

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, April 2, 2013, 10:00 a.m.

The House met pursuant to adjournment with Speaker Merrick in the chair.

The roll was called with 124 members present.

Rep. Osterman was excused on verified illness.

Reps. Houston and Peterson were excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dan Galchutt, pastor, Calvary Lutheran Church, Topeka, and guest of Rep. Powell:

God, in Romans 13:4, teaches that the Government is the servant of God for the good of its people. I share this because people say that I do the Lord's work, but in another way you are doing the Lord's work. That is why churches all over Kansas, including mine, pray for you all and for the work you do. With that, let us pray for our nation and state, for all of you and the work God has put before you today:

Almighty God, help us to remember Your gifts and generosity that we might seek to do Your will. Bless our land with responsible citizens, honest industry, and truthful education. Save us from violence, discord, and from pride and arrogance. Grant that we who came from many nations may be a united people. Support us in defending our liberties, and give us peace and justice in our land. For those who serve in the government we ask that you would bless them with the spirit of wisdom, especially, we ask this for this assembly today. Lord, when times are prosperous, may our hearts be thankful, and in troubled times do not let our trust in You fail. We pray through Jesus Christ, the Lord. Amen.

God's blessing to you all in your work today.

The Pledge of Allegiance was led by Rep. Barker.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Seiwert and Thimesch are spread upon the Journal:

Remarks of Rep. Seiwert:

Today I am pleased to recognize Principal, Bob Lyall, and students from St Patrick Catholic School from Kingman. St Patrick Catholic School received the Governor's Achievement Award, the 2011-2012 academic year, from the Kansas State Board of Education for receiving Building Level Standards of Excellence in both reading and math, meeting AYP requirements, and being in the top 5% of Middle/Junior High Schools. This award recognizes the outstanding students, facility, and administration of such an exemplary institution. This is the fifth consecutive year for which they have received this honor. I am proud to have them in my 101st district.

Please join me in congratulating Principal, Bob Lyall, Pastor, Father Benjamin Shockey, Lead Teacher, Ann Vaughn and the students which are here today to represent their school. Macey Maloney, Audrey Birkenbaugh, Gage Oller, and Daniel Bergkamp.

Remarks of Rep. Thimesch:

It is an honor for me to present St. Patrick's school with this certificate for Banner School. In order to receive this award that is given by the Wichita Catholic Diocese, a school must: Exemplify core values which include unity, faithfulness, stewardship, and scholarship. They must have exemplary scores in the Kansas Assessment, in reading, math, social studies, and science and the diocesan religion assessment test scores. All teachers must have current state licenses and current diocesan religion certificates.

The enrollment must be steady or increasing. And they must collectively work with public schools and other diocesan schools in pursuing excellence in all areas. And I am proud to have a school in my district, the 114th, that not only won this award but has done it for three consecutive years, which is rare. St. Patrick's is one of 39 schools, totaling 10,671 students in the Wichita diocese.

Congratulations St. Patrick's School of Kingman!

Rep. Thimesch introduced those present and presented a framed House certificate for the Banner School Award. Rep. Seiwert presented a framed House certificate which honored them with the Governor's Achievement Award for 2011-2012.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 218**.

MESSAGE FROM THE GOVERNOR

S Sub for HB 2022; HB 2176, HB 2252 approved on April 1, 2013.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kelley, the House nonconcurred in Senate amendments to **HB 2319** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Kelley, Cassidy and Trimmer as conferees on the part of the House.

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2213** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Johnson, Howell and Wolfe Moore as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **House Substitute for SB 167** be passed.

BILLS STRICKEN FROM THE CALENDAR

Speaker Merrick announced the following bills are stricken from the Calendar:

SB 26, SB 41, SB 49, SB 61; H Sub for SB 64; SB 73, SB 92, SB 100, SB 163, SB 177.

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

Today I have the privilege of welcoming a new citizen to Kansas. At 5:10 am this morning, my third grandchild and my first granddaughter, Katelyn Mae Esau, was born. Katelyn came into this world weighing 10 pounds and 1 ounce and was 18 inches long. The proud parents, Rachael May and Philip Benjamin Esau are doing fine and big brother Isaac is very happy to have a new sister.

On motion of Rep. Vickrey, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Mast in the chair.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **Sub HB 2024** and has appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2033** and has appointed Senators Ostmeyer, Emler 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 2034** and has appointed Senators King, Smith 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 2051** and has appointed Senators Powell, Kerschen 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 2052** and has appointed Senators Ostmeyer, Emler and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2105** and has appointed Senators Lynn, Wagle and Holland as conferees on the part of the

Senate.

The Senate accedes to the request of the House for a conference on **HB 2115** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2140** and has appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2201** and has appointed Senators Apple, Knox and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2218** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2234** and has appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2261** and has appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2303** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2349** and has appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2363** and has appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

Also, announcing passage of **HB 2060**, as amended; **HB 2253**, as amended.

The Senate concurs in House amendments to **SB 16**, and requests return of the bill.

The Senate concurs in House amendments to **SB 81**, and requests return of the bill.

The Senate concurs in House amendments to **SB 111**, and requests return of the bill.

The Senate concurs in House amendments to **SB 136**, and requests return of the bill.

The Senate concurs in House amendments to **SB 149**, and requests return of the bill.

The President announced the appointment of Senator Hawk as a member of the conference committee on **HB 2033** to replace Senator Holland.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Proehl, the House concurred in Senate amendments to **S Sub for HB 2011**, AN ACT concerning distinctive license plates; making educational institution plates available to motorcycles; transferability of license plates; amending K.S.A. 2012 Supp. 8-1,142 and repealing the existing section.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Perry, Petty, Phillips, Powell, Proehl,

Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfroid, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Carpenter, Esau, Kinzer, Peck.

Present but not voting: None.

Absent or not voting: Houston, Osterman, Peterson.

On motion of Rep. Carlson, the House nonconcurred in Senate amendments to **HB 2060** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Carlson, Schwab and Sawyer as conferees on the part of the House.

On motion of Rep. Siegfroid, the House nonconcurred in Senate amendments to **HB 2253** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Siegfroid, Brunk and Ruiz as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker pro tem Mast announced the appointment of Reps. Siegfroid, Brunk and Ruiz as members of the conference committee on **SB 102** to replace Reps. DeGraaf, Howell and Lane.

REPORT ON ENGROSSED BILLS

Sub HB 2207 reported correctly engrossed April 1, 2013.

Also, **HB 2170** reported correctly re-engrossed April 1, 2013.

REPORT ON ENROLLED BILLS

HB 2028, HB 2156, HB 2163, HB 2169, HB 2181, HB 2203, HB 2205, HB 2269, HB 2318, HB 2357 reported correctly enrolled, properly signed and presented to the Governor on April 2, 2013.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Wednesday, April 3, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

