

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 23, 2012, 10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Very deep within me
A battle scene unfolds:
A duel between two voices
For the capture of my soul.

One tells me not to worry
When I feel I have to lie.
But the other says that lying
I can never justify.

One says that my survival
Rests on a simple plan:
Remember that most people
Will cheat me if they can.

But the other one reminds me
If that's what I believe,
I'll live a life of misery,
For myself I will deceive.

I realize this battle
Will continue for my soul;
Please help me, Lord, to listen to
The voice YOU control!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 445, AN ACT concerning taxation; relating to earned income tax credit;

homestead property tax refunds; amending K.S.A. 2011 Supp. 79-32,205, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2517, HB 2563.**

Education: **HB 2444.**

Federal and State Affairs: **SCR 1613.**

Financial Institutions and Insurance: **HB 2485, HB 2520.**

Judiciary: **SB 443; HB 2465, HB 2494, HB 2568.**

Local Government: **HB 2548; Sub HB 2555.**

Natural Resources: **Sub HB 2295.**

Public Health and Welfare: **HB 2416, HB 2631; Sub HB 2659; HB 2660.**

Ways and Means: **SB 444; HB 2414, HB 2429.**

CHANGE OF REFERENCE

The President withdrew **SB 250** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **SB 398** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Utilities**.

The President withdrew **SB 412, SB 414** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Agriculture**.

The President withdrew **SB 317** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Assessment and Taxation**.

The President withdrew **SB 271, SB 314, SB 380, SB 391, SB 405** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Natural Resources**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2417, HB 2430, HB 2435, HB 2437, HB 2454; Substitute HB 2477; HB 2509, HB 2533, HB 2534, HB 2557, HB 2562, HB 2599, HB 2614, HB 2621, HB 2637, HB 2647, HB 2666, HB 2730, HB 2737.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2417, HB 2430, HB 2435, HB 2437, HB 2454; Substitute HB 2477; HB 2509, HB 2533, HB 2534, HB 2557, HB 2562, HB 2599, HB 2614, HB 2621, HB 2637, HB 2647, HB 2666, HB 2730, HB 2737 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Kelsey moved the Senate concur in House amendments to **H Sub SB 118**.

H Sub for SB 118, AN ACT concerning the legislature; relating to legislative pages; amending K.S.A. 46-158 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Taddiken moved the Senate concur in House amendments to **SB 272**.

SB 272, AN ACT concerning water; relating to multi-year flex counts; amending K.S.A. 2011 Supp. 82a-736 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: I voted yes on **SB 272** creating multi-flex accounts because of the long-term water conservation impact of this water management method. The original bill was amended to allow those who were in severe drought areas and were approved for emergency water usage program to voluntarily join the multi-flex account program without reducing their quota by the over-usage amount. Although that emergency usage amount was significant, the reduction of water allocation and eventual usage by those who enroll in multi-flex accounts will dwarf the amount overused for those drought years. This was taken into careful consideration so that the long-term conservation of water would be the outcome. Thank you Mr. President. — ALLEN SCHMIDT

Senator Francisco requests the record to show she concurs with the “Explanation of Vote” offered by Senator A. Schmidt on **SB 272**.

FINAL ACTION ON CONSENT CALENDAR

SB 252, **SB 298**; **HB 2460**, **HB 2525** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 252, AN ACT concerning the rules and regulations filing act; pertaining to the notice period for certain rules and regulations; amending K.S.A. 2011 Supp. 77-415 and 77-421 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens,

Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 298, AN ACT regulating traffic; relating to penalties for violating size and weight laws, exceptions; amending K.S.A. 2011 Supp. 8-1901 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2460, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer affiliation, participation by certain employees and contribution rate; applicability of certain federal internal revenue code provisions; amending K.S.A. 74-4910 and K.S.A. 2011 Supp. 74-4920 and 74-49,123 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2525, AN ACT concerning the optometry law; amending K.S.A. 65-1509a, 65-1514, 65-1517 and 65-7003 and K.S.A. 2011 Supp. 65-1501, 65-1501a, 65-1505, 65-1509, 65-1518, 65-4101, 74-1503 and 74-1505 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 69, AN ACT concerning school districts; relating to bullying and dating violence; amending K.S.A. 2010 Supp. 72-8256 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love,

Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 148, AN ACT concerning water; relating to administrative division of water right, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 262, AN ACT concerning children; relating to grandparent custody, visitation and residency, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: "Progress occurs when courageous skillful leaders seize the opportunity to change things for the better." (Harry Truman)

I vote YES for **SB 262** for members of the Silver Haired Legislature.

Irv Hoffmann

Jim Snyder

Wendell Turner

Thank You, Mr. President – OLETHA FAUST-GOUDEAU

SB 269, AN ACT concerning alcoholic beverages; relating to retailer licenses offering alcoholic liquor sampling; amending K.S.A. 41-308 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 276, AN ACT concerning alcoholic beverages; relating to the employment of

certain individuals by licensees under the club and drinking establishment act; amending K.S.A. 41-2610 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pyle.

The bill passed, as amended.

SB 277, AN ACT concerning alcoholic beverages; relating to the licensing of microdistilleries; amending K.S.A. 41-304, 41-316 and 41-320 and K.S.A. 2011 Supp. 41-102, 41-310, 41-317 and 41-319 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 288, AN ACT concerning alcoholic beverages; relating to sales of alcoholic liquor or cereal malt beverage by the drink; amending K.S.A. 41-2640 and 41-2722 and K.S.A. 2011 Supp. 41-2601 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 301, AN ACT concerning the state board of technical professions; relating to terms of members; amending K.S.A. 74-7006 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 302, AN ACT concerning agriculture; relating to the Kansas meat and poultry inspection act; amending K.S.A. 65-6a34 and 65-6a41 and K.S.A. 2011 Supp. 65-6a18, 65-6a20 and 65-6a31 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 313, AN ACT concerning alcoholic beverages; relating to consumption on any land or waters owned or managed by the department of wildlife, parks and tourism; amending K.S.A. 2011 Supp. 41-719 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 334, AN ACT concerning motor vehicles; relating to commercial drivers' licenses; exempting drivers with military commercial driving experience from testing requirements; amending K.S.A. 2011 Supp. 8-2,133 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 342, AN ACT concerning traffic regulation; designating certain highway segments as safety corridors; establishing the traffic safety corridor fund; amending K.S.A. 2011 Supp. 8-1560c, 8-1560d, 8-2118 and 74-7336 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, V. Schmidt, Schodorf, Teichman, Umbarger.

