

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 27, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-nine Senators present.  
Senator Donovan were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

One of the first things we discovered after we got here, if we had not already learned it, is that regardless of what we do, some people, maybe most people, are going to be upset.

Some will say we did too much,  
Others.....“Not enough”.  
Some will say we're soft on crime,  
Others say, “Too tough”.

Some say the social issues  
Take entirely too much time.  
Others say they're more important  
Than those that take our time.

Some will say we cut too much,  
Some will say, “Not so”.  
“We cut too little on some of them  
Although they had the dough.”

Some will say we quit too soon,  
But from others we will hear  
How much it costs the tax payers  
The extra days we're here.

Just help us, Lord, to buckle down  
And do the best we can.  
After all, they crucified  
The only perfect Man.

I pray in the Name of Jesus Christ, AMEN

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Education: **HB 2269**.

Ways and Means: **HB 2383**.

**CHANGE OF REFERENCE**

The President withdrew **SB 78** from the Calendar under the heading of General Orders and re-referred the bill to the Committee on **Ways and Means**.

**MESSAGES FROM THE GOVERNOR**

**SB 198** approved March 31, 2011.

**SB 12, SB 24, SB 38, SB 103, SB 119, SB 122** approved on April 7, 2011.

**H Sub for SB 101** approved on April 8, 2011.

**SB 9, SB 112, SB 125, SB 215, SB 224, SB 227, SB 229** approved on April 13, 2011.

**Sub SB 72** approved on April 14, 2011.

**SB 80, SB 210** approved on April 18, 2011.

**MESSAGE FROM THE GOVERNOR**

March 18, 2011

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback  
Governor

*Secretary, Wildlife and Parks*, Robin Jennison (R) Healy, pursuant to the authority vested in me by KSA 32-801 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*State Librarian, Library*, Joanne Budler (U) Auburn, pursuant to the authority vested in me by KSA 75-2535 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

April 20, 2011

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as Governor of the State of Kansas, pursuant to law.

Sam Brownback  
Governor

*Member, Employment Security Board of Review, Patricia Bossert (R), Topeka, pursuant to the authority vested in me by KSA 44-709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2014.*

*Member, Employment Security Board of Review, Hylaurd Wayne Maichel (D), Topeka, pursuant to the authority vested in me by KSA 44-709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015.*

*Member, Pooled Money Investment Board, Robert Chestnut (R), Lawrence, pursuant to the authority vested in me by KSA 75-4221(a) effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2012.*

*Member, Kansas Development Finance Authority, Donald Linville (R), Garden City, pursuant to the authority vested in me by KSA 74-8903 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2015.*

*Brigadier General, Kansas National Guard, Keith Lang (R), Leawood, pursuant to the authority vested in me by KSA 48-208 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.*

April 22, 2011

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as Governor of the State of Kansas, pursuant to law.

Sam Brownback  
Governor

*Executive Director, State Gaming Agency, Mark Dodd (R), Topeka, pursuant to the authority vested in me by KSA 74-9804 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.*

*Member, State Civil Service Board, Phillis Setchell (R), Topeka, pursuant to the authority vested in me by KSA 75-2929(a) effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015.*

*Executive Director, Racing and Gaming, Rick Petersen-Klein (R), Topeka, pursuant to the authority vested in me by KSA 74-8805 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.*

*Member, Kansas Public Employees' Retirement Board of Trustees, Terry Matlack (D), Shawnee, pursuant to the authority vested in me by KSA 74-4905 effective upon the*

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date of confirmation by the Senate, to serve a four year term, to expire January 15, 2015.

*Member, Kansas Corporation Commission*, Mark Sievers (R), pursuant to the authority vested in me by KSA 74-601 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015.

April 7, 2011

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Order No. 11-06 for your information.

Sam Brownback  
Governor

The President announced Executive Order No. 11-06, regarding drought conditions within the state, is on file in the office of the Secretary of the Senate and is available for review at any time.

April 26, 2011

*Message to the Senate of the State of Kansas*

Enclosed herewith is Executive Order No. 11-07 for your information.

