

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 12, 2009—2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and KSA 46-142(d), the 2009 Session of the Kansas Legislature was called to order by Secretary of State Ron Thornburgh.

Secretary Thornburgh introduced the Rev. Fred S. Hollomon, Topeka, Kansas, who will again serve as the Senate Chaplain and delivered the following invocation:

Heavenly Father,

Last year we were dealing
With a shortfall in the millions,
Now we hear it could amount
To, believe it or not, a billion!

So it seems to me, O God,
Our problem has really grown
To where it'd be unwise
To tackle it alone.

I think we need your help, O God,
More than we did before,
To even have a chance
Our balance to restore.

There may be those who wonder, Lord,
Whether it matters much to You
What happens in these chambers
And what it is we do.

Should there really be a doubt,
Then once more we should recall
The advice Ben Franklin gave
In Constitution Hall.

When the convention was in trouble
It was Franklin who advised,
"If God knows when sparrows fall,
Won't He help an empire rise?"

Please don't let the Chaplain, Lord,
Be the only one who prays.
Let there be a lot of praying
During these ninety days.

Even research supports prayer,
So for this session's sake
Don't let us act surprised
At the difference that You make!

I pray in the name of Jesus,
AMEN

The Pledge of Allegiance was led by Secretary Thornburgh.
Secretary Thornburgh appointed Pat Saville to serve as temporary Secretary of the Senate until such time as a permanent secretary is appointed.

Secretary Thornburgh 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 of December 1, 2008.

Forty members-elect were present.

Secretary Thornburgh introduced the Honorable Marla J. 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 Kelly Kultala
6 Chris Steineger
7 David Wysong
8 Thomas C. (Tim) Owens
9 Julia Lynn
10 Mary Pilcher-Cook
11 John Vratil
12 Pat Apple
13 Bob Marshall
14 Dwayne Umbarger
15 Derek Schmidt
16 Ty Masterson
17 Jim Barnett
18 Laura Kelly
19 Anthony Hensley
20 Vicki Schmidt

District

21 Mark Taddiken
22 Roger P. Reitz
23 Karin Brownlee
24 Pete Brungardt
25 Jean Kurtis Schodorf
26 Dick Kelsey
27 Leslie D. "Les" Donovan Sr.
28 Mike Petersen
29 Oletha Faust-Goudeau
30 Susan Wagle
31 Carolyn McGinn
32 Steve E. Abrams
33 Ruth Teichman
34 Terry Bruce
35 Jay Emler
36 Janis K. Lee
37 Jeff Colyer
38 Tim Huelskamp
39 Stephen R. Morris
40 Ralph Ostmeyer

Subscribed and sworn to, or affirmed, before me this 12th day of January, 2009.

Marla J. Luckert
Justice of the Supreme Court

CAUCUS REPORTS

The majority and minority caucus reports were submitted and read:

Majority Party Caucus
December 1, 2008

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, Stephen Morris
 - (2) Vice President of the Senate, John Vratil
- (b) Select the following caucus or party officers:
 - (1) Majority Leader, Derek Schmidt
 - (2) Assistant Majority Leader, Vicki Schmidt
 - (3) Assistant Majority Leader/Whip, Jean Schodorf

- (c) Select the following named members of the Committee on Organization, Calendar and Rules:

Position No. 1, Dwayne Umbarger
 Position No. 2, Pete Brungardt
 Position No. 3, Carolyn McGinn
 Position No. 4, Ruth Teichman
 Position No. 5, Pat Apple
 Position No. 6, Jim Barnett

Stephen Morris
 Chairperson
 Majority Party Caucus

Minority Party Caucus
 December 1, 2008

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, Janis Lee
 (c) Democratic Whip, Laura Kelly
 (d) Caucus and Agenda Chair, Tom Holland

Tom Holland
 Chairperson
 Minority Party Caucus

Secretary Thornburgh proceeded with the business of the election of officers of the Senate.