Nays: Abrams, Bruce, Brungardt, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, A. Schmidt, Steineger, Taddiken, Vratil, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I would like to explain my vote on **SB 342**. While I deplore the actions of those who do not obey laws in work areas along Kansas highways, and therefore put workers and other commuters in danger, and while I emphatically support all safety actions to protect our workers, I voted no on **SB 342** because it does not include the proper signage to designate the changes in penalties with breaking the laws in so called "safety corridors." Mr. President, many drivers may not be aware of these new penalties and we owe it to our citizens to post proper signs in these designated areas. Posting signs designating these changes may also, very well, serve as a deterrent to commuters breaking the laws. – ALLEN SCHMIDT

Senators Lynn and Masterson requests the record to show they concur with the "Explanation of Vote" offered by Senator A. Schmidt on **SB 342**.

SB 345, AN ACT enacting the Kansas appraisal management company registration act, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 358, AN ACT concerning alcoholic beverages; relating to manufacturer licenses; permitting tastings by such licensees; amending K.S.A. 2011 Supp. 41-305 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 374, AN ACT concerning utilities, relating to the Kansas corporation commission; rules and regulations; amending K.S.A. 66-1,150, 66-1,151 and 66-1,153 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pyle.

The bill passed.

SB 384, AN ACT concerning the Kansas 911 act; definitions; terms of council members; fees, distribution; amending K.S.A. 2011 Supp. 12-5363, 12-5364 and 12-5374 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 387, AN ACT concerning the state fire marshal; relating to the qualifications of the office; amending K.S.A. 2011 Supp. 75-1510 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 393, AN ACT concerning career technical education; relating to secondary students; amending K.S.A. 72-4417 and 72-4419 and K.S.A. 2011 Supp. 71-201 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 419, AN ACT concerning energy; relating to renewable energy resource investment; amending K.S.A. 2011 Supp. 66-1260 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SR 1805, supporting livable streets policies, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Merrick, Olson, Pilcher-Cook, Pyle, Steineger.

The resolution was adopted, as amended.

HB 2273, AN ACT designating part of K-99 as the Frankfort Boys World War II Memorial highway; amending K.S.A. 2011 Supp. 68-1057 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2441, AN ACT designating a portion of United States highway 75 as the Floyd H. Robinson memorial highway; amending K.S.A. 2011 Supp. 68-1051 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2459, AN ACT concerning driver's licenses; relating to motorcycles; amending K.S.A. 2011 Supp. 8-240 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 397** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 397," as follows:

"Substitute for SENATE BILL NO. 397
By Committee on Public Health and Welfare

"AN ACT providing for a change in terminology in the statutes from the terms mental retardation, handicap and similar terms to the term intellectual disability and similar terms; amending K.S.A. 17-1762, 19-4001, 19-4002, 19-4002a, 19-4002b, 19-4003, 19-4004, 19-4005, 19-4007, 19-4009, 19-4010, 19-4011, 39-927, 39-971, 39-1001, 39-1002, 39-1005, 39-1006, 39-1007, 39-1201, 39-1202, 39-1205, 39-1207, 39-1803, 58-24a16, 59-2946, 59-2972, 59-3077, 65-5a14, 65-3501, 65-4202, 65-4212, 65-4411, 65-4412, 65-4413, 65-4414, 65-4415, 65-5601, 72-6203, 74-8917, 75-4375, 75-5399, 75-6508, 76-12b01, 76-12b02, 76-12b03, 76-12b07, 76-12b11 and 76-17c01 and K.S.A. 2011 Supp. 12-1675, 21-5417, 21-6622, 39-923, 39-936, 39-1401, 39-1702, 40-3401, 50-676, 65-180, 65-1124, 65-1626, 65-4915, 65-4921, 65-6805, 72-962, 74-5344, 75-4265, 75-5321a, 75-6506, 75-6609, 75-6610, 75-7303 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3606g.";

And the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

The morning session recommended:

SB 310, SB 367, SB 416, SB 417 be passed.

The committee report on **SB 64** recommending a **Sub SB 64** be adopted, and the substitute bill be passed.

The committee report on **SB 282** recommending a **Sub SB 282** be adopted, and the substitute bill be passed.

A motion by Senator Haley to amend **Sub SB 282** failed and the following amendment was rejected. on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2011 Supp. 8-1568 is hereby amended to read as follows: 8-1568. (a) (1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when for more than 1/2 mile after being given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when for more than 1/2 mile after being given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(3) It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who:

(1) Commits any of the following during a police pursuit: (A) Fails to stop for a

police road block; (B) drives around tire deflating devices placed by a police officer; (C) engages in reckless driving as defined by K.S.A. 8-1566, and amendments thereto; (D) is involved in any motor vehicle accident or intentionally causes damage to property; or (E) commits five or more moving violations; or

(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in subsection (c)(4).

(c) (1) Violation of subsection (a), upon a first conviction is a class B nonperson misdemeanor.

(2) Violation of subsection (a), upon a second conviction is a class A nonperson misdemeanor.

(3) Violation of subsection (a), upon a third or subsequent conviction is a severity level 9, person felony.

(4) Violation of subsection (b) is a severity level 9, person felony.

