

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 15, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Though we know that it will happen
We always feel the sting
Of continually getting blamed
For almost everything!

It seems that it must be
A part of human nature,
When something has gone wrong,
To blame the legislature.

People seldom think to ask
Which way we cast our vote.
If they don't like the bill we passed,
We ALL become the goat.

Please help the people realize, O God,
We EXPECT to take the blame
For every vote we've ever cast
Since the day we came!

But no one likes to take the blame
For things we did not do.
Like everyone we want to be
Treated fairly, too!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Morris rose on a Point of Personal Privilege to introduced his granddaughter, Savannah Tasset, and her friend, Clara Bartlett who were serving as pages.

1690

MARCH 15, 2012

Senator Emler recognized the Leadership group from Lincoln County.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 467, SB 468, HB 2769.**

Federal and State Affairs: **Sub HB 2689.**

KPERS Select: **SB 466.**

Natural Resources: **HB 2729.**

Transportation: **SB 465.**

CHANGE OF REFERENCE

There being an objection to **HB 2597, HB 2604**, appearing on the Consent Calendar, the President withdrew the bills and placed them on the calendar under the heading of General Orders.

The President withdrew **HB 2597** from the Calendar under the heading of General Orders and referred the bill to the Committee on **Natural Resources.**

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2459.**

FINAL ACTION ON CONSENT CALENDAR

HB 2429, HB 2507, HB 2509, HB 2588 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2429, AN ACT concerning state educational institutions; relating to the state educational institution project delivery construction procurement act and expiration thereof; amending K.S.A. 2011 Supp. 76-7,125 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

HB 2507, AN ACT repealing K.S.A. 40-3508; concerning reinsurance limits for mortgage guaranty insurance companies.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

HB 2509, AN ACT designating a part of K-9 highway as the David Mee memorial highway; amending K.S.A. 2011 Supp. 68-1051 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

HB 2588, AN ACT concerning water; relating to debt authorization for water districts; amending K.S.A. 19-3553 and K.S.A. 2011 Supp. 82a-619 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 447, AN ACT concerning wildlife, parks and tourism; relating to vessel fees; amending K.S.A. 2011 Supp. 32-1172 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Huntington, Kelsey, King, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, A. Schmidt, V. Schmidt, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Hensley, Holland, Kelly, Kultala, Lynn, Merrick, Olson, Pilcher-Cook, Pyle, Schodorf, Steineger.

The bill passed.

SCR 1616, in support of the Native Nations Law Symposium and urging the Governor to declare a "Tribal Law Day," was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The resolution was adopted.

Sub HB 2055, AN ACT concerning criminal procedure; relating to district attorney offender reports; amending K.S.A. 22-3432 and K.S.A. 2011 Supp. 22-3427 and

repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

Sub HB 2166, AN ACT concerning cities; relating to the publication of certain ordinances; amending K.S.A. 12-3001 and 12-3007 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

Sub HB 2207, AN ACT concerning limited liability companies; relating to series limited liability companies; amending K.S.A. 17-7663 and 17-7682 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Francisco, Kelly.

The substitute bill passed.

HB 2335, AN ACT concerning the Kansas act against discrimination; amending K.S.A. 44-1002 and 44-1006 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2412, AN ACT concerning cities; relating to dissolution, certain cities, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

HB 2413, AN ACT concerning criminal procedure; relating to aid to indigent defendants; disclosure of tax information by department of revenue; amending K.S.A. 2011 Supp. 79-3234 and repealing the existing section; also repealing K.S.A. 2011 Supp. 79-3234b, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

HB 2420, AN ACT concerning cities; relating to bonded debt limits; amending and repealing the existing section; amending K.S.A. 2011 Supp. 10-308 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeyer, Owens, Petersen, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Olson, Pilcher-Cook, Pyle, Steineger.

The bill passed.

HB 2468, AN ACT concerning criminal procedure; relating to discovery and production requirements of defense attorneys; amending K.S.A. 2011 Supp. 22-3212 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Reitz, V. Schmidt, Schodorf, Teichman, Umbarger, Wagle.

Nays: Francisco, Haley, Hensley, Holland, Kelly, Kultala, Owens, Pyle, A. Schmidt, Steineger, Taddiken, Vratil.

The bill passed.

EXPLANATION OF VOTE

Mr. President: I vote "NO" on **HB 2468**. As anyone who has ever rooted for the underdog when Perry Mason brought in that piece of previously undiscovered evidence for the defense knows, there is a decided difference between the resources available to the tax payer supported prosecution and the resources availed to an often hasty and/or

underfunded defense. There's a reason only a few states have a reciprocity of evidence law like this. What's "good for the goose is not good for the gander" if one has unlimited resources on the one hand while the other hand does not. --With Liberty and Justice for Some—DAVID HALEY

HB 2469, AN ACT concerning crimes, criminal procedure and punishment; relating to payment of board of indigents' services fees; relating to parole revocation proceedings; amending K.S.A. 22-4529 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2472, AN ACT concerning rural water districts; definitions; amending K.S.A. 2011 Supp. 82a-612 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2473, AN ACT concerning civil procedure; relating to pleadings and discovery; amending K.S.A. 2011 Supp. 60-208 and 60-226 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2491, AN ACT concerning wildlife; relating to hunting; amending K.S.A. 2011 Supp. 32-1002 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2496, AN ACT concerning law enforcement; relating to law enforcement officers and juvenile justice authority employees; amending K.S.A. 2011 Supp. 38-2386 and 74-5602 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2534, AN ACT concerning children and minors; relating to reporting of disappearance or death of a child; relating to interference with law enforcement; amending K.S.A. 2011 Supp. 21-5904 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2546, AN ACT concerning the Kansas military board; relating to the conveyance of certain property, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2600, AN ACT concerning mental health information; relating to access by law enforcement officers; amending K.S.A. 2011 Supp. 65-5603 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2666, AN ACT concerning experience requirements for certain contractors; amending K.S.A. 2011 Supp. 12-1509, 12-1526 and 12-1542 and repealing the existing

sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2669, AN ACT repealing K.S.A. 19-901, 19-902, 19-903 and 19-904; concerning matron of a county jail, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2672, AN ACT repealing K.S.A. 19-825; concerning the vacating and reinstating of a sheriff for failing to perform certain duties, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2675, AN ACT concerning county clerks and county appraisers; amending K.S.A. 79-408 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2677, AN ACT dealing with county appraisers; amending K.S.A. 19-430 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger,

Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HCR 5032, commending the positive approach and best practices of the Crisis Intervention Team program and encouraging the development of active crisis intervention team programs statewide, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The resolution was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Umbarger, Marshall, Apple and King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1834**—

A RESOLUTION honoring and commemorating the Sisters of Mercy Hospitals in Kansas.

WHEREAS, Mercy Health Center, Fort Scott, celebrated its 125th year anniversary last year, on March 1, 2012, Mercy Hospital of Independence will celebrate its 85th year anniversary and Mercy Maude Norton of Columbus was established in 1917; and

WHEREAS, Mercy Hospital in Fort Scott was established when Sr. Theresa Dolan and Sr. Mary Delores Drew arrived in Fort Scott intending to establish a school only to learn the community was in desperate need of a hospital instead. A small 10-bed hospital had been prepared and was waiting for operation. There had not been a hospital in the area for more than 30 years, and the closest one was 90 miles away in Kansas City. Mercy Hospital of Independence was founded in 1927 by the same order of the Religious Sisters of Mercy. Maude Norton Memorial City Hospital was established in 1917 and in November of 2009, the hospital joined with Sisters of Mercy Health System. In January of 2012, the hospital became known as Mercy Maude Norton of Columbus; and

WHEREAS, Once a 10-bed hospital in downtown Fort Scott, the current Mercy Hospital now stands strong on a hill at the south end of Fort Scott. The state-of-the-art facility opened in 2002 following a \$2.2 million capital campaign; a testimony to the philanthropic support from individuals whose lives have been touched by the exceptional care at Mercy. Mercy now operates physician clinics in three counties in southeast Kansas; Bourbon, Linn and Crawford, as well as a multi-specialty clinic where patients see physician specialists who travel to Fort Scott to limit the need for patients to travel out of town; and

WHEREAS, Mercy's Independence-based facilities offer full-service primary inpatient and outpatient care; physician services through the Mercy Physician Group;

home health services; outpatient rehabilitation; community fitness; and retail pharmacy services. In addition, Mercy sponsors a rural outreach health clinic, located in Cherryvale, which has just relocated and expanded to offer additional services, extended hours and a second provider; and

WHEREAS, The Maude Norton Memorial City Hospital was established in 1917 by the terms of William Norton's will. His home, located at 200 North Kansas Avenue, was donated to the city of Columbus for use as a hospital. It was dedicated to the memory of his daughter Maude, who died in a swimming accident in 1905. The Norton home, considered a mansion during that period, served as the hospital until 1952, when it was demolished and replaced by a more modern building. Several additions and remodeling projects have taken place over the years, but the hospital retains the charm and atmosphere unique to a period of time considered by many to be the Mercy "good old days"; and

WHEREAS, Over the years other service lines have been added to accommodate patients' growing health care needs. Mercy Home Health, Mercy Imaging Services, cancer care services, Mercy Urgent Care, Mercy Rehabilitation Services and Health for Life all focused around providing convenient access to the quality services Mercy patients have grown to appreciate. Mercy's plans for this decade include providing patients access to an even larger network of providers and services as well as incorporating the latest technology to make health care easier; and

WHEREAS, For 125 years Mercy has been steadfast yet dynamic; committed to and seeking out methods to serve the health care needs of the Fort Scott, Independence and Columbus communities and far beyond; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and congratulate the Sisters of Mercy Hospitals in Kansas for the compassionate and caring service that they have given to the citizens of rural Kansas over the last 125 years; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each Sisters of Mercy Hospital in Kansas and Lynn Britton, CEO, Mercy Health of St. Louis, MO.

On emergency motion of Senator Umbarger **SR 1834** was adopted unanimously.

Senator Umbarger honored and commemorated the Sisters of Mercy Hospitals in Kansas. The following guests were acknowledged for their support of the Hospitals: Sister Annrene Brau, Eric Ammons, Sister Margaret Andrew, Reta Baker, Cindy Neely, Sharon Campbell, Joanne Cox, Patty Doncouse, Terri Floyd, Dale Cation, Brenda Stokes, Mary Wynn, William James Shafer, Julie Eichenberger, Karen Endicott-Coyan and Dena Splitter. The Senate welcomed them with a standing ovation.

Senators Longbine, Brungardt, Francisco, Love, Masterson, Merrick and Reitz introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1835**—

A RESOLUTION congratulating and commending the 2012 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2012. These seven outstanding educators will be honored on Wednesday, April 4, with a day of receptions, seminars and tours at sponsoring institution Emporia State University; and

WHEREAS, The 2012 Kansas Master Teachers are Shelley Aistrup, a principal at both Northview Elementary School and College Hill Preschool in Manhattan-Ogden USD 383; Cindy Ehrstein, an eighth grade language arts teacher at Andover Central Middle School in Andover USD 385; Sandra Gonsler, a second grade teacher at Sunrise Point Elementary in Blue Valley USD 229; Kendra Metz, a seventh grade reading and language arts teacher at South West Middle School in Lawrence USD 497; Katrina Paradis, an English teacher at Salina Central High School in Salina USD 305; Jodi Testa, a third grade teacher at Lincoln Elementary School in Geary County USD 475; and Marc Woofter, a principal at Comanche Intermediate Center in Dodge City USD 443; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1954. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher awards. In 1984, the Black family of Broken Bow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester. During this time, the teachers present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contribution of great teachers such as those being honored here today. These 2012 Kansas Master Teachers serve as mentors and role models and lay the groundwork for the best educators of tomorrow. They go above and beyond what is expected and offer inspiration along with instruction. They teach with heart and soul. By giving the best of themselves, they encourage students to give their best in return; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2012 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we offer our heartfelt thanks to these extraordinary educators – these men and women who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs; that we congratulate and commend the seven 2012 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send seven enrolled copies of this resolution to Senator Longbine for presentation to the 2012 Kansas Master Teachers who are present in the Senate Chamber today.

