

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 15, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with forty senators present.

President Wagle introduced the new Senate Chaplain, Father Don Davidson. Father Davidson is with St. David's Episcopal Church in Topeka.

Invocation by Senate Chaplain, Father Davidson.

"Know that the Lord does wonders for the faithful
When I call upon the Lord, he will hear me." (Psalm 4)

We thank you Lord as we gather this day, the wonder of a new year still in the air, the hope, the potential and the possibilities give us confidence of what can be.

In our many different ways, help us to serve, to care and give us your peace in the work ahead.

Hear us in this prayer O Lord. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 16, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; relating to criminal street gangs; forfeiture; amending K.S.A. 2012 Supp. 21-5302, 21-6313 and 60-4104 and repealing the existing sections, by Committee on Judiciary.

SB 17, AN ACT concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 2012 Supp. 21-5512 and repealing the existing section, by Committee on Judiciary.

SB 18, AN ACT concerning civil procedure; relating to restraining orders; amending K.S.A. 60-903 and repealing the existing section, by Committee on Judiciary.

SB 19, AN ACT concerning crimes and punishments; relating to mistreatment of a dependent adult; amending K.S.A. 2012 Supp. 21-5417 and repealing the existing section, by Committee on Judiciary.

SB 20, AN ACT concerning civil procedure; relating to docket fees and costs; poverty affidavit; amending K.S.A. 2012 Supp. 60-2001 and repealing the existing section, by Committee on Judiciary.

SB 21, AN ACT concerning firearms; relating to definition of firearm; criminal possession of a firearm by a convicted felon; expungement; relating to the personal and family protection act; amending K.S.A. 2012 Supp. 12-16,124, 21-5111, 21-6304, 21-6614, 75-7c03, 75-7c04, 75-7c05, 75-7c07 and 75-7c25 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 22, AN ACT concerning the postsecondary technical education authority; amending K.S.A. 2012 Supp. 72-4484 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 23, AN ACT concerning the postsecondary technical education authority; amending K.S.A. 2012 Supp. 72-4484 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 15**.

Commerce: **SB 5**.

Ethics, Elections and Local Government: **SB 11, SB 12, SB 13, SB 14; SCR 1602**.

Federal and State Affairs: **SB 7, SB 10**.

Judiciary: **SB 4, SB 6, SB 8; SCR 1601**.

Public Health and Welfare: **SB 3, SB 9**.

Ways and Means: **SB 1, SB 2**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS ATTORNEY GENERAL

January 14, 2013

Kansas Attorney General Derek Schmidt submitted the 2012 annual report for the Abuse, Neglect and Exploitation Unit.

Also submitted by Kansas Attorney General Schmidt was the Kansas Affordable Program Fiscal Year 2013 Financial Status Report.

KANSAS CORPORATION COMMISSION

January 14, 2013

Executive Director Patti Petersen-Klein, submitted a report on the Remediation Site Status Report and the Conservation Division Abandoned Oil & Gas Well Status Report.

In addition, Executive Director Petersen-Klein submitted a copy of the 2013 Broadband Service Report, a summary of Broadband availability and adoption in Kansas as of June 30, 2011.

President Wagle announced the above reports are on file in the office of the Secretary of the Senate and are available at any time.

CONSIDERATION OF APPOINTMENTS

By the Governor

On the appointment to the:

Kansas Public Employees Retirement Board of Trustees:

Lois Cox, Term expires January 15, 2013

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Michael_1, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Lynn.

The appointment was confirmed.

State Board of Indigents Defense Services:

Paul Eugene Beck, Term expires January 15, 2013

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Michael_1, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Lynn.

The appointment was confirmed.

State Board of Indigents Defense Services:

Kevin Mark Smith, Term expires January 15, 2013

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Michael_1, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Lynn.

The appointment was confirmed.

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1603**, a concurrent resolution relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications, and the appointment of Representatives Weber, Hoffman and Finney as members of the committee to wait upon the Governor.

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

SENATE RESOLUTION 1704 A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2013 regular session of the Legislature.

In compliance with Senate Rule 69, Senator Bruce noted that copies of an explanation of Senate Rule 69 had been laid on the desks of all the senators on Monday, January 14, and now was the time for discussion. Senator King explained the rules and ask if there were questions before voting on the rule.

SR 1704 be amended by motion of Senator Holland on page 4, in line 34, following "adjournment" by inserting ", whichever is earlier" and the amendment was adopted by voice vote.

On emergency motion of Senator Bruce SR 1704, as amended was advanced to final action and roll call:

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, sen_odonnell_michael_1, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Lynn.

On motion of Senator Bruce, the Senate recessed until 5:45 p.m., at which time they gathered for the Governor's State of the State address delivered in the House of Representatives.

On motion of Senator Bruce the Senate adjourned until 2:30 p.m., Wednesday, January 16, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

DIANE MINEAR, *Secretary of the Senate.*

