

# Journal of the Senate

FIFTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 28, 2012, 10:00 a.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,

From time to time we have a tendency to forget what kind of God You are.  
Forgive us for treating You as if You were.....

Some sort of supernatural sounding board;  
A spiritual 911 who never responds to our call;  
A cultural antique handed down from generation to generation;  
A naturalistic symbol to keep the masses preoccupied;  
A scapegoat to blame for failures, aches and pains, untimely deaths, and our own bad judgments;  
An indulgent grandfather who tolerates anything and everything;  
A lucky charm we rub when we encounter icy streets, tornadoes, lottery tickets, and flashing lights on patrol cars;

Remind us, O God, that You can raise up nations and You can bring them down.  
That without You no government can survive forever.  
Remind us that You are the Creator and we are the creatures, because we are prone to get it backwards.

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 A. Schmidt rose on a Point of Personal Privilege to introduce the following schools in the 36<sup>th</sup> and 40<sup>th</sup> Senate Districts being represented: the Ellis Railroaders, the Stockton Tigers and the Kennedy Fighting Irish. Also introduced was Jeff Richmeier, their sponsor.

Senator Hensley rose on a Point of Personal Privilege to introduce two US Government Classes from Highland Park High School and their teacher, Heather Haworth, who were visiting the Capitol.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Agriculture: **HB 2761**.

Financial Institutions and Insurance: **HB 2764**.

Judiciary: **HB 2741**.

Ways and Means: **HB 2561, HB 2745**.

**MESSAGE FROM THE GOVERNOR**

March 23, 2012

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

Enclosed herewith is Executive Order No. 12-04 for your information.

Sam Brownback  
Governor

The Vice President announced Executive Order 12-04, for Regional Emergencies 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.

**REPORT ON ENROLLED BILLS**

**SR 1844, SR 1845, SR 1846** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 28, 2012.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. **1847**—

A RESOLUTION congratulating and commending  
Leavenworth county treasurer Janice Young.

WHEREAS, Leavenworth county treasurer Janice Young will be retiring after 30 years of service to the Leavenworth county treasurer's office; and

WHEREAS, Ms. Young started her career in 1982 as a front line tax clerk. She was promoted 5½ years later to deputy treasurer. She served as deputy treasurer until 1998; and

WHEREAS, As deputy treasurer, Ms. Young had to learn the job on her own, as there was no one to teach her how to perform the distribution functions required by her new title. The methods she developed for distributions as deputy treasurer are still used in the treasurer's office today; and

WHEREAS, Ms. Young was elected Leavenworth county treasurer in 1998, a position she has held ever since; and

WHEREAS, Since becoming county treasurer, Ms. Young has made the office more efficient by cross-training staff, which saves money as any employee can fill any position as necessary; and

WHEREAS, Ms. Young grew up on a farm in the town of Finley, North Dakota. She credits that small-town upbringing with teaching her the importance of dedication to her job and a strong work ethic; and

WHEREAS, Ms. Young looks forward to retirement and spending more time with her family, including Ray, her husband of 44 years, her two daughters, six grandchildren and two great-grandchildren: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Janice Young on her years of service to Leavenworth county and the state of Kansas. We extend our best wishes for her continued success and happiness; and

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

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

Senator Kultala introduced and congratulated Janice Young, the Leavenworth County Treasurer, upon her retirement of thirty years of service. Also introduced were: her husband, Ray Young, daughters, Michelle Baker and Tanya Lockhart, granddaughters, Amber Baker, Bethany Lockhart, Ashley Young, and grandson, Robert Young. Also introduced were members of Janice Young's staff: Janet Klasinski, County Clerk, Stacy Driscoll, Register of Deeds, Cindy Henry and Lisa Crook, Deputy Treasurers, and Diane Collins, Human Resource Director. The Senate welcomed the guests with a standing ovation.

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

SENATE RESOLUTION No. **1848**—

A RESOLUTION congratulating and commending the Labette Community College Cardinals for winning the 2012 NJCAA wrestling championship and Coach Joe Renfro for winning NJCAA wrestling coach of the year.