Sam Brownback  
Governor

The President announced Executive Order No. 11-07, regarding conditional and temporary relief from motor carrier rules and regulations, is on file in the office of the Secretary of the Senate and is available for review at any time.

**COMMUNICATIONS FROM STATE OFFICERS**

HOUSE OF REPRESENTATIVES  
STATE OF IDAHO

April 13, 2011

Bonnie Alexander, Chief Clerk of the House of Representatives, State of Idaho, has transmitted information on the adoption of House Joint Memorial No. 1, regarding the right of parents to direct the upbringing and education of their children by the Constitution of the United States and the State of Idaho.

SECRETARY OF STATE  
STATE OF NORTH DAKOTA

April 19, 2011

Secretary of State, State of North Dakota, Alvin A. Jaeger has sent information on House Concurrent Resolution No. 3048, a resolution urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to avoid a “runaway convention”, which was recently passed by the 62<sup>nd</sup> Legislative Assembly for the State of North Dakota.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **SB 229**.

Announcing passage of **HB 2382, HB 2390**.

The House adopts the Conference Committee report on **House Substitute for SB 23**.

The House adopts the Conference Committee report on **SB 67**.

The House adopts the Conference Committee report on **SB 123**.

The House adopts the Conference Committee report on **House Substitute for SB 213**.

The House adopts the Conference Committee report on **House Substitute for SB 214**.

The House adopts the Conference Committee report to agree to disagree on **SB 77**, and has appointed Representatives Brown, Suellentrop and Slattery as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 93**, and has appointed Representatives Kinzer, Patton and Pauls as second conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 36** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House adopts the conference committee report on **Substitute HB 2134**.

The House adopts the conference committee report on **HB 2192**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRRENT RESOLUTIONS**

**HB 2382, HB 2390** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1846—

A RESOLUTION congratulating the Olpe High School girls basketball team for winning the State Basketball Championship Class 1A Division I.

WHEREAS, The Olpe High School girls basketball team won the 2011 Kansas State High School Activities Association State Basketball Championship Class 1A Division I with a 63-44 victory over Hoxie High School in the state championship game at White Auditorium in Emporia, Kansas. The Olpe High School Eagles shot 54% from the field and hit all three of their 3-point attempts; and

WHEREAS, The Olpe High School girls basketball team has been in the state

tournament 21 of 33 years; finished 4th place once, 3rd place seven times, 2nd place once and have 3 state championships. The Olpe High School girls basketball team has won 23 league championships and 23 league tournament championships; and

WHEREAS, The Olpe High School girls basketball team's last loss was in the semi-final game of the state tournament in 2008-2009. With the win in the third place game of that year and the 26-0 record in the 2010 season followed by a 26-0 record in the 2011 season, the Olpe girls basketball team has won 53 consecutive games and back to back state championships in 2 different classes: 2A State Champions in the 2009-2010 season and 1A State Champions in the 2010-2011 season; and

WHEREAS, The members of the championship team are: Katelyn Henderson, Kendyl McDougald, Natalie Kuhlmann, Jill Cole, Janae Haag, Emmy Redeker, Elena Flott, Kayla McDougald, Emily Samuels, Taylor Scheidegger, Dalten Benton and Cara Garretson. The head coach is Jesse Nelson, Assistant Coach Carolyn Davis, Manager Sara Wendling and Assistant Managers Frankie Davis and Neleh Davis; and

WHEREAS, Head coach Jesse Nelson has been an Olpe High School basketball coach for 33 years and Olpe Junior High School basketball coach for 30 years. Coach Nelson's high school career record is 718 wins and 95 losses and his junior high career record is 303 wins and 47 losses: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Olpe High School girls basketball team and Coach Jesse Nelson be congratulated for winning the 2011 Kansas High School Activities Association State Basketball Championship Class 1A Division I. Their hard work and athleticism are points of pride for their families, school and community of Olpe, Kansas and Lyon County, Kansas. We extend our best wishes for their continued success and happiness in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send 22 enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1846** was adopted unanimously.

