

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 14, 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:

“God is love and where true love is, God himself is there.” By a mysterious tradition, today our thoughts turn to the wonder of human love and relationships. Those of us who have made vows of lasting commitment; normally make sure that we find an opportunity to send a gift, a card, or song to our love. We thank you Lord for the example of marriages lasting decades and we know in our heart that nothing so rare and wonderful is possible without your presence. Today we give thanks for love, that human mystery that makes life so much more interesting, wonderful if not always unpredictable. We give thanks for those we love and we pray that while we are absent from them, we may love them even more...in your name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 200, AN ACT concerning meetings; relating to open meetings; amending K.S.A. 2012 Supp. 75-4317a and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 201, AN ACT concerning school districts; enacting the school district budget law; amending K.S.A. 12-1765, 44-505e, 75-4322, 79-1808 and 79-2925 and K.S.A. 2012 Supp. 12-2615, 72-8415a, 75-37,125, 75-4330, 75-4332, 75-6110, 79-2926 and 79-2927 and repealing the existing sections; also repealing K.S.A. 72-8204a, by Committee on Education.

SB 202, AN ACT concerning agriculture; relating to agricultural production firms; high performance incentive program qualification for certain firms; amending K.S.A. 2012 Supp. 74-50,131 and repealing the existing section, by Committee on Agriculture.

SB 203, AN ACT concerning intoxicating liquor; dealing with club and drinking establishments; amending K.S.A. 2012 Supp. 41-2640 and repealing the existing section, by Committee on Federal and State Affairs.

SB 204, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; certain member elections; retirement benefit determinations, one-time payment; membership; amending K.S.A. 2012 Supp. 74-

49,135, 74-49,205, 74-49,301, 74-49,306, 74-49,308, 74-49,313 and 74-49,315 and repealing the existing sections, by Committee on Ways and Means.

SB 205, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; interest credits and annuity interest rate; amending K.S.A. 2012 Supp. 74-49,306, 74-49,308 and 74-49,313 and repealing the existing sections, by Committee on Ways and Means.

SB 206, AN ACT concerning the oil and gas valuation depletion trust fund; releasing moneys in the county's county oil and gas valuation depletion trust fund to the county general fund; abolishing the fund; amending K.S.A. 2012 Supp. 19-101a and 79-4227 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 19-271 and 79-4231, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 191**.

Assessment and Taxation: **SB 188, SB 189**.

Commerce: **SB 187, SB 195, SB 198**.

Education: **SB 192, SB 196**.

Judiciary: **SB 190; HB 2041, HB 2065, HB 2114**.

Public Health and Welfare: **SB 197, SB 199**.

Utilities: **SB 193**.

Ways and Means: **SB 194**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2011, HB 2096, HB 2141**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2011, HB 2096, HB 2141 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 107, AN ACT concerning public health and social services; relating to powers, duties and functions transferred to Kansas department for aging and disability services from Kansas department for children and families and the department of health and environment; updating references and corresponding changes due to Executive Reorganization Order No. 41, published in chapter 1895 of the 2012 Session Laws of Kansas; amending K.S.A. 12-736, 12-4808, 16-304, 16-311, 17-2264, 17-5829, 20-319, 22-3723, 22a-243, 22a-244, 38-134, 38-320, 38-1808, 38-1817, 38-1819, 38-1820, 38-1821, 38-1822, 38-1901, 38-2002, 39-110, 39-111, 39-702, 39-708c, 39-708d, 39-711a, 39-718b, 39-719e, 39-740, 39-744, 39-751, 39-753, 39-755, 39-758, 39-782, 39-783, 39-786, 39-787, 39-788, 39-7,100, 39-7,100a, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,109, 39-7,122, 39-7,123, 39-7,125, 39-7,127, 39-7,128, 39-7,130, 39-7,131, 39-7,139, 39-960, 39-1208, 39-1209, 39-1302, 39-1410, 39-1434, 39-1435, 39-1501, 39-1602, 39-1603, 39-1604, 39-1612, 39-1613, 39-1703, 39-1704, 39-1804, 40-2d02, 40-2256, 40-22a05, 40-3227, 41-1126, 59-2006, 59-2006b, 59-2006c, 59-2130, 59-2135, 59-2801, 59-2803, 59-2963, 59-2968, 59-2981, 59-29b57, 59-29b60, 59-29b63, 59-29b78, 59-29b81, 59-3065, 59-3067, 59-3070, 59-3080, 59-3094, 60-2204, 60-2310,

