

# Journal of the Senate

## ELEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 29, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with forty senators present.  
Invocation by Father Don Davidson:

This prayer will be prayed today at the National Cathedral in Washington, D.C. in honor of the 152nd anniversary of Kansas statehood.

Open sky, open land; Open face, open heart; So hast Thou made Kansas and her children, Lord.

Homesteads for weather, Hands for work; Fibre of human souls; Thou hast winnowed on the prairie.

Bless that free soil, O God, Her hills of flint, Her miles of wheat, Her flowers in the sun, And steady servants of Thine unswerving truth. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

In recognition of Kansas Day, President Wagle introduced Caleb McGinn, son of Senator Carolyn McGinn, to lead the body in the singing of the Kansas State song, Home on the Range. Caleb is a songwriter/recording artist who was recently recognized as a 2012 International Acoustic Awards winner.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 83**, AN ACT concerning taxation; relating to delinquent tax liabilities; service fees, remittance; amending K.S.A. 2012 Supp. 75-5162 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 84**, AN ACT concerning sales and use taxation; relating to nexus; amending K.S.A. 2012 Supp. 79-3702 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 85**, AN ACT concerning insurance; pertaining to proof of motor vehicle liability insurance; amending K.S.A. 2012 Supp. 8-173, 8-1604, 40-3104 and 40-3118 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 86**, AN ACT concerning agriculture; relating to the plant pest and agriculture

commodity certification act; live plant dealer's licenses; amending K.S.A. 2012 Supp. 2-2120 and repealing the existing section, by Committee on Agriculture.

**SB 87**, AN ACT concerning livestock; relating to the establishment of the Kansas equine education and promotion board, by Committee on Agriculture.

**SB 88**, AN ACT concerning crimes, punishment and criminal procedure; relating to certain defendants; children's advocacy center assessment fee; amending K.S.A. 20-370 and repealing the existing section, by Committee on Judiciary.

**SB 89**, AN ACT concerning interest on judgments; amending K.S.A. 16-201 and 16-204 and repealing the existing sections, by Committee on Judiciary.

**SB 90**, AN ACT concerning consumer protection; relating to private remedies; amending K.S.A. 50-634 and repealing the existing section, by Committee on Judiciary.

**SB 91**, AN ACT concerning the adjutant general; relating to the funding for disasters; creating the disaster reimbursement fund, by Committee on Federal and State Affairs.

**SB 92**, AN ACT concerning crimes, punishment and criminal procedure; relating to sexually violent crimes; law enforcement reports on the presence of pornographic materials, by Senator Smith.

**SB 93**, AN ACT concerning civil procedure; relating to remote claim liens on commercial property; establishing the state construction registry; amending K.S.A. 60-1103, 60-1110 and 60-1111 and repealing the existing sections, by Committee on Commerce.

**SB 94**, AN ACT concerning certain crimes and punishments; amending K.S.A. 2012 Supp. 21-5111 and repealing the existing section, by Committee on Federal and State Affairs.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Ethics, Elections and Local Government: **SCR 1607**.

Judiciary: **SB 80**, **SB 81**.

Utilities: **SB 82**.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

Senator Masterson moved the Senate concur in House amendments to **SCR 1604**.

**SCR 1604**, adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

The Senate concurred.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1706—

A RESOLUTION recognizing National Catholic Schools Week.

WHEREAS, The week of January 27, 2013, to February 2, 2013, has been designated as National Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops; and

WHEREAS, The theme for the National Catholic Schools Week 2013 is "Catholic Schools Raise the Standards." The 2013 theme supports the recent launch of the National Standards and Benchmarks for Effective Catholic Elementary and Secondary Schools, that ensures the effective operation and responsible governance of Catholic schools across the country, thus promoting high academic standards and Catholic identity; and

WHEREAS, Catholic schools in the United States are internationally acclaimed for their academic excellence and provide students with more than an exceptional scholastic education; and

WHEREAS, Catholic schools instill a broad, values-added education emphasizing the lifelong development of moral, intellectual and social values in young people in the United States; and

WHEREAS, Catholic schools produce students strongly dedicated to their faith, values, families and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

WHEREAS, Catholic schools are committed to community service, producing graduates who hold "helping others" as one of their core values; and

WHEREAS, In the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."; and

WHEREAS, There are 45 Catholic schools of the Archdiocese of Kansas City in Kansas, with a total enrollment of 15,234 students and 7 Catholic schools of the Diocese of Dodge City, Kansas, with a total enrollment of 989 students. There are 16 Catholic schools of the Diocese of Salina, Kansas, with a total enrollment of 2,798 students and 38 Catholic schools of the Diocese of Wichita, Kansas, with a total enrollment of 10,671 students; and

WHEREAS, There are a total of 90 elementary schools and 16 high schools within the Kansas Catholic schools system, totaling 29,692 enrolled students; and

WHEREAS, Almost every Catholic school in Kansas celebrates National Catholic Schools Week with a special All School Mass. In addition, Kansas Catholic schools often host a teacher appreciation day, special service day, special prayer day, student appreciation day and a family appreciation day; and

WHEREAS, Examples of activities undertaken by Kansas Catholic schools during National Catholic Schools Week include writing letters to nursing homes or homeless ministries, praying each class hour and baking cookies for parents who drop off their children at school each morning; and

WHEREAS, Eight Catholic elementary schools and one Catholic high school in Kansas received the 2012 Kansas Governor's Achievement Award. To receive such a prestigious award, a school must have achieved the Standard of Excellence in both reading and mathematics and been among the top 5% of schools in both reading and mathematics in 2012: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we support the continued dedication of Catholic schools across Kansas toward academic excellence and the key role Catholic schools play in promoting and ensuring a brighter, stronger future for students; and

*Be it further resolved:* That we support the goals of National Catholic Schools Week and recognize the vital contributions of Kansas Catholic schools; and

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

On emergency motion of Senator Bowers **SR 1706** was adopted unanimously.

## REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 46** be amended on page 1, in line 26, after "days" by inserting ", whichever event occurs first,"; and the bill be passed as amended.

## COMMITTEE OF THE WHOLE

On motion of Senator Bruce, 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:

**SB 20** be passed.

**SB 18** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**SB 37** be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m. Wednesday, January 30, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

DIANE MINEAR, *Secretary of the Senate.*