Senator Longbine congratulated and introduced the Olpe High School girl's basketball team for winning the State Basketball Championship Class 1A Division 1. The members of the basketball team present were introduced as follows: Katelyn Henderson, Natalie Kuhlmann, Jill Cole, Elena Flott, and Dalten Benton. Also in attendance were Head Coach Jesse Nelson and Assistant Coach Carolyn Davis. All were welcomed with a standing ovation.

Senators Kelly, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steinger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1847—

A RESOLUTION recognizing April as the month of the military child.

WHEREAS, Former secretary of defense, Caspar Weinberger, established April as the month of the military child in 1986; and

WHEREAS, There are more than 33,000 Kansas military children; and

WHEREAS, From a young age, military children are impacted by multiple duty station changes or the deployment of one or both parents; and

WHEREAS, Military children display remarkable adaptability as they transcend the difficult challenges of moving to new cities and attending new schools; and

WHEREAS, Military children show amazing resiliency in their ability to establish and maintain multicultural, diverse friendships with people from all over the world; and

WHEREAS, Military children develop responsibility, maturity, strength, patience and a sense of pride in helping to keep a stable family system for their younger siblings while a parent is deployed; and

WHEREAS, Military children know and experience great joy when a deployed parent returns home: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the military children of Kansas for the sacrifices they make, the challenges they overcome and the contributions they make to the culture of Kansas; and

*Be it further resolved:* That the Secretary of the Senate shall send 15 enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1847** was adopted unanimously.

Senator Kelly congratulated and commended Kansas military children in recognizing April as the month of the military child. The following students introduced were: Ty Shafer, Toby Sullivan, Jared Brown, Jacob Brown, Ryan Brunner, Jahna Yuhn, Cassidy Seaba, Skylar Dickey, Allyson Henry, Sawyer Green, Mary Powledge, Preston Henry and Reed Wheeler. Also in attendance were: Brigadier General Randal Dragon, Brigadier General Bradley Link, Denise Winton, SPC Stephanie Hodges, Tsgt Deanna Davis, Sophia Olsen, Laura Wheeler, Major Robert Stinson, Cheryl Brown, Richard Sullivan and Lisa Webster. All were recognized with a standing ovation.

#### **REPORT ON ENGROSSED BILLS**

**SB 112** reported correctly re-engrossed April 1, 2011.

**SB 9, SB 80, SB 125, SB 224, SB 227** reported correctly re-engrossed April 4, 2011.

**Sub SB 72** reported correctly re-engrossed April 5, 2011.

#### **REPORT ON ENROLLED BILLS**

**SB 9; Sub SB 72; SB 80, SB 112, SB 125, SB 210, SB 215, SB 224, SB 227, SB 229** reported correctly enrolled, properly signed and presented to the Governor on April 8, 2011.

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

#### **AFTERNOON SESSION**

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

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and the House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 23, H Sub for SB 36; SB 67, SB 77, SB 93, SB 123, SB 136; H Sub for 213, H Sub for SB 214.**

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub for SB 23** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 23, as follows:

On page 1, in line 7, by striking all after "(a)"; by striking all in lines 8 through 12 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the secretary at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.";

Also on page 1, in line 15, by striking all after "(a)"; by striking all in lines 16 through 20 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the commissioner at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.";

Also on page 1, following line 22, by inserting the following:

"Sec. 3. K.S.A. 2010 Supp. 38-2241 is hereby amended to read as follows: 38-2241.

(a) Jurisdiction of the court. Parties and interested parties in a child in need of care proceedings are subject to the jurisdiction of the court.

(b) *Rights of parties.* Subject to the authority of the court to rule on the admissibility of evidence and provide for the orderly conduct of the proceedings, the rights of parties to participate in a child in need of care proceeding include, but are not limited to:

(1) Notice in accordance with K.S.A. 2010 Supp. 38-2236 and 38-2239, and amendments thereto;

(2) present oral or written evidence and argument, to call and cross-examine witnesses; and

(3) representation by an attorney in accordance with K.S.A. 2010 Supp. 38-2205, and amendments thereto.

