

# Journal of the Senate

SIXTEENTH DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 3, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-eight senators present.

Senator Donovan was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

You gave Solomon the wisdom he asked for. One result was the book of Proverbs. I am sharing some of them which I think are appropriate for us. The main emphasis is wisdom.

The fear of the Lord is the beginning of knowledge, but fools despise wisdom and discipline. Proverbs 1:7

Trust in the Lord with all your heart and lean not on your own understanding; in all you ways acknowledge Him and He will make your paths straight. Proverbs 3:5-6

...for wisdom is more precious than rubies, and nothing you desire can compare with her. Proverbs 8:11

The man of integrity walks securely, but he who takes crooked paths will be found out. Proverbs 10:9

A good man obtains favor from the Lord, but the Lord condemns a crafty man. Proverbs 12:2

When pride comes, then comes disgrace, but with humility comes wisdom. Proverbs 11:2.

I pray in the name of Jesus Christ,

AMEN

The pledge of allegiance was led by President Stephen Morris.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 81**, AN ACT concerning children and minors; relating to adoption; amending K.S.A. 2010 Supp. 38-2270 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 82**, AN ACT concerning racial and other profiling; amending K.S.A. 22-4606, 22-4609, 22-4610 and 22-4611 and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, by Committee on Federal and State Affairs.

**SB 83**, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, by Committee on Judiciary.

**SB 84**, AN ACT concerning children and minors; relating to permanency planning; amending K.S.A. 2010 Supp. 38-2263 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 85**, AN ACT concerning group life insurance; removing mandatory participation requirements; amending K.S.A. 2010 Supp. 40-433 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 86**, AN ACT concerning income taxation; relating to capital gains; amending K.S.A. 2010 Supp. 79-32,117 and 79-32,138 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 87**, AN ACT concerning property taxation; relating to exemptions; community service organizations providing humanitarian services; amending K.S.A. 2010 Supp. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 88**, AN ACT concerning the healing arts; relating to naturopathic medicine; prescription, recommendation or administration of natural medicines; amending K.S.A. 2010 Supp. 65-7202 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 89**, AN ACT concerning local health departments; relating to funding reduction; amending K.S.A. 65-242 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 90**, AN ACT concerning the behavioral sciences regulatory board; relating to licensure; amending K.S.A. 2010 Supp. 74-7507 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 91**, AN ACT concerning victims of sexual assault; relating to emergency contraception information, by Committee on Public Health and Welfare.

**SB 92**, AN ACT concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 2010 Supp. 65-1901, 65-1905 and 65-1912 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 93**, AN ACT concerning law enforcement; amending K.S.A. 22-4606, 22-4608, 22-4610 and 22-4611 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 94**, AN ACT concerning children and minors; relating to orders of

temporary custody; amending K.S.A. 2010 Supp. 38-2243 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 95**, AN ACT concerning income taxation; relating to corporations; rate of taxation; amending K.S.A. 2010 Supp. 79-32,110 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 96**, AN ACT concerning business entities; relating to resident agents, articles of incorporation and certificates of good standing; amending K.S.A. 17-6202, 17-6203, 17-7666, 17-76,121, 17-76,123, 56-1a502 and 56a-303 and K.S.A. 2010 Supp. 17-7301, 56-1a104, 56-1a504, 56a-1005 and 56a-1102 and repealing the existing sections, by Committee on Judiciary.

**SB 97**, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending Section 254 of chapter 136 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

**SB 98**, AN ACT concerning taxation; relating to income tax, rates and elimination of tax on corporations; sales taxation, exemptions, rates and distribution of revenue and imposition of tax on certain services; eliminating food sales tax refund; amending K.S.A. 2010 Supp. 12-198, 79-32,110, 79-3602, 79-3603, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 79-3632, 79-3634, 79-3636, 79-3637 and 79-3638 and K.S.A. 2010 Supp. 79-3633, 79-3635 and 79-3639, by Committee on Assessment and Taxation.

