees on the part of the House.

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 334**.

Representative O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

**CONSENT CALENDAR**

No objection was made to **SB 353** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 353**, AN ACT concerning barbers; relating to the powers of the board; fees; licensure; amending K.S.A. 65-1819 and 65-1820a and K.S.A. 2011 Supp. 65-1817 and 65-1824 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwartz, Seiwert, Shultz, Siegfroid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Collins, DeGraaf, Grosserode, Kinzer, Patton, Scapa, Schwab.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed.

**HB 2018**, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2011 Supp. 72-6455 and 72-6459 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Collins.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed, as amended.

**HB 2425**, AN ACT concerning campaign finance; relating to schools; also relating to question submitted elections; amending K.S.A. 25-901, 25-904 and 25-905 and K.S.A. 2011 Supp. 25-4143 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: D. Gatewood.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed, as amended.

**Sub HB 2709**, AN ACT concerning recreational uses of land; relating to hunting; relating to big game hunting violations and restitution; relating to trespassing; amending K.S.A. 2011 Supp. 21-5808, 32-1005, 32-1013 and 32-1032 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 1; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burgess, Dillmore, Henderson, Lane, LeDoux, Mah, Sloan, Smith.

Present but not voting: Kiegerl.

Absent or not voting: Kelley.

The substitute bill passed, as amended.

**HB 2777**, AN ACT concerning state institutions; relating to special education and related services provided by the state school for the blind and the state school for the deaf; amending K.S.A. 76-1006 and 76-1102 and K.S.A. 2011 Supp. 72-978 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf,

Wolfe Moore, Worley.

Nays: Dillmore, Ward.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed.

**SB 252**, AN ACT concerning the rules and regulations filing act; pertaining to the notice period for certain rules and regulations; amending K.S.A. 2011 Supp. 77-415 and 77-421 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed.

**SB 258**, AN ACT concerning state officers and employees; relating to state universities; relating to certain negotiated contracts, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**H Sub for SB 259**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; enacting the Kansas public employees retirement system act of 2014; providing terms, conditions, requirements, benefits and contributions related thereto; relating to fiscal notes on bills that provide retirement benefit enhancements, actuarial cost; employer and employee contributions; sale of real estate of state agencies, disposition of proceeds to Kansas public employees retirement system fund; employment after retirement for certain school employees; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2011 Supp. 74-4914d, 74-4920, 74-4937, 74-49,205 and 75-6609 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 74-49,213, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 33; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, Wetta, B. Wolf, K. Wolf, Worley.

Nays: Burgess, Burroughs, Carlin, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Kuether, Lane, LeDoux, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Ruiz, Slattery, Tietze, Trimmer, Tyson, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: While **H Sub for SB 259** does trigger **HB 2194**, providing a mechanism to pay down the unfunded liability in the existing KPERS system, and adds additional funding from Expanded Lottery Revenue Funds also for unfunded liability reduction, I must vote no. The bill includes a defined contribution component that is not only unnecessary but also costly to the state and the taxpayer. I do not believe ideology should trump reason. — ED TRIMMER, BILL FEUERBORN, ANNIE TIETZE, MELANIE MEIER, JANICE L. PAULS, BOB GRANT, LOUIS RUIZ, JERRY WILLIAMS, MELODY MCCRAY-MILLER, MIKE SLATTERY, JUDITH LOGANBILL, ANNIE KUETHER, GERALDINE FLAHARTY, HAROLD LANE, VALDENIA WINN, SYDNEY CARLIN

MR. SPEAKER: It gives me great pleasure to vote yes on **H Sub for SB 259**. In my opinion this landmark Legislation will set the baseline for future KPERS reform. The detailed analytical thought process, dedication and determination of our Committee and the support staff is displayed in this legislation.

During this process we will continue to work together to provide a simple, balanced and fair retirement plan for future public sector employees. My hope is 30 years from now, they will be saying, "what a great retirement system, I wonder how it happened?"  
— JOHN C. GRANGE, CHARLES B. ROTH

MR. SPEAKER: I vote NO on **H Sub for SB 259** because I believe the defined contribution plan amendment added to the bill will only worsen the existing KPERS unfunded liability issue. While I am pleased that we will be dedicating 75% of future gaming revenues to pay off the UAL, and we have included enough provisions from the KPERS Study Commission proposal to effectively trigger the key provisions of **HB 2194** to begin addressing the UAL in earnest, I cannot cast a vote for a bill that potentially could make the situation worse. — ANN E. MAH, EBER PHELPS

MR. SPEAKER: I have concerns about the amendment offered to this bill that allows new Tier 3 employees to choose a defined contribution plan. This will not aid out efforts to reduce the unfunded actuarial liability. Despite this, I vote Yes on **H Sub for SB 259** to move this process forward and hope that the bill can be improved so that we achieve the most important goal of eliminating the unfunded actuarial liability. — PAUL DAVIS, BARBARA BALLARD

**SB 280**, AN ACT concerning commitment of sexually violent predators; relating to evaluations; testimony of expert witnesses; amending K.S.A. 59-29a05 and K.S.A. 2011 Supp. 59-29a06 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**Sub SB 282**, AN ACT concerning covered offenses and conduct giving rise to forfeiture; relating to fleeing or eluding; amending K.S.A. 2011 Supp. 60-4104 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

**SB 300**, AN ACT concerning motor vehicles; relating to temporary vehicle registration permits; extending the thirty-day registration to sixty days; amending K.S.A. {8-127 and K.S.A.} 2011 Supp. 8-135{, 8-135c, 8-143, 8-198} and 8-2409 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 3; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, D. Gatewood, S. Gatewood.

Present but not voting: None.

Absent or not voting: None.



The bill passed, as amended.

### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB 2413**, and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2432**, and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB 2534**, and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Siegfroid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

### COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted: Recommended that **SB 417, SB 345, SB 322, SB 330, SB 422** be passed.

**HB 2746** be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H Sub for SB 287** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H Sub SB 315** be adopted; also, on motion of Rep. Suellentrop to amend, Rep. Grant requested a ruling on the amendment being germane to the bill. The Rules Vice Chair ruled the amendment not germane; and the substitute bill be passed.

Committee report recommending a substitute bill to **H Sub for Sub HB 159** be adopted; and the substitute bill be passed.

Committee report to **SB 320** be adopted; and the bill be passed as amended.

Committee report to **SB 304** be adopted; and the bill be passed as amended.

Committee report to **SB 262** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 160** be adopted; and the substitute bill be passed.

Committee report to **SB 207** be adopted; and the bill be passed as amended.

On motion of Rep. Siegfroid, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing designated members to speak more than once on **H Sub for SB 344**. Those members are: Reps. O'Neal, Aurand and Davis.

Committee report recommending a substitute bill to **H Sub SB 344** be adopted; also, on motion of Rep. Schroeder to amend, the motion did not prevail. Also, on motion of Rep. LeDoux to amend, the motion did not prevail.