WHEREAS, The Labette Community College wrestling team won their second NJCAA wrestling championship on February 25, 2012 in Rochester, Minnesota; and

WHEREAS, Nine Labette Community College wrestlers earned All-American status, which requires a top eight finish, and two wrestlers won individual national championships; and

WHEREAS, The Labette Community College Cardinals tied the all-time record for most points scored in the NJCAA wrestling tournament; and

WHEREAS, Coach Joe Renfro has won NJCAA wrestling coach of the year three times in his career, in 2005, 2010 and following the 2012 NJCAA national wrestling tournament; and

WHEREAS, The 2012 NJCAA national champion Labette Community College Cardinals team members are Garrett Jones, All-American, 125 pound weight class, 5<sup>th</sup> place, Eric Hughes, All-American, 133 pound weight class, 5<sup>th</sup> place, Jordan Basks, All-American, 141 weight class, 3<sup>rd</sup> place, Jeromy Davenport, All-American, 149 pound weight class, 5<sup>th</sup> place, Devin Aguirre, All-American, 157 pound weight class, champion, Ethan Orr, All-American, 165 pound weight class, champion, Ray Hall, All-American, 174 pound weight class, 3<sup>rd</sup> place, John Hambleton, 184 pound weight class, Zach Anderson, All-American, 197 pound weight class, 2<sup>nd</sup> place, and Trey Page, All-American, Heavyweight, 2<sup>nd</sup> place. The team was coached by Joe Renfro, Head Coach,

Dennis Siegmann, Assistant Coach, William Weber, Assistant Coach and Ben McKenzie, Athletic Trainer: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Labette Community College Cardinals and Coach Joe Renfro for their hard work and dedication that led to this outstanding season, the 2012 NJCAA wrestling championship and the NJCAA coach of the year award; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to each of the wrestlers and coaches on the NJCAA champion Labette Community College wrestling team and one enrolled copy to Labette Community College.

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

Senator Umbarger introduced and congratulated the Labette Community College wrestling team for winning the 2012 NJCAA wrestling championship and Head Coach Joe Renfro for winning the NJCAA wrestling coach of the year. The following members of the wrestling team are: Garrett Jones, Eric Hughes, Jordan Basks, Jeromy Davenport, Devin Aguirre, Ethan Orr, Ray Hall, John Hambleton, Zach Anderson, Trey Page, Assistant Coaches, Dennis Siegmann and William Weber, and Athletic Trainer, Ben McKenzie. All were recognized for their accomplishments with a standing ovation.

#### **ORIGINAL MOTIONS**

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2313**.

The Vice President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2318**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Apple, the Senate acceded to the request of the House for a conference on **S Sub for HB 2390**.

The President appointed Senators Apple, Petersen and Kultala as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2505**.

The President appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2568**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **HB 2631**.

The President appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2684**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Emler, the Senate recessed until 2:30 p.m.

#### AFTERNOON SESSION

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

#### CHANGE OF REFERENCE

The President withdrew **HB 2562**, **HB 2647** from the Committee on **Ways and Means**, and placed on the calendar under the heading of General Orders.

#### MESSAGE FROM THE HOUSE

Announcing passage of **SB 425**, as amended by **House Substitute for SB 425**.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 79** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 114** and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 148** and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 207** and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Substitute SB 283** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 306** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 307** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 341** and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 394** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 416** and has appointed Representatives Brown, Suellentrop and Slattery as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2416**, **HB 2461**; **Senate Substitute for HB 2526**, **Substitute HB 2659**; **HB 2660**, **HB 2674**, **HB 2685**.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2454**, requests a conference and has appointed Representatives Gordon, Kleeb and Winn as conferees on the part of the House.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Owens moved the Senate concur in House amendments to **H Sub for SB 74**.

**H Sub for SB 74**, AN ACT concerning civil procedure; relating to social and rehabilitation services; amending K.S.A. 60-1501 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 Brungardt moved the Senate concur in House amendments to **SB 301**.

**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.

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 V. Schmidt moved the Senate concur in House amendments to **SB 303**.

