

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 7, 2012, 2:30 p.m.

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

Heavenly Father,

Where were the men Sunday evening?
If the truth were told...
Most of them were probably
Watching the Super Bowl.

A wife once said if she desired
Her husband to attract,
She'd walk in front of the TV
With a number on her back!

Yes, I watched the Super Bowl,
But I'm aware that I've been told
If we expect to please You, Lord,
You've provided a Super Goal.

Our goal is to serve constituents
And we play a Super Role
By providing opportunities
For the young and for the old.

In every free society
Predators take their toll
By convincing the vulnerable
To even sell their soul.

Lord, guide us through this session;
Make us wise and bold.
Show us how to use our time
To reach Your Super Goal!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 385, AN ACT concerning certain county officers; amending K.S.A. 19-304, 19-305, 19-306, 19-309, 19-310, 19-311, 19-312, 19-315, 19-318, 19-322, 19-323, 19-324, 19-502a, 19-506, 19-506a, 19-507, 19-508, 19-508a, 19-508b, 19-509, 19-510, 19-510a, 19-511, 19-514, 19-515, 19-516, 19-517, 19-518, 19-519, 19-520, 19-521, 19-524, 19-525, 19-531, 19-532, 19-533, 19-534, 19-535, 19-547, 19-548, 19-1204, 19-1205, 19-1206, 19-1209, 19-1210, 19-1211, 19-1213, 19-1216, 19-1217, 19-1218 and 19-1219 and K.S.A. 2011 Supp. 19-1207 and repealing the existing sections, by Senator Steineger.

SB 386, AN ACT concerning income taxation; relating to credits; business and job development; amending K.S.A. 2011 Supp. 79-32,153 and repealing the existing section, by Committee on Assessment and Taxation.

SB 387, AN ACT concerning the state fire marshal; relating to the qualifications of the office; amending K.S.A. 2011 Supp. 75-1510 and repealing the existing section, by Committee on Federal and State Affairs.

SB 388, AN ACT concerning elections; relating to education of election workers, by Committee on Ethics and Elections.

SB 389, AN ACT concerning elections; relating to voter education, by Committee on Ethics and Elections.

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, by Committee on Agriculture.

SB 391, AN ACT concerning oil and gas; relating to leases; civil procedure; amending K.S.A. 55-201, 55-202 and 60-2106 and repealing the existing sections, by Senator Olson.

SB 392, AN ACT concerning community colleges; pertaining to using the internet for official publications; amending K.S.A. 64-101 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 393, AN ACT concerning school districts; creating the excellence in career technical education act; pertaining to career technical education; amending K.S.A. 72-4417, 72-4419, 72-4463 and 72-6419 and K.S.A. 2011 Supp. 10-1116a, 71-201, 71-609, 72-6413, 72-64c03, 72-6624, 72-6625 and 74-32,141 and repealing the existing sections; also repealing K.S.A. 72-6422 and K.S.A. 2011 Supp. 72-6421, by Committee on Education.

SB 394, AN ACT concerning the secretary of corrections; relating to transfer or discharge of certain offenders; amending K.S.A. 2011 Supp. 75-5220 and repealing the existing section, by Committee on Judiciary.

SB 395, AN ACT concerning the Kansas probate code; relating to intestate succession; amending K.S.A. 59-6a209 and repealing the existing section; also repealing K.S.A. 59-505, by Committee on Judiciary.

SB 396, AN ACT concerning real property; relating to lateral support; party walls, by Committee on Judiciary.

SB 397, AN ACT providing for a change in terminology in the statutes from the term mental retardation 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, 19-4009, 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, by Committee on Ways and Means.

SB 398, AN ACT concerning KAN-ED; amending K.S.A. 2011 Supp. 75-7222, 75-7223, 75-7224 and 75-7226 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 75-7228, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and **ERO** were referred to Committees as indicated:

Agriculture: **HB 2502**.

Federal and State Affairs: **SB 379**, **SB 381**.

Financial Institutions and Insurance: **SB 382**.

Natural Resources: **SB 380**.

Public Health and Welfare: **HB 2471**.

Utilities: **SB 383**, **SB 384**; **HB 2456**.

Ways and Means: **ERO 41**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Ostmeyer the Senate nonconcurred in the House amendments to **SB 191** and requested a conference committee be appointed.

The President appointed Senators Ostmeyer, McGinn and Francisco as a conference committee on the part of the Senate.

REPORT ON ENGROSSED BILLS

SB 300 reported correctly engrossed February 6, 2012.

REPORT ON ENROLLED BILLS

SR 1803, **SR 1804** reported correctly enrolled and properly signed and presented the the Secretary of the Senate on February 07, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 306** be passed.

Also, **SB 305** be amended on page 3, by striking all in lines 15 through 17; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 348** be amended on page 3, in line 13, by striking "no such presumption shall exist"; also in line 13, by striking "regard" and inserting "respect"; in line 35, after "thereto," by inserting "and required to

be numbered pursuant to K.S.A. 32-1110, and amendments thereto,";

On page 8, in line 13, by striking "no such presumption shall"; in line 14, by striking "exist"; also in line 14, by striking "regard" and inserting "respect"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 335** be passed.

Also, **SR 1805** be amended on page 1, in line 19, after "walking," by inserting "motorized scooters, wheelchairs,;" in line 23, after "bicycling" by inserting ", motorized scooters, wheelchairs"; in line 32, by striking "are required" and inserting "is encouraged"; and the resolution be adopted as amended.

Committee on **Public Health and Welfare** recommends **HB 2490** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

COMMITTEE OF THE WHOLE

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

On motion of Senator Kelsey the following report was adopted:

Recommended **SB 257**, **SB 261** be passed.

SB 260 be amended by the adoption of the committee amendments, and **SB 260** be passed as amended.

SB 263 be amended by motion of Senator Teichman, on page 1, in line 30, after "duties" by inserting a period and **SB 263** be passed as amended.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Wednesday, February 8, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

