

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 2, 2012, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator Ostmeyer was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we mature we take pride in our ability to exercise restraint.
We learn to roll with the punches; stay calm under pressure; or as Kipling put it, "To keep our heads when all around us others are losing theirs and blaming it on us." Or in the current lingo, "Be cool, man."

I believe that composure is an admirable quality most of the time. But you, Lord, have shown us these are times when keeping "cool, calm, and collected" is not always a virtue.

Even Jesus vented His wrath on the money-changers when He chased them out of the Temple because they were cheating the people.

So forgive us, Lord, when we are so stoic nothing outrages us. When in the presence of violence, we just "pass by on the other side."

When we can tolerate injustice with no show of emotion and when we have reached that point, O God, we are no longer just composed, we are dead!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 366, AN ACT concerning civil procedure; relating to attachment and garnishment; amending K.S.A. 2011 Supp. 60-736, 60-738, 60-739, 61-3509, 61-3511 and 61-3512 and repealing the existing sections, by Committee on Judiciary.

SB 367, AN ACT concerning juries; relating to jury lists; jury commissioners; access to tax records; amending K.S.A. 43-162 and K.S.A. 2011 Supp. 79-3234 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3234b, by Committee on Judiciary.

SB 368, AN ACT concerning crimes, punishment and criminal procedure; relating to

drug treatment programs; disposition and supervision of offenders; amending K.S.A. 2011 Supp. 21-6604, 21-6805, 21-6824, 75-5291 and 75-52,144 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 75-5291b, by Committee on Judiciary.

SB 369, AN ACT concerning taxation; relating to food sales tax refunds and homestead property tax refunds; certain confined persons; amending K.S.A. 79-3632 and 79-4505 and K.S.A. 2011 Supp. 79-3633 and 79-4502 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 370, AN ACT relating to property taxation; enacting the senior citizen property tax deferral act, by Committee on Assessment and Taxation.

SB 371, AN ACT concerning sales taxation; relating to nexus; amending K.S.A. 2011 Supp. 79-3702 and repealing the existing section, by Committee on Assessment and Taxation.

SB 372, AN ACT concerning the Kansas money transmitters act; amending K.S.A. 2011 Supp. 9-508, 9-509, 9-510, 9-511, 9-512, 9-513, 9-513a and 9-513c and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 373, AN ACT concerning public health care; relating to the interstate health care compact, by Committee on Financial Institutions and Insurance.

SB 374, AN ACT concerning utilities, relating to the Kansas corporation commission; rules and regulations; amending K.S.A. 66-1,150, 66-1,151 and 66-1,153 and repealing the existing sections, by Committee on Utilities.

SB 375, AN ACT concerning solid waste; relating to permit exemptions; amending K.S.A. 2011 Supp. 65-3407c and repealing the existing section, by Committee on Natural Resources.

SB 376, AN ACT concerning taxation; relating to income tax, rates; sales taxation, exemptions, rates and distribution of revenue and imposition of tax on certain services; eliminating food sales tax refund; local compensating use tax; duties of secretary of revenue; local property tax reductions; amending K.S.A. 2011 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 and 79-3638 and K.S.A. 2011 Supp. 79-3606g, 79-3633, 79-3635, 79-3637, 79-3639 and 79-3639a, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 365**.

Education: **SB 364**.

Federal and State Affairs: **SB 363**.

Public Health and Welfare: **HB 2428**, **HB 2490**.

Transportation: **HB 2273**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 354** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Federal and State Affairs**.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS CORPORATION COMMISSION**

February 1, 2012

Pursuant to the requirements of KSA 2011 Supp. 66-2005 as amended by SB 350, HB 2637 and SB 72, which were enacted by the 2006, 2008 and 2011 Legislatures, respectively, Patti Petersen-Klein, Executive Director, submitted the Annual Price Deregulation Report to the 2012 Legislature.