**SB 99**, AN ACT concerning electronic transmission of prescription orders; establishing the electronic prescription adoption act, by Committee on Public Health and Welfare.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 77**, **SB 78**.

Education: **SB 75**.

Federal and State Affairs: **SB 80**.

Judiciary: **SB 73**, **SB 74**, **SB 79**.

Public Health and Welfare: **SB 76**.

## CHANGE OF REFERENCE

The President withdrew **SB 26** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Federal and State Affairs.

## MESSAGES FROM THE GOVERNOR

February 3, 2011

*Message to the Senate of the State of Kansas:*

Enclosed herewith is the corrected Executive Reorganization Order No. 35 and the corrected Governor's Message for that ERO for your information.

**Corrected  
Governor's Message  
Executive Reorganization Order No. 35  
By Governor Sam Brownback**

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 35 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Executive Reorganization Order No. 35 as corrected is the corrected version of Executive Reorganization Order No. 35 as transmitted on January 25, 2011, which contained drafting errors.

Our state has a long tradition of promoting full and equal citizenship for all Kansans with disabilities. First established in 1949 as the Governor's Committee on Employment of the Physically Handicapped, the Kansas Commission on Disability Concerns works to ensure that Kansans with disabilities have equal access to employment opportunities and a living environment of their choice. It partners with state, federal, and local governments as well as businesses, labor, private citizens, and non-profit organizations to enhance the employment opportunities and quality of life of all Kansans who are disabled.

It is important that those who advocate on behalf of disabled Kansans have direct access to the Governor's office so that the community's concerns are addressed and solutions to their challenges acted upon. This is why I am ordering the transfer of the Kansas Commission on Disability Concerns as established by K.S.A. 74-6701 *et seq.* from the Department of Commerce to the Office of the Governor.

I look forward to working with the Legislature and the disabled community in the months and years to come as we work to ensure that all Kansans have equal access to the quality of life that we all have come to appreciate in this state we call home.

Sam Brownback  
Governor

**CORRECTED  
Executive Reorganization Order No. 35  
By Governor Sam Brownback**

Section 1. The commission on disability concerns is hereby transferred from the department of commerce to the office of governor and shall be a part thereof. The commission shall be advisory to the governor. The governor shall appoint an executive director of the commission. The office of governor shall provide office space and such clerical and other personnel as may be necessary for the efficient performance of the commission.

Sec. 2. Except as otherwise provided by this order, all powers, duties, and functions of the commission on disability concerns under K.S.A. 74-6701 *et seq.* and amendments thereto are hereby transferred to and imposed upon the commission.

Sec. 3. (a) The commission shall be the successor in every way to the powers, duties, and functions of the commission in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the commission shall be deemed to have the same force and effect as if performed by the commission in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) Whenever the commission or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the office of governor, such reference or designation shall be deemed to apply to the commission attached to the office of governor.

(c) All rules and regulations, orders, and directives of the commission which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the commission until revised, amended, revoked, or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the office of governor and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the commission under this order shall be assumed and paid by the commission attached to the office of governor.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The commission attached to the office of governor shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the commission attached to the office of governor. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) All officers and employees of the commission who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, as well as all officers and employees of the commission who are determined by the executive director of the commission attached to the office of governor to be engaged in providing administrative, technical, or other support services that are essential to the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the commission attached to the office of governor. All classified employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the commission transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the commission prior to the date of transfer.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka  
Under the Great Seal of the  
State of Kansas this 3rd day of  
February 2011.

BY THE GOVERNOR:  
SAM BROWNBACK

KRIS W. KOBACH  
*SECRETARY OF STATE*

ERIC RUCKER  
*ASSISTANT SECRETARY OF STATE*

February 3, 2011

*Message to the Senate of the State of Kansas:*

Enclosed herewith is the corrected Executive Reorganization Order No. 36 and the corrected Governor's Message for that ERO for your information.

**Governor's Message**  
**Executive Reorganization Order No. 36 as Corrected**  
**By Governor Sam Brownback**

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 36 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Executive Reorganization Order No. 36 as corrected is the corrected version of Executive Reorganization Order No. 36 as transmitted on January 27, 2011, which contained drafting errors.