Senator D. Schmidt then placed in nomination the name of Senator Stephen Morris for the office of President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator Morris was elected by acclamation.

In compliance with the Majority Caucus Report, Senator D. Schmidt placed in nomination the name of Senator John Vratil 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 Vratil was elected by acclamation.

Secretary Thornburgh requested Senators D. Schmidt 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 the United States and the constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas State Senate.

JOHN VRATIL, *Vice President*

Subscribed and sworn to, or affirmed, before me the 12th day of January, 2009.

MARLA J. LUCKERT
Justice of the Supreme Court

Secretary Thornburgh requested Senators D. Schmidt 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 the United States and the constitution of the State of Kansas, and faithfully discharge the duties of my respective office in the Kansas State Senate.

STEPHEN MORRIS, *President*

Subscribed and sworn to, or affirmed, before me the 12th day of January, 2009.

MARLA J. LUCKERT
Justice of the Supreme Court

Secretary Thornburgh passed the gavel to President Morris.

REMARKS BY PRESIDENT MORRIS

Congratulations welcome to the Kansas Senate. For some, today is a landmark. The result of a dream, plus the hard work of a campaign, and the support of family and thousands of friends you never knew you had. For others, this ceremony is not new, but serves as a reminder of the responsibilities you bear because of the office you hold.

We are privileged to be here, to be able to serve the citizens of Kansas. I also feel very honored to have the opportunity to serve another term as your Senate President, and I look forward to working with all of you.

There is a phrase that has become very popular with self-help pundits: *The universe rewards action*. There are books, websites, blogs, and entire life strategies built around this concept.

I think the better version of this saying is attributed to Dante Alighieri, the 14th Century Italian poet, writer, literary theorist, moral philosopher, and political thinker. He said, *“The secret of getting things done is to act.”*

What better guidance could we have at this critical point in our State’s history? We face tremendous fiscal difficulties that have been further complicated by a faltering economy. We need to establish a statewide, comprehensive energy plan, we need to craft a new long term comprehensive transportation plan, and we must find a way to continue to provide the most basic government services to those most in need. Our choices are certain to be painful.

We have to act. Failure to take action is to fail the voters who sent us here. By failing to act, we would also be failing ourselves and each other. So let’s work together, within our caucuses and across party lines. Let’s meet these challenges head-on. By setting wise policies now, we can save future lawmakers from facing this same quandary in future legislative sessions.

But today is a day of celebration and recognition. While we enjoy the congratulations that come with earning a seat in the Senate, let’s take a moment to recognize our closest advisors, our most enthusiastic cheerleaders and sometimes our most honest critics: our family members who are here to share this day with us.

To all our family members gathered in this chamber, in the galleries, and those who were unable to attend, we extend our thanks and gratitude for your sacrifice and support. Thank you.

REMARKS BY MINORITY LEADER HENSLEY

Mr. President:

1. On behalf of the Democratic caucus, I want to congratulate you, the Vice President, the Majority Leader and the other Republican leadership on your election to your respective offices.

I’ve enjoyed working with you in the past four years, and our caucus looks forward to working with you during this new term of office.

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

I want to thank my fellow Democrats 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 also want to welcome everyone to my hometown, especially the new members of the Kansas Senate.

And, I want to welcome our family members to the Senate Chamber and thank them for their support during the “rough and tumble” of the recent election campaigns.

Speaking of the “rough and tumble” of campaigns, I told the President and Majority Leader this morning one of my favorite political stories from the famous Lincoln-Douglas debates when the two were running for the U.S. Senate from Illinois in 1858.

Stephen Douglas called Abraham Lincoln “two-faced.” Whereupon Lincoln replied, “I leave it to my audience. If I were two-faced, why would I wear this one?”

I also thank our families in advance for their patience and understanding while we are away from them during our time spent here in this legislative session and the sessions ahead.

I want to take this opportunity to mention several “firsts” among the members of the Democratic caucus.