February 1, 2012

Pursuant to the provisions of KSA 66-117b Patti Petersen-Klein, Executive Director and Jesse Borjon, Director of Public Affairs and Consumer Protection, submitted the 2012 Utilities and Common Carriers Annual Report to the Legislature.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2335, HB 2424, HB 2451, HB 2453.**

INTRODUCTION OF HOUSE BILLS

HB 2335, HB 2424, HB 2451, HB 2453 were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 266 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 266, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2011 Supp. 40-2c01 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 207, AN ACT concerning counties; relating to acceptance of credit and debit

cards, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed.

SB 249, AN ACT concerning the division of post audit; relating to employees; criminal history record check; amending K.S.A. 46-1103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 258, AN ACT concerning state officers and employees; relating to state universities; relating to certain negotiated contracts, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 259, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; pertaining to employment after retirement for certain school employees; amending K.S.A. 2011 Supp. 74-4937 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing: 0; Absent or not voting: 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Olson, Owens, Petersen, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle.

Nays: Lynn, Merrick, Pilcher-Cook and Pyle.

Absent or not voting: Ostmeyer.

The bill passed.

SB 264, AN ACT concerning insurance; relating to life insurance companies;

designating trust companies as nominee; amending K.S.A. 2011 Supp. 40-2b20 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed.

SB 265, AN ACT concerning credit unions; relating to the administrator's approval of bylaw amendments; amending K.S.A. 17-2202 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed.

SB 270, AN ACT concerning the department of revenue; relating to confidentiality of licensure information; exceptions; amending K.S.A. 2011 Supp. 75-5133 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 272, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2011 Supp. 82a-736 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 274, AN ACT concerning alcoholic beverages; relating to temporary permits under the club and drinking establishment act; authorizing extended permits; amending K.S.A. 2011 Supp. 41-2645 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 275, AN ACT concerning alcoholic beverages; repealing statutes pertaining to salesperson's permits; repealing K.S.A. 41-333, 41-334, 41-335, 41-336, 41-337, 41-338, 41-339, 41-340 and 41-341, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed.

SB 279, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawful sexual relations; amending K.S.A. 2011 Supp. 21-5512 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 280, AN ACT concerning commitment of sexually violent predators; relating to evaluations; testimony of expert witnesses; amending K.S.A. 59-29a05 and K.S.A. 2011 Supp. 59-29a06 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 289, AN ACT concerning the veterinary practice act; relating to records inspection fee; powers of the board of veterinary examiners; grounds to suspend or revoke a license; amending K.S.A. 47-821 and K.S.A. 2011 Supp. 47-822, 47-830 and 47-842 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing: 0; Absent or not voting: 1.

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

Nays: Pilcher-Cook.

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 290, AN ACT concerning the addictions counselor licensure act; amending K.S.A. 2011 Supp. 65-6608, 65-6610 and 65-6613 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 291, AN ACT concerning the uniform trust code; relating to modification or termination of noncharitable irrevocable trust; creditor claims against settlors; certification of trusts; amending K.S.A. 58a-505, 58a-1013 and 59-103 and K.S.A. 2011 Supp. 58a-411 and repealing the existing sections; also repealing K.S.A. 58a-818, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 292, AN ACT concerning inheritance rights; relating to revocation upon divorce, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco,

Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle.

Absent or not voting: Ostmeier.

The bill passed.

SB 293, AN ACT concerning probate; relating to filing of wills; amending K.S.A. 2011 Supp. 59-618a and repealing the existing section; also repealing K.S.A. 59-621, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeier.

The bill passed.

SB 294, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeier.

The bill passed.

SB 297, AN ACT concerning domestic relations; relating to marital property; amending K.S.A. 2011 Supp. 23-2601 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing: 0; Absent or not voting: 1.

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

Nays: Haley.

Absent or not voting: Ostmeier.

The bill passed.