(d) The signal given by the police officer may be by hand, voice, emergency light or siren:

(1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

(2) if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

(e) For the purpose of this section:

(1) "Conviction" means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(2) "Appropriately marked" official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

(f) The division of vehicles of the department of revenue shall promote public awareness of the provisions of this section when persons apply for or renew such person's driver's license.";

And by renumbering sections accordingly;

On page 2, in line 36, after "Supp." by inserting "8-1568 and"; also in line 36, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking "forfeiture; relating to"; also in line 2, after "Supp." by inserting "8-1568 and"; in line 3, by striking "section" and inserting "sections"

A second amendment by Senator Haley on **Sub SB 282** failed and the following amendment was rejected. on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 35 and inserting:

"Section 1. K.S.A. 2011 Supp. 8-1568 is hereby amended to read as follows: 8-1568. (a) (1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(3) It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who:

(1) Commits any of the following during a police pursuit: (A) Fails to stop for a police road block; (B) drives around tire deflating devices placed by a police officer; (C) engages in reckless driving as defined by K.S.A. 8-1566_ and amendments thereto; (D) is involved in any motor vehicle accident or intentionally causes damage to property; or (E) commits five or more moving violations; or

(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in subsection (c)(4).

(c) (1) Violation of subsection (a), upon a first conviction is a class B nonperson misdemeanor.

(2) Violation of subsection (a), upon a second conviction is a class A nonperson misdemeanor.

(3) Violation of subsection (a), upon a third or subsequent conviction is a severity level 9, person felony.

(4) Violation of subsection (b) is a severity level 9, person felony.

(d) The signal given by the police officer may be by hand, voice, emergency light or siren:

(1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

(2) if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

(e) For the purpose of this section:

(1) "Conviction" means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(2) "Appropriately marked" official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

(f) The division of vehicles of the department of revenue shall promote public awareness of the provisions of this section when persons apply for or renew such person's driver's license.

(g) A felony violation of this section shall constitute conduct giving rise to forfeiture pursuant to the Kansas standard asset forfeiture act, K.S.A. 60-4101 *et seq.*,

and amendments thereto. When property is forfeited pursuant to a violation of this section, the law enforcement agency shall sell all property not destroyed pursuant to subsection (a)(2) of K.S.A. 60-4117, and amendments thereto, at public sale to the highest bidder for cash without appraisal. The proceeds of any sale shall be credited to the crime victims assistance fund established pursuant to K.S.A. 74-7334, and amendments thereto.

Sec. 2. K.S.A. 2011 Supp. 60-4117 is hereby amended to read as follows: 60-4117. Except as provided in K.S.A. 8-1568 and 65-7014, and amendments thereto: (a) When property is forfeited under this act, the law enforcement agency may:

(1) Retain such property for official use or transfer the custody or ownership to any local, state or federal agency, subject to any lien preserved by the court;

(2) destroy or use for investigative or training purposes, any illegal or controlled substances and equipment or other contraband, provided that materials necessary as evidence shall be preserved;

(3) sell property which is not required by law to be destroyed and which is not harmful to the public:

(A) All property, except real property, designated by the seizing agency to be sold shall be sold at public sale to the highest bidder for cash without appraisal. The seizing agency shall first cause notice of the sale to be made by publication at least once in an official county newspaper as defined by K.S.A. 64-101, and amendments thereto. Such notice shall include the time, place, and conditions of the sale and description of the property to be sold. Nothing in this subsection shall prevent a state agency from using the state surplus property system and such system's procedures shall be sufficient to meet the requirements of this subsection.

(B) Real property may be sold pursuant to subsection (A), or the seizing agency may contract with a real estate company, licensed in this state, to list, advertise and sell such real property in a commercially reasonable manner.

(C) No employee or public official of any agency involved in the investigation, seizure or forfeiture of seized property may purchase or attempt to purchase such property; or

(4) salvage the property, subject to any lien preserved by the court.

(b) When firearms are forfeited under this act, the firearms in the discretion of the seizing agency, shall be destroyed, used within the seizing agency for official purposes, traded to another law enforcement agency for use within such agency or given to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory.

(c) The proceeds of any sale shall be distributed in the following order of priority:

(1) For satisfaction of any court preserved security interest or lien, or in the case of a violation, as defined by subsection (h) [(i)] of K.S.A. 60-4104, and amendments thereto, the proceeds shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the medicaid fraud reimbursement fund;

(2) thereafter, for payment of all proper expenses of the proceedings for forfeiture and disposition, including expenses of seizure, inventory, appraisal, maintenance of custody, preservation of availability, advertising, service of process, sale and court costs;

(3) reasonable attorney fees:

(A) If the plaintiff's attorney is a county or district attorney, an assistant, or another governmental agency's attorney, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2), in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2), in a contested forfeiture. Such fees shall be deposited in the county or city treasury and credited to the special prosecutor's trust fund. Moneys in such fund shall not be considered a source of revenue to meet normal operating expenditures, including salary enhancement. Such fund shall be expended by the county or district attorney, or other governmental agency's attorney through the normal county or city appropriation system and shall be used for such additional law enforcement and prosecutorial purposes as the county or district attorney or other governmental agency's attorney deems appropriate, including educational purposes. All moneys derived from past or pending forfeitures shall be expended pursuant to this act. The board of county commissioners shall provide adequate funding to the county or district attorney's office to enable such office to enforce this act. Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting a county or district attorney's budget;

(B) if the plaintiff's attorney is the attorney general and the conduct and offense giving rise to forfeiture is pursuant to subsection (h) [(i)] of K.S.A. 60-4104, and amendments thereto, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2) in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2) in a contested forfeiture. Such fees shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the medicaid fraud prosecution revolving fund. Moneys paid into the medicaid fraud prosecution revolving fund pursuant to this subsection shall be appropriated to the attorney general for use by the attorney general in the investigation and prosecution of medicaid fraud and abuse; or

(C) if the plaintiff's attorney is a private attorney, such reasonable fees shall be negotiated by the employing law enforcement agency;

(4) repayment of law enforcement funds expended in purchasing of contraband or controlled substances, subject to any interagency agreement.