Today, marks the first time that the Senator from Wyandotte, Senator Haley, was on time for his own swearing in!

The new Senator from Douglas, Senator Holland and his successor in the House are the first Senator and House member duo from the community of Baldwin City since Abraham Lincoln was President.

The new Senator from Wyandotte, Senator Kultala, is the first female Senator to be elected and sworn in from Wyandotte County.

And, even more significant, the new Senator from Sedgwick, Senator Faust-Goudeau, is the first African-American woman in Kansas history to be elected and sworn in to the Kansas Senate.

Another first in our caucus is that our Executive Secretary, Carolyn Campbell, will be sworn in tomorrow as the first African-American in Kansas history to the Kansas State Board of Education.

It is an understatement to say that the 2009 session will confront all of us with many great and difficult challenges.

I told a group of Democrats yesterday that the challenges facing us this session are the most serious I’ve seen in my tenure, and this is my 33rd session.

The downturn in our national and state economy and the shortfall in our state’s budget will set the stage for some really tough and unpopular choices.

And, tonight, we will hear from Governor Sebelius as to what she believes many of those choices will be.

But, political leaders and legislative bodies have been confronted with difficult challenges throughout the years.

Much to what I know is of interest to the Majority Leader, I have on occasion referred to Presidential history on this floor.

This year, 2009, marks the 200th anniversary of the birth of a man who was, in my opinion, the greatest of all American Presidents.

Abraham Lincoln was born in Hardin County, Kentucky on February 12, 1809.

And, if we believe the challenges we will face are tough, they pale in comparison with a divided nation at war and in peril of its very survival while Lincoln was President.

But, he reminded his fellow countrymen, with words he thought few people would ever remember, that even in the darkest days of our nation’s history, they should continue to highly resolve themselves to the cause that “government of the people, by the people, for the people, shall not perish from the earth.”

The challenges we face today do not even come close to putting government in peril. But, the decisions we make in response to those challenges will have a profound impact on the citizens we represent.

Let us make those decisions in a spirit of inclusion and bi-partisanship.

Let us work together to maintain the best possible safety net we can for the people of Kansas, particularly the most vulnerable among us.

Let us resolve ourselves to what another of my favorite Presidents once said. Franklin Roosevelt said, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little."

Again, my congratulations to everyone. Now it's on to the work of the people.

Senator Hensley

INTRODUCTION OF GUESTS

President Morris introduced Dr. Terry Lee Mills, President of the Kansas Academy of Family Physicians. Dr. Mills is a graduate of the University of Oklahoma College of Medicine and completed his family practice residency at McLennan County Medical Education and Research Foundation in Waco, Texas. Dr. Mills practices at Wichita Clinic, Bethel in Newton and is Chief of the Department of Family Practice. He is a Major in the Medical Corp for the United States Army Reserves. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session.

Also recognized were Jody Kirkwood, Sgt-at-Arms; Roger Zlatnik, Assistant Sgt-at-Arms; George Sommers, Assistant Sgt-at-Arms.

Second Lieutenant Don Cackler will again be representing the Kansas Highway Patrol in the Senate.

The new reader is Paul Cope, Pittsburg, Kansas, a third year law student at Washburn University.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

On emergency motion of Senator D. Schmidt, **SR 1801**, by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1801—

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:

Stephen Morris, president,
John Vratil, vice president,
Derek Schmidt, majority leader,
Anthony Hensley, minority leader,
Pat Saville, secretary,
Jody Kirkwood, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator D. Schmidt, **SR 1802** by Senators Morris, D. Schmidt and Hensley was introduced and adopted by voice vote.