SB 300, AN ACT concerning motor vehicles; relating to temporary vehicle registration permits; extending the thirty-day registration to sixty days; amending K.S.A. 8-127 and K.S.A. 2011 Supp. 8-135, 8-135c, 8-143, 8-198, and 8-2409 and

repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SB 303, AN ACT concerning disposition of unclaimed cremated remains; relating to veterans cremated remains; amending K.S.A. 65-1732 and repealing the existing section; also repealing K.S.A. 65-1733, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The bill passed, as amended.

SR 1803, urging congress to amend the federal highway beautification act to allow businesses in small towns across Kansas to advertise with outdoor highway advertising signs, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The resolution was adopted.

SR 1804, concerning transportation; requesting a multi-year federal transportation funding program at current funding levels, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing: 0; Absent or not voting: 1.

Yeas: Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Morris, Olson, Owens, Petersen, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle.

Nays: Abrams, Masterson, Merrick, Pilcher-Cook and Pyle.

Absent or not voting: Ostmeyer.

The resolution was adopted.

Sub HB 2178, AN ACT concerning licenses and permits; relating to nonresident military spouses, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The substitute bill passed.

HCR 5016, urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing: 0; Absent or not voting: 1.

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

Absent or not voting: Ostmeyer.

The resolution was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators A. Schmidt, Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1810—

A RESOLUTION congratulating and commending Fort Hays State University for being named by *U.S. News and World Report* to the top tier of online education universities.

WHEREAS, Fort Hays State University emerges as the number two undergraduate online education program in the nation when *U.S. News & World Report* criteria are compared cumulatively; and

WHEREAS, Out of the many hundreds of universities in the nation that offer online education, Fort Hays State was one of only 40 that were given honor roll status, the highest distinction in the rankings; and

WHEREAS, *U.S. News and World Report* evaluated online bachelor's programs according to three criteria: (1) Teaching practices and student engagement; (2) student services and technology; and (3) faculty credentials and training. Graduate programs were evaluated by the same three criteria plus a fourth criterion, admissions selectivity; and

WHEREAS, Fort Hays State ranked sixth in the nation in the category of teaching

practices and student engagement, ahead of universities such as the University of South Carolina, the University of Cincinnati and the University of Florida. In the category of student services and technology, Fort Hays State ranked 10th in the nation, ahead of Western Kentucky University, Penn State University and the University of Florida. In the category of faculty credentials and training, Fort Hays State ranked 35th in the nation, ahead of Arizona State University, the University of Denver and the University of Missouri; and

WHEREAS, Three of Fort Hays State's graduate online programs also received rankings of distinction and finished ranked ahead of several large and nationally recognized universities; and

WHEREAS, The graduate business program, or master of business administration, ranked fifth in the nation in the student services and technology category, ahead of George Washington University, Indiana University and Arizona State University. The masters in nursing program ranked sixth in the nation, ahead of Loyola University Chicago, St. Louis University and Duke University. The masters in education program ranked 14th in the nation, ahead of the University of Texas, Florida State University and Indiana University; and

WHEREAS, Not only does Fort Hays State's online education program rank highly in quality, but also in affordability. GetEducated.com recently ranked the master of liberal studies with a concentration in justice studies and the bachelor of science in information technology and telecommunications/computer networking as number one in the nation for affordability. Four other Fort Hays State online programs were ranked second most affordable and a fifth program was ranked third most affordable; and

WHEREAS, Such outstanding achievements could not have been accomplished without the hard work and forward thinking of the faculty, staff and administrators of Fort Hays State University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Fort Hays State University for its distinguished online education program and we wish them continued success in their climb to the top of the rankings; and

Be it further resolved: That the Secretary of the Senate shall send eight enrolled copies of this resolution to Senator Allen Schmidt.

Senator A. Schmidt introduced Dr. Edward Hammond, President, Fort Hays State University, and Tod Powell, Legal Counsel for the University. He congratulated and commended the University for being named by *U.S. News and World Report* to the top tier of online education universities.

