

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 28, 2012, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. LeDoux was excused on verified illness.

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

Rep. Montgomery was excused later in the day on legislative business.

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

Prayer by Chaplain Brubaker:

Lord,

Today I want to pray for “balance” for these leaders.

As they near the end of this session, balance is needed in many areas.

Help them to—

Balance the:	B – budgets
Balance relationships with right:	A – attitudes
Balance tension with:	L – laughter
Balance decisions with:	A – acceptance
Balance alertness with:	N – naps
Balance tough decisions with:	C – compassion
Balance rest with:	E – energy

These are busy days for our leaders. Watch over them, keep them safe traveling back and forth. Keep them rested. Encourage their families while they are away. And keep them diligent and faithful throughout. In Christ’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Tyson.

Kansas Trivia Question – At one point Lilla Hall of Winfield was the only woman in the United States to hold what job?

Answer: Coroner

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Proehl are spread upon the Journal:

The Labette Community College Cardinals won the 2012 National Junior College

Athletic Association (NJCAA) wrestling championship for the second time. Nine of the wrestlers earned All-American status, which requires a top five finish, and two wrestlers won individual national championships. The Cardinals tied the all-time record for most points scored in the NJCAA wrestling tournament.

Team members are as follows:

John Hambleton, 184 pound weight class

Garrett Jones, All-American, 125 pound weight class, 5th Place

Eric Hughes, All-American, 133 pound weight class, 5th Place

Jeromy Davenport, All-American, 149 pound weight class, 5th Place

Jordan Basks, All-American, 141 pound weight class, 3rd Place

Ray Hall, All-American, 174 pound weight class, 3rd Place

Zachary Anderson, All-American, 197 pound weight class, 2nd Place

Trey Page, All-American, Heavyweight, 2nd Place

Devin Aguirre, All-American, 157 pound weight class, Champion

Ethan Orr, All-American, 165 pound weight class, Champion

The team was coached by Joe Renfro, Head Coach; Dennis Siegmann, Assistant Coach; William Weber, Assistant Coach; and Ben McKenzie, Athletic Trainer. Head Coach Joe Renfro won the NJCAA wrestling coach of the year honor for the second time in his career.

Rep. Proehl presented framed House certificates to the team and the Coach.

MESSAGE FROM THE GOVERNOR

March 23, 2012

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 12-04 for your information.

EXECUTIVE ORDER No. 12-04

Concerning Conditional and Temporary Relief
from Motor Carrier Rules and Regulations

SAM BROWBACK
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2430** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2464** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2471** and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2485** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2494** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2502** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2503** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2516** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2517** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2563** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2596** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2604** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2613** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2655** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2704** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2706** and has appointed Senators McGinn, Vratil and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2730** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H Sub for SB 114**, requests a conference and has appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 207**, requests a conference and has appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H Sub for SB 341**, requests a conference and has appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

Also, announcing passage of **SB 427, SB 453; Sub 459**.

Announcing passage of **HB 2382**, as amended by **S Sub for HB 2382; HB 2454, S Sub for HB 2454; HB 2757**, as amended.

The Senate concurs in House amendments to **H Sub for Sub SB 159**.

The Senate concurs in House amendments to **SB 320**.

The Senate concurs in House amendments to **SB 366**, and requests return of the bill.

The Senate nonconcurrs in House amendments to **H Sub for SB 79**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H Sub for Sub for SB 148**, requests a conference and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **Sub SB 283**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 306**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **Sub SB 307**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 394**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H Sub for SB 416**, requests a conference and has appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2004** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2157** and has appointed Senators Donovan, Apple and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2435** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2597** and has appointed Senators Ostmeyer, McGinn and Francisco as conferees on the part of the Senate.

Also, the Senate accedes to the request of the House for a conference on **S Sub for HB 2313** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for Sub HB 2318** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2390** and has appointed Senators Apple, Petersen and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2505** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2568** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2631** and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2684** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 427, SB 453; Sub 459.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **H Sub for SB 79**.