On emergency motion of Senator Longbine **SR 1835** was adopted unanimously.

Senator Longbine congratulated and commended the 2012 Kansas Master Teachers. The 2012 Kansas Master Teachers in attendance were: Shelley Aistrup, Cindy Ehrstein, Sandra Gonsler, Kendra Metz, Katrina Paradis, Jodi Testa, Marc Woofter, Tyler Curtis and Lori Mann. The Senate acknowledged their achievement with a standing ovation.

Senators Morris, Abrams, Apple, Brungardt, Donovan, Emler, Hensley, Holland, Huntington, Kelsey, Kultala, Longbine, Love, Lynn, Ostmeyer, Owens, Petersen,

Pilcher-Cook, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1836—

A RESOLUTION congratulating and commending the Voyager class, 2013
graduating class of the Kansas Academy of Mathematics and Science.

WHEREAS, The Legislature of the state of Kansas enacted legislation in 2006 authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and science education, increase retention of intellectual capital and promote economic development; and

WHEREAS, The Legislature of the state of Kansas approved five years of funding for the Kansas Academy of Mathematics and Science in 2008; and

WHEREAS, Fort Hays State University is a forward-thinking liberal and applied arts university, and is recognized internationally for offering more than 60 degrees in a technology-rich environment. Fort Hays State University aggressively seeks innovative solutions to meet the educational needs of Kansans and enhance the economic future of the state; and

WHEREAS, The State Board of Regents selected Fort Hays State University as the site to host the Kansas Academy of Mathematics and Science in 2007; and

WHEREAS, Fort Hays State University was able to establish the Kansas Academy of Mathematics and Science in a single year, allowing Kansas to become the 16th state in the country with an academic early-entry-to-college program offering a unique residential learning experience for high achieving high school juniors and seniors who are academically talented in science and mathematics; and

WHEREAS, The Kansas Academy of Mathematics and Science provides a unique, hands-on rigorous research environment with PhD. faculty that focuses on academics, research, leadership development and civic engagement allowing Fort Hays State University to cultivate future citizen-leaders; and

WHEREAS, Graduates of the Kansas Academy of Mathematics and Science receive a high school diploma and 68 hours of college credit; and

WHEREAS, The 2013 graduates of the Kansas Academy of Mathematics and Science are: Quentin Aker, Wichita; Lexia Aurand, Belleville; Bliss Betzen, Parsons; Emily Cress, Lyons; Eric Crook, Ottawa; Amber Curtis, Bucklin; Deborah Denny, Hutchinson; Hayley Disney, Topeka; Joseph Dougherty, Garnett; Samantha Elledge, Green; Andrew Foust, Augusta; Matthew Gaylor, Benton; Katharine Goebel, El Dorado; Alex Hatfield, Leon; Jessica Hayes, Abilene; Joshua Hoover, Washington; Dallas Hyder, Olathe; Jinho (Peter) Jung, Gwangju Metropolitan, South Korea; Tengzhi (Oliver) Liu, Guangzhou, China; Rex Miller, Olathe; Trisha Penning, Atchison; Steven Powell, Wichita; Laura Rokey, Sabetha; Cera Smart, Mayetta; Morgen Smith, Holton; Brandon Tomas, Wichita; Alec Weaver, Olathe; Luke Wright, Abilene: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2013 graduates of the Kansas Academy of Mathematics and Science; we wish them continued success in their academic and personal pursuits and encourage them to use their significant gifts to improve the future of their home state; and

Be it further resolved: That the members of the Kansas Senate express gratitude to the educators and support staff who, through their own dedication and commitment to

excellence in education in the fields of mathematics and science, have brought this program to fruition through the successes of each graduating class. Their efforts are helping to forge the future for the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 28 enrolled copies of this resolution to the director of the Kansas Academy of Mathematics and Science for forwarding to each of the 2013 graduates of the Kansas Academy of Mathematics and Science plus six copies for the director of the Kansas Academy of Mathematics and Science.

On emergency motion of Senator A. Schmidt **SR 1836** was adopted unanimously.

Senator A. Schmidt congratulated and commended the 2013 graduating class of the Kansas Academy of Mathematics and Science. The graduates and guests of the 2013 class were: Eric Crook, Joseph Dougherty, Deborah Denny, Jessica Hayes, Luke Wright, Steven Powell, Emily Cress, Quentin Aker, Amber Curtis, Andrew Foust, Matthew Gaylor, Katharine Goebel, Alex Hatfield, Dallas Hyder, Jinho (Peter) Jung, Tengzhi (Oliver) Lieu, Rex Miller, Alex Weaver, Trisha Penning, Cera Smart, Morgen Smith, Hayley Disney, Lexia Aurand, Samantha Elledge, Joshua Hoover, Laura Rokey, Bliss Betzen, Brandon Tomas, Dr. Edward Hammond, Diane Gasper, Raymond Hillegas, Ron Keller and Debra Prideaux. The Senate acknowledged their achievement with a standing ovation.

REPORT ON ENGROSSED BILLS

SB 263 reported correctly engrossed March 15, 2012.

