

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 3, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine Senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

We've caught a lot of flack
For what has not been done.
We've been called most everything
By almost everyone.

People have a right to gripe,
That we do not doubt.
We are not unanimous
With how wrap-up's turning out.

But it seems somewhat presumptuous
When in media and in letter
It is stated or implied
That they could do it better.

Of course we've heard it all before,
In fact we said it, too,
Before we were elected
How much better we would do.

But soon we realized, O God,
We only had one vote,
And twenty-seven must agree
Before this boat will float.

So we thought it would be great
Since time immemorial,
To let the editors wrap it up,
And let us write the editorials!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 247, AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 19-4804, 20-369, as amended by section 4 of chapter 101 of the 2010 Session Laws of Kansas, 22-2307, as amended by section 8 of chapter 101 of the 2010 Session Laws of Kansas, 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, 58-2011, as amended by section 23 of 2011 Senate Bill No. 112, 60-1620, as amended by section 44 of 2011 Senate Bill No. 24, 65-445, as amended by section 2 of 2011 House Bill No. 2035, 65-6703, as amended by section 4 of 2011 House Bill No. 2035 and 65-6721, as amended by section 8 of 2011 House Bill No. 2035 and K.S.A. 2009 Supp. 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-116a, as amended by section 1 of 2011 House Bill No. 2192, 8-259, 8-1020, 8-2118, 9-1703, as amended by section 1 of 2011 House Bill No. 2056, 12-1774, 12-17,149, 12-4117, 22-2410, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 22-3305, 22-3428, 22-3428a, 22-3437, 38-2258, 38-2373, 40-2,118, as amended by section 6 of 2011 House Bill No. 2030, 60-740, 60-3107, as amended by section 46 of 2011 Senate Bill No. 24, 65-530, 66-2304 and 75-52,127 and sections 52, 189, 194 and 266 of chapter 136 of the 2010 Session Laws of Kansas and section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 81 of 2011 House Bill No. 2339 and section 36 of 2011 Senate Bill No. 24 and repealing the existing sections; also repealing K.S.A. 19-4804, as amended by section 108 of 2011 House Bill No. 2339, 20-369, as amended by section 109 of 2011 House Bill No. 2339, 22-2307, as amended by section 120 of 2011 House Bill No. 2339, 22-2908, as amended by section 121 of 2011 House Bill No. 2339, 58-2011, as amended by section 24 of 2011 Senate Bill No. 229, 60-1620, as amended by section 218 of 2011 House Bill No. 2339, 65-445, as amended by section 4 of 2011 House Bill No. 2218, 65-6703, as amended by section 247 of 2011 House Bill No. 2339, 65-6721, as amended by section 248 of 2011 House Bill No. 2339 and K.S.A. 2009 Supp. 22-2909, as amended by section 122 of 2011 House Bill No. 2339 and K.S.A. 2010 Supp. 8-116a, as amended by section 85 of 2011 House Bill No. 2339, 8-259a, 8-1020a, 8-2118b, 9-1703, as amended by section 4 of 2011 Senate Bill No. 229, 12-1774c, 12-17,149a, 12-4117a, 21-4603d, as amended by section 1 of 2011 House Bill No. 2118, 22-2410, as amended by section 114 of 2011 House bill No. 2339, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-3305a, 22-3428c, 22-3428d, 22-3437a, 38-2258a, 38-2373a, 40-2,118, as amended by section 177 of 2011 House Bill No. 2339, 60-740a, 60-1610, as amended by section 8 of 2011 Senate Bill No. 38, 60-1610, as amended by section 217 of 2011 House Bill No. 2339, 60-1629, as amended by section 219 of 2011 House Bill No. 2339, 60-3107, as amended by section 221 of 2011 House Bill No. 2339, 65-

504a, 65-530a, 65-1626d, 66-2304, as amended by section 249 of 2011 House Bill No. 2339 and 75-52,127, as amended by section 281 of 2011 House Bill No. 2339 and section 52 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 21 of 2011 House Bill No. 2339, section 189 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 51 of 2011 House Bill No. 2339, section 194 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 54 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 266 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 72 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 House Bill No. 2038., by Committee on Ways and Means.

CHANGE OF REFERENCE

President Morris ruled **H Sub for SB 25**, as amended by the House, to be materially changed and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2119**.

The House concurs in Senate amendments to **HB 2195**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2240**, and requests return of the bill.

Announcing passage of **SB 97**, as amended.

Announcing passage of **SB 25**, as amended by **House Substitute for SB 25**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1853—

A RESOLUTION congratulating and commending Janet L. (Jan) Locke.

WHEREAS, Janet L. (Jan) Locke retired on January 1, 2011, after serving the Kansas Legislature for over 23 years through her outstanding efforts in the Kansas Legislative Research Department; and

WHEREAS, Janet L. (Jan) Locke commenced working for the State of Kansas at the Kansas Legislative Research Department in August 1987 as a Secretary III; she began working for the Director Alan D. Conroy and Associate Director William Wolff as secretary in June 2003. Upon Associate Director William Wolff's, retirement in July 2004, she continued working for Alan D. Conroy, Director, and Raney Gilliland, Assistant Director, until her retirement; and

WHEREAS, Janet L. (Jan) Locke is known throughout the Research Department and in many other departments in the Statehouse for her kind smile, helpful ways, proofing skills and delicious white desserts; and

WHEREAS, Janet L. (Jan) Locke was married to Michael A. Locke on November 2, 1963. They have two sons, Matthew Locke and Christopher Locke and are proud

grandparents of two grandchildren, Gavin Locke and Grayson Locke: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Janet L. (Jan) Locke for her more than 23 years of devoted service to the State of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Janet L. Locke, 5240 W. 25th Terrace, Topeka, Kansas 66614; Matt and Melinda Locke, 4824 SW 28th Street, Topeka, Kansas 66614; and Chris and Christina Locke, 1745 Cardinal Drive, Griffin, Georgia 30223.

