

# Journal of the Senate

## FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 9, 2017, 2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and KSA 46-142(d), the 2017 Session of the Kansas Legislature was called to order by Secretary of State, Kris Kobach.

### INVOCATION

Secretary Kobach recognized Kourtney Martin, daughter of Senator Dennis Pyle, who sang the Lord's Prayer:

Our Father, Who art in Heaven  
Hallowed be Thy name.  
Thy Kingdom come, Thy will be done  
On earth as it is in Heaven.  
Give us this day, our daily bread,  
And forgive us our debts, as we forgive our debtors.  
Lead us not into temptation  
And deliver us from evil.  
For Thine is the Kingdom, and the power  
And the glory, forever and ever, Amen.

The Pledge of Allegiance was led by Secretary Kobach.

Secretary Kobach appointed Corey Carnahan to serve as temporary Secretary of the Senate until such time as a permanent Secretary is appointed.

Secretary Kobach requested the reader to call the roll of the Senate from the certified list of members-elect as submitted by the Secretary of State and recorded in the preorganizational meeting on December 5, 2016.

Forty members-elect were present.

Secretary Kobach introduced the Honorable Marla Luckert, Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly-elected Senators.

### OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

We, and each of us, do solemnly swear or affirm that we will support the Constitution of the United States and the Constitution of the state of Kansas, and faithfully discharge the duties of the office of the Senator of the State of Kansas, So help us God.

**District**

1. Dennis D. Pyle
2. Marci Francisco
3. Tom Holland
4. David Haley
5. Steve Fitzgerald
6. Pat Pettey
7. Barbara Bollier
8. Jim Denning
9. Julia Lynn
10. Mary Pilcher-Cook
11. John Skubal
12. Caryn Tyson
13. Jacob LaTurner
14. Bruce Givens
15. Dan Goddard
16. Ty Masterson
17. Jeff Longbine
18. Laura Kelly
19. Anthony Hensley
20. Vicki L. Schmidt

**District**

21. Dinah H. Sykes
22. Tom Hawk
23. Rob Olson
24. Randall R. Hardy
25. Lynn W. Rogers
26. Dan Kerschen
27. Gene Suellentrop
28. Mike Petersen
29. Oletha Faust-Goudeau
30. Susan Wagle
31. Carolyn McGinn
32. Larry W. Alley
33. Mary Jo Taylor
34. Edward E. Berger
35. Richard Wilborn
36. Elaine S. Bowers
37. Molly Baumgardner
38. Bud Estes
39. John Doll
40. Richard (Rick) Billinger

Subscribed and sworn to, or affirmed, before me this 9<sup>th</sup> day of January, 2017.

MARLA LUCKERT  
*Justice of the Supreme Court*

**CAUCUS REPORTS**

**Majority Party Caucus  
December 5, 2016**

The members-elect of the majority party of the Senate have met and caucused as required by K.S.A. 46-142 and:

(a) Nominate as their candidates for the following offices for the next ensuing four years:

- (1) President of the Senate, Susan Wagle
  - (2) Vice President of the Senate, Jeff Longbine
- (b) Select the following caucus or party officers:
- (3) Majority Leader, Jim Denning
  - (4) Assistant Majority Leader, Vicki Schmidt
  - (5) Majority Whip, Elaine Bowers

SUSAN WAGLE  
*Chairperson*  
Majority Party Caucus

**Minority Party Caucus  
December 5, 2016**

The members-elect of the minority party of the Senate have met and caucused as required by K.S.A. 46-142, and have selected the following caucus or party officers:

- (a) Democratic Leader, Anthony Hensley
- (b) Assistant Democratic Leader, Laura Kelly
- (c) Democratic Whip, Oletha Faust-Goudeau
- (d) Agenda Chair; Marci Francisco
- (e) Caucus Chair, Tom Hawk

ANTHONY HENSLEY  
*Chairperson*  
Minority Party Caucus

Secretary Kobach proceeded with the business of the election of officers of the Senate. Senator Denning then placed in nomination the name of Senator Susan Wagle for the office of President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nomination, the nominations ceased and Senator Wagle was elected by acclamation.

In compliance with the Majority Caucus Report, Senator Denning placed in nomination the name of Senator Jeff Longbine for the office of Vice President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator Longbine was elected by acclamation.

Secretary Kobach requested Senators Denning and Hensley to escort the newly elected Vice President to the front of the Senate Chamber, where Justice Luckert administered the Oath of Office.