SENATE RESOLUTION No. 1802—

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: Abrams 6, Apple 29, Barnett 23, Brownlee 36, Bruce 12, Brungardt 32, Colyer 15, Donovan 31, Emler 9, Faust-Goudeau 21, Francisco 20, Haley 22, Hensley 39, Holland 37, Huelskamp 19, Kelly 38, Kelsey 5, Kultala 7, Lee 40, Lynn 28, Marshall 3, Masterson 35, McGinn 27, Morris 1, Ostmeyer 13, Owens 34, Peterson 14, Pilcher-Cook 18, Pyle 17, Reitz 33, D. Schmidt 2, V. Schmidt 26, Schodorf 24, Steineger 8, Taddiken 4, Teichman 11, Umbarger 25, Vratil 10, Wagle 16 and Wysong 30.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 1, An act designating the William Inge Theatre Festival as the official theatre festival of the state of Kansas, by Senator D. Schmidt.

SB 2, 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.

SB 3, An act concerning the confirmation oversight committee; relating to the membership thereof; amending K.S.A. 2008 Supp. 46-2601 and repealing the existing section, by Senator Hensley.

SB 4, An act concerning the Kansas turnpike authority; relating to tolls; amending K.S.A. 68-2004 and repealing the existing section, by Senator Haley.

SB 5, An act designating part of United States highway 160 as the 1011th Quartermaster Co. U.S. Army Reserve memorial highway, by Senator D. Schmidt.

SB 6, An act amending the charitable organizations and solicitations act; concerning professional fund raisers; amending K.S.A. 17-1766 and repealing the existing section, by Senator D. Schmidt.

SB 7, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-64c04 and repealing the existing section, by Legislative Educational Planning Committee.

SB 8, An act concerning the Kansas tort claims act; concerning the definition of terms used therein; amending K.S.A. 2008 Supp. 75-6102 and repealing the existing section, by Legislative Educational Planning Committee.

SB 9, An act concerning state educational institutions; relating to capital improvements; amending K.S.A. 76-757 and K.S.A. 2008 Supp. 76-756 and repealing the existing sections, by Legislative Educational Planning Committee.

SB 10, An act concerning colleges and universities; relating to fees and tuition; establishing the autism service scholarship program, by Legislative Educational Planning Committee.

SB 11, An act concerning postsecondary institutions; relating to community colleges and the powers and duties thereof; amending K.S.A. 2008 Supp. 71-201 and repealing the existing section, by Legislative Educational Planning Committee.

SB 12, An act concerning insurance; providing coverage for autism spectrum disorder; amending K.S.A. 2008 Supp. 40-2,103, 40-2,105, 40-2,105a and 40-19c09 and repealing the existing sections, by Legislative Educational Planning Committee.

SB 13, An act concerning the Kansas bioscience authority; regarding membership on the board; amending K.S.A. 2008 Supp. 74-99b04 and repealing the existing section, by Senator Hensley.

SB 14, An act concerning the interstate compact for juveniles; relating to the compact administrator; establishing the Kansas council for interstate juvenile supervision, by Joint Committee on Corrections and Juvenile Justice Oversight.

SB 15, An act concerning the revised Kansas juvenile justice code; amending K.S.A. 2008 Supp. 38-2304, 38-2343, 38-2361 and 38-2365 and repealing the existing sections, by Joint Committee on Corrections and Juvenile Justice Oversight.

SB 16, An act concerning the pharmacy act of the state of Kansas; declaring certain acts not to be in violation of said act; amending K.S.A. 65-1636 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

SB 17, An act concerning crimes, punishment and criminal procedure; relating to evidence and videotaping of felony interrogations, by Senator Haley.

SB 18, An act concerning the criminal code, creating the crime of deprivation of rights under color of law, by Senator Haley.

SB 19, An act concerning crimes and punishment; relating to the criminal use of weapons; amending K.S.A. 21-4217 and 21-4218 and K.S.A. 2008 Supp. 21-4201 and repealing the existing sections, by Senator D. Schmidt.

SENATE CONCURRENT RESOLUTION No. 1601—

By Senators Morris, D. Schmidt and Hensley

A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2009-2010 biennium.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring

therein: That the following joint rules shall be the joint rules of the Senate and House of Representatives for the 2009-2010 biennium.

JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES
2009-2010

Joint rule 1. Joint rules; application and date of expiration; adoption, amendment, suspension and revocation. (a) *Joint rules; expiration, adoption, amendment, suspension and revocation; vote required.* Joint rules are adopted under the authority of section 8 of article 2 of the Constitution of the State of Kansas and shall govern matters made subject thereto except when otherwise specifically provided by joint rule. Joint rules shall expire at the conclusion of the terms of representatives. Joint rules shall be adopted, amended, suspended and revoked by concurrent resolution of the two houses of the legislature. Concurrent resolutions adopting joint rules shall receive the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house.

(b) *Amendment, suspension or revocation of joint rules; previous notice; vote required.* After one day's previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of $\frac{2}{3}$ of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.

(c) *Amendment, suspension or revocation of joint rules at commencement of legislative session; vote required; conditions.* Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the president, and (2) either (a) a copy thereof is mailed to each member of the legislature by deposit in the United States mails 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 mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

Joint rule 2. Joint sessions. (a) *Joint session called by concurrent resolution; vote required; time, place and subject matter.* A joint session of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session.

(b) *Presiding officer at joint sessions; record of joint session; rules applicable.* The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.

(c) *Votes in joint session; taking; requirements.* All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.

Joint rule 3. Conference committee procedure. (a) *Action by house of origin of bill or concurrent resolution amended by other house.* When a bill or concurrent resolution is returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.

(b) *Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur.* The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby, but if the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

(c) *Motion to nonconcur; when considered final action; effect of adoption of motion.* A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.

(d) *House of origin refusal to concur or nonconcur; request for conference; procedure.* When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

(e) *Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee.* Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

(f) *Conference committee reports; subject matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business.* Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Copies of each report shall be made available to all members of the house considering the same not later than thirty minutes before the time of consideration of the report, except when such report is that members of the committee are unable to reach agreement or is a recommendation to accede to or to recede from all of the amendments of the second house. The affirmative vote of $\frac{2}{3}$ of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

(g) *Signatures required on conference committee reports.* All initial conference committee reports other than an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by all of the conferees. All initial conference committee reports which are an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by a majority of the conferees appointed in each house. If a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is not adopted, a subsequent conference committee report shall be signed by all conferees unless a subsequent conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is adopted, in which case a conference committee report subsequent to the adoption of such report shall be signed by a majority of the conferees appointed in each house. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.

(h) *Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report.* The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.

(i) *Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee.* If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

(j) *Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year.* Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

Joint rule 4. Deadlines for introduction and consideration of bills. The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on January 26, 2009, during the 2009 regular session and on January 25, 2010, during the 2010 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 11, 2009, during the 2009 regular session and on February 10, 2010, during the 2010 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 5, 2009, during the 2009 regular session and on February 4, 2010, during the 2010 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 13, 2009, during the 2009 regular session and on February 12, 2010, during the 2010 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 21, 2009, during the 2009 regular session and on February 27, 2010, during the 2010 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by the house, not the house of origin of such bill, after the hour of adjournment on March 25, 2009, during the 2009 regular session and March 31, 2010, during the 2010 regular session.

(g) *Exceptions to limitation of (d), (e) and (f); procedure.* Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) *Deadline which falls on day neither house in session; effect.* In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) *Bills introduced in odd-numbered years after deadlines; effect.* Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) *Modification of schedule of deadlines for introduction and consideration of bills; procedure.* In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 4, 2009, during the 2009 regular session and after April 10, 2010, during the 2010 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

MESSAGE FROM THE GOVERNOR

June 12, 2008

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Kathleen Sebelius
Governor

Appointments:

Member, Central Low-Level Radioactive Waste Commission, Shari Feist Albrecht, pursuant to the authority vested in me by KSA 65-34a02, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, State Civil Service Board, Correne K. Green, pursuant to the authority vested in me by KSA 75-2929a, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, State Civil Service Board, Robert B. Van Cleave, pursuant to the authority vested in me by KSA 75-2929a, effective upon the date of confirmation by the Senate, to serve a term of four years.