In these difficult economic times, state government must be organized to market our state's assets to national and international visitors more effectively. The purpose of this Executive Reorganization Order is to:

- 1) Rename the Department of Wildlife and Parks as established by K.S.A. 32-801 *et seq.* as the Department of Wildlife, Parks and Tourism.
- 2) Abolish the Assistant Secretary of Operations position as established by K.S.A. 32-802, and in its place establish an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism.
- 3) Transfer the powers, functions, and duties of the Division of Travel and Tourism Development at the Department of Commerce as established by K.S.A. 74-5032 and K.S.A. 74-5032(a) and amendments thereto, to the Department of Wildlife, Parks and Tourism.

As I said in my State-of-the State speech, as we set the stage for economic growth in Kansas we must take greater advantage of tourism opportunities in areas such as the Flint Hills and increase hunting opportunities that already draws millions of dollars to our state year after year. The new structure will allow state government to focus our resources on this important goal more effectively and encourage innovative partnerships between the private and public sectors that can improve our state park system and encourage more visitors to discover the treasures of Kansas. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

Sam Brownback  
Governor

**CORRECTED**  
**EXECUTIVE REORGANIZATION ORDER NO. 36**  
**Governor Sam Brownback**

Section 1. (a) The Kansas department of wildlife and parks as established by K.S.A. 32-801 *et seq.* is hereby renamed the Kansas department of wildlife, parks and tourism and the secretary of wildlife and parks is hereby renamed the secretary of wildlife, parks and tourism.

(b) Except as otherwise provided by this order, the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife and parks and the secretary of wildlife and parks in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife and parks or the secretary of wildlife and parks in which such powers, duties and functions were vested prior to the effective date of this order.

(c) Whenever the Kansas department of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife and parks, such reference or designation shall be deemed to apply to the Kansas department of wildlife, parks and tourism.

(d) Whenever the secretary of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife and parks, such reference or designation shall be deemed to apply to the secretary of wildlife, parks and tourism.

(e) All rules and regulations, orders and directives of the secretary of wildlife and parks that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 2. (a) The secretary of wildlife, parks and tourism shall appoint an assistant secretary for wildlife, fisheries and boating and an assistant secretary for parks and tourism. The assistant secretaries shall serve at the pleasure of the secretary of wildlife, parks and tourism. The assistant secretaries shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism with the approval of the governor. The assistant secretaries shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretaries shall act for and exercise the powers of the secretary of wildlife, parks and tourism to the extent authority to do so is delegated by the secretary of wildlife, parks and tourism.

(b) The position of assistant secretary for operations as established by K.S.A. 32-802 is hereby abolished.

Sec. 3. (a) There is hereby established, within the Kansas department of wildlife, parks and tourism, the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of wildlife, parks and tourism. The director of tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism.



(b) (1) The director of tourism shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the powers and duties of the division of tourism.

(2) All officers and employees of the division of tourism shall act for and exercise the powers of the director of tourism to the extent that authority to do so is delegated by the director. Subject to the provisions of this order, the director of tourism may organize the division of tourism in the manner the director of tourism deems most efficient.

Sec. 4. (a) The division of travel and tourism development of the department of commerce and the office of the director of travel and tourism development of the department of commerce that were created by K.S.A. 74-5032, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development under K.S.A. 74-5032 and 74-5032a, and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism.

Sec. 5. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 4 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Except as otherwise provided by this order, whenever the division of travel and tourism development of the department of commerce, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the division of tourism of the Kansas department of wildlife, parks and tourism.

(c) Except as otherwise provided by this order, whenever the director of travel and tourism development of the department of commerce, or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power or duty of the director of travel and tourism development of the department of commerce, such reference or designation shall be deemed to

apply to the director of tourism of the Kansas department of wildlife, parks and tourism.