**OATH OF OFFICE**

I do solemnly swear, or affirm, that I will support the Constitution of United States and the Constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas State Senate.

JEFF LONGBINE  
*Vice President*

Subscribed and sworn to, or affirmed, before me the 9th day of January, 2017.

MARLA LUCKERT  
*Justice of the Supreme Court*

Secretary Kobach requested Senators Denning and Hensley to escort the newly elected President to the front of the Senate Chamber, where Justice Luckert administered the Oath of Office.

**OATH OF OFFICE**

I do solemnly swear, or affirm, that I will support the Constitution of United States and the Constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas State Senate.

SUSAN WAGLE  
*President*

Subscribed and sworn to, or affirmed, before me the 9th day of January, 2017.

MARLA LUCKERT  
*Justice of the Supreme Court*

Secretary Kobach passed the gavel to President Wagle.

**REMARKS BY PRESIDENT WAGLE**

To my colleagues: thank you all for the votes of confidence you've given me today to lead this body as we get to work on behalf of our fellow Kansans. I am deeply humbled by your support, and it is truly an honor to serve in this distinguished chamber as your Senate President for another term. Four years ago, I committed to each of you that I would lead in an inclusive manner. I promised that my door would always be open, and while we ultimately would not all agree on every issue that came before us, I committed to work hard to ensure that every Senator be heard, appreciated and respected. Your vote today is affirmation that we are truly a partnership, with each of us holding an equal stake in managing the affairs that come before us as we set out on our quest for a Better Kansas.

I would also like to thank my family. Most of all, my husband, Tom, who as a legislative spouse has always taken on extra family duties in my absence; my children, who continue to support their mom participating in elective politics, even though they have seen misrepresentations broadcast over social media; and my grandchildren, some of whom have yet to experience climbing the top of the dome. As you can see, some of them are still growing into that very special experience we provide for our Capitol visitors.

As you all know, when we take the oath of office, our families take an oath, too: to understand when we have to miss soccer games or piano recitals, to ignore the sometimes not-so-flattering headlines that include our names, and to support us through the ups and downs. So, to all the families and friends here today, I'd like to personally thank you for the sacrifices you make so that your loved ones may serve our great state.

In recent weeks, I've had the good fortune of speaking to Kansans from all walks of life at a variety of public events. Candidly, I've also spoken to many understandably frustrated Kansans.

I remind these Kansans that legislators don't run for office for fame or fortune – in fact, quite the contrary. It often seems like the news and the media are often more critical than they are supportive of the positions legislators take on policy issues, and the salary received for the commitment and time inherently required to be a legislator is woefully short of what similar labor would earn in the open market.

This leads me to reminding Kansans why legislators *do* run for office.

As a veteran of this community, I'm proud to share with Kansans that legislators run

for office because they have a cause. They think something needs to be fixed. And they think they can fix it. They are optimists. They are “can do” personalities. They relish the thought of a challenge and their singular objective is to improve the quality of life for their families, their neighbors, and other Kansans.

As I look around this room, I know that each and every one of you fit this mold. Your ideas and experiences are going to be vital to the success of this body during this critical period in our state’s history. I hope that we can hold to our convictions, find common ground, share our message with our constituents, and get this economy back to working for Kansans. Now is the time for bold ideas.

2017 promises to be a historic year. While we certainly have our challenges, if we work together, we will ensure that history is kind to us. Today, we face a record \$350 million shortfall. Kansans must balance their budgets and live within their means – they rightfully expect the same of their elected officials. We will soon learn of the Governor’s recommendations for addressing this devastating metric, we will roll up our sleeves, and we will get to work. It will be incumbent upon this legislative body to remain united and to act swiftly. The sooner we provide budget stability and predictability, the better our state-funded entities will be able to adjust. We know the challenges we have ahead of us, but we’re ready to find permanent solutions to these challenges.

The eyes of the state and the nation will be on us – and I promise, as the leader of this body, to work relentlessly to create a Better Kansas. We will be required to balance the needs of individual taxpayers and businesses against the needs of funding our basic services. It will be a daunting, and at times, overwhelming task. A task where I, and your leadership team, will need to be open to your recommendations, and where you, likewise, will need to be open to all the voices who want to share their concerns back home.