Speaker O'Neal thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **H Sub for SB 114**.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah as conferees on the part of the House.

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **H Sub for Sub SB 148**.

Speaker O'Neal thereupon appointed Reps. Powell, Kerschen and Williams as conferees on the part of the House.

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **SB 207**.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah as conferees on the part of the House.

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **Sub SB 283**.

Speaker O'Neal thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **SB 306**.

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

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **Sub SB 307**.

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 acceded to the request of the Senate for a conference on **H Sub for SB 341**.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah 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 394**.

Speaker O'Neal thereupon appointed Reps. Kinzer, Patton and Pauls 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 **H Sub for SB 416**.

Speaker O'Neal thereupon appointed Reps. Brown, Suellentrop and Slattery as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. HR 6023—

By Representative Gordon

A RESOLUTION encouraging participation in the American Public Health Association and the Kansas Public Health Association National Public Health Week, April 2-8, 2012.

WHEREAS, The week of April 2-8, 2012, is National Public Health Week, where the theme is "A Healthier America Begins Today. Join the Movement."; and

WHEREAS, The week of April 2-8, 2012, has been designated as National Public Health Week in Kansas in a Governor's Proclamation by Governor Sam Brownback; and

WHEREAS, Since 1995, the sponsorship of National Public Health Week by the American Public Health Association, the Kansas Public Health Association and its members have educated the public, policymakers and public health professionals about issues important to improving the American public's health; and

WHEREAS, Preventing diseases before they start is critical to helping people live longer and healthier lives while managing health-related costs; and

WHEREAS, Chronic diseases such as heart disease, cancer and diabetes are responsible for millions of premature deaths each year; and

WHEREAS, Chronic diseases cause Americans to miss 2.5 billion days of work each year, resulting in lost productivity totaling more than \$1 trillion; and

WHEREAS, On average, Americans are living to 78 years of age. However, only 69 of these years are spent in good health: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support the efforts of the American Public Health Association and the Kansas Public Health Association to recognize the week of April 2-8, 2012, as National Public Health Week, and call upon the people of Kansas to observe National Public Health Week by helping our families, friends, neighbors, co-workers and leaders better understand the importance of public health to a successful health system in light of this year's theme of National Public Health Week, "A Healthier America Begins Today. Join the

Movement."; and

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

HOUSE RESOLUTION No. **HR 6024**—

By Representatives Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Coloton, 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, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION designating every Sunday as "Cooking With Kids Day."

WHEREAS, Our children are Kansas' most precious and joyful responsibility, and we are obligated to do all we can to make the good health of our children our number one goal; and

WHEREAS, Childhood obesity is considered by many to be an epidemic in western countries, where now one out of every three children is considered overweight or obese; and

WHEREAS, Local, state and federal governments recognize the tremendous health risk to our children and the added burden to our health care costs in this country from obesity and are now taking an active role in fighting childhood obesity through new programs, including improved nutrition education and access to healthier school lunches; and

WHEREAS, The President of the United States signed a memorandum on February 9, 2010, creating a new interagency task force that included 12 federal agencies to address the problem of childhood obesity in the United States; and

WHEREAS, The President's task force identified 70 specific recommendations, many of which can or have been implemented immediately. The report broadly summarizes the task force recommendations, including getting children a healthy start in life with good prenatal care, providing health food in schools, improving access to healthy food in schools and getting children more physically active; and

WHEREAS, Children have historically led their parents when embarking on a culture change. Children often learn skills and disciplines and reinforce new behaviors in the family dynamic, for instance, helping to teach their parents how to do a better job recycling and to understand new technologies, such as social networking; and

WHEREAS, Children are more likely to eat healthier when they are involved in their food choices and food preparation; and

