

(Corrected)

Journal of the House

SIXTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 24, 2013, 9:00 a.m.

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

The roll was called with 114 members present.

Rep. Osterman was excused on verified illness.

Reps. Brunk, Campbell, Christmann, Dove, Hawkins, Kleebe, Read, Rubin, Sawyer and Schwab were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord, God,

As we think about the last three or four months
and all the time, energy, thought, and effort
that these leaders have put into their leadership role
here in the legislature,
we are reminded of spouses who watched over the home front;
kids or grandkids that might have missed a parent or grandparent
attending their school event or ball game;
the colleagues that kept the business or office running in their absence;
friends that may have missed them at social events;
and even the pets who missed out on a pat or two.
Thank you for all those in the background that provide
the support necessary for these men and women to
fulfill the responsibility to which they were elected.
Encourage those loved ones back home and
bless them for their willingness to make necessary adjustments.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Judiciary: **HB 2416**.

MESSAGES FROM THE GOVERNOR

HB 2015, HB 2081, HB 2115, HB 2204, HB 2218, HB 2261 approved on May 22, 2013.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2120**, AN ACT concerning crimes, criminal procedure and punishment; relating to DNA evidence; relating to statute of limitations; relating to possession of a firearm during a drug felony; amending K.S.A. 2012 Supp. 21-2511, 21-5107, as amended by section 1 of 2013 House Bill No. 2252, 21-6403 and 21-6805 and repealing the existing sections, was received and read.

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

Many concerns have been expressed regarding the constitutionality of **House Bill 2120**. Upon careful review, I agree the language in this legislation violates Article 15, Section 3 of the Kansas Constitution. However, I support the Legislature's policy goal of permitting certain limited raffles for charitable purposes. As such, I encourage the Legislature to consider a constitutional amendment to accomplish this goal.

Pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto House Bill 2120.

SAM BROWNBACK
Governor

Dated: May 23, 2013

COMMUNICATIONS FROM STATE OFFICERS

From Ray Roberts, Secretary of Corrections, Kansas Department of Corrections, in accordance with K.S.A. 60-4117, report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 2, 2011 through December 1, 2012.

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

MESSAGE FROM THE SENATE

Announcing passage of **HB 2084**, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 171, HB 2084**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 171** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MARC RHOADES
 GENE SUELLENTROP
Conferees on part of House

TY MASTERSON
 JIM DENNING
Conferees on part of Senate

On motion of Rep. Rhoades, the conference committee report was adopted.

Speaker Merrick thereupon appointed Reps. Rhoades, Suellentrop and Henry as fourth conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hutton to nonconcur in Senate amendments to **HB 2084**, Rep. Menghini offered a substitute motion to concur in Senate amendments. The substitute motion did not prevail, and the bill is killed.

On roll call, the vote was: Yeas 5; Nays 109; Present but not voting: 0; Absent or not voting: 11.

Yeas: Carpenter, Hutton, Jones, Peck, Suellentrop.

Nays: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Burroughs, Couture-Lovelady, Carlin, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Jennings, Johnson, Kahrs, Kelley, Kelly, Kinzer, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Perry, Peterson, Petty, Phillips, Powell, Proehl, Rhoades, Rooker, Rothlisberg, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Brunk, Campbell, Christmann, Dove, Hawkins, Kleeb, Osterman, Read, Rubin, Sawyer, Schwab.

EXPLANATIONS OF VOTE

MR. SPEAKER: My "Yes" vote to concur with **HB 2084** was in opposition to the procedure of the vote and not a vote to increase tax revenue as the bill would have done. The intent of running the bill on the floor was to display contempt for the Senate plan. This is not the way to legislate. I want to see good policy not politics! – KEVIN JONES, WILL CARPENTER

MR. SPEAKER: The principled, conservative 2012 legislature passed an approximate \$800,000,000 income tax reduction which forces our Kansas government to be more responsible, efficient, lightens the tax burden of Kansas citizens, and is a giant step in

the right direction. Unfortunately, this year's tax bill reverses some of the important gains with an unnecessary tax increase. The 2010 legislature's decision to begin a 4/10th cent sales tax increase this year for KDOT is unnecessary new spending which should instead be directed to balance the budget. We could proudly adjourn the session as principled conservatives but not under this tax policy proposal. I vote No on **HB 2084**.
– JIM HOWELL, JOHN BRADFORD

MR. SPEAKER: Principled conservatives voted last year to reduce taxes, a move that was lauded nationally as an example for others to follow. That reduced tax burden positions Kansas for job growth. Bottom line, **HB 2084** is a tax increase. As a compassionate conservative I believe we can have smaller, more effective government, ensure our communities are safe, provide quality education for our children, maintain our outstanding roads, minister to the needy, reduce our debts, and still lower taxes. I cannot turn my back on the progress made last year. I vote NO, thereby killing the Senate Tax Plan inside **HB 2084**. – PETE DEGRAAF, RANDY GARBER

REPORT ON ENROLLED BILLS

HB 2249 reported correctly enrolled, properly signed and presented to the Governor on May 24, 2013.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Tuesday, May 28, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

