

# Journal of the Senate

## TWELFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 25, 2012, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with forty senators present.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When the roll is called  
On most any day,  
It's easy to vote  
Either Aye or Nay.

But when folks get angry  
When I vote either way,  
I dream of alternatives  
To Aye and to Nay.

When I'm really not sure  
Which way I should go,  
I'm tempted to say,  
"I vote Yes and No."

When either way I vote  
I'll live to regret it,  
I'd like to respond,  
"Just forget it!"

If only a few items  
Cause me to doubt,  
A line item veto  
Would really help it out.

But I'm quite aware  
The reason I'm here  
Is to make the hard choices  
Which are bound to appear

Lord, give me the wisdom  
 To make the best choices,  
 And a thick skin to cope  
 With the critical voices.

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 Longbine rose on a Point of Personal Privilege to introduce Dr. Michael Shonrock, President of Emporia State University.

Senator Ostmeyer rose on a Point of Personal Privilege to introduce his daughter and son-in-law, Chris and Dan Niblock and grandson, Kyler.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**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, by Committee on Judiciary.

**SB 331**, AN ACT concerning the board of cosmetology; relating to licensure and renewal; amending K.S.A. 65-1904a and repealing the existing section, by Committee on Public Health and Welfare.

**SB 332**, AN ACT concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-304 and 41-713 and K.S.A. 2011 Supp. 41-102, 41-301, 41-303, 41-310, 41-311, 41-313, 41-317, 41-326 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103, 41-308 and 41-711, by Committee on Federal and State Affairs.

**SB 333**, AN ACT concerning elections; relating to petitions; amending K.S.A. 2011 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4306, 25-4310 and 25-4320 and repealing the existing sections, by Committee on Ethics and Elections.

**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, by Committee on Transportation.

**SB 335**, AN ACT designating the junction of interstate 70 and United States highway 183 as the CW2 Bryan J. Nichols fallen veterans memorial interchange, by Senators A. Schmidt, Abrams, 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, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle.

**SB 336**, AN ACT concerning the adjutant general; relating to the funding for disasters; KUSF; insurance fees and premium taxes; creating the disaster reimbursement fund; amending K.S.A. 2011 Supp. 66-2008 and 66-2010 and repealing

the existing sections, by Committee on Ways and Means.

**SB 337**, AN ACT concerning the adjutant general; relating to the charging of fees; vulnerability assessments; hazardous materials; creating the Kansas emergency management and homeland security fund, by Committee on Ways and Means.

**SB 338**, AN ACT concerning retirement and pensions; enacting the Kansas public employees retirement system act of 2014; providing terms, conditions, benefits and requirements related thereto for certain new members and existing members; relating to benefits and contributions; election for certain existing members; elimination of cap on increase in employer contributions and service credit purchases; amending K.S.A. 2011 supp. 74-4914d and 74-4920 and repealing the existing sections; also repealing K.S.A. 74-4919a, 74-4919g, 74-4919i, 74-4919k, 74-499n, 74-4919p, 74-4919q, 74-4919r and 74-4919s and K.S.A. 20010 Supp. 74-4914d, as amended by section 1 of chapter 98 of the 2011 Session Laws of Kansas and 74-4920, as amended by section 4 of chapter 98 of the 2011 Session Laws of Kansas and K.S.A. 2011 Supp. 74-4919h, 74-4919j, 74-4919l, 74-4919m, 74-4919o, 74-4919u and 74-4919v, by KPERS Select.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 323**.

Judiciary: **SB 320, SB 321, SB 322**.

Public Health and Welfare: **SB 324, SB 325, SB 326, SB 327, SB 328**.

Transportation: **SB 329; SR 1805**.

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS EMPLOYMENT FIRST OVERSIGHT COMMISSION

January 23, 2012

In compliance with KSA 44-1136, the Kansas Employment First Oversight Commission submitted the commission's annual report to the Governor and members of the Kansas Legislature.

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

#### CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the Senate for confirmation, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Committees:

*By the Governor:*

On the appointment to the:

Kansas Agricultural Remediation Board:

Gary Starr, term expires March 15, 2015.

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 and Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas Human Rights Commission:

Terry Crowder, term expires January 15, 2015.

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 and Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas Human Rights Commission:

Pat Hill, term expires January 15, 2015.

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 and Wagle.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Neal Bernauer, term expires March 15, 2014.

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 and Wagle.

The appointment was confirmed.

## REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 292, 293, 297** be passed.

Also **SB 280** be amended on page 1, in line 25, by striking "direct"; and inserting "order"; in line 28, after "evaluation" by inserting "ordered by the court"; in line 31, after "evaluation" by inserting "ordered by the court"; and the bill be passed as amended.

**SB 291** be amended on page 1, in line 29, by striking "may" and inserting "is not

presumed to"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 265** be passed.

Committee on **Local Government** recommends **SB 207** be passed.

Committee on **Ways and Means** recommends **SB 259** be passed.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Thursday, January 26, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

