

Journal of the House

FIFTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 8, 2013, 2:00 p.m.

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

The roll was called with 120 members present.

Rep. Osterman was excused on verified illness.

Reps. Doll, Kelley, Montgomery and Weber were excused on excused absence by the Speaker.

Prayer by Representative Dove:

Thank you Lord for your many blessings. Thank you for a safe return to your House. We give you all the praise and glory to your Son. Lord, may we put your face of rightness in our votes. In Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. Carlin.

INTRODUCTION OF GUESTS

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

We are here to congratulate Emporia State University's debate team of Ryan Walsh and Elijah Smith on winning the National Debate Tournament and the Cross Examination Debate Association national tournament. With us today are Coach Sam Maurer and Marie Miller.

Walsh and Smith won the National Debate Tournament defeating team from Northwestern University, just one week after Smith and Walsh also won the Cross Examination Debate Association national tournament. Emporia State University it the first program to have a team win both titles in the same season. Smith and Walsh are also the first black team to win the NDT title in a round that took over two hours.

Please join me in congratulating Walsh, Smith, Maurer, and Marie Miller. The Emporia State University Community and the entire state of Kansas should be proud of their accomplishments.

MESSAGES FROM THE GOVERNOR

**HB 2012, HB 2083, HB 2106, HB 2135, HB 2144, HB 2160, HB 2200, HB 2203;
Sub HB 2207; HB 2212, HB 2217, HB 2221, HB 2228, HB 2278, HB 2294, HB 2302,**

HB 2322, HB 2326, HB 2353, HB 2368 approved on April 10, 2013.

Also, **HB 2170** approved on April 11, 2013.

Also, **S Sub for HB 2011; Sub HB 2017; HB 2025, HB 2033; Sub HB 2043; S Sub for HB 2052; HB 2069, HB 2078, HB 2093; Sub HB 2105; HB 2107, HB 2109, HB 2128, HB 2139; S Sub for HB 2150; HB 2164, HB 2349** approved on April 16, 2013.

Also, **HB 2009; S Sub for HB 2167; Sub HB 2183; HB 2201, HB 2339, HB 2363** approved on April 17, 2013.

Also, **HB 2234, HB 2253** approved on April 19, 2013.

Also, **Sub HB 2024; S Sub for HB 2034; HB 2319** approved on April 22, 2013.

MESSAGE FROM THE GOVERNOR

April 25, 2013

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

EXECUTIVE DIRECTIVE No. 13-439
Authorizing Expenditure of Federal Funds

SAM BROWNBACK
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From Derek Schmidt, Kansas Attorney General, pursuant to K.S.A. 74-7316, 2012 annual report of the Crime Victims Compensation Board.

From David N. Harper, Director, Division of Property Valuation, Kansas Department of Revenue, in accordance with K.S.A. 79-1490, Kansas 2012 Preliminary Appraisal/Sales Real Estate Ratio Study.

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

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

MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report on **SB 23**.

The Senate adopts the Conference Committee report on **SB 102**.

The Senate adopts the Conference Committee report on **SB 122**.

The Senate adopts the Conference Committee report on **SB 199**.

The Senate adopts the Conference Committee report on **HB 2204**.

The Senate not adopts the Conference Committee report on **SB 171**, requests a conference and appoints Senators Abrams, Arpke and Hensley as third conferees on the part of the Senate.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Couture-Lovelady on Committee on Appropriations to replace Rep. Weber on May 9.

PROTEST

MR. SPEAKER: Pursuant to Article 2, Section 10 of the Kansas Constitution, I hereby submit the following protest regarding **SB 23**.

One section of **SB 23** allows a local school board that has levied an additional property tax for ancillary school facilities for two years to continue that levy for up to six additional years. This new law expands the number years a district may use these extra school finance formula device to enhance the amount of money available to these wealthy districts from three (3) years to six (6) years. The amount of the levy is reduced to 90.0 percent in the first year of the six-year period, 75.0 percent in the second year, 60.0 percent in the third year, 45.0 percent in the fourth year, 30.0 percent in the fifth year, and 15.0 percent in the sixth year.