SB 265 reported correctly engrossed March 14, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 412** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 412," as follows:

"Substitute for SENATE BILL NO. 412
By Committee on Agriculture

"AN ACT concerning water; relating to appropriation of water for sand and gravel projects; amending K.S.A. 2011 Supp. 82a-734 and repealing the existing section."; And the substitute bill be passed.

Also, **HB 2503**, as amended by House Committee, be amended on page 5, in line 40, by striking "and"; also in line 40, before "74-50,163" by inserting ", 74-555 and";

On page 1, in the title, in line 4, after "74-551" by inserting "and K.S.A. 2011 Supp. 74-555"; and the bill be passed as amended.

HB 2516, as amended by House Committee, be amended on page 3, in line 25, by striking "The chief engineer may require owners of water rights"; by striking all in lines 26 through 30; in line 31, by striking "(c)"; and the bill be passed as amended.

HB 2517, as amended by House Committee, be amended on page 5, following line 42, by inserting:

"(p) The provisions of this section shall expire on July 1, 2022.";

On page 6, following line 19, by inserting:

"(d) The provisions of this section shall expire on July 1, 2022."; and the bill be

passed as amended.

HB 2596 be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2596," as follows:

"SENATE Substitute for HOUSE BILL NO. 2596
By Committee on Agriculture

"AN ACT concerning agriculture; relating to animal health; amending K.S.A. 47-120, 47-121, 47-122, 47-237, 47-238, 47-419, 47-422, 47-424, 47-1001, 47-1002, 47-1005, 47-1010, 47-1102, 47-1213, 47-1217, 47-1219, 47-1301, 47-1305, 47-1306, 47-1509, 47-1701, 47-1710, 47-1711, 47-1723, 47-1725, 47-1726, 47-1727, 47-1801, 47-1804, 47-1807 and 47-2306 and K.S.A. 2011 Supp. 47-1008, 47-1302, 47-1706, 47-1707, 47-1708, 47-1709, 47-1809, 47-1825 and 47-1826 and repealing the existing sections; also repealing K.S.A. 47-619, 47-621, 47-636, 47-637, 47-638, 47-639, 47-641, 47-642, 47-643, 47-644, 47-647, 47-648, 47-649, 47-650, 47-651, 47-652, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-656, 47-666, 47-667, 47-668, 47-669, 47-670, 47-671, 47-921, 47-922, 47-923 and 47-1005b and K.S.A. 2011 Supp. 47-672 and 47-1307.";

And the substitute bill be passed.

HB 2730, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2730," as follows:

"SENATE Substitute for HOUSE BILL NO. 2730
By Committee on Agriculture

"AN ACT concerning the department of agriculture; relating to the duties of the secretary of agriculture; inspections; licensing; amending K.S.A. 36-505, 36-515a, 36-517, 65-660, 65-674, 65-682, 65-6a34 and 65-6a41 and K.S.A. 2011 Supp. 36-501, 36-502, 36-506, 36-510, 36-515, 36-515b, 36-518, 36-519, 36-520, 65-655, 65-656, 65-657, 65-658, 65-685, 65-688, 65-689, 65-690, 65-6a18, 65-6a20 and 65-6a31 and repealing the existing sections; also repealing K.S.A. 36-508, 36-511, 36-513, 36-515c, 65-619, 65-620, 65-621, 65-622, 65-623, 65-624, 65-625, 65-631, 65-632, 65-633, 65-634, 65-637, 65-638, 65-639, 65-640, 65-642, 65-651, 65-652, 65-654, 65-659, 65-661, 65-666, 65-667, 65-677 and 65-681 and K.S.A. 2011 Supp. 36-503, 36-504, 36-507, 36-509, 65-626, 65-635, 65-641, 65-653, 65-673, 65-676, 65-683, 65-684, 65-686, 74-591, 74-592, 74-593, 74-594, 74-595, 74-596, 74-596a, 74-597, 74-598, 74-5,101 and 74-5,102.";

And the substitute bill be passed.

Committee on **Assessment and Taxation** recommends **Substitute for HB 2455** be passed.

Also, **HB 2157** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2157," as follows:

"SENATE Substitute for HOUSE BILL NO. 2157
By Committee on Assessment and Taxation

AN ACT concerning income taxation; relating to apportionment of business income by certain taxpayers; election thereof; requirements; amending K.S.A. 2011 Supp. 79-3279 and repealing the existing section.";

And the substitute bill be passed.

Sub HB 2161 be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute HOUSE BILL NO. 2161," as follows:

"SENATE Substitute for Substitute HOUSE BILL NO. 2161
By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to earned income tax credit; homestead property tax refunds; amending K.S.A. 2011 Supp. 79-32,205, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections.";

And the substitute bill be passed.

SCR 1612 be adopted.

Also, **SB 409** be amended on page 2, following line 4, by inserting:

"Sec. 2. K.S.A. 79-2961 is hereby amended to read as follows: 79-2961. (a) The county clerk shall certify to the county treasurer when budgets are made pursuant to K.S.A. 79-2960, and amendments thereto, and tax levies are filed with the county clerk. Prior to crediting the proper amounts under subsection (c) and except as provided in subsection (d), the county treasurer shall divide the amount paid by the state treasurer to the county treasurer among the county and all other taxing subdivisions of the county except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, which comply with the requirements of this act, in the proportion that the product of the last preceding total tangible tax rate of each subdivision, times its equalized tangible assessed valuation for the preceding year, is to the sum of such products of all the tangible tax-levying political subdivisions, except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, exclusive of the levy by the county for any deficiency for state purposes.