WHEREAS, Children who help their parents plan a meal, shop for the groceries and

prepare the food they buy are empowered to make healthier food choices; and

WHEREAS, Children who are connected to the food supply at a young age become more conscious consumers as adults; and

WHEREAS, New venues such as the Food Network and network television have introduced adults and children to fun, healthy ways to enjoy family time together while creating healthy meals. These new venues and their celebrity chefs are leading families in a culture change in our relationship with food: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate every Sunday, so long as it does not conflict with personal beliefs, as "Cooking With Kids Day" in order to encourage parents and children to spend time in the kitchen together and prepare a healthy meal; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative O'Neal.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5006, A concurrent resolution to amend section 24 of article 2 of the constitution of the state of Kansas, relating to appropriations, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 79; Nays 44; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Phillips, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf, K. Wolf.

Nays: Ballard, Bollier, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peck, Peterson, Phelps, Pottorff, Roth, Ruiz, Slattery, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: LeDoux, Mesa.

A two-thirds majority of the members elected to the House having not voted in the affirmative, the resolution was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: I have told this body my concern about the consequence of this proposed constitutional amendment. I fear it is over-broad for what it proposes to fix. I am fine with its intent; I fear its unintended consequences. I'm told this bill really does nothing but re-state the constitution, so why are we doing this....and then I also remember being told if I'm uneasy with what I'm about to do, I ought to follow my instincts and not do it. I vote NO on **HCR 5006**. – J. ROBERT (BOB) BROOKENS

MR. SPEAKER: The intention of this resolution appears good. But I am truly concerned about the usurpation of the function of the executive branch. As we learned but a few years ago, the executive branch needs some leeway in redirecting appropriations and making allotments. I fear unintended consequences of this constitutional amendment and as has often been said: "When in doubt vote no." I vote no on **HCR 5006**. – TOM MOXLEY

H Sub for SB 425, AN ACT concerning the court of appeals; relating to the number of judges; amending K.S.A. 2011 Supp. 20-3002 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

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, Landwehr, Lane, Loganbill, Mast, McCray-Miller, McLeland, Meier, Meigs, 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, Slattey, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Kuether, Mah.

Present but not voting: None.

Absent or not voting: LeDoux, Mesa.

The substitute bill passed

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Burroughs moved that the House reconsider its adverse action in not adopting **HCR 5006** under that order of business, Final Action on Bills and Concurrent Resolutions. The motion did not prevail.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House concurred in Senate amendments to **HB 2416**, AN ACT concerning health care finance ; relating to updating references and corresponding changes due to transfer of powers and duties from the Kansas health policy authority and hospital provider assessment; amending K.S.A. 22-4612 and K.S.A. 2011 Supp. 2-224a, 38-2001, 38-2006, 39-760, 39-7,116, 39-7,118, 39-7,119, 39-7,120, 39-7,121, 39-7,121a, 39-7,121d, 39-7,121e, 39-7,159, 39-968, 40-2134, 40-2136, 40-2251, 40-2252, 40-4702, 40-4706, 46-3501, 65-435a, 65-1685, 65-6208, 65-6801, 65-6803, 65-6804, 65-6805, 65-6806, 65-6807, 65-6809, 65-7405, 75-37,121, 75-5601, 75-6102, 75-7403, 75-7404, 75-7405, 75-7408, 75-7409, 75-7410, 75-7411, 75-7412, 75-7413, 75-7423, 75-7424, 75-7425, 75-7426, 75-7427, 75-7429, 75-7430, 75-

7433, 75-7435, 75-7436 and 77-421 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 75-7401, 75-7402, 75-7414, 75-7415, 75-7416, 75-7417, 75-7418, 75-7419, 75-7420, 75-7421, 75-7422 and 75-7428.

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

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, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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: Hedke, LeDoux, Mesa.

On motion of Rep. M. Holmes, the House concurred in Senate amendments to **HB 2461**, AN ACT concerning retirement and benefits, relating to the Kansas public employees retirement fund; alternative investments; amending K.S.A. 2011 Supp. 74-4921 and repealing the existing section.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Bollier, DeGraaf, Kinzer, Rubin, Smith, Tyson.