Also, on motion of Rep. Arpke, **H Sub for SB 344** be amended on page 1, by striking all in lines 35 and 36;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 5 and inserting the following:

"Sec. 4. Congressional district 1 shall consist of all of Barber county; and all of Barton county; and the following voting districts in Butler county: (00002A), (000030), (00004A), (000050), (00006A), (000100), (000120), (00014A), (00015A), (00016A), (00016B), (00016C), (000170), (000180), (000190), (000200), (000210), (000220), (00023A), (00023B), (000240), (000250), (000280), (00030A), (000310), (000320); and the following blocks in voting district (000330), tract 0201.00, block group 2, in Butler county: block 065, block 083, block 084, block 085, block 087, block 088, block 089, block 094, block 095, block 146, block 147, block 216; and the following blocks in voting district (000330), tract 0202.01, block group 2, in Butler county: block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 027, block 110, block 111; and the following blocks in voting district (000330), tract 0202.01, block group 3, in Butler county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 029, block 030, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 082, block 082, block 083, block 085, block 086, block 087, block 088, block 089, block 090, block 091, block 092, block 093, block 094, block 095, block 096, block 098, block 099, block 101, block 102, block 103, block 104, block 105, block 106, block 107, block 108, block 109, block 111, block 112, block 113, block 114, block 119, block 120, block 125, block 126, block 127, block 128, block 129, block 130, block 134, block 135, block 138, block 139, block 140, block 142, block 143, block 144, block 145, block 148, block 149, block 150, block 151, block 153, block 154, block 155, block 156, block 159, block 161, block 162, block 163, block 165, block 167, block 168, block 169, block 170, block 171, block 172, block 173, block 174, block 175, block 176, block 177, block 178, block 179, block 180, block 181, block 182, block 183, block 184, block 185, block 186, block 187, block 188, block 189, block 191, block 192, block 193, block 194, block 195, block 198, block 199, block 200, block 201, block 202, block 203, block 204, block 205, block 206, block 207, block 208, block 209, block 211, block 212, block 213, block 219, block 220, block 221, block 222, block 223, block 224, block 225, block 226, block 227, block 228, block 229, block 230, block 233, block 234, block 235, block 237, block 240, block 241, block 242, block 243, block 244, block 246, block 248; and the following blocks in voting district (000330), tract 0203.00, block group 1, in Butler county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 019, block 090; and the following blocks in voting district (000330), tract 0203.00, block group 2, in Butler county: block 000, block 002, block 003; and the following blocks in voting district (000330), tract 0204.00, block group 1, in Butler county: block 066, block 067, block 070; and the following blocks in voting district (000330), tract 0205.00, block group 2, in Butler county: block 040, block 041; and the following blocks in voting district (000330), tract 0205.00, block group 4, in Butler

county: block 007, block 009, block 010; and the following blocks in voting district (000330), tract 0206.00, block group 3, in Butler county: block 069; and the following voting districts in Butler county: (000350), (000360), (000390); and the following blocks in voting district (000410), tract 0202.01, block group 1, in Butler county: block 062, block 063, block 064, block 065, block 066, block 090, block 099, block 139; and the following blocks in voting district (000410), tract 0202.01, block group 2, in Butler county: block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 028, block 029, block 030, block 031, block 032, block 033, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 058, block 083, block 084, block 085, block 086, block 087, block 094, block 095, block 096, block 097, block 098, block 109, block 112; and the following voting districts in Butler county: (000430), (800050), (80010B), (80020A), (80020B), (80030B), (80030C), (80030D), (90000A); and all of Chase county; and all of Cheyenne county; and all of Clark county; and all of Clay county; and all of Cloud county; and all of Comanche county; and all of Decatur county; and all of Dickinson county; and all of Edwards county; and all of Ellis county; and all of Ellsworth county; and all of Finney county; and all of Ford county; and all of Geary county; and all of Gove county; and all of Graham county; and all of Grant county; and all of Gray county; and all of Greeley county; and all of Hamilton county; and all of Harper county; and all of Harvey county; and all of Haskell county; and all of Hodgeman county; and all of Jewell county; and all of Kearny county; and all of Kingman county; and all of Kiowa county; and all of Lane county; and all of Lincoln county; and all of Logan county; and all of McPherson county; and all of Marion county; and all of Marshall county; and all of Meade county; and all of Mitchell county; and all of Morris county; and all of Morton county; and the following voting districts in Nemaha county: (000010), (000020), (000040), (00005A), (00005B), (00005C), (000060), (000070), (000080), (000090), (000100), (000110), (000120), (000130), (000140), (000150), (000160), (000170), (000180), (000190), (00020A), (00020B), (00020C), (000210), (000220), (00023A), (00023B), (000240), (000250), (000260), (000270), (000280), (000290), (000300), (900010), (900020), (900030); and all of Ness county; and all of Norton county; and all of Osborne county; and all of Ottawa county; and all of Pawnee county; and all of Phillips county; and all of Pratt county; and all of Rawlins county; and all of Reno county; and all of Republic county; and all of Rice county; and all of Rooks county; and all of Rush county; and all of Russell county; and all of Saline county; and all of Scott county; and all of Seward county; and all of Sheridan county; and all of Sherman county; and all of Smith county; and all of Stafford county; and all of Stanton county; and all of Stevens county; and all of Thomas county; and all of Trego county; and all of Wabaunsee county; and all of Wallace county; and all of Washington county; and all of Wichita county.

Sec. 5. Congressional district 2 shall consist of all of Allen county; and all of Anderson county; and all of Atchison county; and all of Bourbon county; and all of Brown county; and all of Coffey county; and all of Doniphan county; and all of Douglas county; and all of Franklin county; and all of Greenwood county; and all of Jackson county; and all of Jefferson county; and all of Leavenworth county; and all of Linn county; and all of Lyon county; and the following voting districts in Miami county:

(000020), (000050), (000060); and the following blocks in voting district (00007A), tract 1001.00, block group 1, in Miami county: block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 031, block 032, block 033, block 034, block 035, block 036, block 038, block 041, block 042, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 071, block 072, block 073, block 074, block 075, block 076, block 078, block 079, block 086, block 087, block 100, block 101, block 102, block 103, block 104, block 105, block 106, block 107, block 124, block 125, block 126, block 129, block 130, block 136; and the following voting districts in Miami county: (000090), (000100), (00011A), (00011B), (00012A), (00012B), (00013A), (00013B), (00013C), (000140), (00016A), (00016B), (000170), (00018A), (00018B), (00019A), (00019B), (000200); and the following blocks in voting district (000210), tract 1001.00, block group 1, in Miami county: block 082, block 083, block 088, block 089, block 090, block 091, block 092, block 093, block 094, block 095, block 096, block 097, block 098, block 099, block 108, block 109, block 110, block 111, block 112, block 113, block 114, block 115, block 116, block 117, block 118, block 119, block 120, block 121, block 122, block 123; and the following blocks in voting district (000210), tract 1001.00, block group 2, in Miami county: block 110, block 111, block 114, block 117, block 118, block 119, block 120, block 121, block 200, block 201, block 202, block 203, block 204, block 205, block 206, block 207, block 208, block 209, block 210, block 211, block 212, block 213, block 214, block 215, block 216, block 220, block 221, block 222, block 223, block 224, block 228; and the following blocks in voting district (000210), tract 1001.00, block group 3, in Miami county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 065, block 066, block 067; and the following blocks in voting district (000210), tract 1002.00, block group 2, in Miami county: block 066, block 067, block 068, block 234, block 235, block 236, block 237, block 238, block 239, block 240, block 241, block 242, block 255, block 259, block 260, block 261, block 262; and the following blocks in voting district (000210), tract 1002.00, block group 3, in Miami county: block 029; and the following blocks in voting district (000210), tract 1005.00, block group 3, in Miami county: block 023, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 043; and the following blocks in voting district (000210), tract 1006.01, block group 5, in Miami county: block 002, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 053; and the following blocks in voting district (000210), tract 1006.02, block group 1, in Miami county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 048; and the following voting districts in Miami county: (000240), (000250), (000270), (000280), (200010), (200020), (900010), (900020), (900030), (900040), (900050), (900070), (900080), (900120), (900140), (900150), (900160), (900180); and the following voting districts in Nemaha county: (000030); and all of Neosho county; and all of Osage county; and all

of Pottawatomie county; and all of Riley county; and all of Shawnee county; and all of Wilson county; and all of Woodson county.

Sec. 6. Congressional district 3 shall consist of all of Johnson county; and the following voting districts in Miami county: (000010), (00003B), (00004B), (00004C); and the following blocks in voting district (00007A), tract 1001.00, block group 1, in Miami county: block 006, block 007, block 008, block 012, block 013, block 014, block 015, block 017, block 037, block 039, block 040, block 047, block 053, block 054, block 055, block 056, block 058, block 077, block 080, block 081, block 084, block 085, block 128, block 132; and the following blocks in voting district (00007A), tract 1002.00, block group 1, in Miami county: block 000, block 037, block 038, block 039; and the following blocks in voting district (00007A), tract 1002.00, block group 2, in Miami county: block 026, block 027, block 028, block 029, block 057, block 061, block 062, block 063, block 064, block 069; and the following blocks in voting district (00007A), tract 1002.00, block group 3, in Miami county: block 000, block 001, block 002, block 003, block 004, block 026, block 027, block 028, block 030; and the following voting districts in Miami county: (00007B), (000080); and the following blocks in voting district (000210), tract 1002.00, block group 2, in Miami county: block 058, block 059, block 060, block 065; and the following voting districts in Miami county: (000220), (00023A), (00023B), (00023C), (00023D), (000260), (300010), (300020), (900090), (900100), (900110), (900130); and all of Wyandotte county.