(b) No political subdivision shall be entitled to participate in the distribution of any money appropriated to carry out K.S.A. 79-2960, and amendments thereto, and this section unless and until such political subdivision has adopted and certified a budget for the ensuing year which shows as a separate item the amount of the distribution to one or more tax levy funds of general application within such subdivision except bond and interest funds and has certified a tax levy for each such fund that will produce a sum of money less than the amount which a maximum levy would produce for each such fund, in an amount equal to or in excess of the amount of such distribution. The budget of each political subdivision also shall show that the aggregate levies made by such tangible property tax-levying political subdivisions will produce a sum less than the amount which the aggregate levy would produce in an amount equal to or in excess of the aggregate amount of the budget items of such distribution shown in the aggregate levy that property tax revenues from the preceding year have been reduced by an

amount equal to 80% of the amount received by the political subdivision from the local ad valorem tax reduction fund.

(c) In crediting the amount that has been divided pursuant to subsection (a) or subsection (d), the county treasurer shall proceed as follows: Upon receipt of the payment from the state treasurer each year, credit the appropriate fund or funds of each political subdivision complying with the provisions of this act with its proportionate share of such payment and the county treasurer shall notify such political subdivision of the amounts so credited. This section and K.S.A. 79-2960, and amendments thereto, shall not apply to school districts.

(d) The amount paid by the state treasurer to the county treasurer of each county under subsection (d) of K.S.A. 79-2959, and amendments thereto, shall be divided only among the one or more community colleges or municipal universities, or both, which received amounts under this section from the payment made from the local *ad valorem* tax reduction fund on January 15, 1983. The amount received by each such community college or municipal university under this subsection shall bear the same proportion to the total amount paid to such county under subsection (d) of K.S.A. 79-2959, and amendments thereto, as the amount received by such community college or municipal university under this section from the payment made to such county from the local *ad valorem* tax reduction fund on January 15, 1983, bears to the total amount received by all such community colleges and municipal universities under this section from such payment.";

And by renumbering sections accordingly;

Also on page 2, in line 5, after "K.S.A." by inserting "79-2961 and K.S.A."; also in line 5, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after "fund;" by inserting "distribution to political subdivisions;"; also in line 2, after "amending" by inserting "K.S.A. 79-2961 and"; in line 3 by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 415 be amended on page 2, in line 35, by striking "10%" and inserting "3%"; and the bill be passed as amended.

SB 442 be amended on page 5, by striking all in lines 34 through 43;

By striking all on pages 6 through 9;

On page 10, by striking all in lines 1 through 37;

And by renumbering sections accordingly;

Also on page 10, in line 38, by striking "and 79-3603 are" and inserting "is";

On page 1, in the title, in line 1, after "concerning" by inserting "property"; also in line 1, by striking "property and sales tax"; in line 2, by striking "for" and inserting a semicolon; in line 3, by striking "79-3603 and"; also in line 3, by striking "sections" and inserting "section" and the bill be passed as amended.

Committee on **Education** recommends **HB 2004** be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute for HOUSE BILL NO. 2004," as follows:

"SENATE Substitute for Substitute for HOUSE BILL NO. 2004

By Committee on Educationa

"AN ACT concerning the low-income family postsecondary savings account incentive

program; amending K.S.A. 2011 Supp. 75-650 and repealing the existing section.”;

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2486**, **HB 2520**; **HB 2697**, as amended by House Committee, be passed.

Committee on **Judiciary** recommends **HB 2621** be passed.

Also, **HB 2464**, as amended by House Committee, be amended on page 3, in line 41, by striking "law"; in line 42, by striking "enforcement"; and inserting "government"; and the bill be passed as amended.

HB 2494 be amended on page 2, in line 28, by striking "offense as described" and inserting "crime as defined"; and the bill be passed as amended.

HB 2613, as amended by House Committee, be amended on page 2, following line 28, by inserting:

"Sec. 3. K.S.A. 2011 Supp. 60-3106 is hereby amended to read as follows: 60-3106. (a) Within 21 days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence and the defendant shall have an opportunity to cross-examine the petitioner's witnesses and present evidence on the defendant's behalf. Upon the filing of the petition, the court shall set the case for hearing. ~~At the hearing, the court shall and~~ advise the parties of the right to be represented by counsel.

(b) Prior to the hearing on the petition and upon a finding of good cause shown, the court on motion of a party may enter such temporary relief orders in accordance with subsection (a)(1), (2), (4) or (5) of K.S.A. 60-3107, and amendments thereto, or any combination thereof, as it deems necessary to protect the plaintiff or minor children from abuse. Temporary orders may be granted *ex parte*. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section. No temporary order shall have the effect of modifying an existing order granting legal custody, residency, visitation or parenting time unless there is sworn testimony at a hearing to support a showing of good cause.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.";

On page 5, in line 9, after "defendant" by inserting "has been personally served with a copy of the motion and"; in line 10, after "evidence" by inserting "and cross-examine witnesses"; in line 13, before "has" by inserting "(A) has previously violated a valid protection order, or (B)"; in line 17, by striking "no" and inserting "not";

On page 7, in line 11, after "defendant" by inserting "has been personally served with a copy of the motion and"; in line 12, after "evidence" by inserting "and cross-examine witnesses"; in line 15, before "has" by inserting "(A) has previously violated a valid protection order, or (B)"; in line 19, by striking "no" and inserting "not"; in line 38, after "60-3104," by inserting "60-3106,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "60-3104," by inserting "60-3106,"; and the bill be passed as amended.

HB 2655, as amended by House Committee, be amended on page 1, in line 10, after "intent" by inserting "to"; also in line 10, by striking "to"; in line 36, by striking "an official" and inserting "any";

On page 2, in line 12, by striking "official"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2685** be amended on page 2, in line 32, after "rights" by inserting "or are an eligible water right holder"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2471**, (Corrected), as amended by the House Committee, be amended on page 1, in line 35, after "Kansas" by inserting ", or the successor of such entity,";

On page 2, in line 6, after "association" by inserting ", or the successor of such entity,"; in line 14, after "association" by inserting ", or the successor of such entity,"; in line 26, after "had" by inserting "or shall have"; in line 32, by striking "two" and inserting "three"; also in line 32, after the period by inserting "On the effective date of this act, the current expiration date of the term of office of each existing board member shall be extended by one year from such expiration date. On and after the effective date of this act, no member shall serve more than two consecutive terms."; and the bill be passed as amended.

