

# Journal of the House

## SIXTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, May 21, 2013, 2:00 p.m.

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

The roll was called with 111 members present.

Rep. Osterman was excused on verified illness.

Reps. Christmann, Frownfelter, Goico, Hermanson, Kleeb, Peterson, Rubin, Sawyer, Schwab, Schwartz, Sloan, Weber and Wilson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God of compassion and comfort,  
as we begin today, we come before you in a moment of silence  
remembering those lives that have been lost,  
and praying for those whose lives have been altered  
in our neighboring state of Oklahoma.  
It is in times like this that we are reminded  
of how important it is to have the right priorities.  
Today as You lead and guide the various discussions,  
conversations, explanations, debate and questions,  
help us to be mindful of those things that really matter –  
and to remember when it is all said and done,  
the only thing You require is that  
we do what is fair and just to our neighbor,  
be compassionate and loyal in our love,  
and not take ourselves too seriously –  
but to take You very seriously.  
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Kuether.

### MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2216** and has appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Howell, **HR 6032**, A RESOLUTION congratulating Wichita State University Athletics on their successful year in sports, was adopted.

There being no objection, the following remarks of Rep. Howell are spread upon the journal:

Today, I am privileged to honor and celebrate the Wichita State Shockers for their OUTSTANDING sports performance this last year! WSU represents the State of Kansas very well and makes those of us that consider ourselves Shockers and enjoy supporting the great Black and Gold Shocker “spirit of excellence” extremely proud of their accomplishments! We are thrilled to have them in our community and we wish them continued success as they work hard to make Kansas the best state in the Country! WSU is a serious contender for every competition but this year is absolutely remarkable and noteworthy! It is time to recognize their accomplishments.

Wichita State University won the Missouri Valley Conference All Sports Trophy again this year!

This is the 19<sup>th</sup> time they have won this high honor including 7 of the last 10 years. Many people follow the Shocker Basketball and baseball excitement, but this year, under the direction of Eric Sexton, WSU finished in the top three in 14 of the 15 sports including conference titles in Men’s Golf, Women’s Indoor Track and Field, Women’s Tennis, Women’s Basketball, and runner up in 8 more sports.

WSU remains near the top of the valley standing in just about every sport in which they compete.

Congratulations to the Shockers for the best all-around athletic department in the conference!

Rep. Howell presented Andrew J. Schlapp, Executive Director of Government Relations and Board of Trustees, Wichita State University, with a framed House certificate.

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Winn, **HR 6033**, A RESOLUTION congratulating Sumner Academy of Arts and Science on being ranked the #1 academic high school in Kansas. , was adopted.

There being no objection, the following remarks of Rep. Winn are spread upon the journal:

On behalf of the Wyandotte County delegation I have the distinct honor today of recognizing Sumner Academy of Arts and Science (USD 500-Kansas City, Kansas) for being ranking #1 academically in the State of Kansas and specifically being designated as the “best high school” in Kansas and the “most challenging high school in the state”. I would like to welcome to the Kansas House of Representatives Vice-Principal of Sumner, Ms. Kristian Foster and Mr. David Smith, Chief of Staff for Superintendent Ms. Cindy Lane.

Sumner Academy of Arts and Science received #1 ranking in the state by two renowned ranking programs that measure how well high schools prepare students for

college and student performance on Advanced Placement, International Baccalaureate tests and state-mandated assessments, among other elements.

*The Washington Post* conducts a national rating programs and as part of its “America’s Most Challenging High Schools” gave Sumner Academy a 72% rating for equity and excellence and ranked it No. 1 in Kansas.

Sumner has a 99% graduation rate and 69% of its graduates go on to attend 4-year colleges. On the regional level, *The Washington Post* ranked Sumner #19 in the Midwest.

*U.S. News and World Report* also conducts a national rating program. As part of its 2013 Best High Schools rating system the *U.S. News and World Report* also gave Sumner Academy No. 1 ranking in the State of Kansas. In the nation, the *U.S. News and World Report* ranked Sumner #64 out of 21, 000 public high schools. These rankings are based on the number of advanced placement tests taken, as well as, student performance on these exams.

Gene Fite, Principal of Sumner Academy was quoted as saying. “Their focus and hard work, with the aid of an excellent teaching staff, again demonstrated that children in KCK are the equal of anyone anywhere.”