To that end, it is my hope that we provide long-term budget solutions and stability for the State of Kansas this year. It is also my goal that our budget resolution encourages all Kansans and sparks a new optimism in our residents. Ultimately, our solution must inspire Kansans to open their checkbooks, make home and auto investments, and plant their roots in the state, and it must inspire businesses to also invest and grow. Upward mobility, prosperity and opportunity for all Kansans must be our unified vision, our ultimate objective, the end we seek, as we resolve our shortfall in the coming weeks. Taken together, these inputs will produce a Better Kansas. Now, let’s get to work.

#### **REMARKS BY MINORITY LEADER HENSLEY**

Madam President: On behalf of the Senate Democratic caucus, I first want to congratulate you on your re-election to another term as President of the Kansas Senate. You have once again made history by being the first woman to be re-elected Senate President and we applaud you for that.

I also take this opportunity to congratulate the other Senate Republicans who were elected to their caucus leadership positions. The members of our caucus look forward to working with you over the next four years.

We pledge to work with you but also realize that there will be those times in the process when we will “agree to disagree.”

I want to thank my fellow Democratic Senators for electing me to once again serve as their leader. This is a high honor you have given me and I will do my best to represent you.

I especially want to welcome the fourteen new Senators to my hometown and to this historic chamber. I can assure you that even after 40 years of serving my constituents in the Kansas Legislature, I am excited as always to begin a new term and a new legislative session. And, I welcome our family members to the Senate and thank them for supporting us during the 2016 election campaigns. I also thank you in advance for your patience and understanding while we are away from you during our time spent here in this legislative session and the sessions ahead.

I've always believed that the two-party system of government is good for the political process and good for the people of Kansas. That is why I thank the men and women who put their name and reputation on the line to run for state senate on the Democratic ticket.

But, now that the elections are over, and the oaths of office have been administered, we begin the legislative process of debating and deciding public policy.

It goes without saying that we face several major challenges in the 2017 session, not the least of which is a \$350 million shortfall in the current fiscal year, developing a new school finance formula, restoring basic fairness to our state's tax system, keeping rural hospitals open, and maintaining the best possible safety net for the people of Kansas, particularly the most vulnerable among us.

I know I speak for our caucus when I express my hope that we will meet these challenges in a spirit of inclusion and bi-partisanship.

I'm also hopeful that we take to heart Dwight Eisenhower's advice on the east wall of the Capitol visitor's center: "The opportunist thinks of me and today. The statesman thinks of us and tomorrow."

In previous debates on this floor, I have on several occasions referred to Presidential history.

This year, 2017, marks the 100th anniversary of the birth of the first and so far only Roman Catholic to have been elected President of the United States.

Indelibly etched in my memory is going to Sunday school in 1960 and being asked by one of my classmates who my dad was going to vote for. And, while I was only 7 years old, I knew the answer to his question.

My dad was voting for John F. Kennedy, to which my classmate responded, "Oh, he shouldn't vote for Kennedy because Kennedy's a Catholic."

Well, I didn't know what that meant for sure, so I asked my dad, "What's wrong with being a Catholic?" My dad said, "Nothing. I'm voting for Kennedy because he's the best man for the job." And, of course, he was also the Democrat.

Then and there, I learned a valuable lesson from my dad. Never judge or look down on people because of their religion. Unfortunately, I believe that is a lesson lost on many people these days.

President Kennedy inspired an entire generation of young Americans to become involved in public service.

From the astronauts who walked on the moon to the 220,000 Americans who have worked in the Peace Corps in 141 countries over the past 55 years, President Kennedy left an everlasting legacy of hope and goodwill for people across the globe.

All of us recall that famous quote from his Inaugural Address: “Ask not what your country can do for you, ask what you can do for your country.”

But, I conclude these remarks with something else he said in that speech – not nearly as well known, but every bit as important. And, I believe applicable for us today as we begin to do the people’s work.

He finished his speech with this: “With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God’s work must truly be our own.”

Let us lead the state we love doing God’s work to improve the lives of the people of Kansas.

### INTRODUCTION OF GUESTS

Senator Wagle introduced Dr. Lynn Fisher, President of the Kansas Academy of Family Physicians. Dr. Fisher is the owner of Life Line Family Medicine in Plainville. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the statehouse during session. Join me in thanking Dr. Fisher and the Academy for providing this service.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Denning and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1701—

A RESOLUTION relating to the organization of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Susan Wagle, president,  
 Jeff Longbine, vice-president,  
 Jim Denning, majority leader,  
 Anthony Hensley, minority leader,  
 Corey Carnahan, secretary,  
 Charles (Nick) Nicolay, sergeant at arms,  
 and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Denning **SR 1701** was adopted unanimously.

