

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 11, 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.

Rep. Shultz was excused on legislative business.

Reps. Concannon and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
Your Word instructs us to
“not forget to do good and to share with others.”
We share our opinions, thoughts, and research
in order to make good and right decisions.
We should all share in the give and take of our differences
when we debate a certain topic.
We share in the responsibility of thoroughly
investigating and examining all possibilities
before placing our vote.
We all share in responsible stewardship in
determining allocation of monies.
We should all share in the concern and desire
to help the helpless, the young and the elderly.
We share with each other our lives
in this intense time-consuming 90-day session.
We even share in the Big 12 championship title
to make Kansans proud of their teams.
The remaining part of the verse earlier stated says
that in this sharing, we please God.
Today, we strive to please and glorify You.
In Your Son’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Jennings.

INTRODUCTION OF GUESTS

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

Congratulations to Field Kindley High School students, David Paul Kritz and Grant Hendrix for winning the 2013 Class-4A two-speaker state debate competition.

David and Grant, who are coached by Field Kindley High School debate instructors Megan Henson and her assistant John Shively, competed and won against 71 other teams in the competition. The Coffeyville team finished the tournament 9-1, winning the final round against Nickerson High School. Their overall senior record was 32-8. Grant and David Paul have both participated in debate since their freshman year of high school. Over the years they have worked hard and competed at a level of competition that earned them the right to win State.

Coffeyville is very proud of David Paul Kritz, Grant Hendrix and their instructors for bringing this state debate title home to Coffeyville. The Field Kindley debate program has now had two state championships and one state runner-up finish in the last three years.

Rep. Kelly presented a framed House certificate to the debate team.

INTRODUCTION OF GUESTS

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

Today I am pleased to recognize Principal, Jerry Longabaugh, and students from Dwight D. Eisenhower Middle School from Goddard. Dwight D. Eisenhower Middle School received the Governor's Achievement Award 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. I am proud to have them in my district. The students in attendance were Shawn McCool, Tera Lynch, Kensey Arlt, Alexys Porter and Josh Paul.

Rep. Seiwert presented a framed House certificate to the students.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Education: **SB 176**.

Energy and Environment: **HCR 5014**.

Federal and State Affairs: **HB 2397**.

General Government Budget: **HB 2396, SB 216**.

Insurance: **HB 2395**.

Judiciary: **HB 2398**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **SB 23** from Committee on Education and referral to Committee on Education Budget.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2234, AN ACT concerning the Kansas turnpike authority; relating to contracts between the authority and the Kansas department of transportation; amending K.S.A.

68-2003 and 68-2021 and repealing the existing sections; also repealing K.S.A. 68-2030, 68-2031, 68-2032, 68-2033, 68-2034, 68-2035, 68-2036, 68-2037, 68-2038, 68-2039, 68-2040, 68-2041, 68-2042, 68-2043, 68-2044, 68-2045, 68-2046, 68-2047, 68-2048, 68-2048a, 68-2048b, 68-2048c, 68-2051, 68-2052, 68-2053, 68-2054, 68-2055, 68-2056, 68-2057, 68-2058, 68-2059, 68-2060, 68-2061, 68-2062, 68-2063, 68-2064, 68-2065, 68-2066, 68-2067, 68-2068, 68-2069, 68-2070, 68-2071, 68-2072, 68-2073, 68-2074, 68-2075, 68-2076, 68-2077, 68-2078, 68-2079, 68-2080, 68-2081, 68-2082, 68-2083, 68-2084, 68-2085, 68-2086, 68-2087, 68-2088, 68-2089, 68-2090, 68-2091, 68-2092, 68-2093, 68-2094, 68-2095, 68-2096, 68-2097, 68-2098, 68-2099, 68-20,100, 68-20,101, 68-20,102, 68-20,103, 68-20,104, 68-20,105, 68-20,106, 68-20,107, 68-20,108, 68-20,109, 68-20,110, 68-20,111, 68-20,112, 68-20,113, 68-20,114, 68-20,115, 68-20,116, 68-20,117, 68-20,118 and 68-20,119, 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, Becker, Bideau, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Corbet, Crum, DeGraaf, Doll, Dove, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, Moxley, O'Brien, Osterman, Peck, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcala, Ballard, Bollier, Bridges, Burroughs, Carlin, Clayton, Davis, Dierks, Dillmore, Edmonds, Edwards, Finney, Frownfelter, Grant, Henderson, Henry, Hibbard, Hill, Houston, Kuether, Lane, Lusk, Meier, Menghini, Pauls, Perry, Rooker, Ruiz, Sawyer, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Concannon, Peterson, Shultz.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: Several proponents on Friday cited KSA 68-2066, a longstanding law providing that the turnpike becomes part of the State highway system once the bonds are paid off. They argue that this bill is a logical step to that ultimate transfer. Quite the opposite is the case. In addition to amending two statutes, **HB 2234** repeals 86 Kansas Statutes (count them-----86), none of which have been considered or discussed. Among those you are voting to repeal is KSA 68-2066, that very statute cited by the proponents. I vote no on **HB 2234**. – DON HILL, LARRY HIBBARD, JOHN WILSON, JULIE MENGhini, VIRGIL WEIGEL

MR. SPEAKER: I vote no on **HB 2234**. The tolls on the Turnpike are designed to pay for maintenance of the Turnpike. If there is more money than necessary being raised then tolls should be lowered. Yet this bill allows the KDOT to divert funds to alternative uses. The administration's budget proposal already calls for highway funds to pay for

mental health, school busing and a KBI lab. This proposal just expands the size of the Bank of KDOT. I am not anxious to see what the next ingenious idea is for user fee funding. – BOB GRANT

MR. SPEAKER: **HB 2234** permits KDOT to provide resources to the KTA such as personnel and equipment, contractors, record-keeping, reporting, administrative, planning, engineering, legal and clerical functions. Additionally, the bill formalizes the contractual arrangement between the two entities for construction, operation, and maintenance of turnpike projects and highways of the state. At the same time, toll funds will continue to maintain the excellent quality of the turnpike, without redirection to projects in other parts of the state. This will allow for the same level of service currently provided by the Kansas Turnpike Authority while saving taxpayers money. For this reason, I vote YES on **HB 2234**. – PEGGY MAST, RICHARD J. PROEHL

MR. SPEAKER: It is amazing at a time when the trend in this Legislature is to privatize government services; that the best example of how privation has worked in Kansas is being brought under the control of a public agency. I vote no on **HB 2234**, there are plenty of issues that need our attention around here; the Kansas Turnpike is not one of them. – CAROLYN L. BRIDGES

MR. SPEAKER: I vote no on **HB 2234**. Nearly every proponent who spoke on this bill indicated that they are opposed to diverting KTA toll revenues to pay for maintenance work on other Kansas roads. Yet **HB 2234** contains language that allows KDOT to do just that. Spend toll revenues on any road that connects to the Turnpike within 10 miles. The only income the turnpike has is toll revenues and diverting KTA resources makes the toll I pay a tax not a fee. – ED TRIMMER, GAIL FINNEY, ANNIE TIETZE, PATRICIA M. SLOOP, BARBARA W. BALLARD

MR. SPEAKER: **HB 2234** does not accomplish significant savings or represent a meaningful consolidation of government. I believe it is better to leave the Kansas Department of Transportation and the Kansas Turnpike Authority completely separate. For these reasons, I vote NO on **HB 2234**. – JOE EDWARDS

REPORT ON ENGROSSED BILLS

HB 2234 reported correctly engrossed March 8, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, March 12, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