Sec. 7. Congressional district 4 shall consist of the following voting districts in Butler county: (00001A), (00001B), (00001L), (00001N), (00001O), (00002B), (00002C), (00004B), (000070), (000080), (000090), (00009A), (00009C), (00009E), (00009F), (00009G), (00009H), (00009I), (000110), (000130), (000260), (000270), (000290), (000300); and the following blocks in voting district (000330), tract 0202.01, block group 2, in Butler county: block 000; and the following voting districts in Butler county: (000340), (000380); and the following blocks in voting district (000410), tract 0201.00, block group 2, in Butler county: block 217; and the following blocks in voting district (000410), tract 0201.00, block group 3, in Butler county: block 261; and the following blocks in voting district (000410), tract 0202.01, block group 2, in Butler county: block 034, block 035, block 043, block 044, block 045, block 046, block 057, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 090, block 091, block 092, block 093, block 113, block 114, block 115; and the following voting districts in Butler county: (000440), (000450), (200010), (200020), (800040), (800060), (80010A), (80040A), (80040B), (80070A), (80070B), (80070C), (80070D), (80070E), (80070F); and all of Chautauqua county; and all of Cherokee county; and all of Cowley county; and all of Crawford county; and all of Elk county; and all of Lette county; and all of Montgomery county; and all of Sedgwick county; and all of Sumner county.";

Also, on further motion of Rep. LeDoux to amend, the motion did not prevail; and **H Sub for SB 344** be passed as amended.

Committee report to **SB 273** be adopted; also, roll call was demanded on motion of Rep. Denning to amend on page 3, following line 5, by inserting:

"New Sec. 2. (a) (1) Upon request of a physician, health insurance issuers shall provide to the physician and the patient of the physician information on the amounts of

expected benefits coverage provided by the health insurance issuer on specific procedures and services as specified by the physician as part of such request. Information provided by the health insurance issuer under this subsection shall be accurate and the best estimate based on information available at the time of the health insurance issuer's response to the request.

(2) The expected benefits coverage information provided under subsection (a)(1) shall include: (A) The amount the patient will be expected to pay clearly identifying deductible amounts, coinsurance and copayment; (B) the amount the provider will be paid; (C) whether any service will be denied; (D) whether any payments will be reduced from the agreed fee schedule amounts; and (E) an explanation of, if and why the referenced services are bundled with other services.

(3) Information requested to be provided under this subsection (a) shall be known as the health care predetermination request (HCPD). The health insurance issuer's response shall be returned using the same transmission method as that of the submission, including a real time response to a real time request. The HCPD shall be conducted in accordance with the most current version of the transactions and code sets standards promulgated under the health insurance portability and accountability act of 1996 (Public Law 104-191) and 45 C.F.R. Parts 160 and 162 or later versions as established in rules and regulations adopted by the commissioner of insurance.

(b) The commissioner of insurance shall adopt rules and regulations necessary to carry out the provisions of this section.

(c) The provisions of this section shall not apply to any policy or certificate which provides coverage only for a specified disease or health condition, specified accident or accident only coverage, disability income, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, a medicare supplemental policy of insurance as defined by the commissioner of insurance by rule and regulation, workers compensation insurance, automobile medical-payment insurance or to any policy or certificate which is issued by a health insurance issuer whose percentage market share in Kansas of all issuers of health insurance is less than 2% as determined by the commissioner of insurance.

(d) As used in this section: (1) "Health insurance issuer" means any insurer, corporation or other entity which issues health insurance policies; (2) "health insurance policies" means any hospital or medical expense policy, health, hospital or medical service corporation contract, a health insurance plan provided by a municipal group-funded pool, a health maintenance organization contract or any certificate issued under any such policies, contracts or plans; (3) "physician" means a person licensed to practice medicine and surgery.

(e) This section shall not be subject to the provisions of K.S.A. 40-2248 and 40-2249, and amendments thereto.

(f) This section shall take effect on and after January 1, 2014.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "ACT" by inserting "relating to insurance,;" also in line 1, after "company,;" by inserting "concerning health care predetermination requests for information relating to health insurance benefits coverage;"

On roll call, the vote was: Yeas 45; Nays 76; Present but not voting: 0; Absent or not voting: 4.

Yeas: Bollier, Boman, Brookens, Bruchman, Brunk, Carlson, Collins, Colloton,

Crum, DeGraaf, Denning, Fawcett, Goodman, Grosserode, Hill, Hineman, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Mast, Meier, Meigs, Montgomery, Moxley, Phillips, Powell, Proehl, Roth, Rubin, Ryckman, Schwartz, Siegfried, Slattery, Sloan, Smith, Spalding, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bowers, Brown, Burgess, Burroughs, Calloway, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hoffman, C. Holmes, Howell, Huebert, Kiegerl, Kinzer, Landwehr, Loganbill, Mah, McCray-Miller, McLeland, Mesa, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Prescott, Rhoades, Ruiz, Scapa, Schroeder, Schwab, Seiwert, Shultz, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Cassidy, Kelley, LeDoux, Peterson.

The motion of Rep. Denning did not prevail; and **SB 273** be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 114** be adopted; also, on motion of Rep. Sloan be amended on page 1, in line 9, by striking "supercede" and inserting "supersede"; in line 14, by striking "such restrictions apply to the residents of the city or county" and inserting "the city or county receives consent by each governing body of a city or county outside its corporate boundaries which may be affected by such restrictions"; in line 15, by striking all after "to"; by striking all in line 16; in line 17, by striking all before the period and inserting "the residents of such city or county but not to residents of another city or county being serviced by the same solid waste disposal area"; in line 18, by striking all after "(c)"; by striking all in line 19; in line 20, by striking all before the period and inserting "This section shall be part of and supplemental to the provisions of article 34 or chapter 65 of the Kansas Statutes Annotated, and amendments thereto"; and the substitute bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 341** be adopted; also, roll call was demanded on motion of Rep. Mah to amend on page 4, in line 15, by striking "a majority" and inserting "65% or more"; also in line 15, by striking "who reside"; by striking all in lines 16 and 17; in line 18, by striking "city"; in line 19, by striking all after the period; by striking all in lines 20 through 22;

On roll call, the vote was: Yeas 15; Nays 99; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Burroughs, Carlin, Davis, Dillmore, Finney, Frownfelter, McCray-Miller, Roth, Ruiz, Tietze, Victors, Ward, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Flaharty, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson,

Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Cassidy, Collins, Gordon, Henderson, Hill, Kuether, Landwehr, Lane, LeDoux, Loganbill, Peterson.

The motion of Rep. Mah did not prevail; and **H Sub for SB 341** be passed.

Committee report to **SB 155** be adopted; also, on motion of Rep. Otto to amend, Rep. Schwab requested a ruling on the amendment being in order. The motion of Rep. Otto to amend **SB 155** was ruled out of order because it was the equivalent question, in the negative, as the committee report which had previously been adopted and thus violated Masons Manual Rule 159-5.

Also, on motion of Rep. Kiegerl to amend **SB 155**, the motion was ruled out of order. Also, on further motion of Rep. Kiegerl to amend, Rep. Ward requested a ruling on the amendment being germane to the bill. Rep. Kiegerl subsequently withdrew his amendment; and the bill be passed as amended.

Committee report to **SB 250** be adopted; also, on motion of Rep. Bethell to amend, the motion did not prevail.

Also, on motion of Rep. Rubin to amend **SB 250**, Rep. O'Hara requested a ruling on the amendment being germane to the bill. The Rules Vice Chair ruled the amendment not germane.

Also, on further motion of Rep. Bethell to amend **SB 250**, Rep. Flaharty requested a ruling on the amendment being germane to the bill. Rep. Bethell subsequently withdrew his amendment.