(d) All rules and regulations, orders and directives of the secretary of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 6. (a) The balances of all funds or accounts thereof appropriated or reapportioned for the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of wildlife, parks and tourism and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the Kansas department of wildlife, parks and tourism under this order shall be assumed and paid by the Kansas department of wildlife, parks and tourism.

Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas department of wildlife, parks and tourism shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 9. (a) All officers and employees of the department of commerce who, immediately prior to the effective date of this order, are engaged in the

exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the department of commerce who are determined by the secretary of wildlife, parks and tourism to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the department of commerce prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the department of commerce to the division of tourism of the Kansas department of wildlife, parks and tourism established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 10. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal of the  
State of Kansas this  
3rd day of February 2011.

BY THE GOVERNOR  
SAM BROWNBECK

KRIS W. KOBACH  
*SECRETARY OF STATE*

ERIC RUCKER  
*ASSISTANT SECRETARY OF STATE*

**COMMUNICATIONS FROM STATE OFFICERS**

## KANSAS CORPORATION COMMISSIONERS

February 1, 2011

The Kansas Corporation Commission submitted the 2011 Report on Price Deregulation to the Kansas Legislature.

## DEPARTMENT OF REVENUE

January 31, 2011

In accordance with KSA 79-32,261(f), Nick Jordan, Secretary of Revenue, submitted an annual report providing tax credit information specific to each community college, technical college or postsecondary educational institution.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review any time.

On motion of Senator Emler, the Senate recessed until 3:15 p.m.

## CONFIRMATION OF APPOINTMENTS

*By the Governor:*

On the appointment to the:

*Department of Labor:*

Karin Brownlee, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

*By the Governor:*

On the appointment to the:

*Department of Commerce:*

Pat George, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick,

Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

## REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 35**, **SB 38** be passed.

## REPORT ON ENROLLED BILLS

**SCR 1602** reported correctly enrolled, properly signed and presented to the Secretary of State on February 03, 2011.

## COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Taddiken in the chair.

On motion of Senator Taddiken the following report was adopted:

Recommended **SB 13**, **SB 14**, **SB 15**, **SB 17**, **SB 40** be passed.

**SR 1807** be amended by adoption of the committee amendments, and the resolution be adopted as amended.

**HCR 5003** be amended by adoption of the committee amendments, and the resolution be adopted as amended.

**SB 25** be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt on page 1, in the title, in line 2, by striking "license" and inserting "permit" and **SB 25** be passed as further amended.

**SB 11** be passed over and retain a place on the calendar.

## FINAL ACTION BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 13**, **SB 14**, **SB 15**, **SB 17**, **SB 25** and **SB 40**; **SR 1807**; **HCR 5003** were advanced to Final Action and roll call.

**SB 13**, AN ACT concerning postsecondary technical education; amending K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-614, 71-620, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-6214, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222 and 76-768 and repealing the existing sections; also repealing K.S.A. 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430, 72-4431, 72-4432, 72-4433 and 76-781.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 14**, AN ACT concerning the Kansas uninsurable health insurance plan act; pertaining to lifetime limits; pertaining to participation in plan by certain children; amending K.S.A. 2010 Supp. 40-2122 and 40-2124 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 15**, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2010 Supp. 40-2c01 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 17**, AN ACT concerning elections; relating to campaign finance; amending K.S.A. 25-4153 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 25**, AN ACT concerning alcoholic beverages; authorizing issuance of special event retailers' permit for sales of cereal malt beverage; amending K.S.A. 2010 Supp. 41-2703 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent

or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 40**, AN ACT concerning counties; relating to bidding requirements on certain contracts; amending K.S.A. 2010 Supp. 19-214 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SR 1807**, A RESOLUTION urging the Government of Turkey to uphold and safeguard religious and human rights without compromise; case its discrimination of the Ecumenical Patriarchate; grant the Ecumenical Patriarch appropriate international recognition; ecclesiastic succession and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan

The resolution was adopted, as amended.

**HCR 5003**, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2011-2012 biennium.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan

The resolution was adopted, as amended.

On motion of Senator Emler the Senate adjourned until 8:00 a.m., Friday, February 4, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