(d) Any proceeds remaining shall be credited as follows, subject to any interagency agreement:

(1) If the law enforcement agency is a state agency, the entire amount shall be deposited in the state treasury and credited to such agency's state forfeiture fund. There is hereby established in the state treasury the following state funds: Kansas bureau of investigation state forfeiture fund, Kansas attorney general's state medicaid fraud forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund and Kansas national guard counter drug state forfeiture fund. Expenditures from the Kansas bureau of investigation state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general. Expenditures from the Kansas attorney general's state medicaid fraud forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons

designated by the attorney general. Expenditures from the Kansas highway patrol state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the highway patrol or by a person or persons designated by the superintendent. Expenditures from the Kansas department of corrections state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of corrections or by a person or persons designated by the secretary. Expenditures from the Kansas national guard counter drug state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the adjutant general of Kansas or by a person or persons designated by the adjutant general. Each agency shall compile and submit a forfeiture fund report to the legislature on or before February 1 of each year. Such report shall include, but not be limited to: (A) The fund balance on December 1; (B) the deposits and expenditures for the previous 12-month period ending December 1. Upon the effective date of this act, the director of accounts and reports is directed to transfer each agency's balance in the state special asset forfeiture fund to the agency's new, state forfeiture fund. All liabilities of the state special asset forfeiture fund existing prior to such date are hereby imposed on the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund and the Kansas department of corrections state forfeiture fund. The state special asset forfeiture fund is hereby abolished.

(2) If the law enforcement agency is a city or county agency, the entire amount shall be deposited in such city or county treasury and credited to a special law enforcement trust fund. Each agency shall compile and submit annually a special law enforcement trust fund report to the entity which has budgetary authority over such agency and such report shall specify, for such period, the type and approximate value of the forfeited property received, the amount of any forfeiture proceeds received, and how any of those proceeds were expended.

(3) Moneys in the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund, the special law enforcement trust funds and the Kansas national guard counter drug state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses. Such funds shall be expended by the agencies or departments through the normal city, county or state appropriation system and shall be used for such special, additional law enforcement purposes as the law enforcement agency head deems appropriate. Neither future forfeitures nor the proceeds from such forfeitures shall be used in planning or adopting a law enforcement agency's budget.

(4) Moneys in the Kansas attorney general's medicaid fraud forfeiture fund shall defray costs of the attorney general in connection with the duties of investigating and prosecuting medicaid fraud and abuse.";

And by renumbering sections accordingly;

Also on page 2, in line 36 by striking "60-4104 is" and inserting "8-1568 and 60-4117 are";

On page 1, in the title, in line 3, by striking "60-4104" and inserting "8-1568 and 60-4117"; in line 3, by striking "section" and inserting "sections" and **Sub SB 282** be passed.

SB 273, SB 287, SB 315, SB 366, SB 372, SB 375, SB 406, SB 422 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 357 be amended by adoption of the committee amendments, be further amended by motion of Senator Taddiken, on page 4, in line 21, by striking "and pay such warrants from the fund hereinafter"; in line 22, by striking "provided,"

SB 357 be further amended by motion of Senator Pyle, on page 4, in line 23, after "warrants." by inserting "The board of county commissioners may assess the costs of any corrective action ordered under this section against the owner, the complaining party or both the owner and complaining party in accordance with K.S.A. 2-2008, and amendments thereto.";

On page 5, in line 17, after "land" by inserting ", the complaining party" and **SB 357** be passed as further amended.

Sub SB 39 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Olson, on page 10, in line 21, by striking "to any state institution or"; in line 22, by striking "facility" and inserting "if such aggravated sex offender is in the custody of a correctional facility or in the care or custody of any treatment facility" and **Sub SB 39** be passed as amended.

HB 2453 be passed over and retain a place on the calendar.

The committee rose and reported progress (see Committee of the Whole, afternoon session.)

On motion of Senator Emler, the senate recessed until 2:00 p.m.

Afternoon Session

The session met pursuant to recess with President Morris in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. **SCR 1614**—

By Senators Pilcher-Cook, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pyle, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil and Wagle

A CONCURRENT RESOLUTION honoring pregnancy maintenance resource centers in Kansas and across the United States.

WHEREAS, The life-affirming impact of pregnancy maintenance resource centers on the women, men, children and communities they serve is considerable and growing; and

WHEREAS, Pregnancy maintenance resource centers serve women in Kansas and across the United States with integrity and compassion; and

WHEREAS, More than 2,500 pregnancy maintenance resource centers across the United States provide comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional and spiritual needs; and

WHEREAS, Pregnancy maintenance resource centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community, health care and support services; and

WHEREAS, Many medical pregnancy maintenance resource centers offer ultrasound and other medical services; and

WHEREAS, Many pregnancy maintenance resource centers provide information on adoption and adoption referrals to pregnant mothers; and

WHEREAS, Pregnancy maintenance resource centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn child; and

WHEREAS, Pregnancy maintenance resource centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

WHEREAS, Pregnancy maintenance resource centers provide important support and resources for women who choose childbirth over abortion; and

WHEREAS, Pregnancy maintenance resource centers ensure that women are receiving prenatal information and services that lead to the birth of health infants; and

WHEREAS, Many pregnancy maintenance resource centers provide grief assistance for women and men who regret the loss of their children from past choices they have made; and

WHEREAS, Many pregnancy maintenance resource centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

WHEREAS, Federal and state governments are increasingly recognizing the valuable services of pregnancy maintenance resource centers through the designation of public funds for such organizations; and

WHEREAS, Pregnancy maintenance resource centers operate primarily through reliance on the voluntary donations and time of caring individuals who are committed to caring for the needs of women and promoting and protecting life; and