Reappointments:

Member, Kansas Bioscience Authority, John W. Carlin, pursuant to the authority vested in me by KSA 74-99b04, effective upon the date of confirmation by the Senate to serve a term of four years.

Member, Kansas Bioscience Authority, Sandra Airene Jones Lawrence, pursuant to the authority vested in me by KSA 74-99b04, effective upon the date of confirmation by the Senate to serve a term of four years.

Member, Pooled Money Investment Board, Norman B. Dawson, pursuant to the authority vested in me by KSA 75-4221a, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, Public Employee Relations Board, Kenneth W. Gorman, pursuant to the authority vested in me by KSA 75-4323, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, State Banking Board, Melvin G. Minor, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a term of three years.

Member, State Banking Board, Michael R. Downing, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a term of three years.

Member, State Banking Board, Winton A. Winter, Jr., pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a term of three years.

Member, University of Kansas Hospital Authority, Robert W. House, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, Kansas Agricultural Remediation Board, Larry S. Shivers, pursuant to the authority vested in me by KSA 2-3709, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, State Board of Indigent Defense, Lawrence P. Daniels, pursuant to the authority vested in me by KSA 22-4519 et seq., effective upon the date of confirmation by the Senate, to serve a term of three years.

December 10, 2008

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Kathleen Sebelius
Governor

Member, University of Kansas Hospital Authority, Gregory Michael Graves, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of four years.

Chief Hearing Officer, Kansas Court of Tax Appeals, Trevor Wohlford, pursuant to the authority vested in me by KSA 74-2433 et seq. HB 2018, effective upon the date of confirmation by the Senate, to serve a term of four years.

Brigadier General, Kansas National Guard, Norman E. Steen, pursuant to the authority vested in me by KSA 48-208, effective upon the date of confirmation by the Senate.

Member, Central Low-Level Radioactive Waste Commission, John William Mitchell, pursuant to the authority vested in me by KSA 65-34a02, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Kansas Human Rights Commission, Terry Lee Crowder, pursuant to the authority vested in me by KSA 44-1003, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, State Board of Indigent Defense Services, John R. Weber, pursuant to the authority vested in me by KSA 22-4519 et seq., effective upon the date of confirmation by the Senate, to serve a term of three years.

Member, Pooled Money Investment Board, J. Thomas Thull, pursuant to the authority vested in me by KSA 75-4221a, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, Kansas Electric Transmission Authority, Leslie W. Evans, pursuant to the authority vested in me by KSA 74-99d03, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, University of Kansas Hospital Authority, Sharon Lindenbaum, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, Kansas, Inc., Patricia Bossert, pursuant to the authority vested in me by KSA 74-8001, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, Kansas, Inc., John A. Pilla, pursuant to the authority vested in me by KSA 74-8001, effective upon the date of confirmation by the Senate, to serve a term of four years.

Member, Kansas Technology Enterprise Corporation, Dr. Bruce D. Dallman, pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate, to serve a term of four years.

COMMUNICATIONS FROM STATE OFFICERS

January 12, 2009

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

As provided by KSA 75-105, I have received from the Honorable Kathleen Sebelius, Governor of the State of Kansas, since the adjournment of the 2008 session of the legislature the following communications:

Executive Directives Nos. 08-388, 08-389, 08-390, 08-391, 08-392, and 08-393, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds.

Also, Executive Order No. 2008-06, reformulating the composition of the Kansas Energy Council.

These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

Sincerely,

Pat Saville
Secretary of the Senate

January 12, 2009

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

This letter is to advise you that the Office of the Secretary of the Senate has received the following communications during the interim since adjournment of the 2008 Regular Session of the Legislature.

Kansas Department of Credit Unions, as required by KSA 17-2244(b), reports that a special order has been issued to Salina Municipal Credit Union, Salina, KS, allowing them parity to engage in any activity in which Missouri chartered credit unions operating in Kansas are allowed to perform.

