

# Journal of the Senate

TWENTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 19, 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:

Open our minds O Lord to see the beauty and wonder around us. Today may bring a warm breeze and yet tomorrow may bring snow. Today may bring a disappointed glance while tomorrow may bring a smile. Today may bring a card in the mail while tomorrow may bring a memory. Open our minds O Lord to see the wonder and beauty around us especially found in the eyes of others. In your holy 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 212**, AN ACT concerning income tax; relating to credits and deductions for investments in certain produced water recycling storage and transportation equipment, by Committee on Assessment and Taxation.

**SB 213**, AN ACT concerning the Kansas turnpike authority; related to tolls; amending K.S.A. 68-2004 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 214**, AN ACT concerning the sale of certain fireworks; prohibiting the sale of bottle rockets; establishing criminal penalties, by Committee on Federal and State Affairs.

**SB 215**, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing; amending K.S.A. 2012 Supp. 74-8734, 74-8741, 74-8744, 74-8746, 74-8746, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 216**, AN ACT concerning public building commissions; relating to municipal universities; amending K.S.A. 12-1758 and 12-1764 and repealing the existing sections, by Committee on Ways and Means.

**SB 217**, AN ACT concerning treatment facilities; relating to substance abuse services, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **HB 2035**.

Ethics, Elections and Local Government: **SB 211; HB 2130**.

Federal and State Affairs: **SB 209**.

Natural Resources: **HB 2030**.

Public Health and Welfare: **SB 210; HB 2066, HB 2154, HB 2155**.

Utilities: **HB 2201**.

Ways and Means: **HB 2213, HB 2228**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. **1718**—

A RESOLUTION commemorating Emporia State University's Sesquicentennial.

WHEREAS, Kansas State Normal School was founded by the Kansas Legislature in 1863 for "the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to good common school education, and in the mechanic arts, and in the arts of husbandry and agricultural chemistry, and in the fundamental laws of the United States of America, and in what regards the rights and duties of citizens"; and

WHEREAS, Emporia State University has been a significant part of the State of Kansas and our system of higher education since its founding and throughout its history; and

WHEREAS, Kansas State Normal School became Kansas State Teachers College in 1923, Emporia Kansas State College in 1974, and Emporia State University in 1977; and

WHEREAS, Over 75,000 alumni have served as accountants, artists, bankers, business people, educators, engineers, financial planners, government officials, health care providers, information managers, library scientists, military personnel, musicians, and scientists in addition to other occupations; and

WHEREAS, Emporia State University empowers and engages excellent intellectual opportunities for the people of our state, our nation, and our world through its nationally recognized programs; and

WHEREAS, Emporia State University brings state, regional, national, and international prominence to the Great State of Kansas through its outstanding academic, cultural, and athletic events; and

WHEREAS, Emporia State University will celebrate its sesquicentennial throughout 2013 under the theme: "Changing Lives Since 1863"; and

WHEREAS, Emporia State University will commence to celebrate its 150<sup>th</sup> anniversary on Founders Day, February 15, 2013: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we celebrate and commemorate the 150<sup>th</sup> anniversary of Emporia State University; and

*Be it further resolved:* That the Secretary of the Senate shall provide five enrolled copies of this resolution to Emporia State University at 1200 Commercial Street,

Emporia, KS 66801.

On emergency motion of Senator Longbine **SR 1718** was adopted unanimously.

President Michael Shonrock and Vice President Brooke Smith were acknowledged by a standing ovation.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 189** be passed.

Committee on **Agriculture** recommends **SB 56** be amended on page 1, following line 7, by inserting:

"New Section 1. Any county fair association which received official recognition from the secretary of agriculture prior to July 1, 2013, shall remain an officially recognized county fair association unless such recognition is revoked by a vote of the board of county commissioners in the county where such county fair association is located.";

On page 9, following line 8, by inserting:

"Sec. 12. K.S.A. 19-1561b is hereby amended to read as follows: 19-1561b. Upon the erection of such building or buildings and furnishings as herein provided, the board of county commissioners of the county wherein such building or buildings and furnishings are located is hereby authorized and empowered to levy annually a tax upon all taxable tangible property within said county for the purpose of purchasing additional equipment, maintaining and repairing such building or buildings and furnishings and for the payment of premiums and rewards awarded at agricultural livestock and 4-H club activities and approved by the board of county commissioners and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. In any county in which there is a fair recognized by the secretary of agriculture or the board of county commissioners as an official county fair the amount of the payment for premiums and rewards under this section shall not exceed the amount of the payment by the county for premiums and awards for such county fair.