**SB 303**, AN ACT concerning disposition of unclaimed cremated remains; relating to veterans cremated remains; amending K.S.A. 65-1732 and repealing the existing section; also repealing K.S.A. 65-1733.

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 Owens moved the Senate concur in House amendments to **SB 424**.

**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 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.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

#### SENATE RESOLUTION No. 1849—

A RESOLUTION congratulating Gilbert and Barbara Knipp  
on being named the longest married couple in Kansas.

WHEREAS, Gilbert and Barbara Knipp have been married for 72 years and were selected as the Longest Married Couple in Kansas by Worldwide Marriage Encounter; and

WHEREAS, Seventy-four years ago, Gilbert Knipp was living in Scott City and made a trip to Wichita with a few friends to look at farm equipment. He had no idea he would meet his wife that day; and

WHEREAS, Gilbert and his friends stopped at a house while in Wichita, where he met Barbara. Barbara was engaged at the time, but she knew instinctively that Gilbert was the man for her; and

WHEREAS, That very night, Gilbert, Barbara and some friends went dancing, which sealed the deal for Barbara. She was head over heels for Gilbert; and

WHEREAS, When Gilbert and his friends drove back to Scott City, Barbara's mother rode with them and during the ride, Barbara's mother told Gilbert that Barbara was in love with him; and

WHEREAS, Gilbert and Barbara spent the next two years in a long-distance relationship writing numerous letters back and forth as he was in Scott City and she was in Wichita; and

WHEREAS, The couple married on June 14, 1939, at the Cathedral of the Immaculate Conception in Wichita, and

WHEREAS, After nearly 73 years of marriage, they have six children, Daniel, Sara, Anita, John, Sam and Ruth, 14 grandchildren, 28 great-grandchildren and two great-great-grandchildren; and

WHEREAS, Gilbert and Barbara credit their deep religious faith and shared interests with the longevity of their relationship; and

WHEREAS, The couple says they cannot imagine a better life or having lived it with anyone else: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Gilbert and Barbara Knipp on being named the longest married couple in Kansas and commend them on 72 years of marriage. We wish them and the entire Knipp family continued

love and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1849** was adopted unanimously.

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

SENATE RESOLUTION No. 1850—

A RESOLUTION congratulating the Scott Community High School wrestling team on winning the 2012 Class 3-2-1A State Title.

WHEREAS, The Scott Community High School wrestling team won the 2012 Class 3-2-1A State Championship. The team scored 93.5 points, outscoring runner-up Hoisington by 15.5 points; and

WHEREAS, The state champion wrestling team consists of team members Manny Turner (170 pounds), Michael McEachern (225 pounds), Luke Hayes (285 pounds), Clay Mulligan (132 pounds), Alex Kough (120 pounds) and James Jurgens (103 pounds). The Beavers are led by coach Jon Lippelmann; and

WHEREAS, Senior heavyweight Luke Hayes won his second consecutive state title by pinning Trevin Edelman of Sabetha in two minutes and 34 seconds. The win capped an undefeated season for Mr. Hayes; and

WHEREAS, This is Scott Community High School's fourth state championship in school history, but its first in Class 3-2-1A; and

WHEREAS, The team had the tremendous support of administrators, faculty, students, parents and the community: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Scott Community High School wrestling team and coaches on winning the 2012 Class 3-2-1A state wrestling championship and that we extend our best wishes for their continued success; and

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies of this resolution to Scott Community High School.

On emergency motion of Senator Ostmeyer **SR 1850** was adopted unanimously.

On motion of Senator Emler the Senate adjourned until 10:00 a.m. Thursday, March 29, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*



### CORRECTION OF THE JOURNAL

Correct the Journal of the Senate on Tuesday, March 27, 2012, on page 2081, under the heading of **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR** by striking Senator Haley's motion to nonconcur and send back to committee and place on page 2080 under the same heading under Senator Owen's motion to concur on **S Sub for Sub SB 159** the following: Senator Haley made a



substitute motion to nonconcur and a new conference committee be appointed. The motion failed.