Also, **HB 2631**, as amended by House Committee, be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 2011 Supp. 65-1424 is hereby amended to read as follows: 65-1424. (a) As used in this act:

(1) "Proprietor" means any person who employs dentists or dental hygienists in the operation of a dental office.

(2) "Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation. A person or entity is not a dental franchisor if the agreement with the dentist:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

(3) "Unlicensed proprietor" means any person or entity not authorized to own or operate a dental practice that enters into an agreement with a dentist or dental hygienist related to the practice of dentistry or dental hygiene which:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

A licensee of dentistry who enters into any arrangement with an unlicensed proprietor may have such license limited, suspended or revoked by the board.

(b) The estate or agent for a deceased or substantially disabled dentist may employ dentists, for a period of not more than ~~one year~~ 18 months following the date of death or substantial disability of the dentist, to provide service to patients until the practice can be sold or closed. Upon application showing good cause, including, but not limited to, evidence of a good faith effort to sell or close the dental practice, the Kansas dental

board may extend the time in six-month increments for a period of not more than one additional year for which the practice can be sold or closed. The Kansas dental board may adopt rules and regulations as necessary to carry out the provisions of this section.";

Also on page 1, in line 5, before "K.S.A." by inserting "On and after July 1, 2012,";
And by renumbering sections accordingly;

On page 3, in line 12, after "permit" by inserting "I";

On page 6, in line 22, by striking "temporary" and inserting "palliative"; following line 26, by inserting:

"(7) the dental hygienist notifies the patient or the patient's parent or legal guardian of such patient's need for treatment by a dentist, when the dental hygienist finds an apparent need for evaluation to diagnose the presence of dental caries and other abnormalities;"

And redesignating paragraphs accordingly;

On page 7, in line 28, before "The" by inserting "On and after July 1, 2012,";

On page 8, following line 16, by inserting:

"(c) The provisions of this section shall become effective on and after July 1, 2012."

Also on page 8, before "K.S.A." by inserting "On and after July 1, 2012,";

On page 10, in line 37, by striking "Kansas administrative regulation 71-2-2" and inserting "rules and regulations adopted by the Kansas dental board"; in line 39, by striking "Kansas administrative regulation 71-5-1" and inserting "rules and regulations adopted by the Kansas dental board";

On page 11, in line 13, before "K.S.A." by inserting "On and after July 1, 2012,"; also in line 13, after "Supp." by inserting "65-1424,"; in line 15, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, after "Supp." by inserting "65-1424,"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **Substitute HB 2659** be amended on page 2, in line 29, by striking "health and"; in line 30, by striking "environment"; and inserting "aging";

On page 3, in line 19, by striking "two" and inserting "three"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2614** be passed.

Also, **HB 2674** be amended on page 1, in line 17, by striking "Officers and"; by striking all in lines 18 and 19; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2489** be passed.

Also, **HB 2390** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2390," as follows:

"SENATE Substitute for HOUSE BILL NO. 2390

By Committee on Utilities

"AN ACT concerning KAN-ED; amending K.S.A. 2011 Supp. 66-2010, 72-9712, 75-2546, 75-7222, 75-7223, 75-7224 and 75-7226 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 75-7228.";

And the substitute bill be passed.

HB 2526 be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2526," as follows:

"SENATE Substitute for HOUSE BILL NO. 2526
By Committee on Utilities

"AN ACT concerning energy; relating to the state corporation commission, powers and duties; amending K.S.A. 55-152 and 66-131 and K.S.A. 2011 Supp. 66-1257 and 66-1260 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2706**, as amended by House Committee of the Whole, be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2011 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2011 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2011 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than

records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

- (A) Is in the public interest;
- (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
- (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public;
- (E) would not endanger the life or physical safety of any person; and
- (F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition or disposal of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

- (A) The information which the agency maintains on computer facilities; and
- (B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations;

conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 *et seq.*, and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 *et seq.*, and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual

actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not

be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.";

And by renumbering remaining sections accordingly;

Also on page 1, in line 21, by striking "is" and inserting "and K.S.A. 2011 Supp. 45-221 are";

Also on page 1, in the title, in line 2, after the semicolon by inserting "relating to open records;"; also in line 2, after "75-3043a" by inserting "and K.S.A. 2011 Supp. 45-

221"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator J. 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 Schodorf in the chair.

On motion of Senator Schodorf the following report was adopted.

Recommended **SB 431; HB 2465; Sub HB 2470; HB 2599, HB 2612, HB 2618, HB 2683, HB 2737** be passed.

SB 379, SB 436; HB 2417; Sub HB 2427; HB 2432, HB 2461, HB 2557, HB 2704 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 311 be amended by the adoption of the committee amendments, be further amended by motion of Senator McGinn, on page 9, in line 38, after the first "on" by inserting "commerce and";

On page 10, in line 3, after "on" by inserting "commerce and";

On page 20, in line 21, after "fund" by inserting ": *Provided*, That the amount transferred from the medicaid fraud prosecution revolving fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the attorney general by other state agencies which receive appropriations from the state general fund to provide such services";

Also on page 20, following line 26, by inserting the following:

"Sec. 42.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2012, the expenditure limitation established for the fiscal year ending June 30, 2013, pursuant to section 64(a) of chapter 118 of the 2011 Session Laws of Kansas on the cosmetology fee fund of the Kansas board of cosmetology is hereby increased from \$816,055 to \$830,955.

Sec. 43.