Present but not voting: None.

Absent or not voting: Hedke, LeDoux, Mesa.

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **S Sub for HB 2526**, AN ACT concerning energy; relating to the state corporation commission,

powers and duties; amending K.S.A. 55-152 and 66-131 and K.S.A. 2011 Supp. 66-1257 and 66-1260 and repealing the existing sections.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

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, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Tyson.

Present but not voting: None.

Absent or not voting: LeDoux, Mesa.

On motion of Rep. Landwehr, the House concurred in Senate amendments to **Sub HB 2659**, AN ACT relating to speech-language pathologists and audiologists; amending K.S.A. 65-6501, 65-6502 and 65-6503 and repealing the existing sections.

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

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, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Tyson.

Present but not voting: None.

Absent or not voting: LeDoux, Mesa.

On motion of Rep. Landwehr, the House concurred in Senate amendments to **HB 2660**, AN ACT concerning the department of health and environment; relating to the licensure of maternity centers and child care facilities; amending K.S.A. 2011 Supp. 65-

503, 65-504, 65-506, 65-508, 65-516, 65-523 and 65-524 and repealing the existing sections; also repealing K.S.A. 65-502.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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: LeDoux, Mesa.

On motion of Rep. Peck, the House concurred in Senate amendments to **HB 2674**, AN ACT concerning the Kansas highway patrol; relating to the administration of the highway patrol; amending K.S.A. 2011 Supp. 74-2105 and repealing the existing section; also repealing K.S.A. 74-2112, 74-2116, 74-2119, 74-2125 and 74-2133.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

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, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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, Lane.

Present but not voting: None.

Absent or not voting: LeDoux, Mesa.

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **HB 2685**, AN ACT concerning water; relating to reservoir improvement districts.

On roll call, the vote was: Yeas 117; Nays 6; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, 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, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Montgomery, Moxley, O'Brien, 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, Slattey, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Carlson, Hildabrand, Kinzer, O'Hara, Tyson.

Present but not voting: None.

Absent or not voting: LeDoux, Mesa.

On motion of Rep. Carlson, the House nonconcurred in Senate amendments to **S Sub for HB 2454** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Gordon, Kleeb and Winn as conferees on the part of the House.

On motion of Rep. Siegfried, the House recessed until 1:45 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6025—

By Representative Goico

A RESOLUTION supporting the efforts of the Operation Freedom Memorial Foundation, Inc. to establish a war memorial in Veterans Memorial Park in Wichita, Kansas.

WHEREAS, The proposed war memorial will be dedicated to the Kansas men and women serving in the United States Armed Forces who sacrificed their lives in the terrorist attack on the Pentagon on September 11, 2001 and during the military operations: Desert Storm; Iraqi Freedom; Enduring Freedom; New Dawn and other acts of terrorism; and

WHEREAS, More than 5,000 members of the United States Armed Forces have lost their lives in these military campaigns; and

WHEREAS, More than 48,000 members of the United States Armed Forces have

been wounded in action in these military campaigns; and

WHEREAS, 83 Kansans have lost their lives and numerous Kansans have been wounded in action in these military campaigns; and

WHEREAS, This is the first war memorial honoring fallen Kansas service members lost during these conflicts in the state of Kansas; and

WHEREAS, The names of Kansas fallen members of the Armed Forces will be engraved on the granite walls of the Operation Freedom Memorial; and

WHEREAS, This war memorial will bring recognition to all United States armed forces members, past and present, by the granite paving stones which will honor them: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the efforts of the Operation Freedom Memorial Foundation, Inc. to establish the Operation Freedom Memorial are applauded; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the President of the Operation Freedom Memorial Foundation, Inc.