WHEREAS, There are a number of pregnancy maintenance resource centers that deserve recognition in our state: Pregnancy Resource Center of Southeast Kansas, of Iola, Kansas; Raven Aid for Moms, Benedictine College, of Atchison, Kansas; Birthright of Great Bend, Kansas; Catholic Social Service of Great Bend, Kansas; Birthline of Fort Scott, Kansas; Bethlehem House, of El Dorado, Kansas; Birthline, of El Dorado, Kansas; Pregnancy Care Center of Butler County, of Augusta, Kansas; Catholic Charities of Concordia, Kansas; Family Life Services of Arkansas City, Kansas; Birthright of Pittsburg, Kansas; Vie Medical Clinic of Pittsburg, Kansas; Birthright of Lawrence, Kansas; Pregnancy Care Center of Lawrence, Kansas; Birthright of Hays, Kansas; Catholic Charities of Hays, Kansas; Mary Elizabeth Maternity Home of Hays, Kansas; ABC Pregnancy Care Center of Garden City, Kansas; Catholic Social Service of Garden City, Kansas; Birthright of Dodge City, Kansas; Catholic Social Service of Dodge City, Kansas; Life Care Center for Women of Ottawa, Kansas; Birthline of Junction City, Kansas; Precious Beginnings Pregnancy Center of Ulysses, Kansas; Health Ministries Clinic of Newton, Kansas; Heartland Pregnancy Care Center of Newton, Kansas; Crisis Pregnancy Center of Jackson County, Kansas; Advice and Aid Pregnancy Center of Shawnee, Kansas; Catholic Charities of Northeast

Kansas of Overland Park, Kansas; Christian Family Services, Inc., of Overland Park, Kansas; LDS Family Services of Overland Park, Kansas; Birthright of Leavenworth, Kansas; Catholic Charities of Northeast Kansas of Leavenworth, Kansas; Saint Vincent Clinic of Leavenworth, Kansas; Birthright of Emporia, Kansas; Catholic Charities of Northeast Kansas of Emporia, Kansas; Family Life Services of Emporia, Kansas; Heart Choices of Beloit, Kansas; Midwest Pregnancy Care Center of Coffeyville, Kansas; Midwest Pregnancy Care Center of Independence, Kansas; Birthline of Chanute, Kansas; Pratt Family Life Center of Pratt, Kansas; Birthright of Hutchinson, Kansas; Open Door Pregnancy Care Center of Hutchinson, Kansas; Catholic Charities of Manhattan, Kansas; Life Choice Ministries of Manhattan, Kansas; Pregnancy Testing Center of Manhattan, Kansas; Catholic Charities of Salina, Kansas; Pregnancy Service Center of Salina, Kansas; A Better Choice of Wichita, Kansas; Birthline of Wichita, Kansas; Catholic Charities of Wichita, Kansas; Choices Medical Clinic of Wichita, Kansas; Gerard House of Wichita, Kansas; Guadalupe Clinic of Wichita, Kansas; Pregnancy Crisis Center of Wichita, Inc., of Wichita, Kansas; Birthline of Liberal, Kansas; Birthright of Topeka, Kansas; Caring Pregnancy Options of Topeka, Kansas; Catholic Charities of Northeast Kansas of Topeka, Kansas; Rachel's Tea House Crisis Pregnancy Center of Kansas City, Kansas; Life Support Center of Johnson, Kansas; Birthline of Wellington, Kansas; Emergency Pregnancy Service of Colby, Kansas; Angels of Grace Family Service Center of Kansas City, Kansas; Catholic Charities of Northeast Kansas, of Kansas City, Kansas; Adoption Center of Kansas, of Wichita, Kansas; American Adoption of Overland Park, Kansas; Grace Center, Inc. of Kansas City, Kansas; Wyandotte Pregnancy Clinic of Kansas City, Kansas; and Your Choice Pregnancy Resource Center of Kansas City, Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature strongly supports pregnancy maintenance resource centers in their unique, positive contributions to the individual lives of women, men and of babies – both born and unborn; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature commends the compassionate work of tens of thousands of volunteers and paid staff at pregnancy maintenance resource centers in Kansas and across the United States; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature encourages the Congress of the United States and other federal and state government agencies to grant pregnancy maintenance resource centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature disapproves of the actions of any national, state or local groups attempting to prevent pregnancy maintenance resource centers from effectively serving women and men facing unplanned pregnancies; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each pregnancy maintenance resource center in Kansas, to Governor Brownback, to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

CHANGE OF REFERENCE

The President withdrew **SB 267, SB 309; Sub for SB 333; SB 352, SB 355, SB 371, SB 373, Sub SB 397; SB 421**, from the **Calendar** under the heading of General Orders, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 311** from the **Calendar** under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 308, SB 321, SB 359, SB 368, SB 396** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 415** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Assessment and Taxation**.

The President withdrew **Sub for SB 71** from the **Calendar** under the heading of General Orders, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **SB 286** from the Committee on **Financial Institutions and Insurance** and referred the bill to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5033**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5033 was thereupon introduced and read by title.

On emergency motion of Senator Emler, **HCR 5033** was adopted by voice vote.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Bruce moved the Senate concur in House amendments to **SB 83**.

SB 83, AN ACT concerning judges and justices; relating to the employment of retirants; relating to the appointments of court of appeals judge; amending K.S.A. 20-2622, 20-3006 and 20-3010 and K.S.A. 2010 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008 and 20-3009.

On roll call, the vote was: Yeas 17; Nays 22; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Donovan, Kelsey, Longbine, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Marshall, McGinn, Morris, Owens, Reitz, A. Schmidt, V. Schmidt, Schodorf, Teichman, Umbarger, Vratil.

Present and Passing: Steineger.