Also, on motion of Rep. Brown to amend **SB 250**, the motion did not prevail.

Also, having voted on the prevailing side, Rep. Howell offered a motion to reconsider the adverse action in not adopting the first amendment offered by Rep. Bethell. The motion prevailed.

The question reverted back to the motion of Rep. Bethell and **SB 250** be amended on page 2, following line 1, by inserting:

"Sec. 2. This section may be known and cited as the interstate health care compact.

THE INTERSTATE HEALTH CARE COMPACT

ARTICLE I

DEFINITIONS

As used in this Compact, unless the context clearly indicates otherwise:

(a) "Commission" means the Interstate Advisory Health Care Commission.

(b) "Effective Date" means the date upon which this Compact shall become effective for purposes of the operation of State and Federal law in a Member State, which shall be the later of:

(1) the date upon which this Compact shall be adopted under the laws of the Member State, and

(2) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact.

(c) "Health Care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to:

(1) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or



function of the body, and

(2) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and

(3) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veterans Affairs, or provided to Native Americans.

(d) "Member State" means a State that is signatory to this Compact and has adopted it under the laws of that State.

(e) "Member State Base Funding Level" means a number equal to the total Federal spending on Health Care in the Member State during Federal fiscal year 2010. On or before the Effective Date, each Member State shall determine the Member State Base Funding Level for its State, and that number shall be binding upon that Member State. The preliminary estimate of Member State Base Funding Level for the State of Kansas is \$6,985,000,000.

(f) "Member State Current Year Funding Level" means the Member State Base Funding Level multiplied by the Member State Current Year Population Adjustment Factor multiplied by the Current Year Inflation Adjustment Factor.

(g) "Member State Current Year Population Adjustment Factor" means the average population of the Member State in the current year less the average population of the Member State in Federal fiscal year 2010, divided by the average population of the Member State in Federal fiscal year 2010, plus 1. Average population in a Member State shall be determined by the United States Census Bureau.

(h) "Current Year Inflation Adjustment Factor" means the Total Gross Domestic Product Deflator in the current year divided by the Total Gross Domestic Product Deflator in Federal fiscal year 2010. Total Gross Domestic Product Deflator shall be determined by the Bureau of Economic Analysis of the United States Department of Commerce.

## ARTICLE II PLEDGE

The Member States shall take joint and separate action to secure the consent of the United States Congress to this Compact in order to return the authority to regulate Health Care to the Member States consistent with the goals and principles articulated in this Compact. The Member States shall improve Health Care policy within their respective jurisdictions and according to the judgment and discretion of each Member State.

## ARTICLE III LEGISLATIVE POWER

The legislatures of the Member States have the primary responsibility to regulate Health Care in their respective States.

## ARTICLE IV STATE CONTROL

Each Member State, within its State, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding Health Care that are inconsistent with the laws and regulations adopted by the Member State pursuant to this Compact. Federal and State laws, rules, regulations, and orders regarding Health Care will remain in effect unless a Member State expressly suspends them pursuant to its authority under

this Compact. For any federal law, rule, regulation, or order that remains in effect in a Member State after the Effective Date, that Member State shall be responsible for the associated funding obligations in its State.

#### ARTICLE V FUNDING

(a) Each Federal fiscal year, each Member State shall have the right to Federal monies up to an amount equal to its Member State Current Year Funding Level for that Federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of Member State authority under this Compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the Member State.

(b) By the start of each Federal fiscal year, Congress shall establish an initial Member State Current Year Funding Level for each Member State, based upon reasonable estimates. The final Member State Current Year Funding Level shall be calculated, and funding shall be reconciled by the United States Congress based upon information provided by each Member State and audited by the United States Government Accountability Office.

#### ARTICLE VI INTERSTATE ADVISORY HEALTH CARE COMMISSION

(a) The Interstate Advisory Health Care Commission is established. The Commission consists of members appointed by each Member State through a process to be determined by each Member State. A Member State may not appoint more than two members to the Commission and may withdraw membership from the Commission at any time. Each Commission member is entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the Commission's total membership.

(b) The Commission may elect from among its membership a Chairperson. The Commission may adopt and publish bylaws and policies that are not inconsistent with this Compact. The Commission shall meet at least once a year, and may meet more frequently.

(c) The Commission may study issues of Health Care regulation that are of particular concern to the Member States. The Commission may make non-binding recommendations to the Member States. The legislatures of the Member States may consider these recommendations in determining the appropriate Health Care policies in their respective States.

(d) The Commission shall collect information and data to assist the Member States in their regulation of Health Care, including assessing the performance of various State Health Care programs and compiling information on the prices of Health Care. The Commission shall make this information and data available to the legislatures of the Member States. Notwithstanding any other provision in this Compact, no Member State shall disclose to the Commission the health information of any individual, nor shall the Commission disclose the health information of any individual.

(e) The Commission shall be funded by the Member States as agreed to by the Member States. The Commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the Member States in accordance with the terms of this Compact.

(f) The Commission shall not take any action within a Member State that

contravenes any State law of that Member State.

ARTICLE VII  
CONGRESSIONAL CONSENT

This Compact shall be effective on its adoption by at least two Member States and consent of the United States Congress. This Compact shall be effective unless the United States Congress, in consenting to this Compact, alters the fundamental purposes of this Compact, which are:

(a) To secure the right of the Member States to regulate Health Care in their respective States pursuant to this Compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their States; and

(b) To secure Federal funding for Member States that choose to invoke their authority under this Compact, as prescribed by Article 5 above.

ARTICLE VIII  
AMENDMENTS

The Member States, by unanimous agreement, may amend this Compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the Congress disapproves that amendment. Any State may join this Compact after the date on which Congress consents to the Compact by adoption into law under its State Constitution.

ARTICLE IX  
WITHDRAWAL; DISSOLUTION

Any Member State may withdraw from this Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the Governor of the withdrawing Member State has given notice of the withdrawal to the other Member States. A withdrawing State shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This Compact shall be dissolved upon the withdrawal of all but one of the Member States.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "ACT" by inserting "concerning health care;"; also in line 1, after "firefighters" by inserting "; relating to the interstate health care compact"; and **SB 250** be passed as amended.

Committee report to **SB 257** be adopted; and the bill be passed as amended.

On motion of Rep. Scapa to amend **SB 366**, the motion did not prevail.

Also, on motion of Rep. Suellentrop, **SB 366** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 60-733 is hereby amended to read as follows: 60-733. (a) The written direction of a party seeking an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall state the amount to be withheld, which shall be 110% of the amount of the judgment creditor's claim, in the case of prejudgment garnishment, or 110% of the amount of the current balance due under the judgment, in the case of postjudgment garnishment. The garnishee, without prior agreement, may withhold and retain to defray the garnishee's costs, an administrative fee of ~~\$10~~\$15 for each order of garnishment that attaches funds, credits or indebtedness. Such administrative fee shall be in addition to the amount required to be withheld under the order for garnishment, except that if the amount required to be withheld under the order for garnishment is greater than the amount of the funds, credits or indebtedness held by a bank, savings and loan

association, credit union or finance company, the fee shall be deducted from the amount withheld.

(b) All orders of garnishment issued in this state for the purpose of attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall include the judgment debtor's address and tax identification number, if known, and shall specify the amount of funds, credits or indebtedness to be withheld by the garnishee, which shall be 110% of the amount of the judgment creditor's claim or 110% of the amount of the current balance due under the judgment, as stated in the written direction of the party seeking the order.

(c) The forms provided by law for an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall include the following statement:

"If you hold any funds, credits or indebtedness belonging to or owing the judgment debtor, the amount to be withheld by you pursuant to this order of garnishment is not to exceed

\$ \_\_\_\_\_."

(amount stated in direction)

(d) (1) The forms provided by law for the answer to an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall include the following statement:

"The amount of the funds, credits or indebtedness belonging to or owing the judgment debtor which I shall hold shall not exceed

\$ \_\_\_\_\_."

(amount stated in order)

(2) The answer shall further include information that such account is owned in joint tenancy with one or more individuals who are not subject to the garnishment, if applicable.