Senators Wagle, Denning and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1702—

A RESOLUTION relating to assignment of seats of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the permanent seats of the Senate are hereby assigned as follows: Alley 14, Baumgardner 29, Berger 13, Billinger 23, Bollier 35, Bowers 33, Denning 2, Doll 36, Estes 30, Faust-Goudeau 21, Fitzgerald 16, Francisco 8, Givens 17, Goddard 5, Haley 22, Hardy 6, Hawk 20, Hensley 39, Holland 40, Kelly 38, Kerschen 34, LaTurner 27, Longbine 10, Lynn 32, Masterson 3,

McGinn 9, Olson 25, Petersen 11, Pettey 7, Pilcher-Cook 4, Pyle 26, Rogers 37, Schmidt 24, Skubal 15, Suellentrop 19, Sykes 12, Taylor 18, Tyson 31, Wagle 1 and Wilborn 28.

On emergency motion of Senator Denning **SR 1702** was adopted unanimously.

Senators Wagle, Denning and Hensley introduced the following Senate resolution which was read:

SENATE RESOLUTION No. 1703

A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2017 regular session of the Legislature.

*Be it resolved by the Senate of the State of Kansas:* The following rules shall be the rules of the Senate for the terms of the Senators commencing with the 2017 regular session of the Legislature.

#### RULES OF THE SENATE 2017-2020

**Rule 1. Time of Meetings.** The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

**Rule 2. Convening – Quorum – Assuming Duties of Chair.** (a) The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

(b) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

**Rule 3. Absence of Member.** No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

**Rule 4. Order of Business and Session Proforma.** The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.

12. Reports of standing committees.

13. General orders.

The Senate may meet from time to time for the sole purpose of processing routine business of the Senate. These sessions shall be known as Session Proforma.

(1) Time of Meeting. Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.

(2) Order of Business. The only orders of business that may be considered during Session Proforma are:

(a) Introduction and reference of bills and concurrent resolutions.

(b) Receipts of messages from the Governor.

(c) Communications from state officers.

(d) Receipt of messages from the House of Representatives.

(e) Reports of select and standing committees.

(f) Presentation of petitions.

(3) Motions. No motion shall be in order other than the motion to adjourn.

(4) Objections. Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sunday excluded, at 2:30 p.m.

(5) Quorum and Roll. There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.

(6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 occurs on a legislative day which is also the day on which a Session Proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the Session Proforma is held.

The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

**Rule 5. Business in Order at Any Time.** Messages from the Governor, messages from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

**Rule 6. Special Order.** Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

**Rule 7. Standing Committees.** (a) There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the Senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

(b) The following shall be the other standing committees:

	Number of members
1. Agriculture and Natural Resources.....	9
2. Assessment and Taxation .....	9
3. Commerce.....	11
4. Confirmation Oversight .....	6
5. Education .....	11
6. Ethics, Elections and Local Government .....	9
7. Federal and State Affairs .....	9
8. Financial Institutions and Insurance .....	9
9. Interstate Cooperation .....	7
10. Judiciary.....	11
11. Public Health and Welfare .....	9
12. Transportation .....	11
13. Utilities .....	11
14. Ways and Means .....	13

(c) The president of the Senate, with the advice of the majority leader and the vice president of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the Senate, the vice president of the Senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

(d) The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the president of the Senate, the vice president of the Senate, the majority leader of the Senate, one member of the Senate from the majority party appointed jointly by the president of the Senate, the vice president of the Senate and the majority leader of the Senate and one member who shall be the minority leader of the Senate or the designee of the minority leader. The chairperson of the subcommittee on rules shall be the vice president of the Senate. The subcommittee on rules shall consider rules questions arising during a convening of the Senate.

(e) The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

(f) The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(g) The Senate standing Committee on Agriculture and Natural Resources shall constitute the successor committee to the Senate standing Committee on Agriculture and the Senate standing Committee on Natural Resources for purposes of references in

statutory and other documents. The Senate standing Committee on Ethics, Elections and Local Government shall constitute the successor committee to the Senate standing Committee on Ethics and Elections and the Senate standing Committee on Local Government.