On motion of Rep. Siegfried, 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 committee reports recommending a substitute bill to **H Sub for H Sub for SB 176** be adopted; also, on motion of Rep. Patton to amend, the motion did not prevail. Also, on motion of Rep. Kuether to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Davis to amend **H Sub for H Sub for SB 176** on page 2, following line 17, by inserting:

"Sec. 4. (a) The congressional districts established pursuant to sections 5 through 8, and amendments thereto, shall be based on the official United States 2010 decennial census. Such districts shall be as nearly equal to 713,280 in population as practicable.

(b) Such congressional districts shall not have the purpose or effect of diluting minority voting strength.

(c) Subject to the requirements of subsection (a), such congressional districts shall:

- (1) Preserve communities of interest;
- (2) preserve the core of existing congressional districts; and
- (3) be contiguous and as compact as possible.

(d) The legislature hereby declares that county lines are meaningful in Kansas and Kansas counties historically have been significant political units. Many officials are elected on a countywide basis, and political parties have been organized in county units. Election of the Kansas members of congress is a political process requiring political organizations which in Kansas are developed in county units. To a considerable degree most counties in Kansas are economic, social and cultural units, or parts of a larger socioeconomic unit. Subject to the requirements of subsection (a), such congressional districts shall maintain whole counties within the same congressional district.

(e) For the purposes of this section, the term "communities of interest" means those areas in which social, cultural, racial, ethnic and economic interests are common to the population of such area, and are probable subjects of legislation.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 34; Nays 81; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Bethell, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Crum, Gregory, Hermanson, Landwehr, LeDoux, Mesa, Montgomery, Peterson, Schroeder, Shultz.

The motion of Rep. Davis did not prevail; and **H Sub for H Sub for SB176** be passed.

Committee report to **HB 2572** be adopted; also, on motion of Rep. D. Gatewood be amended on page 2, in line 15, by striking all after the period; by striking all in lines 16 through 22; and the bill be passed as amended.

Committee report to **HB 2694** be adopted; also, on motion of Rep. Brown to amend, the motion did not prevail; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 142** be adopted; also, on motion of Rep. Kinzer be amended on page 3, in line 4, before the second "or" by inserting ", juvenile correctional facility";

Also, on motion of Rep. Ballard to amend **H Sub for SB 142**, the motion did not prevail. Also, on motion of Rep. Carlin to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend **H Sub for SB 142** favorably for passage.

On roll call, the vote was: Yeas 89; Nays 27; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Phelps, Phillips, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Pottorff,

Prescott, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Crum, Grant, LeDoux, Mesa, Montgomery, O'Neal, Peterson, Shultz, Spalding.

The motion prevailed and **H Sub for SB 142** be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 62** be adopted; also, on motion of Rep. Tietze to amend, the motion did not prevail; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 311** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 311," as follows:

"HOUSE Substitute for SENATE BILL NO. 311

By Committee on Appropriations

"AN ACT concerning the board of nursing; relating to assistant attorneys general; amending K.S.A. 74-1111 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 311** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 275** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 275," as follows:

"HOUSE Substitute for SENATE BILL NO. 275

By Committee on Federal and State Affairs

"AN ACT establishing a program of drug screening for cash assistance recipients; amending K.S.A. 2011 Supp. 39-709 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 275** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 299** be amended on page 1, in line 34, by striking ", which may include all premises which are in close proximity and"; in line 35, by striking "are under the control of the applicant or licensee";

On page 2, following line 1, by inserting:

"(c) The term "designated areas" for purposes of this section shall mean an area identified in the license application, which may include suites, that has controlled access and is separated from the general admission by a barrier.";

On page 12, in line 38, by striking "subsections" and inserting "subsection"; in line 39, by striking "or" and inserting a comma; also in line 39, after "establishment" by inserting "or public venue"; in line 43, by striking "equal to not less than \$200 nor" and inserting "not";

On page 13, by striking all in lines 1 through 6; in line 7, by striking "(d)"; and inserting "(c)"; in line 8, by striking "or (c)"; in line 11, by striking "(e)" and inserting "(d)"; and the bill be passed as amended.