(e) If an order of garnishment attaches funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company and the garnishee holds funds or credits or is indebted to the judgment debtor in two or more accounts, the garnishee may withhold payment of the amount attached from any one or more of such accounts.

(f) If an order of garnishment attaches funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company and the garnishee holds funds or credits or is indebted to the judgment debtor in an account which judgment debtor owns in joint tenancy with one or more individuals who are not subject to the garnishment, the garnishee shall withhold the entire amount sought by the garnishment. Neither the garnishor nor the garnishee shall be liable to the joint owners if the ownership of the funds is later proven not to be the judgment debtor's.

(g) No party shall seek an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, savings bank, credit union or finance company except on good faith belief of the party seeking garnishment that the party to be served with the garnishment order has, or will have, assets of the judgment debtor. Except as provided further, not more than two garnishments shall be issued by a party seeking an order of garnishment applicable to the same claim or claims and against the same judgment debtor in any 30-day period. A judge may order an exception to this subsection in any case in which the party seeking the garnishment shall in person

or by attorney: (1) Certify that the garnishment is not for the purpose of harassment of the debtor, and (2) state facts demonstrating to the satisfaction of the judge that there is reason to believe that the garnishee has property or credits of the debtor which are not exempt from execution."

On page 2, following line 26, by inserting:

"(a) The written direction of a party seeking an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall state the amount to be withheld, which shall be 110% of the amount of the judgment creditor's claim, in the case of prejudgment garnishment, or 110% of the amount of the current balance due under the judgment, in the case of postjudgment garnishment. The garnishee, without prior agreement, may withhold and retain to defray the garnishee's costs, an administrative fee of ~~\$10~~\$15 for each order of garnishment that attaches funds, credits or indebtedness. Such administrative fee shall be in addition to the amount required to be withheld under the order for garnishment, except that if the amount required to be withheld under the order for garnishment is greater than the amount of the funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company, the fee shall be deducted from the amount withheld.

(b) All orders of garnishment issued in this state for the purpose of attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall include the judgment debtor's address and tax identification number, if known, and shall specify the amount of funds, credits or indebtedness to be withheld by the garnishee, which shall be 110% of the amount of the judgment creditor's claim or 110% of the amount of the current balance due under the judgment, as stated in the written direction of the party seeking the order.

(c) The forms provided by law for an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall include the following statement:

"If you hold any funds, credits or indebtedness belonging to or owing the judgment debtor, the amount to be withheld by you pursuant to this order of garnishment is not to exceed \$ \_\_\_\_\_."

(amount stated in direction)

(d) (1) The forms provided by law for the answer to an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company shall include the following statement:

"The amount of the funds, credits or indebtedness belonging to or owing the judgment debtor which I shall hold shall not exceed \$ \_\_\_\_\_."

(amount stated in order)

(2) The answer shall further include information that such account is owned in joint tenancy with one or more individuals who are not subject to the garnishment, if applicable.

(e) If an order of garnishment attaches funds, credits or indebtedness held by a bank, savings and loan association, credit union or finance company and the garnishee holds funds or credits or is indebted to the judgment debtor in two or more accounts, the garnishee may withhold payment of the amount attached from any one or more of such accounts.

(f) If an order of garnishment attaches funds, credits or indebtedness held by a

bank, savings and loan association, credit union or finance company and the garnishee holds funds or credits or is indebted to the judgment debtor in an account which judgment debtor owns in joint tenancy with one or more individuals who are not subject to the garnishment, the garnishee shall withhold the entire amount sought by the garnishment. Neither the garnishor nor the garnishee shall be liable to the joint owners if the ownership of the funds is later proven not to be the judgment debtor's.

(g) No party shall seek an order of garnishment attaching funds, credits or indebtedness held by a bank, savings and loan association, savings bank, credit union or finance company except on good faith belief of the party seeking garnishment that the party to be served with the garnishment order has, or will have, assets of the judgment debtor. Except as provided further, not more than two garnishments shall be issued by a party seeking an order of garnishment applicable to the same claim or claims and against the same judgment debtor in any 30-day period. A judge may order an exception to this subsection in any case in which the party seeking the garnishment shall in person or by attorney: (1) Certify that the garnishment is not for the purpose of harassment of the debtor, and (2) state facts demonstrating to the satisfaction of the judge that there is reason to believe that the garnishee has property or credits of the debtor which are not exempt from execution."

And by renumbering sections accordingly.

On page 3, in line 39, following "K.S.A." by inserting "60-733 and 61-3506 and K.S.A."

On page 1, in the title, in line 2, following "K.S.A." by inserting "60-733 and 61-3506 and K.S.A."; and **SB 366** be passed as amended.

Committee report to **SB 367** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 28** be adopted; and the substitute bill be passed.

Committee report to **HB 2766** be adopted; and the bill be passed as amended.

Committee report to **HB 2773** be adopted; also, on motion of Rep. O'Neal be amended on page 3, in line 12, by striking "2011, or June 30,"; in line 30, by striking "2011, or"; in line 31, by striking "June 30,";

On page 5, in line 4, by striking "2011, or June 30,"; in line 34, by striking "2011, or June 30,";

On page 6, in line 30, by striking "2011, or June"; in line 31, by striking "30,";

On page 7, in line 25, by striking "2011, or June 30,";

On page 8, in line 18, by striking "2011, or June 30,"; in line 32, by striking "2011, or June 30,";

On page 9, in line 22, by striking "2011, or June 30,";

On page 13, in line 14, by striking "years 2011-2012 and" and inserting "year"; in line 33, by striking "For school year 2011-2012, any"; by striking all in lines 34 through 38;

On page 14, in line 10, by striking "years 2011-2012 and" and inserting "year"; in line 21, after the semicolon by inserting "and"; by striking all in lines 22 through 43;

On page 15, by striking all in lines 1 through 7, and inserting "(4)"; in line 8, by striking "sum" and inserting "product"; in line 42, by striking "2011, or June 30,";

On page 16, in line 31, by striking "2011, or June 30,";

On page 17, in line 10, by striking "2011, or June 30,"; in line 33, by striking "2011, or June 30,"; in line 42, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 6, by striking "section" and inserting "sections";

Also, on motion of Rep. Otto to amend **HB 2773**, the motion did not prevail. Also, on motion of Rep. Kiegerl to amend, Rep. Otto requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and **HB 2773** be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 314** be amended on page 4, following line 25, by inserting:

"Sec. 4. K.S.A. 2011 Supp. 32-932 is hereby amended to read as follows: 32-932.

(a) Any person ~~having a permanent disability to the extent that such person cannot physically use a conventional long bow or compound bow, as certified by a person licensed to practice the healing arts in any state,~~ shall be authorized to hunt and take deer, antelope, elk or wild turkey with a crossbow.

(b) The secretary of wildlife and parks shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations requiring permits to hunt deer, antelope, elk or wild turkey pursuant to subsection (a) and providing for the approval of applicants for such permits and the issuance thereof. In addition, the secretary may adopt rules and regulations limiting the times and areas for hunting and taking deer, antelope, elk and wild turkey and limiting the number of deer, antelope, elk and wild turkey which may be taken pursuant to subsection (a).

(c) Falsely obtaining or using a permit authorized by this section is a class C misdemeanor.

Sec. 5. K.S.A. 2011 Supp. 32-937 is hereby amended to read as follows: 32-937.

(a) When used in this section:

(1) "Landowner" means a resident owner of farm or ranch land of 80 acres or more located in the state of Kansas.

(2) "Tenant" means an individual who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and who: (A) Has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production; or (B) is a *bona fide* manager having an overall responsibility to direct, supervise and conduct such agricultural operation and has the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production. Evidence of tenancy, if requested, shall be provided to the department and may include, but is not limited to, natural resource conservation services records, farm service agency records, or written agricultural contract or lease documentation.

(3) "Regular season" means a statewide big game hunting season authorized annually which may include one or more seasons restricted to specific types of equipment.

(4) "Special season" means a big game hunting season in addition to a regular season authorized on an irregular basis or at different times of the year other than the regular season.