He noted that many have marveled over the years as Fort Hays State University has continued to grow and excel as a forward-thinking, liberal and applied arts university on the High Plains of Kansas. Fort Hays is recognized internationally for offering more than 60 degrees in a technology-rich environment.

Founded in 1982 as the western branch of the Kansas Normal School, Fort Hays State University has never wavered from its mission to provide a quality education.

Today, Fort Hays offers over 5,000 students an outstanding on-campus experience to the 66 counties of western Kansas. In addition, this forward-thinking university serves another 7,900 students in greater Kansas, and around the world through its award-winning Virtual College which now offers 34 bachelor's and master's programs and over 50 undergraduate and graduate certificates.

Fort Hays University is the Alma Mater of Senators A. Schmidt, Taddiken and Bruce

and seven members of the House of Representatives. The Senators joined Senator Schmidt in a standing ovation.

On emergency motion of Senator A. Schmidt **SR 1810** was adopted unanimously.

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

SENATE RESOLUTION No. 1811—

A RESOLUTION congratulating the economic development efforts of the McPherson, Kansas community.

WHEREAS, The economic development efforts within the McPherson, Kansas community are guided by McPherson Industrial Development Company (MIDC); and

WHEREAS, MIDC, in partnership with the City of McPherson, McPherson County and the McPherson Board of Public Utilities, has worked since 1959 to build a strong industrial base in McPherson that now includes six industrial parks and 50 manufacturers; and

WHEREAS, MIDC, through its visionary leadership for the McPherson community, continually seeks to sharpen the focus of its economic development efforts and further position the community for industrial relocation and expansion; and

WHEREAS, In its vision, MIDC engaged in the CompetitiveReady process, which evaluates and scores communities in 10 categories based on the stringent criteria typically used by site selectors when screening communities for business locations; and

WHEREAS, Under the guidance of the MIDC, McPherson is the first community in Kansas to successfully earn the CompetitiveReady designation; and

WHEREAS, McPherson, Kansas is one of only two communities in the entire nation to have successfully earned the CompetitiveReady designation; and

WHEREAS, A number of factors were credited in the city's CompetitiveReady designation, including a favorable manufacturing environment, business-friendly leadership and a good quality of life; and

WHEREAS, Evaluators in the CompetitiveReady process noted the city's low electric rates, access to rail service, existing infrastructure, quality schools, skilled workforce, low cost of living, strong community pride and amenities such as an opera house, arts center, golf course and parks system as critical factors in attracting and retaining a business base: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate McPherson Industrial Development Company, its board of directors, the City of McPherson, McPherson County, and McPherson Board of Public Utilities for their successful efforts to develop and sustain a strong business base in the McPherson, Kansas community; and

Be it further resolved: That we recognize the McPherson, Kansas community now carries the CompetitiveReady designation as a signal to companies throughout the world that it is fully equipped to support their business growth and expansion and that such designation is a source of great pride for the City of McPherson, McPherson County and the entire state of Kansas; and

Be it further resolved: That we recognize the leadership, public service, dedication and economic development approach of McPherson Industrial Development Company

and its board members as a model for communities throughout Kansas and across our nation; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution to MIDC, one enrolled copy to the City of McPherson, one enrolled copy to the County of McPherson and one enrolled copy to the McPherson Board of Public Utilities.

Senator Emler introduced Marvin, “Pete” Peters, Brett Reber, Kyle Hawk, Colin Hansen, Rick Wilborn, and Tom Brown and congratulated them for the success of the economic development efforts of the McPherson, Kansas community.

On emergency motion of Senator Emler **SR 1811** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** begs leave to submit the following report:

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

By the President of the Senate:

Bioscience Authority, Board of Directors: K.S.A. 74-99b04

Kenneth Buchele, serves for a term of 4 years

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, February 3, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