Kansas Health Policy Authority, per KSA 65-6218, submitted the 2007 Annual Legislative Report.

Kansas Public Employees Retirement System submitted the Actuarial Report of the Kansas Public Employees Retirement System, June, 2008.

Kansas Public Employees Retirement System submitted the Annual Report of the Kansas Public Employees Retirement System for the fiscal year ending June 30, 2008.

Kansas State Treasurer submitted the 2008 Fiscal Year Report for the Kansas State Treasurer Office.

Kansas Wireless Enhanced 911 Advisory Board (KWEAB), submitted the Wireless Enhanced 911 Annual Report.

State of Illinois, Office of the Chief Clerk of the House of Representatives, submitted a copy of House Resolution No. 1325, stating that each year in observance of Memorial Day that the Illinois House of Representatives has continued the established memorial tradition of honoring our fallen brethren by reading an annual list of all of the names of those American soldiers, sailors, airmen, and marines from the State of Illinois that have given the ultimate sacrifice in the preceding year since the previous tribute.

The copy of the resolution is presented to each of the state legislatures throughout the United States and its territories to encourage their annual participation in this tribute to those Americans who have made the ultimate sacrifice to guarantee our freedom.

Sincerely,
Pat Saville
Secretary of the Senate

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris, D. Schmidt and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1803—

By Senators Morris, D. Schmidt and Hensley

A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2009 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 2009 regular session of the Legislature.

RULES OF THE SENATE 2009-2012

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. 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.

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. 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 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. There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of nine 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. Each of the other six members shall be selected separately by the majority political party of the Senate.

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.

The following shall be the other standing committees:

| | Number of members |
|---|----------------------|
| 1. Agriculture | 9 |
| 2. Assessment and Taxation | 9 |
| 3. Commerce | 9 |
| 4. Confirmation Oversight Committee | 6 |
| 5. Education | 11 |
| 6. Ethics and Elections | 9 |
| 7. Federal and State Affairs | 9 |
| 8. Financial Institutions and Insurance | 9 |
| 9. Interstate Cooperation | 7 |
| 10. Judiciary | 11 |
| 11. Local Government | 9 |
| 12. Natural Resources | 9 |
| 13. Public Health and Welfare | 9 |
| 14. Reapportionment | 13 |
| 15. Transportation | 9 |
| 16. Utilities | 11 |
| 17. Ways and Means | 13 |

The Committee on Organization, Calendar and Rules 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.

For the purpose of considering committee member appointments, and appointments of chairpersons, vice-chairpersons and ranking minority members, and for such other purposes as may be authorized by law, by the joint rules of the senate and the house of representatives or by rules of the senate for closed meetings, the Committee on Organization, Calendar and Rules may close its meetings.

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.

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 at a later meeting. 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 results of the vote 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 24 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.

(c) 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 24 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 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.

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.

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 $\frac{2}{3}$ 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 shall be duly purged.

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. Vice President and Filling Certain Vacancies. (a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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. Caucuses May Be Closed. Caucuses of Senate majority and minority parties 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 41 (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.
 - Debatable
5. To postpone to a day certain.
6. To commit to a standing committee.
7. To commit to a special committee.
8. To commit to the Committee of the Whole.
9. To amend.
10. 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 shall be referred or rereferred to appropriate standing committees 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 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 or the committee of the whole at any time subsequent to the prefiling 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. 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 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, any member may object to the same as being controversial and 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 to adjourn, or 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 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, 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 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 reproved by the President for the neglect of duty.

Rule 39. Dispense with Further Proceedings under Call of Senate. 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 40. 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.

Rule 41. 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 51 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37, but no more than five roll calls shall be taken upon any bill or resolution under consideration in the Committee of the Whole.

Rule 42. 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 43. 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 44. 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 offered, whether adopted or rejected, together with the action taken thereon, 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.