(5) "General permit" means a big game hunting permit available to Kansas residents not applying for big game permits as a landowner or tenant.

(6) "Nonresident landowner" means a nonresident of the state of Kansas who owns farm or ranch land of 80 acres or more which is located in the state of Kansas.

(7) "Nonresident permit" means a big game hunting permit available to individuals who are not Kansas residents.

(b) Except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, valid big game permits are required to take any big game in this state.

(c) The fee for big game permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(d) Big game permits are valid throughout the state or such portion thereof as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(e) Unless otherwise provided by law or rules and regulations of the secretary, big game permits are valid from the date of issuance and shall expire at the end of the season for which issued.

(f) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for each regular or special big game hunting season and for each management unit regarding big game permits. The secretary is hereby authorized to issue big game permits pertaining to the taking of big game. Separate big game permits may be issued for each species of big game. No big game permits shall be issued until the secretary has established, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, a regular or special big game hunting season.

(g) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805, and amendments thereto, regular landowner or tenant hunt-on-your-own-land big game permits. Members of the landowner's or tenant's immediate family who are domiciled with the landowner or tenant may apply for resident big game permits as landowners or tenants, but the total number of landowner or tenant regular hunt-on-your-own-land permits issued to a landowner or tenant and a landowner's or tenant's immediate family members for each big game species shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, if requested, shall be provided to the department. Such permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(h) Special hunt-on-your-own-land deer permits may be issued to a landowner's or tenant's siblings and lineal ascendants or descendants, and their spouses, whether or not a Kansas resident, by paying the required fee for a general deer permit. The total number of regular and special hunt-on-your-own-land deer permits issued to a landowner's or tenant's siblings and lineal ascendants or descendants, and their spouses, shall not exceed one deer permit for each 80 acres owned by such landowner or operated by such tenant. Evidence of ownership or tenancy, and sibling or lineal ascending or descending relations, if requested, shall be provided to the department.

(i) Fifty percent of the big game permits authorized for a regular season in any management unit shall be issued to landowners or tenants, provided that a limited number of big game permits have been authorized and landowner or tenant hunt-on-



your-own-land big game permits for that unit have not been authorized. A landowner or tenant is not eligible to apply for a big game permit as a landowner or as a tenant in a management unit other than the unit or units which includes such landowner's or tenant's land. Any big game permits not issued to landowners or tenants within the time period prescribed by rule and regulation may be issued without regard to the 50% limitation.

(j) ~~(1)~~ The secretary may issue, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, resident deer hunting permits available on a limited basis and valid for a designated species and sex in designated units, and antlerless-only deer permits in designated units as necessary for management purposes, and, any of the following options:

~~(A)~~ Either sex white-tailed deer permits valid statewide during any season with the equipment legal for that season;

~~(B)~~ either species, either sex archery permits valid statewide;

~~(C)~~ either species, either sex muzzle loader permits valid in designated units; or

~~(D)~~ either species, either sex firearm permits valid in designated units.

(2) The secretary shall develop and implement a pre-rut antlerless deer rifle season by deer management unit. The provisions of this paragraph shall expire on July 1, 2014.

(k) The secretary may issue permits for deer to nonresident landowners, but any such permit shall be restricted to hunting only on lands owned by the nonresident landowner.

(l) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:

(1) The total number of nonresident deer permits that may be issued for a deer season in a management unit and which may be used to take antlered deer shall be established with the goal of meeting demand for those permits, using a formula developed by the department that will consider adjustment factors, including deer population trends, deer-related vehicle accidents, age structure in the harvest, deer damage, landowner desire for nonresident deer permits, general public desires and health of habitat. The 2008 permit numbers shall be based on the adjustment factors and an average of nonresident demand for permits in each management unit from the previous six years, establishing at least a 10% increase but not more than 50% increase in permit numbers in each management unit, except in unit 16, where permit numbers shall not increase more than 100%. In subsequent years, the formula shall be used to determine permit allocations based on demand and the adjustment factors.

(2) Nonresident deer permits may be restricted to a particular deer species.

(3) Nonresident deer permits shall be restricted to two adjacent deer management units.

(4) Nonresident deer hunters shall select one season at the time of application.

(5) For an additional fee, nonresident deer hunters applying for a whitetail either sex archery or muzzle loader permit in a designated mule deer unit may also apply for one of the limited number of mule deer stamps. If they are successful in both drawings, they would be issued a permit that will allow them to take either a whitetail deer or a mule deer in that unit.

(m) A big game permit shall state the species, number and sex of the big game which may be killed by the permittee. The secretary may require any big game permittee to provide survey information at the conclusion of the open season.

(n) Prior to April 1, 2013, the secretary shall develop and implement a combination antlered and antlerless deer permit and adopt rules and regulations for the administration thereof.

~~(n)~~(o) The permittee shall permanently affix the carcass tag to the carcass of any big game animal immediately after killing and thereafter take such killed game to a check station as may be required in the rules and regulations, where a check station tag shall be affixed to the big game carcass if the kill is legal. The tags shall remain affixed to the carcass until the carcass is processed for storage or consumption. The permittee shall retain the carcass tag until the carcass is consumed, given to another or otherwise disposed of.

~~(n)~~(p) The provisions of this section do not apply to big game animals sold in surplus property disposal sales of department exhibit herds or big game animals legally taken outside this state.";

On page 6, in line 26, after "(b)" by inserting "(1)";

Also on page 6, following line 28, by inserting:

"(2) The secretary shall verify proof of ownership or tenancy of no less than 25% of all such landowner-tenant resident big game or wild turkey hunting permit applicants in each calendar year. Failure of such applicant to provide such proof as required by the secretary shall be a violation of K.S.A. 32-1032, and amendments thereto.";

On page 7, following line 6, by inserting:

"Sec. 7. K.S.A. 2011 Supp. 32-1002 is hereby amended to read as follows: 32-1002. (a) Unless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto, it is unlawful for any person to:

- (1) Hunt, fish, furharvest or take any wildlife in this state by any means or manner;
- (2) possess any wildlife, dead or alive, at any time or in any number, in this state;
- (3) purchase, sell, exchange, ship or offer for sale, exchange or shipment any wildlife in this state;
- (4) take any wildlife in this state for sale, exchange or other commercial purposes;
- (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish spear, fish trap or other device, contrivance or material for the purpose of taking wildlife; or
- (6) take or use, at any time or in any manner, any game bird, game animal, coyote or furbearing animal, whether pen-raised or wild, in any field trial or for training dogs.

(b) The provisions of subsections (a)(2) and (a)(3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a)(3) shall apply to:

- (1) The meat of game animals legally taken outside this state; and
  - (2) other restrictions as provided by rule and regulation of the secretary.
- (c) The provisions of this section shall not be construed to prevent:
- (1) Any person from taking starlings or English and European sparrows;
  - (2) owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property, subject to the following: (A) The provisions of all federal laws and regulations governing protected species and the provisions of K.S.A. 32-957 through 32-963, and amendments thereto, and rules and regulations adopted thereunder; (B) it is unlawful to use, or possess with intent to use, any such animal so killed unless authorized by rules and regulations of the secretary; and (C) such owners or legal occupants shall make reasonable efforts to alleviate their

problems with any such animals before killing them;

(3) any person who is licensed under the personal and family protection act, K.S.A. 75-7c01 *et seq.*, and amendments thereto, from exercising the right to carry a concealed handgun while lawfully hunting, fishing or furharvesting; ~~or~~

(4) any person who lawfully possesses a device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm from using such device or attachment in conjunction with lawful hunting, fishing or furharvesting; or

(5) any person who has been issued a big game permit pursuant to K.S.A. 32-937, and amendments thereto, from using a crossbow during an archery big game season for which such permit is valid.