60-2401, 65-116i, 65-116j, 65-116k, 65-116l, 65-116m, 65-1,108, 65-1,120, 65-1,159, 65-1,162, 65-1,165, 65-507, 65-513, 65-2422b, 65-3507, 65-4432, 65-5101, 65-5115, 65-5902, 72-1046, 72-3608, 72-4311, 72-4314a, 72-4316, 72-8239, 72-8243, 72-89a02, 72-89b03, 74-5502, 74-5505, 74-6901, 74-6904, 74-7801, 75-2935c, 75-3303, 75-3303a, 75-3304, 75-3304a, 75-3307, 75-3315, 75-3323, 75-3328, 75-3337, 75-3338, 75-3339a, 75-3340, 75-3343a, 75-3347, 75-3354, 75-3728a, 75-5308e, 75-5309a, 75-5310, 75-5310a, 75-5313, 75-5316a, 75-5319, 75-5320, 75-5321, 75-5326, 75-5328a, 75-5343, 75-5344, 75-5345, 75-5365, 75-5371, 75-5375, 75-5376, 75-5381, 75-5382, 75-5383, 75-5386, 75-5391, 75-5393, 75-53,100, 75-5902, 75-5923, 75-5925, 75-5940, 75-5946, 75-5947, 75-5949, 75-5952, 75-5956, 76-170, 76-175, 76-317, 76-1237, 76-12a16, 76-12a17, 76-12a22, 76-12a30, 76-1528, 76-17a10, 76-17c07, 76-1936, 76-1958 and 78-101 and K.S.A. 2012 Supp. 8-255, 8-1008, 8-1567, 9-1216, 12-4509, 12-4516, 12-4516a, 16-312, 17-1762, 19-4001, 19-4007, 20-378, 20-380, 21-5413, 21-5512, 21-5914, 21-5926, 21-5927, 21-6602, 21-6614, 21-6702, 21-6708, 22-2410, 22-3302, 22-3303, 22-3305, 22-3428, 22-3727a, 22-4612, 23-2202, 23-2203, 23-2204, 23-2209, 23-2212, 23-2213, 23-2219, 23-3102, 23-3109, 23-3113, 23-3114, 23-3121, 23-3210, 23-36,201, 23-36,310, 32-906, 32-918, 32-930, 38-143, 38-144, 38-1604, 38-1608, 38-1664, 38-2202, 38-2212, 38-2222, 38-2223, 38-2226, 38-2247, 38-2261, 38-2282, 38-2304, 38-2310, 38-2312, 38-2319, 38-2326, 38-2335, 38-2350, 38-2356, 38-2361, 39-709, 39-717, 39-754, 39-756, 39-757, 39-760, 39-784, 39-785, 39-7,108, 39-7,129, 39-7,132, 39-7,134, 39-7,135, 39-7,138, 39-7,151, 39-7,155, 39-7,156, 39-7,157, 39-7,158, 39-7,159, 39-7,160, 39-7,162, 39-923, 39-924, 39-926, 39-930, 39-935, 39-936, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-947a, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-968, 39-969, 39-970, 39-971, 39-1002, 39-1202, 39-1402, 39-1404, 39-1405, 39-1406, 39-1407, 39-1408, 39-1409, 39-1411, 39-1430, 39-1431, 39-1432, 39-1433, 39-1436, 39-1443, 39-1605, 39-1803, 40-2,111, 40-2134, 40-3401, 40-4704, 41-2622, 44-508, 44-575, 44-577, 46-922, 46-1208e, 46-2801, 59-2122, 59-2123, 59-2132, 59-2946, 59-2972, 59-2978, 59-29a02, 59-29a07, 59-29a11, 59-29a22, 59-29b46, 59-29b66, 59-3069, 60-2308, 65-1,246, 65-445, 65-503, 65-504, 65-506, 65-508, 65-516, 65-1456, 65-1673, 65-1674, 65-2409a, 65-2422d, 65-2895, 65-3503, 65-3504, 65-3506, 65-4024a, 65-4024b, 65-4412, 65-6205, 65-6207, 65-6210, 65-6214, 65-6217, 65-6218, 65-6220, 65-6501, 65-6502, 65-6503, 65-6610, 72-962, 72-973, 72-997, 72-1113, 72-53,106, 72-6407, 72-8187, 72-8223, 73-1209, 74-32,151, 74-32,160, 74-32,161, 74-4902, 74-4911f, 74-4927, 74-5602, 74-6703, 74-8917, 74-9501, 75-723, 75-725, 75-2935, 75-3306, 75-3307b, 75-3329, 75-3339, 75-37,121, 75-4265, 75-4266, 75-4375, 75-4376, 75-4378, 75-5268, 75-5301, 75-5366, 75-5367, 75-5397a, 75-5399, 75-53,105, 75-53,112, 75-5674, 75-5675, 75-5741, 75-5742, 75-5743, 75-5903, 75-5908, 75-5910, 75-5914, 75-5928, 75-5933, 75-5945, 75-5951, 75-5958, 75-5961, 75-6202, 75-6506, 75-6508, 75-7023, 75-7302, 75-7306, 75-7310, 75-7311, 75-7405, 75-7435, 76-375, 76-381, 76-6b05, 76-12a01, 76-12a08, 76-12a10, 76-12b01, 76-1305, 76-1306, 76-1307, 76-17c08, 79-3221g, 79-3234, 79-32,200 and 79-4805 and repealing the existing sections; and also repealing K.S.A. 2012 Supp. 39-7,161, 39-923a, 75-37,121a and 79-3234c, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

REPORT ON ENROLLED BILLS

SR 1712, SR 1713, SR 1714 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 14, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 22, SB 23** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 85, SB 113** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **SB 163** be passed.

Also, **SB 141** be amended on page 1, in line 5, after "perform" by inserting "or induce an abortion or attempt to perform or induce"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 96** be passed.

Committee on **Utilities** recommends **SB 62** be amended on page 2, in line 8, by striking "utility or corporation" and inserting "person"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 15, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