The board of county commissioners is authorized to pay any tax moneys collected and approved by said board for the payment of rewards and premiums to the executive board of the county agricultural extension council, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. The executive board is authorized to accept such payments and upon acceptance of such moneys shall provide for the awarding of rewards and premiums for the authorized activities and shall make reports, under oath, to the county commissioners of the receipts and expenditures of the moneys so received, on or before December 31 of each year.";

Also on page 9, in line 9, after "K.S.A." by inserting "19-1561b and K.S.A.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "K.S.A." by inserting "19-1561b and K.S.A."; and the bill be passed as amended.

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By Governor:

*Member, State Board of Indigent Defense Services: K.S.A. 22-4519*

Paul Beck, term expires January 15, 2016

Also, recommends **SB 111** be amended on page 1, in line 8, before "American" by inserting "Native"; also in line 8, by striking "Indian"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SCR 1608** be adopted.

#### 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 Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended: **SB 2, SB 22, SB 23, SB 96, SB 163** be passed.

**SB 1, SB 27, SB 62, SB 73, SB 74, SB 83, SB 84, SB 104, SB 141** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Holland to amend **SB 73** failed and the following amendment was rejected: on page 9, in line 32, by striking "10" and inserting "15"

A second motion by Senator Holland to amend **SB 73** failed and the following amendment was rejected: on page 2, by striking all in lines 8 through 43;

By striking all on pages 3 through 8;

On page 17, in line 43, by striking "44-510d, 44-510e,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, by striking "44-510d, 44-510e,"

A motion by Senator V. Schmidt to amend **SB 73** failed and the following amendment was rejected: on page 4, in line 21, by striking "but" and inserting "and"; in line 22, by striking "shall" and inserting "may"; in line 31, by striking "but" and inserting "and"; also in line 31, by striking "shall" and inserting "may";

On page 6, in line 12, by striking "but" and inserting "and"; in line 13, before "based" by inserting "may be"

A motion by Senator Kelly to amend **SB 141** failed and the following amendment was rejected: on page 1, following line 32, by inserting:

"(f) Any person who intentionally and knowingly makes a false statement that a defendant performed or induced an abortion or attempted to perform or induce an abortion under the provisions of this act shall be guilty of the same penalties as provided in subsection (e).";

And by relettering subsections accordingly

Upon the showing of five hands a roll call vote was requested.

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

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

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

The motion failed and the amendment was rejected.

A motion by Senator Haley to amend **SB 141** failed and the following amendment was rejected: on page 1, in line 6, after "knowledge" by inserting "based on written

documentation"; in line 16, after "conduct." by inserting "Any plaintiff in such civil action shall be required to present written documentation showing a defendant possessed knowledge that the pregnant woman was seeking the abortion solely on account of the sex of the unborn child."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 7; Nays 33; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Pettey.

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

The motion failed and the amendment was rejected.

**SR 1711** be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco, on page 1, in line 15, by striking "and misleading"; also in line 15, by striking "rashly and"; in line 26, by striking "mention" and inserting "adequately address"; in line 30, by striking "has been a complete disregard for the" and inserting "is a"

**SR 1711** be further amended by motion of Senator Francisco, on page 2, following line 27, by inserting: "*Be it further resolved:* That should the U.S. Fish and Wildlife service move forward with the safe harbor agreement we strongly encourage the U.S. Fish and Wildlife service to hold meetings with experts in prairie dog habitat, management of the current reintroduction sites, adjacent landowners to those sites and representatives of local government in those areas.", and **SR 1711** be passed as further amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 20, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