(c) *Grandparents as interested parties.* (1) A grandparent of the child shall be made an interested party to a child in need of care proceeding ~~if the grandparent notifies the court of such grandparent's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.~~

(2) Grandparents ~~with interested party status~~ shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child. A grandparent may not be prevented under this paragraph from attending the proceedings, having access to the child's official file in the court records or making a statement to the court.

(d) *Persons with whom the child has been residing as interested parties.* (1) Any person with whom the child has resided for a significant period of time within six months of the date the child in need of care petition is filed shall be made an interested party, if such person notifies the court of such person's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.



(2) Persons with interested party status under this subsection shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child.

(e) *Other interested parties.* (1) Any person with whom the child has resided at any time, who is within the fourth degree of relationship to the child, or to whom the child has close emotional ties may, upon motion, be made an interested party if the court determines that it is in the best interests of the child.

(2) Any other person or Indian tribe seeking to intervene that is not a party may, upon motion, be made an interested party if the court determines that the person or tribe has a sufficient relationship with the child to warrant interested party status or that the person's or tribe's participation would be beneficial to the proceedings.

(3) The court may, upon its own motion, make any person an interested party if the court determines that interested party status would be in the best interests of the child.

(f) *Procedure for determining, denying or terminating interested party status.* (1) Upon the request of the court, the secretary shall investigate the advisability of granting interested party status under this section and report findings and recommendations to the court.

(2) The court may deny or terminate interested party status under this subsection if the court determines, after notice and a hearing, that a person does not qualify for interested party status or that there is good cause to deny or terminate interested party status.

(3) A person who is denied interested party status or whose status as an interested party has been terminated may petition for review of the denial or termination by the chief judge of the district in which the court having jurisdiction over the child in need of care proceeding is located, or a judge designated by the chief judge. The chief judge or the chief judge's designee shall review the denial or termination within 30 days of receiving the petition. The child in need of care proceeding shall not be stayed pending resolution of the petition for review.";

And by renumbering remaining sections accordingly;

On page 8, in line 43, after "Supp." by inserting "38-2241,";

On page 1, in the title, in line 1, before "relating" by inserting "relating to grandparents as interested parties;"; in line 3, by striking "need of care" and inserting "the custody of the commissioner"; also in line 3, after "Supp." by inserting "38-2241,";

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

PAT COLLOTON

LANCE KINZER

MELODY MCCRAY-MILLER

*Conferees on part of House*

THOMAS C. OWENS

JEFF KING

DAVID HALEY

*Conferees on part of Senate*

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 23**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 67** submits the following report:

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

On page 2, in line 37 by striking all after "remitted"; by striking all in line 38;

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

SCOTT SCHWAB

MARIO GOICO

ANN E. MAH

*Conferees on part of House*

TERRIE HUNTINGTON

VICKI SCHMIDT

MARCI FRANCISCO

*Conferees on part of Senate*

Senator Huntington moved the Senate adopt the Conference Committee Report on **SB 67**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 77** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

ANTHONY BROWN

GENE SULLENTROP

MIKE SLATTERY

*Conferees on part of House*

SUSAN WAGLE

JULIA LYNN

G. THOMAS HOLLAND

*Conferees on part of Senate*

On motion of Senator Wagle the Senate adopted the conference committee report on **SB 77**, and requested a new conference committee be appointed.

The President appointed Senators Wagle, Lynn and Holland as a second Conference Committee on the part of the Senate on **SB 77**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 93**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LANCE KINZER

JOE PATTON

JANICE L. PAULS

*Conferees on part of House*

PETE BRUNGARDT

ROGER REITZ

*Conferees on part of Senate*

On motion of Senator Brungardt the Senate adopted the conference committee report on **SB 93**, and requested a new conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a second Conference Committee on the part of the Senate on **SB 93**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 123** submits the following report:

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

On page 2, in line 5, by striking "160" and inserting "320"; following line 15 by inserting "(3) The provisions of this subsection shall not apply to any purchase of land by the secretary, which is less than 640 acres in the aggregate and owned by a private individual, if the purchase price is an amount less than such land's appraised valuation.";

