

Journal of the House

TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 28, 2013, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Bridges, Kelley and Ruiz were excused on excused absence by the Speaker.

Prayer by Rep. Schwab:

Lord, to some of us you are God, Lord, Friend, and to me you just seem to be Dad. But since the beginning you have been the Great I Am. What we have needed, what we have lacked, you have been the I Am.

Today, remind us as we discuss and debate that the decisions we make will not stop the earth from turning, nor remove it from it's axis. You will still be on Your throne. So this day, may we have peace. So, Dad, be I Am this day and let it be known that there is Peace on Earth, Good Will Toward all. Peace, with all who are, this day, may we have peace.

In your Holy Name we pray.

The Pledge of Allegiance was led by Rep. Carlson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2105, AN ACT concerning the employment security law; amending K.S.A. 44-702 and K.S.A. 2012 Supp. 44-703, 44-704, 44-705, 44-706, 44-709, 44-710, 44-719, 74-5602 and 75-5702 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 44-704c, by Committee on Commerce, Labor and Economic Development.

HB 2106, AN ACT concerning insurance on portable electronics; amending K.S.A. 2012 Supp. 40-5607 and repealing the existing section, by Committee on Insurance.

HB 2107, AN ACT concerning insurance; relating to the transmission of electronic notices and other documents; enacting the electronic notice and document act, by Committee on Insurance.

HB 2108, AN ACT enacting the Kansas death with dignity act, by Committee on Vision 2020.

COMMUNICATIONS FROM STATE OFFICERS

From Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, Kansas Department of Health and Environment, Treece Relocation Assistance Trust Expenditures/Income Report: November 2012, in accordance with K.S. A. 49-512(h).

From Kansas Employment First Oversight Commission, Kansas Employment First Initiative Act, Annual Report 2012.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6004, adopting permanent rules of the House of Representatives for the 2013-2014 biennium, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Barker, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeyes, Clayton, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Osterman, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcala, Ballard, Becker, Bideau, Bollier, Burroughs, Carlin, Davis, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Hill, Hineman, Houston, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Peterson, Rooker, Sawyer, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bridges, Kelley, Ruiz.

The resolution was adopted, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: **HR 6004** denies 2.6 million Kansans a meaningful voice in the spending of their tax dollars and delivers that power into the hands of 12 people. This rule denies 113 popularly elected members of this House the ability to bring different ideas, different priorities and different values to the budget debate. **HR 6004** undermines fundamental principles of representative democracy. At the heart of these rules is a fear by my extreme conservative colleagues to engage in debate on their agenda, these rules demonstrate a fear this agenda will not withstand public scrutiny. I vote no on **HR 6004**. – JIM WARD

MR. SPEAKER: I vote no on **HR 6004** because of confusion over whether under **SCR 1604** the House can suspend the "Pay Go" rule on its own by a 2/3 vote, or whether a

2/3 vote of both chambers is required. Media reports quoted a Senator that the rule cannot be suspended without a 2/3 vote of BOTH chambers on any appropriation. If correct, that cedes our authority to the Senate. I am strongly in favor of “Pay Go” with each house to be able to suspend the rule by a 2/3 vote, but not a 2/3 vote of both chambers. – ED BIDEAU

SCR 1604, adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 41; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Barker, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelly, Kinzer, Kleebe, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Osterman, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcalá, Ballard, Becker, Bideau, Bollier, Burroughs, Carlin, Clayton, Davis, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Hill, Hineman, Houston, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Peterson, Rooker, Sawyer, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bridges, Kelley, Ruiz.

The resolution was adopted, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SCR 1604** because of confusion over whether the House can suspend the “Pay Go” rule on its own by a 2/3 vote, or whether a 2/3 vote of both chambers is required. Media reports quoted a Senator that the rule cannot be suspended without a 2/3 vote of BOTH chambers on any appropriation. If correct, that cedes our authority to the Senate. I am strongly in favor of “Pay Go” with each house to be able to suspend the rule by a 2/3 vote, but not a 2/3 vote of both chambers. – ED BIDEAU

PROTEST

MR. SPEAKER: Under Article 2, Section 10 of the Kansas Constitution, we hereby enter the following protest:

SCR 1604 is contrary to the democratic principles enshrined in our state’s constitution and diverges from longstanding legislative precedent.

Article 2, Section 13 of the Kansas Constitution requires “A majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill.” In effect, **SCR 1604** dismisses this majority principle and creates a system where a super-majority of both houses would be required to

change the level of appropriations once an appropriations bill comes out of committee.