GOVERNMENTAL ETHICS COMMISSION

(a) On July 1, 2012, the position limitation established for the fiscal year ending June 30, 2013, by section 79 of chapter 118 of the 2011 Session Laws of Kansas for the governmental ethics commission is hereby decreased from 9.00 to 8.50.";

And by renumbering remaining sections accordingly" and **SB 311** be passed as further amended.

An amendment by Senator A. Schmidt on **SB 311** was withdrawn.

SB 314 be amended by the adoption of the committee amendments.

Senator Pyle made a motion that **SB 314** be rereferred to the Committee on Natural Resources.

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 5; Nays 35; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Kelly, Kultala, Olson, Pilcher-Cook, Pyle.

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

The motion failed.

Senator Ostmeyer further amended **SB 314** on page 1, in line 7, after "senior" by inserting "combination"; in line 28, by striking all after "(6)"; by striking all in lines 29 and 30; in line 31, by striking "(7)"; and by redesignating remaining paragraphs accordingly and **SB 314** be passed as further amended.

SB 390 be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt on page 3, in line 40, by striking "statute book" and inserting "Kansas register" and **SB 390** be passed as further amended.

Sub SB 397 be amended by adoption of the committee amendments, be further amended by motion of Senator V. Schmidt on page 125, in line 11, by striking "mental retardation" and inserting "intellectual disability" and **Sub SB 397** be passed as further amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 311, SB 314, SB 379, SB 390; Sub SB 397; SB 431, SB 436; HB 2417; Sub HB 2427; HB 2432, HB 2461, HB 2465; Sub HB 2470; HB 2557, HB 2599, HB 2612, HB 2618, HB 2683, HB 2704, HB 2737** were advanced to Final Action and roll call.

SB 311, AN ACT making and concerning appropriations for fiscal years ending June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Abrams, Merrick, Olson, Pilcher-Cook, Pyle, A. Schmidt, Steineger.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote No on **SB 311**. I support and respect the Pawnee County officials, community leaders and citizens in their consistent and unyielding support for the state institutions housed in their county. I am disappointed that their efforts to keep the Isaac Ray facility for its intended purpose (forensic evaluations) is left at risk by intended appropriations in **SB 311**. I fought to change **SB 311** direction by amending it

on the floor. I was unable to execute that action but was able to raise Pawnee County concerns on the Senate floor and gain support for a hearing with Pawnee County officials. Mr. President, I will continue my support for this effort. – ALLEN C. SCHMIDT

SB 314, AN ACT concerning the department of wildlife, parks and tourism; relating to licenses; amending K.S.A. 2011 Supp. 32-906, 32-919 and 32-988 and repealing the existing sections.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Bruce, Brungardt, Donovan, Emler, Francisco, Haley, Huntington, Kelsey, Longbine, Love, Masterson, Merrick, Morris, Ostmeyer, Owens, Petersen, Reitz, A. Schmidt, Taddiken, Umbarger, Vratil, Wagle.

Nays: Apple, Faust-Goudeau, Hensley, Holland, Kelly, King, Kultala, Lynn, Marshall, McGinn, Olson, Pilcher-Cook, Pyle, V. Schmidt, Schodorf, Steineger, Teichman.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I want to thank the Senate body for its thoughtful consideration of **SB 314**. Coincidentally, we have brought this for your consideration on the 75th Anniversary of the Wildlife and Sports Restoration Program, often referred to as Pittman Robertson/Dingle Johnson. Pittman Robertson was passed in 1937 and Dingle Johnson was passed in 1950.

The Kansas House passed a resolution that expresses the unselfish commitment that sportsmen and women have had to preserving the natural resources of the United States. Kansas is no exception. Since 1950, when Pittman Robertson was passed, Kansas sportsmen and women – in partnership with Fish and Game, Wildlife and Parks, and now Wildlife Parks and Tourism – have created outdoor recreation opportunities and the diversity of those opportunities are second to none in North America.

Our seniors are paying the excise tax on the sporting equipment they buy, but if we cannot show them as a hunter or angler we cannot guarantee their money is coming back to Kansas. – RALPH OSTMEYER

Senators Bruce, Francisco, Haley, Morris, A. Schmidt, Umbarger, Vratil and Wagle requests the record to show they concur with the "Explanation of Vote" offered by Senator Ostmeyer on **SB 314**.

MR. PRESIDENT: By passing **SB 314** we have opened a great potential of giving back to Kansans in wetlands conservation, aquatic education, wildlife restoration, boat safety and many other conservation programs. Through the Senior lifetime hunting and fishing pass we will be bringing back millions of dollars we have already paid out on the Federal excise taxes paid for fishing and hunting equipment purchased. This is a responsible way to conserve, protect, and extend the great sporting environment of Kansas.

I support **SB 314** because it helps us ensure we hand the great Kansas sporting outdoors to the next generation. Thank-you, Mr. President. – ALLEN C. SCHMIDT

Senators Abram, Bruce, Francisco, Haley, Masterson, Morris, Owens, Petersen, Vratil

and Wagle requests the record to show they concur with the "Explanation of Vote" offered by Senator Schmidt on **SB 314**.

SB 379, AN ACT concerning farm wineries; amending K.S.A. 2011 Supp. 41-308a and repealing the existing section.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Emler, Faust-Goudeau, Haley, Longbine, Love, Masterson, McGinn, Morris, Ostmeyer, Owens, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brungardt, Donovan, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lynn, Marshall, Merrick, Olson, Petersen, Pilcher-Cook, Pyle, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I do not understand why the Kansas Legislature consistently works to protect and promote big business interests in this state yet so easily turns it back on agricultural entrepreneurs who have literally built their businesses from the Kansas ground up. I vote "NO" on **SB 379**. – TOM HOLLAND

Senators Francisco, Kelly and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 379**.