**Rule 8. Special and Select Committees.** Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

**Rule 9. Standing Committees – Duties of Chairperson, etc.** (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee within 14 session days or by sine die adjournment, whichever is earlier. Minutes shall show the action taken by the committee upon each bill or resolution considered and the amendments if any voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

**Rule 10. Vote in Senate Committee.** At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the number of votes for and against the action as a part of the minutes.

**Rule 11. Committee Action on Bills and Resolutions.** (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 27 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

© Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

**Rule 12. Adversely Reported Bills and Resolutions.** All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule 32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words "Adversely Reported" shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 27 members of the Senate.

**Rule 13. When Bill or Concurrent Resolution Placed on General Orders.** When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

**Rule 14. Address the President – To Be Recognized – Speak But Twice on the Same Subject.** Every Senator rising to debate or to present any matter shall address the President and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first. No Senator, except for the Senator who is carrying a bill, resolution or report, shall speak more than twice on the same day on the same subject without leave of the Senate.

**Rule 15. No Senator Shall Be Interrupted.** No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as "the Senator from \_\_\_\_\_" (naming the Senator's home county) followed by the Senator's title and name.

**Rule 16. Personal Privilege.** Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

**Rule 17. Questions of Order – How Determined.** A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal on a question of order shall be taken without debate.

**Rule 18. Explaining Votes.** Senators may explain their votes only upon the call of their names upon any roll call vote, but not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to

adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day's adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words. If the written explanation contains more than 200 words, only the first 200 words of the explanation shall be printed in the journal.

**Rule 19. Vote Unless Excused – Contempt.** Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused, such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt is corrected as determined by vote of the Senate.

**Rule 20. When Not Permitted to Vote.** No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

**Rule 21. Filling Certain Vacancies.** (a) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(b) When a vacancy occurs in the office of Vice President or majority leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting majority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(c) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

(d) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

**Rule 22. Party Affiliation – Change.** If any Senator changes political party affiliation: (1) From the political party of such Senator at the time of the Senator's election; or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other

committee, and from any office of the Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

**Rule 23. Open Meetings Provisions.** The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

**Rule 24. Motions in Writing.** All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

**Rule 25. Motions Withdrawn.** Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 40 (relating to procedure in the committee of the whole).

**Rule 26. Motions in Order When Question Under Debate.** When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.
5. To recess to a time certain.

Debatable

6. To postpone to a day certain.
7. To commit to a standing committee.
8. To commit to a special committee.
9. To commit to the Committee of the Whole.
10. To amend.
11. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first four shall be decided without debate.

**Rule 27. Division of Question.** (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion

simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

**Rule 28. Reconsideration of Pending Matters.** When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

**Rule 29. Previous Questions.** Five Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of those present, the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

**Rule 30. Endorsement on Bills, etc.** Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

**Rule 31. Introduction of Bills and Concurrent Resolutions.** Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper pre-filing as provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words "and others."

**Rule 32. Reference of Bills and Resolutions.** All bills and resolutions shall be referred or rereferred to appropriate standing committees, special or select committees appointed under Rule 8 or the Committee of the Whole by the President. Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq., and amendments thereto, may be referred by the President to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the pre-filing of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee or special or select committees appointed under Rule 8. All bills making an

appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees or special or select committees appointed under Rule 8, or any combination thereof, jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

**Rule 33. Consent Calendar and Recording Reports.** Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, upon the objection of any three members to the same as being controversial, the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

**Rule 34. Final Action on Bills and Concurrent Resolutions.** On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: "Shall the bill pass?" No debate shall be allowed, and no motion shall be in order except the motion for a call of the Senate, unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

**Rule 35. Final Passage by Yeas and Nays.** The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

**Rule 36. No Quorum on Final Vote – Effect.** If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

**Rule 37. Roll Call Vote.** A roll call vote shall be taken upon all questions upon the demand of five Senators.

**Rule 38. Call of Senate – When Made – How Enforced.** (a) A call of the Senate

may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause of a bill or the resolving clause of a resolution, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed and all members to be in their seats unless excused by the President. The President shall direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reprovved by the President for the neglect of duty.

(b) No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

**Rule 39. Roll Call Votes.** Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (Senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed. No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.