A call of the Senate was requested by five Senators. The President cited Rule 19 regarding passing on a vote. Senator Steineger stated his reason for the request and upon a voice vote, the explanation was accepted. The call of the Senate was lifted. The motion to concur failed and **SB 83** remains in conference.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on the motion to concur in the House amendments to **SB 83**. This motion is an egregious effort to politicize judicial appointments. Our

current judicial selection process allows for careful consideration of prospective judges and protects the rights of our citizens through subsequent retention elections.

The judiciary, as an independent and co-equal branch of government, was designed to provide stability against the political winds. This is particularly important at the higher level courts. Granting the Governor unilateral appointment power, subject to Senate confirmation, decimates a selection process that has worked well for many years and undermines the integrity and independence of the judicial branch of Kansas government. – ANTHONY HENSLEY

EXPLANATION OF VOTE

MR. PRESIDENT: I have and will continue to vote for the sanctity of life from conception to natural death. This bill is being characterized as a vote against that belief. I regret that, however this is a vote about process – the process of selecting appellate judges. While I do not subscribe necessarily to the current system as the ideal, likewise I do not necessarily believe the Federal system has served us better. I am in favor of finding and adopting the most effective process for Kansans. That being said, Mr. President, I say get on with it, but lets do it in the right venue with the right reasons in mind. This is not the right venue today. – ALLEN SCHMIDT

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **SR 1825**—

A RESOLUTION recognizing the Commissioner of Forestry and the Kansas Forest Service, Kansas State University for providing 125 years of dedicated forestry services to the owners, managers and stewards of the state's forest, trees, natural resources and related industries.

WHEREAS, Kansas established the Commissioner of Forestry Office in 1887 to procure and manage land for forest tree nursery production and to develop public interest in forestry practices; and

WHEREAS, The Commissioner of Forestry's successor office, the Kansas Forest Service, Kansas State University, has 16 decreed powers and duties; and

WHEREAS, Fulfillment of the Kansas Forest Service's decreed powers and duties provide an annual economic impact valued at over \$26 million; and

WHEREAS, The Agency's annual services include:

Forestry training to over 1,000 forest and windbreak landowners and timber harvesters;

helping over 300 forest landowners professionally plant and manage in excess of 5,000 acres of timber;

protecting and reforestation stream corridors to slow sediment deposition in water supply reservoirs, improving water quality and quantity;

helping interested forest and ranchland landowners qualify for over \$100,000 of forestry and windbreak financial assistance through USDA conservation programs;

promoting the harvesting, marketing and utilization of wood products to Kansas landowners, timber harvesters, locally owned sawmills and other wood processing plants;

distributing over 350,000 tree seedlings to 2,400 property owners interested in residential energy savings, livestock protection and improved livestock feed efficiency, wind erosion control, wildlife habitat, Christmas trees, timber products and stream bank erosion control;

helping over 150 communities, home to 85% of the state's population, professionally manage their public tree resources through the local allocation of over \$16 million for tree planting, care and hazard tree removals;

creating jobs and improving the professional care of the state's community forest by training 40 persons with sufficient credentials to become certified arborists;

helping over 500 rural fire districts train volunteers and acquire excess military equipment, which provide wildfire protection services to over 500 rural communities and 46 million acres of land;

helping the Kansas Department of Agriculture survey and monitor forest insects and diseases and, where necessary, establish protection quarantines; and

monitoring, in cooperation with the USDA Forest Service, the size, condition and health of the state's forests through the bi-decadal conduct of state wide forest inventory and analyses: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Kansas Forest Service, Kansas State University, is hereby commended for 125 years of visionary service and passionate dedication to the state's forest, tree, natural resources and related industries, as well as to the owners, managers and stewards of these resources and industries for the environmental, economic and social well-being of the state; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the President, Provost, Dean of the College of Agriculture, Associate Dean of Research, Associate Dean of Extension, Associate Dean of Academics and the Head of the Department of Horticulture, Forestry and Recreation Resources of Kansas State University and the Board of Regents.

On emergency motion of Senator Kelly **SR 1825** was adopted unanimously.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the morning and following afternoon report were adopted.

Recommended **SB 330**, **SB 394** be passed.

SB 304, **SB 322**, **SB 326**, **SB 407**, **SB 424**, **SB 425** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 283** recommending a **Sub SB 283** be adopted, and the substitute bill be passed.

SR 1806 be amended by adoption of the committee amendments, and the resolution be adopted as amended.

HCR 5007 be adopted.

Senator Hensley moved **HCR 5007** be rereferred to the Committee on Judiciary.

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 1; Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, A. Schmidt, V. Schmidt, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Donovan, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schodorf, Steineger, Taddiken, Wagle.

Present and Passing: Huntington.

The motion failed.

Senator Huntington moved to amend **HCR 5007**, on page 1, in line 9, after “rejection” by inserting “unless the United States supreme court upholds the constitutionality of the federal patient protection and affordable care act of 2010 (P.L. 111-148), and amendments thereto, prior September 1, 2012 in which case this proposition shall not be submitted to the qualified electors”.

Upon the showing of five hands a roll call was requested.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, A. Schmidt, V. Schmidt, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Donovan, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

The motion carried and the resolution be adopted as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **Sub SB 39, Sub SB 64, SB 273; Sub SB 282, Sub SB 283; SB 287, SB 304, SB 310, SB 315, SB 322, SB 326, SB 330, SB 357, SB 366, SB 367, SB 372, SB 375, SB 394, SB 406, SB 407, SB 416, SB 417, SB 422, SB 424, SB 425; SR 1806; HCR 5007** were advanced to Final Action and roll call.