SB 390, AN ACT concerning farm wineries; relating to farm winery license; authority of licensee; amending K.S.A. 2011 Supp. 41-308a and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

Sub SB 397, AN ACT providing for a change in terminology in the statutes from the terms mental retardation, handicap and similar terms to the term intellectual disability and similar terms; amending K.S.A. 17-1762, 19-4001, 19-4002, 19-4002a, 19-4002b, 19-4003, 19-4004, 19-4005, 19-4007, 19-4010, 19-4011, 39-927, 39-971, 39-1001, 39-1002, 39-1005, 39-1006, 39-1007, 39-1201, 39-1202, 39-1205, 39-1207, 39-1803, 58-24a16, 59-2946, 59-2972, 59-3077, 65-5a14, 65-3501, 65-4202, 65-4212, 65-4411, 65-4412, 65-4413, 65-4414, 65-4415, 65-5601, 72-6203, 74-8917, 75-4375, 75-5399, 75-6508, 76-12b01, 76-12b02, 76-12b03, 76-12b07, 76-12b11 and 76-17c01 and K.S.A. 2011 Supp. 12-1675, 21-5417, 21-6622, 39-923, 39-936, 39-1401, 39-1702, 40-3401, 50-676, 65-180, 65-1124, 65-1626, 65-4915, 65-4921, 65-6805, 72-962, 74-5344, 75-4265, 75-5321a, 75-6506, 75-6609, 75-6610, 75-7303 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3606g.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The substitute bill passed, as amended.

SB 431, AN ACT concerning the credit union administrator; pertaining to certain positions in the unclassified service; amending K.S.A. 17-2234 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 436, AN ACT concerning the department of health and environment; relating to education and screening for congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases and disorders; creating the Kansas newborn screening fund; amending K.S.A. 2011 Supp. 40-3213 and 65-180 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeyer, Owens, Petersen, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Olson, Pilcher-Cook.

The bill passed, as amended.

HB 2417, AN ACT concerning driver's licenses; amending K.S.A. 2011 Supp. 8-247 and 8-2,101 and repealing the existing sections.

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

Yeas: Donovan, Emler, Faust-Goudeau, Haley, Kelsey, McGinn, Petersen, Reitz, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Brungardt, Francisco, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Wagle.

A constitutional majority having failed to vote in favor of the bill, **HB 2417** did not pass.

Sub HB 2427, AN ACT concerning the Kansas open records act; relating to information concerning law enforcement officers; amending K.S.A. 2011 Supp. 45-221 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The substitute bill passed, as amended.

HB 2432, AN ACT concerning distinctive license plates; amending K.S.A. 8-1,148, 8-1,150 and 8-1,151 and K.S.A. 2011 Supp. 8-1,141, 8-1,142, 8-1,153, 8-1,158, 8-1,161, 8-1,162 and 8-1,164 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Emler, Francisco, Huntington, Olson, Pilcher-Cook.

The bill passed, as amended.

HB 2461, AN ACT concerning retirement and benefits, relating to the Kansas public employees retirement fund; alternative investments; amending K.S.A. 2011 Supp. 74-4921 and repealing the existing section.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Masterson, McGinn, Morris, Ostmeyer, Owens, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Love, Lynn, Marshall, Merrick, Olson, Petersen, Pilcher-Cook, Pyle, Reitz, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT; It is understood that KPERS is underfunded. However moving to riskier investments albeit with higher percentage returns in an effort to make up for the underfunding is moving in the wrong direction. — STEVE E. ABRAMS

Senators Lynn, Marshall, Olson, Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **HB 2461**.

HB 2465, AN ACT concerning crimes, punishment and criminal procedure; relating to lifetime electronic monitoring of certain offenders; amending K.S.A. 2011 Supp. 21-6604 and 22-3717 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

Sub HB 2470, AN ACT concerning scrap metal dealers; relating to unlawful acts; fees; amending K.S.A. 2011 Supp. 50-6,111 and 50-6,112a and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

HB 2557, AN ACT concerning commercial vehicles; requiring an annual commercial vehicle fee; amending K.S.A. 79-306d and K.S.A. 2011 Supp. 8-1,152, 79-6a01, 79-6a02, 79-6a03, 79-6a04, 79-1439, 79-3425i and 79-5101 and repealing the existing sections.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Abrams, Lynn, Masterson, Merrick, Pilcher-Cook, Pyle, Steineger, Wagle.

The bill passed, as amended.

HB 2599, AN ACT concerning motor vehicles; relating to certain antique license plates; providing for registration decals; amending K.S.A. 2011 Supp. 8-172 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2612, AN ACT designating a portion of Kansas highway 79 as the Barnes brothers memorial highway.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2618, AN ACT concerning the portable electronics insurance act; amending K.S.A. 2011 Supp. 40-5603, 40-5605 and 40-5607 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

HB 2683, AN ACT concerning the director of penal institutions; amending K.S.A. 22-3416 and repealing the existing section; also repealing K.S.A. 75-5207, 75-5208 and 75-5213.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

HB 2704, AN ACT concerning the department of corrections; relating to the reception and diagnostic unit; Topeka correctional facility; amending K.S.A. 2011 Supp. 75-5220 and 75-5229 and repealing the existing sections; also repealing K.S.A. 75-5262, 75-5263, 75-5264 and 75-5265.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

HB 2737, AN ACT concerning juvenile offenders; relating to consecutive sentencing; amending K.S.A. 2011 Supp. 38-2369 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2431; HB 2749, HB 2755, HB 2757.**

Announcing passage of **SB 298, SB 316.**

Also, passage of **SB 310**, as amended, **SB 334**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2431; HB 2749, HB 2755, HB 2757 were thereupon introduced and read by title.

CHANGE OF REFERENCE

The President withdrew **SB 373; HB 2520** from the Calendar of General Orders and referred the bills to the Committee on **Federal and State Affairs**.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, March 16, 2012.

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

PAT SAVILLE, *Secretary of the Senate*.