We stand here today to tell the students, parents and staff of Sumner Academy that we are very proud of this accomplishment. We also remind them that they are continuing the legacy of academic excellence of graduates from past decades when Sumner Academy was Sumner High School. The list of outstanding alumni from Sumner High School is much too numerous to identify but include individuals like Beckwith Horton, who holds the patent to the seat belt; Vernon Coffey, who served as Presidential Aide to Richard Nixon, Delano Lewis, who served as U.S. Ambassador to South Africa; and Lillian Ann Owens, who was the 1st African American female to become President of a national life insurance company, north of the Mason-Dixon Line.

Again we congratulate Sumner Academy of Arts and Science, (USD 500, Kansas City, Kansas) for being ranked the #1 academic high school in Kansas for 2013.

## 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 **HB 2162**.

## CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2162** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 5 through 30;

On page 2, by striking all in lines 1 through 39 and inserting the following:

"Section 1. (a) No portion of any money appropriated by the state legislature shall be used, other than for normal and recognized executive and legislative relationships, for:

- (1) Publicity or propaganda purposes relating to gun control; or
- (2) preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television or video presentation designed to support or

defeat:

(A) The enactment of legislation before the federal government, state legislature or a local government legislative body relating to gun control; or

(B) any proposed or pending regulation, administrative action or order issued by the federal government, any state agency or local government relating to gun control.

(b) No portion of any appropriation shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting on behalf of such recipient, related to any activity designed to influence the enactment of legislation, an appropriation, a regulation, an administrative action, or an executive order proposed or pending before the federal government, Kansas legislature or local government legislative body relating to gun control.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future:

(1) Federal, state or local tax increase relating to gun control; or

(2) requirement or restriction on any legal consumer product, including its sale or marketing, relating to gun control.";

On page 1, in the title, in line 1, by striking all after "the"; in line 2, by striking "statements" and inserting "use of state appropriated moneys";

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

JEFF KING

GREG SMITH

DAVID HALEY

*Conferees on part of Senate*

LANCE Y. KINZER

ROBERT BRUCHMAN

JANICE L. PAULS

*Conferees on part of House*

On motion of Rep. Kinzer, the conference committee report on **HB 2162** was adopted.

On roll call, the vote was: Yeas 83; Nays 28; Present but not voting: 0; Absent or not voting: 14.

Yeas: Alcalá, Alford, Barker, Bideau, Boldra, Bradford, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Claeys, Concannon, Corbet, Crum, Davis, DeGraaf, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henry, Hibbard, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Lane, Lunn, Macheers, Mast, McPherson, Meier, Meigs, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Ryckman Jr., Ryckman Sr., Schroeder, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Trimmer, Vickrey, Waymaster, Whipple.

Nays: Ballard, Becker, Bollier, Bridges, Carlin, Clayton, Dierks, Dillmore, Finney, Henderson, Hill, Hineman, Houston, Hutton, Kuether, Lusk, Menghini, Perry, Rooker, Ruiz, Sloop, Swanson, Tietze, Victors, Ward, Weigel, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Christmann, Frownfelter, Goico, Hermanson, Kleeb, Osterman, Peterson, Rubin, Sawyer, Schwab, Schwartz, Sloan, Weber, Wilson.

#### EXPLANATION OF VOTE

MR. SPEAKER: Politics is the marketplace of ideas. That's what we do in this building. We weigh and consider alternative points of view in order to craft the best public policy. This proposal is not about second amendment rights; it is about first amendment rights, and it proposes to place artificial impediments in the path of the free and open exchange of ideas. I vote no on the CCR on **HB 2162**. – DON HINEMAN, MELISSA ROOKER, STEVEN R. BECKER, EMILY PERRY, DON HILL, STEPHANIE CLAYTON, BARBARA BOLLIER

#### CHANGE OF CONFEREES

Speaker Merrick announced the appointment of Reps. Rhoades, Suellentrop and Henry as members of the conference committee on **SB 171** to replace Reps. Cassidy, Grosserode and Winn.

Also, the appointment of Rep. Siegfried as a member of the conference committee on **HB 2059** to replace Rep. Schwab.

Also, the appointment of Rep. Siegfried as a member of the conference committee on **H Sub for SB 84** to replace Rep. Schwab.

#### REPORT ON ENGROSSED BILLS

**HB 2213** reported correctly re-engrossed May 21, 2013.

On motion of Rep. Vickrey, the House adjourned until 2:00 p.m, Wednesday, May 22, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