Sub SB 39, AN ACT concerning the Kansas offender registration act; relating to aggravated sex offenders; amending K.S.A. 2011 Supp. 22-4902, 22-4904 and 22-4913 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 22-4902a.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

Sub SB 64, AN ACT concerning banking; allowing the obtaining of fingerprints from certain individuals for certain purposes; amending K.S.A. 9-1722 and 9-1801 and K.S.A. 2011 Supp. 9-509 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 273, AN ACT concerning costs for examination of an insurance company; amending K.S.A. 2011 Supp. 40-223 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 282, AN ACT concerning covered offenses and conduct giving rise to forfeiture; relating to fleeing or eluding; amending K.S.A. 2011 Supp. 60-4104 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

The substitute bill passed.

Sub SB 283, AN ACT concerning sheriffs; relating to fees; amending K.S.A. 2011 Supp. 28-110 and repealing the existing section.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Bruce, Haley, Lynn, Masterson, Merrick, Olson, Pilcher-Cook, Pyle, Steineger, Wagle.

The substitute bill passed.

SB 287, AN ACT concerning credit unions; relating to credit union insurance; amending K.S.A. 17-2204, 17-2227 and 17-2246 and repealing the existing sections; also repealing K.S.A. 17-2250, 17-2251, 17-2252, 17-2253, 17-2254, 17-2255, 17-2256, 17-2257, 17-2258, 17-2259, 17-2261, 17-2265, 17-2266 and 17-2267.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love,

Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 304, AN ACT concerning domestic violence; enacting the batterer intervention program certification act; amending K.S.A. 2011 Supp. 12-4509, 21-5414, 21-6604 and 22-4616 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 310, AN ACT concerning water; relating to local enhanced management areas; groundwater management districts.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 315, AN ACT concerning the office of the state bank commissioner; pertaining to certain positions in the unclassified service; amending K.S.A. 2011 Supp. 75-2935b, 75-3135 and 75-3135a and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 322, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; amending K.S.A. 65-409 and K.S.A. 2011 Supp. 8-2107, 8-2110, 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 and 61-4001 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b, 21-6614c, 22-2410a, 28-177a, 38-2312a and 38-2312b.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Reitz,

A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Pilcher-Cook, Pyle, Steineger.

The bill passed, as amended.

SB 326, AN ACT concerning dental hygiene; relating to services for school children; amending K.S.A. 2011 Supp. 65-1456 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 330, AN ACT concerning civil procedure; relating to malpractice liability screening panels; amending K.S.A. 2011 Supp. 60-3502, 60-3503, 60-3505, 65-4901, 65-4902 and 65-4904 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 357, AN ACT concerning agriculture; relating to soil erosion caused by wind; duties of county commissioners, conservations districts; amending K.S.A. 2-2004 and 2-2008 and repealing the existing sections; also repealing K.S.A. 2-2006 and 2-2007 and K.S.A. 2011 Supp. 2-2003 and 2-2005.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 366, AN ACT concerning civil procedure; relating to attachment and garnishment; amending K.S.A. 2011 Supp. 60-736, 60-738, 60-739, 61-3509, 61-3511 and 61-3512 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 367, AN ACT concerning juries; relating to jury lists; jury commissioners; access to tax records; amending K.S.A. 43-162 and K.S.A. 2011 Supp. 79-3234 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3234b.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Pyle.

The bill passed.

SB 372, AN ACT concerning the Kansas money transmitter act; amending K.S.A. 2011 Supp. 9-508, 9-509, 9-510, 9-511, 9-512, 9-513, 9-513a and 9-513c and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 375, AN ACT concerning solid waste; relating to permit exemptions; amending K.S.A. 2011 Supp. 65-3407c and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Schodorf.

The bill passed, as amended.

SB 394, AN ACT concerning the secretary of corrections; relating to transfer or discharge of certain offenders; amending K.S.A. 2011 Supp. 75-5220 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook.

The bill passed.

SB 406, AN ACT concerning the Kansas storage tank act; relating to the underground

storage tank fund; amending K.S.A. 65-34,123 and K.S.A. 2011 Supp. 65-34,102, 65-34,110, 65-34,117, 65-34,131, 65-34,132, 65-34,133 and 65-34,134 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 407, AN ACT concerning mammography examinations; providing for certain information and notice to the patient.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 416, AN ACT concerning the state workplace health and safety program; relating to implementation and administration of the program; pertaining to transfer of the program from the department of health and environment to the department of labor; amending K.S.A. 2011 Supp. 44-575 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 417, AN ACT concerning economic development; relating to the powers, duties and functions transferred to the secretary of commerce from Kansas, Inc.; making changes in references and transfers to state officers and agencies with respect thereto; amending K.S.A. 74-5007a, 74-50,101, 74-8009a, 74-8013, 74-8015, 74-8016, 74-8204, 74-8310 and 74-9306 and K.S.A. 2011 Supp. 12-17,169, 12-17,177, 74-5001a, 74-5049, 74-5089, 74-5095, 74-50,151, 74-8004, 74-8006, 74-8010, 74-8106, 74-8111, 74-8136, 74-8317, 74-8405, 74-99b09, 74-99c07, 74-99e02, 75-2935, 75-2935b, 75-3702k, 75-3702l, 75-3702m and 75-3702n and repealing the existing sections; also repealing K.S.A. 74-8003, 74-8011, 74-8012 and 74-8014 and K.S.A. 2011 Supp. 74-50,134, 74-8001, 74-8002, 74-8005, 74-8007, 74-8102 and 74-99c10.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love,

Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 422, AN ACT concerning courts; relating to judges pro tem; amending K.S.A. 20-310a and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 424, AN ACT concerning the Kansas law enforcement training act; amending K.S.A. 19-801b, 31-157, 74-5601 and 74-5622 and K.S.A. 2011 Supp. 12-1,120, 74-5602, 74-5603, 74-5605, 74-5607, 74-5607a, 74-5608a and 74-5616 and repealing the existing sections; also repealing K.S.A. 74-5618. .