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

LARRY POWELL

DAN KERSCHEN

JERRY D. WILLIAMS

*Conferees on part of House*

RALPH OSTMEYER  
 CAROLYN MCGINN  
 MARCI FRANCISCO

*Conferees on part of Senate*

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **SB 123**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub for SB 213**, submits the following report:

The House recedes from all of its amendments to the bill;

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

GARY K. HAYZLETT  
 WILLIE PRESCOTT  
 VINCENT WETTA

*Conferees on part of House*

DWAYNE UMBARGER  
 BOB MARSHALL  
 KELLY KULTALA

*Conferees on part of Senate*

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for SB 213**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub for SB 214** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate

Bill No. 214, as follows:

On page 3, in line 42, preceding the period by inserting "per eligible voter";  
And your committee on conference recommends the adoption of this report.

LARRY POWELL

DAN KERSCHEN

JERRY D. WILLIAMS

*Conferees on part of House*

RALPH OSTMEYER

CAROLYN MCGINN

MARCI FRANCISCO

*Conferees on part of Senate*

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **H Sub for SB 214**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Pilcher-Cook moved the Senate concur in House amendments to **H Sub for SB 36**.

**H Sub for SB 36**, AN ACT concerning abortion; relating to licensure of abortion clinics.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Taddiken, Teichman, Umbarger, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Owens, Schmidt V, Schodorf, Steineger, Vratil.

Absent or Not Voting: Donovan.

The Senate concurred.

MR. PRESIDENT: All Kansans, regardless of gender, deserve to be safe when any procedure of an invasive nature is performed upon their person. While there may be emotional issues incident to an abortion that are different from other procedures, the patients in those other procedures are just as vulnerable to infections and complications as the patient receiving an abortion. Because I believe in the sanctity of the life of every patient, I vote no on **H Sub for SB 36** and urge the proponents to introduce legislation that protects the life of every patient, regardless of gender or procedure.—JAY SCOTT EMLER

Senators Francisco, Haley, Huntington, Kelly, Kultala, Owens, V. Schmidt and

Schdorf request the record to show they concur with the "Explanation of Vote" offered by Senator Emler on **H Sub for SB 36**.

MR. PRESIDENT: I vote NO on the **H Sub for SB 36**.

I agree with other concerns that have been raised, and I am also disturbed by the serious lack of clarity in the wording of the bill. The act says that it relates to licensure of abortion clinics, however "abortion clinic" is not defined nor is it used in the bill. Wording in the bill seems to restrict all abortions performed in a clinic to a facility licensed pursuant to this act, not allowing for a limit of fewer than five per month as indicated in the definition of facility. Furthermore, it calls for the secretary to adopt rules and regulations requiring laboratory tests and then offers the review of the laboratory results weeks after the procedure. If we truly want to protect the health of women, we should work with physicians to write legislation to address issues of concern and write the legislation in a way that makes the regulations and restrictions clear. — MARCI FRANCISCO

MR. PRESIDENT: The added expense of a safe, legal abortion in a registered clinical environment is completely unnecessary and only puts greater burden on average and low income women in a crisis, unplanned or unwanted pregnancy. Kansas government needs to get out of the personal lives of people. With no deaths reported, this can lead us back to "back alley" abortions which no reasonable Legislature should want to go.—DAVID HALEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **H Sub for SB 36**.

MR. PRESIDENT: I am shocked and dismayed than men – and women – of this chamber would show blatant discrimination against women at one of the most vulnerable times in their lives – having an abortion.

Inspection of abortion facilities will protect the life and health of a women much like the legislation this body passed last year in regarding inspection of child care homes to protect the life and health of children. — JULIA LYNN

MR. PRESIDENT: I vote "NO" on **H Sub for SB 36** because the bill represents an egregious example of government waste. This bill provides for two annual inspections of three abortion clinics in the state, a total of six annual inspections. The fiscal note on this bill is \$67,000 per year and one full time equivalent employee. It is incomprehensible to me that the Kansas Department of Health and Environment needs to pay an inspector \$67,000 per year to perform six inspections. That is truly government waste of taxpayer dollars and I oppose such waste. —JOHN VRATIL

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Vratil on **H Sub for SB 36**

Senator Teichman moved the Senate concur in House amendments to **SB 136**.