**Rule 40. Committee of the Whole.** On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 50 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

**Rule 41. No Quorum in Committee of the Whole – Procedure.** If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

**Rule 42. How Bills or Resolutions Considered – Committee of the Whole.** Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing

committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

**Rule 43. Amendments.** (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the typed bill or resolution. All amendments adopted shall be recorded in the Journal. The action taken on all amendments, whether adopted or rejected, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

(4) A motion to amend a motion to amend a bill or resolution shall not be in order.

**Rule 44. Report of Committee of the Whole Subject to Amendment – Time for.** The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

**Rule 45. Motion for Committee of the Whole to Rise and Report Progress.** A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine. After a motion to rise and report progress has been adopted, the Subcommittee on Calendar of the Committee on Organization, Calendar and Rules may change for the resumption of the current session of the Committee of the Whole the order of consideration of bills and resolutions.

**Rule 46. Division of the Senate.** Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

**Rule 47. Bills and Resolutions to Final Action.** When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be

properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to correct misspelled words, punctuation and "doublets" or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

**Rule 48. Bills and Resolutions – Inclusion of Amendments.** When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

**Rule 49. Reports of Transmittals in Journal – Committee –Reports.** Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

**Rule 50. Motion to Strike Enacting or Resolving Clause – Debate Limited.** No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

**Rule 51. Two-thirds Vote Not Necessary Except on Final Passage of Resolution.** When a resolution requiring a vote of 2/3 of the Senate for adoption is under consideration, a vote of 2/3 shall not be needed to decide any question short of its final passage, except as provided by these rules.

**Rule 52. Bills and Resolutions Considered in Regular Order.** The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills and resolutions to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a 2/3 vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused, or as provided in Rule 45.

**Rule 53. Changing Order on Calendar.** Not more than one bill or resolution may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than two minutes.

**Rule 54. Resolutions – Classes – Procedures Thereon.** Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

**Rule 55. Confirmation of Appointments by Governor or Other State Official.** All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session or by posting the appointments or nominations to be considered near the entrance to the Senate chamber. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

**Rule 56. Admittance to Floor – Lobbying on Floor – Galleries.** No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the

attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President

**Rule 57. Electronic Devices; Photographic Record of Vote.** The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited. No photographic or similar record shall be made of the vote of any member upon any measure on which a division of the Senate has been called.

**Rule 58. Chairs of Senators.** No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

**Rule 59. The News Media.** Employees of the news media displaying a card of admission from the President may only occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

**Rule 60. Secretary of Senate – Duties.** The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

**Rule 61. Impeachment.** The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the

provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

**Rule 62. Sergeant at Arms – Duties.** The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 56 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 56 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be Assistant Sergeants at Arms.

**Rule 63. Requisitions for Printing.** All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

**Rule 64. Employees – Duties.** All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The supervisor of an employee may discharge the employee at any time. The word "employee" as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

**Rule 65. Pages.** Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of middle school, junior high or high school age.

**Rule 66. Secretaries to Members.** Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator's secretary shall be stationed at the Senator's desk, except that this provision shall not apply to the administrative assistant designated by the President.

**Rule 67. Suspension of Rules.** (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

**Rule 68. Amendments to Rules.** No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is e-mailed to each Senator not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of e-mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

**Rule 69. Robert's Rules of Order.** In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised, 11th edition, shall govern.

**Rule 70. Number Designation of Substitute Bills and Substitute Concurrent Resolutions.** (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

**Rule 71. General Rule Not to Read Amendments.** Amendments to bills or

resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or resolution materially changed by house amendment).

**Rule 72. Subject Change by Senate.** Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

**Rule 73. Subject Change by House.** Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

**Rule 74. Determination of When Subject of Bill or Resolution Materially Changed.** The President may determine when a bill or resolution is subject to Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment). The President's determination under this rule, that a bill or resolution has been materially changed is subject to an appeal to the Senate by any member. A 2/3 vote of the members of the Senate present and voting shall be required to overturn the ruling of the chair. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal under this rule shall be taken without debate.

**Rule 75. Executive Reorganization Orders.** When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

**Rule 76. Censure or Expulsion.** Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been

filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

**Rule 77. Taking from the Table.** The affirmative vote of a 2/3 majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

**Rule 78. Placing Material on Members' Desks.** No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 78 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

**Rule 79. Decorum.** During the time the Senate is in session professional dress is required on the floor of the Senate.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 1**, AN ACT concerning the Kansas standard asset seizure and forfeiture act; relating to reports; amending K.S.A. 2016 Supp. 60-4117 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**SB 2**, AN ACT concerning the division of post audit; relating to purposes for which expenditures may be made by the division; exemption, by Committee on Legislative Post Audit Committee.