In the House of Representatives, **SCR 1604** allows twelve Appropriations Committee members, less than one-tenth of the body, to have the final say over the bottom line of the state's budget. The power to appropriate monies is one of the central functions of the Kansas Legislature and therefore all members should be allowed to have their votes cast on such an important matter.

When the citizens of Kansas vote in legislative elections, they expect that their chosen representative will have a say in how much money the state spends. Unfortunately, after **SCR 1604**, this will only be true for Kansans who are lucky enough to vote for members of the Senate Ways and Means Committee or the House Appropriations Committee.

For the past two years, the "Pay-Go" rule has been able to be suspended by a majority vote of the House of Representatives. This is congruent with Article 2, Section 13, as it allows a majority of the body to rule. But this has been discarded in favor of a 2/3 vote of both the Senate and House of Representatives to suspend "Pay-Go". Thereby, 63 representatives, a majority, could vote to raise the total state budget, but that would not suffice because it would not constitute a 2/3 majority. Furthermore, a 2/3 majority in the House of Representatives could vote to raise the total budget, but that may not suffice unless the Senate could produce a 2/3 majority as well.

Mr. Speaker, we vote no on **SCR 1604**. The people of my district deserve to have their voices heard when it comes to fundamental matters of state government and the 2/3 requirement to suspend "Pay-Go" runs afoul of Article, Section 13. — PAUL DAVIS, JIM WARD

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2022**, **HB 2023** 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 RESOLUTION

The following bills were thereupon introduced and read by title:

HB 2109, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2012 Supp. 72-6448 and repealing the existing section, by Representatives Cassidy, Goico, Meier, Alford, Ballard, Barker, Bradford, Bridges, Burroughs, Carlin, Clayton, DeGraaf, Dierks, Dove, Edwards, Ewy, Finch, Finney, Gonzalez, Grant, Hawkins, Henderson, Henry, Hermanson, Hibbard, Hill, Hineman, Hoffman, Houston, Howell, Johnson, Jones, Kelly, Kuether, Lane, Menghini, Montgomery, Moxley, O'Brien, Osterman, Pauls, Phillips, Rothlisberg, Ryckman Sr., Schroeder, Schwab, Seiwert, Siegfried, Sloan, Sloop, Thimesch, Victors, Ward, Waymaster, Weigel, Whipple and Wolfe Moore.

HB 2110, AN ACT concerning taxation; relating to income tax rates and deductions; sales tax rates and distribution of revenue; amending K.S.A. 2012 Supp. 79-32,110, 79-32,120, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by

Committee on Taxation.

HB 2111, AN ACT concerning firearms; relating to the possession thereof; amending K.S.A. 2012 Supp. 12-16,124 and 21-6309 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2112, AN ACT concerning certain public officers and employees; relating to the use of unexpended campaign funds; amending K.S.A. 25-4142 and K.S.A. 2012 Supp. 25-4143 and 25-4157a and repealing the existing sections, by Committee on Elections.

HB 2113, AN ACT concerning the judicial branch of government; relating to judges; authority of supreme court; amending K.S.A. 4-202, 4-203, 4-204, 4-205, 4-206, 4-207, 4-208, 4-209, 4-210, 4-211, 4-212, 4-213, 4-214, 4-215, 4-216, 4-217, 4-218, 4-219, 4-220, 4-221, 4-222, 4-223a, 4-224, 4-225, 4-226, 4-227, 4-228, 4-229, 4-230, 4-231 and 4-232 and repealing the existing sections; also repealing K.S.A. 20-301b and 20-338, by Committee on Judiciary.

HB 2114, AN ACT concerning setoff against debtors of the state; amending K.S.A. 2012 Supp. 75-6210 and repealing the existing section, by Committee on Judiciary.

HB 2115, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, by Committee on Judiciary.

HB 2116, AN ACT concerning civil procedure; relating to electronic service of process; fees; amending K.S.A. 2012 Supp. 60-303 and 60-2001 and repealing the existing sections, by Committee on Judiciary.

HB 2117, AN ACT concerning courts; relating to court fees and costs; judiciary and technology fund; amending K.S.A. 20-1a12, 20-371 and 60-2101 and K.S.A. 2012 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections, by Committee on Judiciary.

HB 2118, AN ACT concerning historic preservation; relating to environs review; amending K.S.A. 2012 Supp. 75-2724 and repealing the existing section, by Committee on Local Government.

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Pauls to replace Rep. Burroughs who had replaced Rep. Ruiz on Committee on Labor and Economic Development on January 28 and 29 only.

Also, the appointment of Rep. Sawyer to replace Rep. Tietze on Committee on Commerce, Labor and Economic Development on January 29 only.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, January 29, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

