

CORRECTED

# Journal of the Senate

THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 16, 2013, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with thirty-nine senators present.  
Senator Faust-Goudeau was excused.  
Invocation by Father Don Davidson:

Heavenly Father,

In You we live and move and have our being: We humbly pray You to guide and govern us that in all the cares and occupations of our life we may not forget You but be guided by You. Bless the work of this chamber that it may serve to honor You and your precious children.

In Your holy name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

**SB 24**, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurance companies; amending K.S.A. 2012 Supp. 40-2c01 and 40-2c05 and repealing the existing sections, by Committee on Financial Institutions and Insurance. ,

**SB 25**, AN ACT concerning insurance; relating to risk-based capital requirements for health organizations; amending K.S.A. 40-2d05 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 26**, AN ACT concerning insurance; relating to line of insurance and reporting requirements; amending K.S.A. 2012 Supp. 40-4903 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 27**, AN ACT concerning the military service scholarship program act; relating to qualified students; amending K.S.A. 2012 Supp. 74-32,228 and repealing the existing section, by Committee on Legislative Educational Planning.

**SB 28**, AN ACT authorizing the division of emergency management within the adjutant general's department to accept certain real property, by Committee on Federal and State Affairs.

**SB 29**, AN ACT concerning racial profiling; relating to data collection by law enforcement; amending K.S.A. 2012 Supp. 22-4606 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 30**, AN ACT concerning the uniform consumer credit code; relating to payday loans; amending K.S.A. 16a-2-404 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 31**, AN ACT concerning certain employee organizations; relating to political activities; amending K.S.A. 75-4333 and repealing the existing section, by Committee on Commerce.

**SB 32**, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2014, for the department of health and environment; relating to the local environmental protection programs, by Committee on Legislative Budget.

**SB 33**, AN ACT concerning elections; concerning citizenship requirements; amending K.S.A. 2012 Supp. 25-2309 and 65-2418 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

**SB 34**, AN ACT concerning the commission on emergency planning and response; membership; amending K.S.A. 2012 Supp. 65-5721 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 35**, AN ACT concerning alcoholic beverages; relating to the employment of certain individuals by licensees under the club and drinking establishment act; amending K.S.A. 41-2610 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 36**, AN ACT concerning alcoholic beverages; relating to clubs and drinking establishments; permitting tastings on the licensed premises; amending K.S.A. 2012 Supp. 41-2637, 41-2640, 41-2641 and 41-2642 and repealing the existing sections, by Committee on Federal and State Affairs.

**SCR 1605**, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the Judiciary.

#### **APPOINTMENT TO COMMITTEE**

Vice President King announced the appointment of Senator Masterson to the Rules Committee.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Education: **SB 22**, **SB 23**.

Federal and State Affairs: **SB 21**.

Judiciary: **SB 16**, **SB 17**, **SB 18**, **SB 19**, **SB 20**.

#### **REPORT ON ENROLLED BILLS**

**SR 1701**, **SR 1702**, **SR 1703** reported correctly enrolled and properly signed and presented to the Secretary of the Senate on January 16, 2013.

**CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS**

On motion of Senator Bruce, **SCR 1604**, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium, was considered.

**SCR 1604** be amended by motion of Senator Donovan on page 6, in line 40, following "senate," by inserting "the committee on assessment and taxation of the senate,";

On page 7, in line 7, following "senate," by inserting "the committee on assessment and taxation of the senate,"; in line 15, following "senate," by inserting "the committee on assessment and taxation of the senate,"; in line 23, following "senate," by inserting "the committee on assessment and taxation of the senate," and the amendment by Senator Donovan was adopted.

**SCR 1604** be further amended by motion of Senator Masterson on page 8, following line 31, by inserting: ". Unless by majority consent to correct an error in drafting, no amendment from the floor in either house of the legislature to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill. Notwithstanding any rule in either house of the legislature, those portions of a motion to amend a bill as described in this rule shall be indivisible", and the amendment by was adopted.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SCR 1604**, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium, was advanced to Final Action and roll call.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: Faust-Goudeau.

**EXPLANATION OF VOTE**

MR. VICE PRESIDENT: The Pay-Go amendment to **Senate Concurrent Resolution 1604** is designed to limit the ability of senators to represent their constituents without injuring the constituents of other senators. Each of the duly elected senators has a right to seek the aid of every other senator.

This amendment basically provides six individuals on the Senate Ways and Means Committee to determine overall spending and eliminate the rights of the individual senators and their constituents. – JAY SCOTT EMLER

#### EXPLANATION OF VOTE

MR. VICE PRESIDENT: I oppose the Pay-Go amendment that was added to **SR 1604**. I strongly believe that it limits each Senator's ability to represent their constituents and districts. I'm especially concerned about the discussion on limiting "Gotcha Votes." To adopt an amendment based on position in the next election over good public policy leads us to a path similar to Congress. I believe in the process and respect the majority vote and found no reason to vote no on the underlying bill. – JEFF LONGBINE

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 17, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