Rule 45. 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 46. Motion for Committee of the Whole to Arise 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.

Rule 47. 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 48. 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 49. 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 50. 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 51. 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 52. Two-thirds Vote Not Necessary Except on Final Passage of Resolution. When a resolution requiring a vote of $\frac{2}{3}$ of the Senate for adoption is under consideration, a vote of $\frac{2}{3}$ shall not be needed to decide any question short of its final passage, except as provided by these rules.

Rule 53. Bills 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 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 $\frac{2}{3}$ vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused.

Rule 54. Changing Order on Calendar. Not more than one bill 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 five minutes.

Rule 55. 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 56. 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. 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. 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 57. 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 58. Electronic Devices. 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.

Rule 59. 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 60. The News Media. Employees of the news media having a card of admission from the President may 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 61. 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 62. 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 63. 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 57 (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 57 (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 64. 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 65. 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 Director of Legislative Administrative Services may discharge any 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 66. Pages. Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of junior high or high school age.

Rule 67. 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 68. Suspension of Rules. (a) A motion to suspend the rules may be made and considered under any order of business. A $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 69. Amendments to Rules. No rule of the Senate shall be adopted, amended or revoked without the affirmative vote of a majority 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 mailed to each Senator by deposit in the United States mails 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 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 70. 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 shall govern.

Rule 71. 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 72. 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 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or resolution materially changed by house amendment).

Rule 73. 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 74. 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 75. Determination of When Subject of Bill or Resolution Materially Changed. The President may determine when a bill or resolution is subject to Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment).

Rule 76. 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 77. 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 $\frac{2}{3}$ majority vote of those members elected (or appointed) and qualified.

Rule 78. Taking from the Table. The affirmative vote of a $\frac{2}{3}$ 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 79. 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 79 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

Rule 80. Decorum. During the time the Senate is in session professional dress is required on the floor of the Senate.

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives:

Be it resolved by the House of Representatives of the State of Kansas:

That the chief clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Mike O'Neal, Speaker
 Arlen Siegfried, Speaker pro tem
 Ray Merrick, Majority Leader
 Paul Davis, Minority Leader
 Susan Kannarr, Chief Clerk
 Wayne Owen, Sergeant-at-Arms, and awaits the pleasure of the Senate.

Also, announcing adoption of **HCR 5001**, a concurrent resolution relating to a committee to inform the Governor that the two houses of the legislation are duly organized and ready to receive communications, and the appointment of Representatives Carl Holmes, Pottorff, and Loganbill as members of the committee to wait upon the Governor.

MESSAGE FROM THE HOUSE

Announcing passage of **HCR 5002**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, and the appointment of Representatives Holmes, Pottorff and Winn to escort the Governor; Representatives Neufeld, Hayzlett and Sawyer to escort the Lieutenant Governor; Representatives Kinzer, Colloton and Peterson to escort the Supreme Court and Representatives Myers, Vickrey and Carlin to escort the Senators.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 5001, A concurrent resolution relating to a committee to wait upon the Governor and advise her the 2009 session of the legislature is organized and ready to receive communications, was introduced and read by title.

On motion of Senator D. Schmidt, an emergency was declared, the rules suspended and **HCR 5001**, was adopted by voice vote.

In compliance with **HCR 5001**, President Morris appointed Senators Brownlee and Holland to wait upon the Governor.

HCR 5002, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor was introduced and read by title.

On motion of Senator D. Schmidt, an emergency was declared, the rules suspended and **HCR 5002** was adopted by voice vote.

In compliance with **HCR 5002**, President Morris appointed Senators Taddiken and Faust-Goudeau to escort the Governor; Senators Huelskamp and Kultala to escort the Lieutenant Governor; and Senators Donovan and Haley to escort the Supreme Court.

The President announced the Senate would recess until 6:15 p.m., for the purpose of a joint meeting with the House of Representatives to hear the State of State Address by Governor Kathleen Sebelius.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 13, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