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **SB 424**. It would be “immoral” for me to vote for a certification requirement for the hire of law enforcement for “good moral character” without knowing how that “standard” would be consistently defined in statute. – DAVID HALEY

SB 425, AN ACT concerning courts; relating to court fees and costs; judiciary technology fund; amending K.S.A. 20-1a12, 20-371, 60-2101 and 65-409 and K.S.A. 2011 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 and 61-4001 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b, 21-6614c, 22-2410a, 28-177a, 38-2312a and 38-2312b.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, Haley, Hensley, Merrick, Pyle, Steineger.
The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **Senate Bill 425**. I recognize that we are moving towards e-filing for our Kansas Court system and that there will be additional costs associated with establishing, operating, and maintaining electronic document filing, storage, and management, but I am hopeful there will also be some savings for the court. A federal grant and a recommendation for appropriation of current fees should cover the initial costs in FY 2013 to establish the system. I am comfortable with fees for access of documents for maintenance and operations, but am concerned about additional filing fees that could increase the cost of a lawsuit by a minimum of \$70 (\$10 each for the petition, summons, return of service, journal entry of judgment, garnishment, release of garnishment and satisfaction of judgment). If fees must be used to fund the establishment of an e-filing court system, perhaps a minimal increase in attorney registration fees should be considered. – MARCI FRANCISCO

Senators Haley and Hensley request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **SB 425**.

SR 1806, urging the United States Congress give Kansas an exemption to the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size limits necessary for the economic needs of the state.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The resolution was adopted, as amended.

HCR 5007, to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Donovan, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Schodorf, Steineger, Taddiken, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Owens, Reitz, A. Schmidt, Teichman, Umbarger, Vratil.

A two-thirds constitutional majority having not voted in favor of the resolution, **HCR 5007** was not adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: We are in a battle. The battle about whether the rights of citizens shall be overridden by the Federal Government is raging. We as legislators in the State Senate representing citizens of the state of Kansas should be on the forefront of this battle to protect those rights. Therefore I vote in favor of **HCR 5007**. – STEVE

ABRAMS

Senators Love, Lynn, Masterson, Olson and Pilcher-Cook request the record to show they concur with the “Explanation of Vote” offered by Senator Abrams on **HCR 5007**.

EXPLANATION OF VOTE

MR. PRESIDENT: **HCR 5007** expresses a sentiment with which I heartily concur, to-wit: the federal government cannot mandate individuals purchase healthcare coverage. It is also, however, a waste of public funds, also called taxpayer dollars. The United States Supreme Court will decide whether The Affordable Care Act is constitutional. Once that decision is made, **HCR 5007** will have no real purpose, but will have cost Kansans tens of thousands of dollars, which could better be used to reduce criminal recidivism.

Having said all the foregoing, the measure does not appear to be unconstitutional, immoral or unethical and many of my constituents desire the opportunity to vote on the issue. I therefore vote “aye”. – JAY EMLER

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “NO” on **HCR 5007**. This HCR, regarding the so-called freedom from Healthcare Act, is a feckless, meaningless attempt to decouple Kansas from provisions of the *Patient Protection and Affordable Care Act*, signed into law exactly almost two years ago (nicknamed “Obamacare”).

We should, as a mature, responsible legislature with little time or taxpayer dollars, *stop wasting* our limited session on political posturing, especially on a federal program which will potentially benefit all Kansans; all Americans.

Grow up; move forward colleagues.....*ahead!*

This year, the U.S. Supreme Court will ultimately render a verdict affirming, or not the constitutionality of the Healthcare Act. I believe we, who desire a healthier, more financially secure America, will prevail. And will then, unobstructed finally, go to work....for America. We should not waste \$164,000 of SGF today for a ballot issue that will be decided by the U.S. Supreme Court enacting the Supremacy Clause.

So when Obamacare is working well for the majority of this country, please do yourself two favors, O.K.?

First: Continue to give *credit*, as *Obamacare*, to this Presidential Administration and to the visionary, brave, men and women of the last Congress for its passage, and

Second: “What will the children think?” Our chaplain, Fred Holloman asked us to consider during a prayer last year, so when *Obamacare is* working and the stories of a healthier and more financially secure constituency abound, try not to hang your heads in shame when *your* children and grandchildren ask you: “Tell me why, again were you so against healthcare benefits...?” O.K.? – DAVID HALEY

EXPLANATION OF VOTE

MR. PRESIDENT: The supremacy clause of the United States Constitution says that no state law or state constitution can override federal law. Therefore, a statewide vote on this amendment would have no impact on the federal health care bill.

We can no more vote to stop implementation of federal health care than we could have voted to stop the 1965 voting rights act, anti-trust laws, Social Security or

Medicare. To lead voters to believe a change to our state constitution will stop the federal health care bill from coming to Kansas is misleading and disingenuous. And it's a waste of taxpayer money.

If an amendment to our state constitution were allowed to trump federal law, there could be severe consequences for thousands of disabled and elderly Kansans who rely on programs like Medicare to receive the care they need. Not only would this amendment undermine the viability of our state Medicare program, it could trap clients on Medicaid.

I cannot mislead my constituents nor lead them down a path of unintended consequences. Mr. President, I vote no on **House Concurrent Resolution 5007**. – LAURA KELLY

Senators Francisco, Hensley, Haley, Kultula, Owens, Reitz and Umbarger request the record to show they concur with the “Explanation of Vote” offered by Senator Kelly on **HCR 5007**.

EXPLANATION OF VOTE

MR. PRESIDENT: More than 350,000 Kansas residents currently rely on Medicaid to get the health care services they need to live healthy, independent lives. Among these clients are thousands of rural Kansans.

While I support aspects of this resolution, I fear that an amendment to our state constitution may unintentionally cause irreparable harm to our Medicare program and trap clients on Medicaid.

Until we know more about the affects a constitutional amendment would have on our citizens and their future well being, I felt it was prudent to vote against today's resolution. – ALLEN SCHMIDT

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Wednesday, February 29, 2012.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