On emergency motion of Senator V. Schmidt **SR 1853** was adopted unanimously.

Senator V. Schmidt introduced and congratulated Janet (Jan) Locke upon her retirement after serving the Kansas Legislative Research Department for over 23 years. Her husband, Michael was also introduced. Janet was congratulated by the Senate with a standing ovation on her achievements.

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

SENATE RESOLUTION No. 1854—

A RESOLUTION recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide.

WHEREAS, Drug abuse in the United States increasingly means the misuse and abuse of prescription drug medications. Drug overdose is now the second most common cause of accidental death in the nation, killing more than gunshot wounds and behind only traffic accidents; and

WHEREAS, Prescription drugs are a substantial factor in a growing number of American deaths considered to be drug induced. Emergency room visits and unintentional overdose deaths involving prescription drugs have increased sharply; and

WHEREAS, Barry R. Grissom, United States Attorney, District of Kansas, has declared that "prescription drugs are being used, misused, and abused at an alarming rate" and that he is "seeing more cases of accidental poisoning, addiction and overdose deaths. It is not an overstatement to call this an epidemic in the truest sense of the word. It has become a major threat to public health and public safety"; and

WHEREAS, Unused prescription narcotics at home contribute to drug abuse and risks of accidental deaths of children and the elderly. The 2010 Monitoring the Future survey found that six of the top 10 substances abused by high school seniors are prescription drugs. Federal studies show that many teens use the prescription drugs because they think they are safer than illegal drugs; and

WHEREAS, The second leading source of abused prescription drugs is the home medicine cabinet. The number one source are friends and relatives, who often get the prescription drugs from other people's medicine cabinets. This demonstrates the importance of disposing unused prescription medications rather than leaving them in a medicine cabinet at home; and

WHEREAS, The federal Drug Enforcement Administration sponsored this past weekend's National Prescription Drug Take-Back Day on April 30, 2011, where more than 4,000 locations nationwide, including more than 50 locations in Kansas, had bins set up for people to dispose of any and all unused prescription drugs. National Prescription Drug Take-Back Day is part of a federal aim to cut prescription drug abuse

by 15% in the next 10 years. The first nationwide prescription drug drop-off event occurred in September of 2010 and resulted in 121 tons of prescription drug medications being collected and incinerated nationwide; and

WHEREAS, It must be recognized that a drug cabinet full of old or unused prescription medicine is a health hazard, increasing the risk of poison and abuse among adults, teenagers and children across the state and across the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Haley.

REPORTS OF STANDING COMMITTEES

Committee on Utilities begs leave to submit the following report:

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

By the Governor:

Kansas Corporation Commission, Member: K.S.A. 74-601

Mark P. Sievers, term expires March 15, 2015

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HCR 5024**.

The House adopts the Conference Committee report on **HB 2044**.

The House adopts the Conference Committee report on **Senate Substitute for HB 2049**.

The House adopts the Conference Committee report on **HB 2312**.

The House adopts the Conference Committee report on **SB 93**.

The House adopts the Conference Committee report on **SB 124**.

The House adopts the Conference Committee report to agree to disagree on **House Substitute for SB 55**, and has appointed Representatives Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2267**, requests a conference and has appointed Representatives Hubert, Seiwert and Mah as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2080**, requests a conference and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House concurs in Senate amendments to **Substitute HB 2135**.

The House adopts the Conference Committee report on **SB 10**.

The House adopts the Conference Committee report to agree to disagree on **House**

Substitute for SB 37, and has appointed Representatives Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5024 was thereupon introduced and read by title.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Senator Owens the Senate adopted the conference committee report on **H Sub for SB 37**, and requested a new conference committee be appointed.

The President appointed Senators Owens, King and Haley as a second Conference Committee on the part of the Senate on **H Sub for SB 37**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Senator Owens the Senate adopted the conference committee report on **H Sub for SB 55**, and requested a new conference committee be appointed.

The President appointed Senators Owens, King and Haley as a second Conference Committee on the part of the Senate on **H Sub for SB 55**.

ORIGINAL MOTION

On motion of Senator Huntington, the Senate acceded to the request of the House for a conference on **S Sub for HB 2080**.

The President appointed Senators Huntington, V. Schmidt and Kultala as conferees on the part of the Senate.

On motion of Senator Reitz, the Senate acceded to the request of the House for a conference on **S Sub for HB 2267**.

The President appointed Senators Reitz, Apple and Faust-Goudeau as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

In accordance with subsection (b) of Senate Rule 11, Senator Steve E. Abrams gave notice of his motion to withdraw **H Sub for SB 25** from the Committee on Federal and State Affairs on May 4, 2011.

This is an important piece of legislation for many people in the State of Kansas. The State has a vested right to regulate sexually oriented businesses because of the negative secondary effects that come with sexually oriented businesses – Senator Steve E. Abrams

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Wednesday, May 4, 2011.

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

PAT SAVILLE, *Secretary of the Senate*.