Committee on **Pensions and Benefits** recommends **HB 2786** be passed.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2790, AN ACT concerning corrections; relating to the purchase of land, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **Sub SB 39** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

Also, the withdrawal of **SB 305** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

MESSAGE FROM THE GOVERNOR

Sub HB 2166; HB 2412, HB 2420, HB 2468; Sub HB 2470; HB 2546, HB 2599, HB 2600, HB 2618, HB 2666, HB 2672 approved on March 28, 2012.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **H Sub for SB 74**.

The Senate concurs in House amendments to **SB 301**.

The Senate concurs in House amendments to **SB 303**, and requests return of the bill.

The Senate concurs in House amendments to **SB 424**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6026**—

By Committee on Federal and State Affairs

A RESOLUTION requesting the Kansas Department of Health and Environment to conduct a study regarding tobacco harm reduction.

WHEREAS, States have pursued for decades policies intended to encourage citizens who smoke to quit, and to discourage others who do not smoke from starting; and

WHEREAS, While cigarette smoking rates have declined substantially over the period from 1965-2004, the rate of decline has slowed in recent years and the Centers for Disease Control and Prevention estimates that approximately 19% of Americans continue to smoke cigarettes, which remain the most popular form of tobacco in the United States; and

WHEREAS, While cigarettes are the most popular form of tobacco, questions have been raised with regards to the relative risk of various forms of tobacco; and

WHEREAS, While no tobacco product has been shown to be safe, questions have been raised whether smokeless tobacco might present less risk of disease and premature death than cigarettes; and

WHEREAS, Numerous public health organizations, such as the Institute of Medicine, the American Council on Science and Health, the Royal College of Physicians and the World Health Organization have recognized that there is a continuum of risk among tobacco product types, and that the risks associated with cigarette use are substantially higher than those associated with the use of non-combustible products; and

WHEREAS, While abstaining from all tobacco is clearly the best, most effective way for smokers to reduce their risk of disease and premature death, it is appropriate for the health community to consider whether those who will not abstain can reduce their risk of disease and premature death by switching from cigarettes to other tobacco products; and

WHEREAS, Research shows that 85% of U.S. smokers are unaware that smokeless tobacco products might present less risk than cigarettes; and

WHEREAS, The risk of death and disease associated with the use of smokeless tobacco products has been argued by some health researchers to be at least 90% less than the health risks associated with cigarette smoking; and

WHEREAS, The states of Kentucky and Indiana have previously recognized the concept of relative risk of tobacco products; and

WHEREAS, The public can only make wise health choices about their behavior when they have access to adequate and accurate health risk information regarding tobacco products or other health issues: Now, therefore,

Be it resolved by the House of Representatives of the state of Kansas: That the Kansas Department of Health and Environment (KDHE) should undertake an analysis and study of the subject known as Tobacco Harm Reduction (THR) and should determine whether THR should be included as one component of a comprehensive tobacco control strategy, complementing current efforts to increase smoking cessation and reduce smoking initiation; and

Be it further resolved: That KDHE report back to the 2013 Legislature regarding the following issues:

1. The relative risk of death and disease from use of cigarettes versus non-combustible (smokeless) tobacco products;
2. Whether the state of Kansas should further explore efforts to promote the concept of Tobacco Harm Reduction if KDHE determines that there is significantly less risk of disease or death resulting from use of smokeless tobacco products versus cigarettes;
3. Whether the public is entitled to know and would benefit from an awareness of accurate information regarding the relative health risks from use of smokeless tobacco products versus cigarettes;
4. Whether the public would benefit from the state of Kansas actively promoting release of accurate information regarding the relative risk of disease and death from use of smokeless tobacco products versus cigarettes; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the Secretary of the Department of Health and Environment.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Thursday, March 29, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