**SB 3**, AN ACT concerning forfeiture; amending the Kansas standard asset seizure and forfeiture act; amending K.S.A. 2016 Supp. 60-4107 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**SB 4**, AN ACT concerning the Kansas standard asset seizure and forfeiture act; relating to expenditure of proceeds; amending K.S.A. 2016 Supp. 60-4117 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**SB 5**, AN ACT concerning drivers' licenses; relating to restricted driving privileges, qualifications; amending K.S.A. 2016 Supp. 8-2110 and repealing the existing section, by Senator Faust-Goudeau.

**SB 6**, AN ACT concerning crimes, punishment and criminal procedure; relating to possession of firearms; law enforcement policies and procedures, by Senator Faust-Goudeau.

**SB 7**, AN ACT enacting the Kansas reinvestment act, by Senator Faust-Goudeau.

**SB 8**, AN ACT concerning elections; relating to advance voting ballots submitted by mail on election day; amending K.S.A. 25-1132, 25-1133, 25-1134 and 25-1136 and K.S.A. 2016 Supp. 25-3107 and repealing the existing sections, by Senators Hensley, Francisco, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey and Rogers.

**SB 9**, AN ACT concerning state governmental ethics; relating to state officers and employees; relating to lobbyists; amending K.S.A. 46-232 and repealing the existing section, by Senator Hensley.

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1601—

By Senators Wagle, Denning and Hensley

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

On emergency motion of Senator Denning **SCR 1601** was adopted by voice vote.

President Wagle appointed Senators Pyle and Holland to notify the Governor.

#### **COMMUNICATIONS FROM STATE OFFICERS**

January 9, 2017

The Honorable Susan Wagle  
President, Kansas Senate  
State Capitol  
Topeka, Kansas 66612

Dear President Wagle:

During the 2016 Interim, I have received the reports and communications listed below. This listing will appear in the January 9, 2017 Senate Journal.

From Derek Schmidt, Attorney General, the annual report of the Consumer Protection and Antitrust Division.

From Nadira Patrick, Manager, Major Projects and Comprehensive Training, Kansas Department of Commerce, Investment in Major Projects and Comprehensive Training (IMPACT) Annual Report.

From Nadira Patrick, Manager, Kansas Economic Opportunity Initiative, Kansas Department of Commerce, Kansas Economic Opportunity Annual Report.

From Alan D. Conroy, Executive Director, Kansas Public Employees Retirement System, the required annual report regarding KPERS Investments in Sudan.

From Derek Schmidt, Attorney General, the 2016 annual report of the Kansas State Child Death Review Board.

From Dennis Mesa, Executive Director, Kansas Housing Resources Corporation, the financial statement for the fiscal year ending June 30, 2016.

From Molly McGovern, Administrator, Kansas and Missouri Metropolitan Culture District Commission, the 2014-15 Comprehensive Annual Financial Report.

From Tim Shallenburger, President, Kansas Development Finance Authority, the annual financial report from fiscal years 2015 and 2016.

From Derek Schmidt, Attorney General, the statistical report indicating the number of concealed carry licenses issued, revoked, suspended and denied during the preceding fiscal year.

From Derek Schmidt, Attorney General, the fiscal year 2016 annual report of the Abuse, Neglect, and Exploitation Unit.

From Bob Page, President and CEO, The University of Kansas Hospital, submitted the annual report.

From Kristen Basso, Communications Officer, Kansas Public Employees Retirement System, the Comprehensive Annual Financial Report for fiscal year 2016.

From Scott W. Miller, Director of Investments, Kansas Pooled Money Investment Board, the Annual Report for Fiscal Year 2016.

From the Office of Governor Sam Brownback: Executive Directive Nos. 16-471 and 16-472, Authorizing Personnel Transactions Expenditure of Federal Funds. Executive Directive Nos. 16-473 through 16-477, Authorizing Expenditure of Federal Funds. Executive Order No. 16-02, rescinding Executive Order 15-04, dated June 30, 2015.

Sincerely,

COREY CARNAHAN  
*Secretary of the Senate*

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 10, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.  
COREY CARNAHAN, *Secretary of the Senate*.