(d) Any person convicted of violating provisions of this section shall be subject to the penalties prescribed in K.S.A. 32-1031, and amendments thereto, except as provided in K.S.A. 32-1032, and amendments thereto, relating to big game and wild turkey.";

And by renumbering sections accordingly;

On page 7, in line 7, by striking "and" and inserting ", 32-932, 32-937,"; also in line 7, after "32-988" by inserting "and 32-1002";

On page 1, in the title, in line 2, after the semicolon by inserting "related to hunting,"; in line 3, by striking "and" and inserting ", 32-932, 32-937,"; also in line 3, after "32-988" by inserting "and 32-1002"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 104** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 104," as follows:

"HOUSE Substitute for SENATE BILL NO. 104

By Committee on Corrections and Juvenile Justice

"AN ACT concerning driving; creating the crime of refusing to submit to a test to determine the presence of alcohol or drugs; relating to driver's licenses; driving under the influence; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 8-241, 8-286, 8-288, 8-1501, 12-4413 and 22-2910 and K.S.A. 2011 Supp. 8-235, 8-262, 8-285, 8-287, 8-2,144, 8-1001, 8-1008, 8-1012, 8-1013, 8-1014, 8-1015, 8-1020, 8-1567, 12-4106, 12-4414, 12-4415, 12-4416, 12-4517, 21-5203, 21-6804, 22-2802, 22-2908, 22-2909, 22-4704, 60-427, 74-2012 and 75-712h and repealing the existing sections; also repealing K.S.A. 2011 Supp. 8-1020b and 22-2909c."; and the substitute bill be passed.

(**H Sub for SB 104** was thereupon introduced and read by title.)

Committee on **Elections** recommends **HB 2782** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2782," as follows:

"Substitute for HOUSE BILL NO. 2782

By Committee on Elections

"AN ACT concerning elections; relating to persons running for public office in Kansas."; and the substitute bill be passed.

(**Sub HB 2782** was thereupon introduced and read by title.)

Committee on **Elections** recommends **SB 102** be amended on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 34;

On page 7, following line 22, by inserting:

"Sec. 2. K.S.A. 2011 Supp. 46-237a is hereby amended to read as follows: 46-237a.

(a) The provisions of this section shall apply to:

- (1) The governor;
- (2) the lieutenant governor;
- (3) the governor's spouse;
- (4) all officers and employees of the executive branch of state government; and
- (5) all members of boards, commissions and authorities of the executive branch of state government.

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:

- (1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; ~~or~~
- (2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; ~~or~~
- (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; ~~or~~
- (4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended; or

(5) health-related services or materials if:

(A) The aggregate amount or value of the expenditures made for such health-related services or materials does not exceed \$10 per recipient; and

(B) such services or materials are permitted or not prohibited by law or regulation.

(c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:

(1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;

(2) meals provided at public events in which the person is attending in an official capacity;

(3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position;

(4) food such as soft drinks, coffee or snack foods not offered as part of a meal;

(5) any meal the value of which is \$25 or less;

(6) meals provided to a person when the person's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest and the agency of which such person is an officer or employee authorizes such person's attendance at such event or meeting; and

(7) meals provided to the governor's spouse and members of the governor's immediate family at the event or meeting at which the meal is provided serve a legitimate state purpose or interest.

(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

(1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person's

official position; or

(2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.

(e) No person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person's official position. The provisions of this subsection shall not apply to persons whose official position requires or obliges them to be present at such events or activities.

(f) (1) Violations of the provisions of this section by any classified employee in the civil service of the state of Kansas shall be considered personal conduct detrimental to the state service and shall be a basis for suspension, demotion or dismissal, subject to applicable state law.

(2) Violations of the provisions of this section by any unclassified employee shall subject such employee to discipline up to and including termination.

(3) In addition to the penalty prescribed under paragraphs (1) and (2), the commission may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of this section, in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation and not to exceed \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics fee fund established by K.S.A. 25-4119e, and amendments thereto.";

On page 9, in line 12, by striking "and" and inserting:

"(E) health-related services or materials if:

(i) The aggregate amount or value of the expenditures made for such health-related services or materials does not exceed \$10 per recipient; and

(ii) such services or materials are permitted or not prohibited by law or regulation; and";

Also on page 9, in line 10, by striking "(E)" and inserting "(F); in line 14, by striking "or"; in line 16, after "legislature" by inserting "; or

(iii) all members of the legislature attending a recognized regional or national legislative meeting when the event is sponsored by five or more individual lobbyists";

Also on page 9, following line 36, by inserting:

"New Sec. 5. (a) No person who enters into a contract or who has proposed to enter into a contract with a city shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$100 or more in any calendar year or hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year to a member of the governing body or mayor of any city.

(b) A member of a city governing body or the mayor of any city shall not accept any offer, pay, give or make economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$100 or more in any calendar

year or hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year from any person who has entered into a contract or has proposed to enter into a contract with the city.

(c) This section shall not apply to a commercially reasonable loan or other commercial transaction in the ordinary course of business.";

And by renumbering sections accordingly;

Also on page 9, in line 38, by striking "25-4119f, 25-4145,"; in line 39, by striking "46-265" and inserting "46-237a";

On page 1, in the title, in line 1, by striking "commission"; in line 2, by striking "25-4119f, 25-"; in line 3, by striking "4145"; also in line 3, by striking "46-265" and inserting "46-237a"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 145** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 145," as follows:

"HOUSE Substitute for SENATE BILL NO. 145

By Committee on Elections

"AN ACT concerning elections; relating to petitions; amending K.S.A. 2011 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4306, 25-4310 and 25-4320 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub SB 145** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 313** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 313," as follows:

"HOUSE Substitute for SENATE BILL NO. 313

By Committee on Federal and State Affairs

"AN ACT concerning abortion; relating to restrictions on late term abortions; relating to the woman's-right-to-know act; creating the no taxpayer funding for abortion act; amending K.S.A. 60-1901 and K.S.A. 2011 Supp. 40-2246, 65-6701, 65-6703, 65-6709, 65-6710, 76-3308, 79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3606g."; and the substitute bill be passed.

(**H Sub for SB 313** was thereupon introduced and read by title.)

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Grant, in accordance with House Rule 1309, having not been reported to the House within ten legislative days after reference to Committee, **HB 2002** be withdrawn from Committee on **Federal and State Affairs** and be placed on that order of business, General Orders.

Also, on motion of Rep. Grant, pursuant to House Rule 2311 and in accordance with Subsection (b) of House Rule 1503, that the order on General Orders be changed to the first order of business to be considered on General Orders on March 21.

The Chief Clerk of the House is directed to cause this motion to be printed in the Calendar of March 21 under the order of business "Consideration of Motions and House Resolutions Offered on a Previous Day" as provided by House Rule 1309.

## CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **H Sub SB 17** from the Calendar under the heading General Orders and rereferral to Committee on Elections.

Also, the withdrawal of **SB 46** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

**MESSAGE FROM THE SENATE**

Announcing passage of **Sub SB 327; Sub SB 412**.

Announcing passage of **HB 2414, HB 2486, HB 2489, HB 2593, HB 2605, HB 2614, HB 2621, HB 2626, HB 2668, HB 2687, HB 2697, HB 2703**.

Announcing passage of **HB 2416**, as amended; **HB 2464**, as amended; **HB 2471**, as amended; **HB 2485**, as amended; **HB 2494**, as amended; **HB 2502**, as amended; **HB 2503**, as amended; **HB 2505**, as amended; **HB 2516**, as amended; **HB 2517**, as amended; **HB 2526**, as amended by **S Sub for HB 2526; HB 2563**, as amended; **HB 2596**, as amended by **S Sub for HB 2596; HB 2604**, as amended; **HB 2613**, as amended; **HB 2631**, as amended; **HB 2649**, as amended; **HB 2655**, as amended; **Sub HB 2706; HB 2730**, as amended by **S Sub for HB 2730**.

The Senate concurs in House amendments to **SB 310**.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**Sub SB 327; Sub SB 412**.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolutions were introduced and read by title:

**HOUSE RESOLUTION No. HR 6020—**

By Representatives Gregory, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION commemorating the Kansas Angels at Sunset Centennial.

