

Journal of the House

SIXTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 23, 2013, 10:00 a.m.

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

The roll was called with 113 members present.

Rep. Osterman was excused on verified illness.

Reps. Bideau, Campbell, Christmann, Hawkins, Kleeb, Lane, Moxley, Proehl, Rubin, Sawyer and Schwab were excused on excused absence by the Speaker.

Present later: Reps. Bideau, Lane and Proehl.

Prayer by Chaplain Brubaker:

Heavenly Father,
today, as I come before You on this 90th day
of the 2013 session,
I am reminded of a quote from one of our great Kansans,
President Dwight D. Eisenhower.
He once said that
“a sense of humor is part of the art of leadership
of getting along with people and of getting things done.”
I’m wondering if the longer we go,
the less humor we might have.
So today, I want to pray that You grant each one of us humor—
so we can get along with each other but
especially so we can get things done!
In Christ’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

PERSONAL PRIVILEGE

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

Two days ago, House members received a copy of Kansas Family Physician magazine with a headline on the front announcing Debra Doubek, MD as 2013 Kansas Family Physician of the Year. Many of you may not know that Dr. Doubek is the wife of our friend and colleague, Representative Phillips. Dr. Doubek is dedicated to her practice and could not be here in person, so we ask you, Tom, to share our congratulations with her and your family. This is such an honor, especially in light of

the fact that Dr. Doubek's father, Dr. Herb Doubek, was also named Kansas Family Physician of the Year in 1992 making them the only father/daughter team to receive such recognition.

Rep. Concannon presented a House certificate to Rep. Phillips to give to his wife, Dr. Doubek.

COMMUNICATIONS FROM STATE OFFICERS

From Bob Jurgens, Assessment & Restoration Section, Bureau of environmental Remediation, Kansas Department of Health and Environment, in accordance with K.S.A. 49-512(h), Treece Relocation Assistance Project Monthly Expenditure/Income Report for April 2013.

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

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 2149**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Rhoades, the House concurred in Senate amendments to **HB 2149**, AN ACT concerning the highway patrol training center fund; amending K.S.A. 74-2134 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 113; Nays 0; Present but not voting: 0; Absent or not voting: 12.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Carlin, Carlson, Carpenter, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, 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, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kuether, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, O'Brien, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Read, Rhoades, Rooker, Rothlisberg, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Bideau, Campbell, Christmann, Hawkins, Kleeb, Lane, Moxley, Osterman, Proehl, Rubin, Sawyer, Schwab.

REPORT OF STANDING COMMITTEES

Your Committee on **Calendar and Printing** recommends on requests for resolutions

and certificates that

Request No. 115, by Representative Grant, congratulating Mrs. Cleo (Francis) Patricia McElwain on celebrating her 100th birthday on July 31, 2013;

Request No. 116, by Representative Boldra, congratulating Allison Hohmann on receiving the Girl Scout Gold Award;

Request No. 117, by Representative Hildabrand, congratulating Jennifer Hamil on earning her master's degree from Emporia State University;

Request No. 118, by Representative Concannon, congratulating Debra Doubek, M.D. for being named the 2013 Kansas Family Physician of the year;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Vickrey, the committee report was adopted

CHANGE OF CONFEREES

Speaker Merrick announced the appointment of Rep. Burroughs as a member of the conference committee on **HB 2216** to replace Rep. Lane.

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

AFTERNOON SESSION

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

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 246**.

INTRODUCTION OF ORIGINAL MOTIONS

Rep. Rhoades moved, pursuant to House Rule 2311, that House Rule 1309 be suspended and that an emergency be declared and **SB 246** be withdrawn from Committee on Appropriations and advanced to that order of business, Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call. The motion prevailed

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 246, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2012 Supp. 8-1,161, 12-4106, as amended by section 1 of 2013 House Bill No. 2041, 21-5109, 21-5302, as amended by section 6 of 2013 Senate Bill No. 16, 21-5808, 21-5904, 21-5924, 21-6302, as amended by section 4 of 2013 Senate Substitute for House Bill No. 2052, 21-6614, as amended by section 19 of 2013 Senate Substitute for House Bill No. 2034, 22-2802, 22-2908, 22-3212, 22-3717, as amended by section 27 of 2013 Senate Substitute for House Bill No. 2034, 32-1438, 39-709, as amended by section 1