**SB 136**, AN ACT concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1848—

A RESOLUTION congratulating and commending Tyrel Reed.

WHEREAS, Tyrel Reed, of Burlington, Kansas, is the winningest player in the history of University of Kansas men's basketball with a 132-17 record in his four seasons, and the second winningest player in NCAA Division I men's basketball; and

WHEREAS, During the 2010-2011 season, Tyrel was the only Jayhawk to have started in all 38 games; was named All-Big 12 honorable mention, Capital One Academic All-America First Team, Academic All-Big 12 First Team, CoSIDA Academic All-District 7 and Lowe's Senior CLASS Award All-America First Team; and was the third leading scorer on the team, averaging 9.7 points per game. Tyrel led the University of Kansas men's basketball team as a shooting guard with 72 threes made this season, 56 steals and a 79.8 percent free throw percentage; and

WHEREAS, In his collegiate career at the University of Kansas, Tyrel excelled as a student athlete. He was part of one NCAA National Championship, one NCAA Elite Eight, two NCAA Sweet 16's, four Big 12 regular-season titles and three Big 12 Tournament Championships. Tyrel also graduated from the University of Kansas in 3½ years as a pre-physical therapy and exercise science major, earning a 3.65 grade-point average, and was accepted into the physical therapy program at the University of Kansas Medical Center; and

WHEREAS, Prior to attending the University of Kansas, Tyrel was a legend at the high school level. Tyrel guided Class 3A Burlington High School to three state playoff appearances with one title and a 95-4 four-year record, and in his senior year, he led his high school to a third place finish in the Kansas state playoffs. In doing so, he was named Kansas' Gatorade Player of the Year and Mr. Kansas Basketball; and

WHEREAS, Tyrel has won over a multitude of fans and supporters throughout his high school and collegiate career, but none have been more loyal or supportive than his parents, Stacy and Debbie Reed: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Tyrel Reed upon the completion of his collegiate career in Kansas basketball and wish him great success in his future endeavors. We also thank him for being a role model to a myriad of Kansas youth; and

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1848** was adopted unanimously.

Senator King introduced and congratulated Tyrel Reed for being the winningest player in the history of the University of Kansas men's basketball and the second winningest player in NCAA Division I men's basketball. Also introduced were his parents, Stacy and Debbie Reed and Assistant Coach Barry Hinson. All were recognized with a standing ovation.

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2020**.

The House adopts the Conference Committee report on **HB 2076**.

The House adopts the Conference Committee report on **HB 2104**.

The House adopts the Conference Committee report on **HB 2105**.

The House adopts the Conference Committee report on **HB 2147**.

The House adopts the Conference Committee report on **HB 2151**.

The House adopts the Conference Committee report on **HB 2172**.

The House adopts the Conference Committee report on **Substitute HB 2271**.

The House not adopts the Conference Committee report on **HB 2044**, requests a conference and appoints Representatives Colloton, Kinzer and McCray-Miller as 2<sup>nd</sup> conferees on the part of the House.

The House not adopts the Conference Committee report on **S Sub for HB 2049**, requests a conference and appoints Representatives Colloton, Kinzer and McCray-Miller as 2<sup>nd</sup> conferees on the part of the House.

The House not adopts the Conference Committee report on **HB 2119**, requests a conference and appoints Representatives Huebert, Seiwert and Mah as 2<sup>nd</sup> conferees on the part of the House.

The House announced the appointment of Representative Loganbill as a conferee on **H Sub for SB 36** to replace Representative Pauls.

The House announced the appointment of Representative Carlson as a conferee on **HB 2014** to replace Representative Kelley.

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Thursday, April 28, 2011.

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

PAT SAVILLE, *Secretary of the Senate*.

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