WHEREAS, In 1912, the great state of Kansas distinguished itself by becoming the eighth state in the nation to permanently enact women's suffrage. When election day came on November 5, 1912, hundreds of women worked at the polls all day, and sat up far into the night for the returns. They felt their efforts were sufficiently rewarded when the final count showed 175,246 votes for the amendment and 159,197 against; and

WHEREAS, Kansas' action inspired and reinvigorated the national suffrage

movement, which culminated in the passage of the 19<sup>th</sup> Amendment to the Constitution of the United States in 1920, assuring all women in the nation the right to vote; and

WHEREAS, 2012 will mark the 100<sup>th</sup> anniversary of women's suffrage in the state of Kansas; and

WHEREAS, The Kansas Angels at Sunset Centennial are to be recognized and given special emphasis for their continuing efforts and influence in the Kansas women's suffrage movement in the late 1800s. The Kansas Angels at Sunset Centennial worked diligently to achieve success even when it appeared that the sun would set on their efforts; and

WHEREAS, In commemorating the Kansas Angels at Sunset Centennial, Kansas will be celebrating the basic inclusive principles of democracy, the long and arduous road to achievement of women's suffrage, and the continually expanding roles of women in public and private life; and

*Be it resolved by the House of Representatives of the State of Kansas:* That we commend and recognize the diligent and instrumental efforts of the Kansas Angels at Sunset Centennial in their role in the women's suffrage movement in Kansas; and

*Be it further resolved:* That we recognize the centrality of women's suffrage to democratic values, express appreciation to those who have prepared public exhibits on women's suffrage in the state capitol and encourage all Kansans to visit, enjoy and learn from such displays and exhibits;

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Gregory.

#### HOUSE RESOLUTION No. **HR 6021**—

By Representative O'Hara, Alford, Arpke, Boman, Brown, Calloway, Collins, DeGraaf, Donohoe, Fawcett, Garber, Goico, Goodman, Gordon, Gregory, Grosserode, Hedke, Hildabrand, Howell, Huebert, Kiegerl, Knox, Meigs, Mesa, Montgomery, O'Brien, Patton, Peck, Powell, Prescott, Rubin, Seiwert, Siegfried, Smith, Suellentrop, Tyson, Vickrey and Weber

A RESOLUTION standing in opposition to the provisions in the National Defense authorization act for fiscal year 2012 which authorize military detention and trial of United States citizens and lawful residents in direct violation of the United States Constitution and the constitution of this state.

WHEREAS, On Dec. 31, 2011, President Barack Obama signed the Conference Report to House of Representative Bill H.R. 1540, the National Defense Authorization Act (NDAA), into law; and

WHEREAS, The NDAA contains provisions repugnant to, and destructive of, the constitutions and Bill of Rights of the United States of America, and this state, directly violating the U.S. Constitution's Article I, Section 9 [Habeas Suspension Clause], Article III, Section 2, Clause 2 [Trial by jury of all crimes except impeachment], Article III, Section 3 [Treason Clause], Article IV, Section 4 [guarantee of a Republican Form of government] the 4<sup>th</sup> Amendment [Protection against unreasonable search and seizure] 5<sup>th</sup> Amendment [Right to grand jury indictment and due process], 6<sup>th</sup> Amendment [Right to speedy and public trial], 8<sup>th</sup> Amendment [Protection against cruel and unusual punishments], and 14<sup>th</sup> Amendment [Equal protection], as well as infringes



on the entirety of the Bill of Rights and basic structure of the Constitution, making We the People insecure in the exercise of any of our Rights and Powers; and

WHEREAS, The United States Constitution and the constitution of this state are infringed and/or usurped by provisions in the NDAA which authorize the application of: military force (including assassination), indefinite military detention without trial, military trial, and rendition to foreign countries and entities of any person, including American citizens and lawful resident aliens, at the discretion of the President or a subordinate within the Department of Defense; and

WHEREAS, Granting the President the authority he would have over a foreign enemy on a "battlefield" for use against the American people is unconstitutional and a violation of the federal government's duty of allegiance to protect U.S. citizens anywhere in the world; and

WHEREAS, "Any person having knowledge of any treasonable project is bound to disclose it to the President, or to a United States judge, or to a Governor of a State or a State judge, or he is guilty of misprision of treason, and may be fined one thousand dollars and imprisoned for seven years." (Treatise on Law of the American Rebellion, page 20, Gard. Inst., 326; 1 U.S. St. L. 112, 119.); and

WHEREAS, Pursuant to the Oath of Office, all state and federal legislative, judicial and executive officers are sworn to protect and defend the U.S. Constitution from all enemies foreign and domestic; and

WHEREAS, Laws not passed in "pursuance" of the Constitution are null and void from their inception; and

WHEREAS, The above noted injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states, are nearly identical to many of the long train of abuses and usurpations that compelled our forefathers to take up arms and to separate from Great Britain, as enumerated in The unanimous Declaration of the thirteen united States of America, of July 4, 1776: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That for the above and forgoing reasons, this Legislature expresses its belief that the National Defense Authorization Act for fiscal year 2012 (NDAA) is unconstitutional in authorizing the President to use war powers, the "law of war," and/or martial law in the United States and its territories over any person, including citizens or lawful resident aliens of the United States not in the military forces, and over citizens or lawful resident aliens of the United States, who are not in the military forces, anywhere in the world; and

*Be it further resolved:* That the Legislature expresses its sense that all provisions of the NDAA which are unconstitutional, including as noted herein above, were and are null and void from their inception and are not enforceable in this state, and it is the express policy of this state's Legislature that no officer, employee, or agent of the state will implement, enforce or otherwise support, directly or indirectly, any of the above noted unconstitutional provisions, and that a violation of such policy will be deemed a violation of their oath of office and employment agreement, and will subject them to disciplinary action up to and including termination; and

*Be it further resolved:* That the Legislature recognizes its duty to interpose itself between unconstitutional usurpations by the federal government or its agents and the people of this state, as well as the duty to defend the unalienable natural rights of the people, all of which is consistent with the 9<sup>th</sup> and 10<sup>th</sup> Amendments to the Constitution

of the United States, and with our oaths to defend the Constitution of the United States and the constitution of this state against all enemies, foreign and domestic; and

*Be it further resolved:* That the Legislature directs the Congressional delegation of this state to commence immediately efforts to repeal the unconstitutional sections of the NDAA, to wit, sections 1021 and 1022, and any other section or provision which will have the same or substantially the same effect on the United States, its citizens, and lawful resident aliens; and

*Be it further resolved:* That the Legislature directs the Congressional delegation to introduce, support, and secure the passage of legislation which clearly states that Congress not only does not authorize, but in fact prohibits the use of military force, military detention, military trial, rendition, or any other power of the "law of war" against U.S. citizens and lawful resident aliens; and

*Be it further resolved:* That within 10 days from the passage hereof, a copy of this resolution shall be mailed, by certified mail with a return receipt, to each and every member of this state's Congressional delegation by the Chief Clerk of the House of Representatives, and, in compliance with federal law regarding acts of "misprision of treason," (page 20, *Gard. Inst.*, 326; 1 U.S. St. L. 112, 119.), to the governor and Supreme Court Chief Justice of this state to effect notification of a possible "conspiracy against the United States," to wit: the attempt by Congress and the President to arbitrarily and indefinitely suspend the Bill of Rights outside the requirement of an invasion or rebellion as required by U.S. Constitution, Article I, Section 9, Clause 3, which states: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.," and by subjecting the American people to the "law of war," including military force, detention, and trial, and/or the institution of martial law, rather than under the laws of the United States, pursuant to the detention and trial requirements of U.S. Constitution, Article III, and of the Fourth, Fifth, Sixth, and Eighth Amendments; and

*Be it further resolved:* That the House of Representatives, recognizing its oath-bound duty to defend the Constitution of the United States and the constitution of this state, to secure the people's unalienable natural rights to "Life, Liberty, and the pursuit of Happiness," as alliterated in the Declaration of Independence of July 4, 1776, adopts this resolution.

## REPORT ON ENGROSSED BILLS

**HB 2018, HB 2425; Sub HB 2709** reported correctly engrossed March 20, 2012.

## READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 2149, under Reference of Bills and Concurrent Resolutions, the following should appear:

Committee of the Whole: **Sub SB 397; SCR 1616.**

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Wednesday, March 21, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

2218

MARCH 20, 2012

