

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 17, 2009—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Hensley and Wysong were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I'd like to begin by quoting one of St. Patrick's prayers:

"I rise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me and God's shield to protect me."

St. Patrick's Day is celebrated in many ways. As for me, it is a good time to thank You for making saints out of sinners.

You made a saint out of a sinner named Peter;
You made a saint out of a sinner named Paul.
You've made saints out of so many sinners,
Only You know the names of them all.

You made saints out of sinners in Corinth,
A city known for its sin.
You made saints out of sinners in Athens
Who were never the same again.

We celebrate the day of St. Patrick,
And rejoice over the life of St. Paul,
But when sinners become saints in Topeka,
It's the biggest celebration of all!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

POINT OF PERSONAL PRIVILEGE

Senator Apple rose on a point of personal privilege to introduce a 4-H group from Franklin County who was in the Capitol to study citizenship.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 322. An act concerning fire insurance premiums; relating to the emergency medical services board operating fund and the fire service training program fund; amending K.S.A. 2008 Supp. 75-1514 and repealing the existing section, by Committee on Ways and Means.

SB 323, An act relating to transportation; providing for a transportation program; concerning the financing thereof; creating the joint committee on multimodal transportation; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2406, 8-2409, 8-2425, 68-416, 68-2316, 68-2320 and 68-2321 and K.S.A. 2008 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 68-2315, 68-2331, 75-5035, 75-5048, 75-5061, 75-5160, 79-3408c, 79-3491a, 79-3492b, 79-34,118, 79-34,141, 79-34,142, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Ways and Means.

SB 324, An act concerning the Kansas commission on rural policy; amending K.S.A. 2008 Supp. 74-99e02 and 74-99e04 and repealing the existing sections, by Committee on Ways and Means.

SB 325, An act concerning employment security law; relating to alternative base periods and benefits for individuals forced to leave employment to care for an ill or disabled family member; amending K.S.A. 2008 Supp. 44-703, 44-705 and 44-706 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 316**.

Assessment and Taxation: **HB 2319**.

Judiciary: **SCR 1615; HB 2084**.

Natural Resources: **SB 315**.

Public Health and Welfare: **HB 2343**.

Ways and Means: **SB 317, SB 318, SB 319, SB 320, SB 321; SCR 1616; HB 2354**.

REFERRAL OF APPOINTMENTS

The following appointment made by the Senate President and submitted to the senate for confirmation, was referred to Committee as indicated:

Kansas Health Policy Authority: E.J. "Ned" Holland, to serve a term of four years, expiring March 15, 2012

(Ways and Means)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2032, HB 2299, HB 2324**.

Announcing passage of **SB 50, SB 240**.

Also, passage of **SB 34**, as amended, **SB 161**, as amended.

The House nonconcur in Senate amendments to **HB 2121**, requests a conference and appoints Representatives Powell, Fund and Svaty as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2265**, requests a conference and appoints Representatives Morrison, Burgess and Trimmer as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2032, HB 2299, HB 2324 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Pilcher-Cook moved the Senate concur in house amendments to **H Sub for SB 238**.

H Sub for SB 238, An act concerning abortion; regarding the woman's right-to-know act; amending K.S.A. 65-6709 and 65-6710 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 6, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ost-meyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Holland, Schodorf, Steineger.
 Absent or Not Voting: Hensley, Wysong.
 The Senate concurred.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote "No" on the Conference Committee Report on the House Substitute for **SB 238**.

Although I honestly believe that knowledge is empowering and that every woman, even during the anxiety associated with a crisis pregnancy, should have as much information about her abortion as possible . . . this bill increases both the cost (by providing an ultrasound per procedure) and the coercion (with an additional "waiting period" and "offer" to "view a picture"), to add to the already potentially distressed patient. Further, this bill once again codifies a misnomer by confusing the medically correct term "fetus" with the invasively inflammatory term "unborn child".—DAVID HALEY

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 84** and requested a conference committee be appointed.

The Vice President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 255; HB 2079** be passed.

Committee on **Federal and State Affairs** recommends **SB 307** be passed.

Committee on **Judiciary** recommends **SB 269; HB 2236**, as amended by House Committee, be passed.

Committee on **Transportation** recommends **Sub HB 2143**, as amended by House Committee of the Whole, be passed.

Committee on **Utilities** recommends **SB 299** be passed.

Committee on **Ways and Means** recommends **HB 2219**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2219," as follows:

"SENATE Substitute for HOUSE BILL No. 2219

By Committee on Ways and Means

"AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; purchase of service credit; state and school employer contribution rate; amending K.S.A. 2008 Supp. 74-4920 and repealing the existing section.";

and the substitute bill be passed.

COMMITTEE OF THE WHOLE

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

On motion of Senator Donovan the following report was adopted:

Recommended: **SB 300; HB 2054** be passed.

SB 218; HB 2052, HB 2098, HB 2171, HB 2233 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 214**, recommending a **Sub SB 214**, be adopted, and the substitute bill be passed.

SCR 1610 be adopted.

Senator Teichman moved to amend **HB 2185**, as amended by House Committee, on page 3, in line 36, by striking "shall" and inserting "may", and **HB 2185** be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 18, 2009.

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

PAT SAVILLE, *Secretary of the Senate*.

