

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 26, 2013, 4:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-six senators present.
Senators Apple, Emler, LaTurner and Longbine were excused.
Invocation by Father Don Davidson:

Snow days bring various reactions: children are thrilled with visions of what a day away from school might bring. Parents who work away from home might not know the difference but whoa unto the parent that finds a full day with their beloved off-spring without a single thing to do. First elation followed by realization then frustration and capitulation leading to appreciation when the weather turns warm again. So let us remember those patient parents of today and pray that God will grant them a lively sense of understanding, forgive them for untoward thoughts and bless them tonight with blissful sleep. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 223, AN ACT concerning wildlife: relating to crossbow hunting; amending K.S.A. 2012 Supp. 32-932 and repealing the existing section, by Committee on Ways and Means.

SB 224, AN ACT concerning school districts; relating to certain weightings in the school district finance and quality performance act; amending K.S.A. 72-6415 and K.S.A. 2012 Supp. 72-3715, 72-3716, 72-6407, 72-6414, 72-6415b and 72-6455 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 72-6413, 72-6448, 72-6454 and 72-6456, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 222**.

Education: **HB 2261**.

Federal and State Affairs: **SB 220**, **SB 221**.

Judiciary: **HB 2014**, **HB 2164**.

Public Health and Welfare: **SB 219**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2051; HB 2077, HB 2078, HB 2138, HB 2167, HB 2169, HB 2177; Substitute HB 2207.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2051; HB 2077, HB 2078, HB 2138, HB 2167, HB 2169, HB 2177; Substitute HB 2207 were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1711 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 26, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 87** be amended on page 1, following line 12, by inserting:

"(e) "Manufacturer" means the entity responsible for producing, processing, packaging and labeling grain, and any additional supplements to such grain, as commercial equine feed.";

On page 2, in line 14, after "audit" by inserting "and annual report"; also in line 14, after "agriculture" by inserting "and to the house and senate agriculture committees of the legislature"; in line 16, after "information" by inserting ", as requested by the secretary,";

On page 3, following line 5, by inserting:

"(d) The board may not use assessment funds for any rails to trails development or program."; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2060**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be passed on the consent calendar.

Committee on **Commerce** recommends **SB 149** be passed.

Committee on **Education** recommends **SB 128** be passed.

Committee on **Federal and State Affairs** recommends **SB 54**, be amended by adoption of the amendments recommended by the Senate Committee on Federal and State Affairs as reported in the Journal of the Senate on February 7, 2013, and the bill, as printed with amendments by Senate Committee, be passed.

Also, **SB 147** be amended on page 1, in line 13, by striking all after the period; by striking all in line 14; in line 36, by striking "carry liability insurance in an";

On page 2, by striking all in lines 1 and 2; in line 3 by striking "such coverage" and inserting "have anhydrous tanks inspected annually by inspectors approved by the secretary as qualified to perform such inspections"; in line 9, by striking "in the form of a certificate of liability"; by striking all in lines 10 through 30; in line 31, by striking "period"; following line 31, by inserting:

"(g) The secretary shall develop rules and regulations that recognize governmental and other business self-insurance programs and utility companies, railroads and transportation companies that comply with and are inspected under federal regulations of anhydrous ammonia.";

And by redesignating subsections accordingly;

On page 3, following line 5, by inserting:

"(i) the provisions of this section shall not apply to motor carriers transporting anhydrous ammonia in a cargo tank subject to the requirements of 49 C.F.R. § 173.315 as in effect on February 1, 2013, with capacities in excess of 3,500 water gallons.

"Motor carrier" means any person that holds a certificate of public service or a private carrier permit from the state corporation commission, or is required to register motor carrier equipment pursuant to 49 U.S.C. § 14504a and has a current hazardous materials safety permit issued by the federal motor carrier safety administration of the United States department of transportation as required by 49 C.F.R. § 395 subpart E as in effect on February 1, 2013.

(j) No motor carrier shall cause any tank to be filled with anhydrous ammonia from such cargo tank within this state unless such tank displays a current permit to fill from the secretary.";

And by redesignating subsections accordingly;

On page 4, in line 30, by striking "the administrative"; by striking all in line 31; in line 32, by striking "private property and to inspect facilities and equipment."; in line 38, after the stricken material by inserting "the secretary, or an authorized representative of the secretary, may enter any premises or vehicle in or on which any anhydrous ammonia may be located or used for the purposes of trade, for the purpose of inspecting, testing and sealing or rejecting the same. Whoever hinders, obstructs or in any way interferes with the secretary or an authorized representative of the secretary, while in the performance of the inspection, shall be deemed guilty of a class C, nonperson misdemeanor."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 60**, **SB 142** be passed.

Also, **SB 81** be amended on page 3, in line 3, by striking the third "or"; in line 4, by striking "disposal";

On page 7, in line 26, by striking "The agency"; by striking all in line 27; in line 28, by striking "services office or community correctional services office or"; in line 33, after "access." by inserting "Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time."; in line 41, by striking "or such person's employer";

On page 8, in line 3, after "access." by inserting "Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law."; and the bill be passed as amended.

SB 125 be amended on page 1, in line 7, by striking "2014" and inserting "2015"; in line 16, by striking "2014" and inserting "2015"; in line 19, by striking "2014" and inserting "2015"; and the bill be passed as amended.

SB 167 be amended on page 1, in line 7, after "rape," by inserting "aggravated criminal sodomy."; in line 16, by striking "the limitation of time provided by the law pertaining to such offense" and inserting "10 years"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 199** be amended on page 1, in line 16, after "stem" by inserting "cell";

On page 2, in line 7, by striking "oversight" and inserting "coordination"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 164** be amended on page 5, in line 15, by striking "motor"; in line 16, by striking "Motor"; in line 18, by striking "motor"; in line 21, by striking "Motor";

On page 6, in line 15, by striking "motor"; in line 21, by striking "motor"; in line 26, by striking "motor"; in line 27, after "(d)" by inserting:

"The department may appoint contractors to perform some or all of the vehicle functions agreed to by the department and the contractor to be performed. In circumstances involving vehicle registrations, the department shall be required to make the findings required by subsection (c) before contracting with a contractor that is not a county treasurer.

(e)";

In line 28, by striking "subsection" and inserting "subsections"; also in line 28, after "(c)" by inserting "and (d)"; in line 29, by striking "motor"; in line 32, by striking "motor"; in line 34, by striking "motor"; in line 36, by striking "motor"; in line 39, by striking "motor"; in line 43, by striking "motor";

On page 1, in the title, in line 1, by striking "motor"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m, Wednesday, February 27, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