of 2013 Senate Bill No. 149, 44-706, as amended by section 5 of 2013 Substitute for House Bill No. 2105, 44-709, as amended by section 3 of 2013 Senate Bill No. 187, 45-221, as amended by section 2 of 2013 Senate Bill No. 81, 45-229, as amended by section 1 of 2013 House Bill No. 2012, 47-422, 47-1804, 60-3107, 60-4104, as amended by section 41 of 2013 Senate Substitute for House Bill No. 2034, 65-4101, 72-978, 74-7901, 75-7c05, as amended by section 7 of 2013 Senate Substitute for House Bill No. 2052, 75-3740, 75-37,121, 75-4362, as amended by section 5 of 2013 Senate Bill No. 149, 75-5133, 75-6102, 75-6609, 79-3234, 79-32,117, as amended by section 3 of 2013 House Substitute for Senate Bill No. 83 and 79-32,160a and repealing the existing sections; also repealing K.S.A. 2012 Supp. 2-1930a, 2-1931a, 8-1,161a, 12-4106, as amended by section 8 of 2013 Senate Substitute for House Bill No. 2034, 21-5109a, 21-5302, as amended by section 12 of 2013 Senate Substitute for House Bill No. 2034, 21-5808a, 21-5904a, 21-5924a, 21-6302, as amended by section 3 of 2013 House Bill No. 2033, 21-6614, as amended by section 3 of 2013 Senate Bill No. 21, 22-2802c, 22-2908a, 22-3212b, 22-3717, as amended by section 6 of 2013 House Bill No. 2170, 32-1438a, 39-709, as amended by section 23 of 2013 Substitute for House Bill No. 2183, 39-923a, 44-706, as amended by section 4 of 2013 Senate Bill No. 149, 44-709, as amended by section 6 of 2013 Substitute for House Bill No. 2105, 45-221, as amended by section 6 of 2013 Senate Substitute for House Bill No. 2052, 45-221, as amended by section 1 of 2013 House Bill No. 2128, 45-229, as amended by section 1 of 2013 House Bill No. 2144, 47-422a, 47-1001g, 47-1008a, 47-1302a, 47-1701a, 47-1709a, 47-1725a, 47-1804a, 47-1809a, 60-3107a, 60-4104, as amended by section 8 of 2013 Senate Bill No. 16, 65-1685a, 65-4101b, 72-978a, 74-7901a, 75-7c05, as amended by section 6 of 2013 Senate Bill No. 21, 75-3740d, 75-37,121a, 75-4362, as amended by section 2 of 2013 House Bill No. 2302, 75-5133b, 75-6102c, 75-6609a, 79-3234c, 79-32,117, as amended by section 17 of 2013 House Bill No. 2253, 79-32,160f, 82a-220a and 82a-903a, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 0; Present but not voting: 0; Absent or not voting: 14.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Campbell, Christmann, Edwards, Hawkins, Huebert, Kleeb, Montgomery, Moxley, Osterman, Peterson, Rubin, Sawyer, Schroeder, Schwab.

The bill 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 RESOLUTIONS

The following bill was introduced and read by title:

HB 2416, AN ACT concerning courts; relating to appellate court jurisdiction; abolishing the court of appeals; establishing the court of criminal appeals and the court of civil appeals; amending K.S.A. 9-1907, 12-811, 13-1228h, 17-6906, 19-3517, 20-101, 20-139, 20-158, 20-163, 20-1a14, 20-205, 20-207, 20-208, 20-211, 20-310b, 20-2201, 20-2616, 20-2622, 20-3208, 22-2202, 22-2514, 22-2804, 22-3612, 22-4507, 24-702, 25-3206, 48-2922, 48-2923, 48-2924, 48-2925, 48-2926, 48-2928, 60-1301, 60-2101, 60-3201, 60-3208, 66-118a, 66-118g, 68-527a, 74-601, 75-3216, 77-609, 77-623 and 77-627 and K.S.A. 2012 Supp. 7-121b, 20-1a15, 20-2601, 20-3202, 21-5207, 21-6619, 21-6628, 22-3402, 22-3601, as amended by section 26 of 2013 Senate Substitute for House Bill No. 2034, 22-3602, 22-3604, 22-4701, as amended by section 2 of 2013 House Bill No. 2041, 26-504, 38-2382, 44-556, 45-217, 46-234, 55-1410, 60-223, 60-1501, 60-1505, 60-2102, 61-3902, 65-3008a, 65-3013, 65-4211, 72-64b03, 74-2426, 74-8762, 74-8813, 74-8815, 75-430, 75-3120h, 75-3120l, 75-37,135 and 82a-1505 and repealing the existing sections; also repealing K.S.A. 20-3001, 20-3006, as amended by section 3 of 2013 House Bill No. 2019, 20-3010, as amended by section 4 of 2013 House Bill No. 2019, 20-3011, 20-3012, 20-3013, 20-3014, 20-3015, 20-3016, 20-3018 and 20-3019 and K.S.A. 2012 Supp. 20-3002, as amended by section 2 of 2013 House Bill No. 2019, and 20-3017 and section 1 of 2013 House Bill No. 2019, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

S Sub for HB 2199 reported correctly re-engrossed May 22, 2013.

Also, **HB 2149** reported correctly engrossed May 23, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6032, **HR 6033** reported correctly enrolled and properly signed on May 23, 2013.

On motion of Rep. Vickrey, the House adjourned until 9:00 a.m., Friday, May 24, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