The original ancillary school facilities law permitted school district to request permission to levy an additional property tax for up to two years to defray costs associated with commencing operation of a new facility beyond the costs otherwise financed under the law.

The original ancillary school facilities law provided an addition benefit to a few rapidly growing wealthy districts, it created a disparity in the distribution of education funds and is dis-equalizing. The enhanced ancillary school facilities law enacted in Senate Bill 23 increases that disparity in the distribution of education funds, and increases the dis-equalizing of the school finance formula.

This is in direct violation of the Court order issued in Gannon vs. State of Kansas. Therein the "State of Kansas was enjoined from performing the unconstitutional act of "amending, changing, altering, diluting, superseding, or by-passing any of the provisions of K.S.A. 72-6434 (school finance formula) as it existed on July 1, 2012, if the effect of the same would be to create a wealth based disparity in the distribution of funds or in the ability to use local option budget by a school district."

This order has been enjoined by the Kansas Supreme Court to allow the parties to mediate their issues with the goal of settling the case. It is bad legal advice and worse settlement strategy to disregard and ignore a Court order even while it is stayed.

SB 23 amends the school finance formula the effect is to create a wealth based disparity in the distribution of funds in violation of a legal Court order.

Mr. Speaker, I vote NO on **SB 23**. – JIM WARD

PROTEST

MR. SPEAKER: Pursuant to Article 2, Section 10 of the Kansas Constitution, I hereby submit the following protest regarding the Second Conference Committee Report on **SB 171**.

SB 171 would increase the Base State Aid per Pupil from current level of \$3,838 to \$4,264 for school years 2013-2014 and 2014-2015.

Then **SB 171** by legislative mandate would transfer money from the local option budget of every school district in an amount equal to the difference between current state adjusted enrollment funding of \$3,838, to the amount needed to meet new adjusted enrollment amount of \$4,264. Under **SB 171** every school district in the state would have the exact same amount of money from the exact same tax revenue sources in 2013-2014 as they do in 2012-2013. There would be no additional money. *The state is using an accounting gimmick to create the illusion of spending more money on Base State Aid per Pupil.*

This is in direct violation of the Court order issued in Gannon vs. State of Kansas. Therein the State of Kansas was enjoined from performing the *unconstitutional act* of “*using any accounting mechanism* that would, will or may in due course affect, *effect* or fund less than the base student aid per pupil as it existed on July 1, 2012.”

This order has been enjoined by the Kansas Supreme Court to allow the parties to mediate their issues with the goal of settling the case. It is bad legal advice and worse settlement strategy to disregard and ignore a Court order even while it is stayed.

SB 171 implements an accounting gimmick to mislead the Court and the people of Kansas regarding the amount of funding being made available to Kansas school children in violation of a legal Court order.

Mr. Speaker, I vote NO on **SB 171**. – JIM WARD

REPORT ON ENGROSSED BILLS

Sub HB 2017 reported correctly engrossed April 6, 2013.

HB 2339 reported correctly engrossed April 8, 2013.

REPORT ON ENROLLED BILLS

HB 2009; S Sub for HB 2011; Sub HB 2017; Sub HB 2024; HB 2025, HB 2033; S Sub for HB 2034; S Sub for HB 2043; S Sub for HB 2052; HB 2069, HB 2078; S Sub for HB 2093; Sub HB 2105; HB 2107, HB 2109, HB 2128, HB 2139; S Sub for HB 2150; HB 2164; S Sub for HB 2167; Sub HB 2183; HB 2201, HB 2234, HB 2253, HB 2319, HB 2339, HB 2349, HB 2363 reported correctly enrolled, properly signed and presented to the Governor on April 12, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6024, HR 6029, HR 6030 reported correctly enrolled and properly signed on April 8, 2013.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Thursday, May 9, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

