

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 25, 2013, 8:00 a.m.

The Senate met pro forma with Vice President Jeff King in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 78, AN ACT concerning taxation; relating to income tax rates and deductions; sales tax rates and distribution of revenue; amending K.S.A. 2012 Supp. 79-32,110, 79-32,120, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 79, AN ACT concerning taxation; relating to income tax deductions and modifications; severance tax; sales tax; amending K.S.A. 79-32,109 and K.S.A. 2012 Supp. 79-32,118, 79-32,266, 79-3620 and 79-4217 and repealing the existing sections; also repealing K.S.A. 79-3632 and K.S.A. 2012 Supp. 79-32,117n and 79-3639a, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 72**.

Commerce: **SB 73, SB 74, SB 75**.

Financial Institutions and Insurance: **SB 71**.

Judiciary: **SB 66, SB 77**.

Public Health and Welfare: **SB 67**.

Transportation: **SB 68, SB 69, SB 70**.

Ways and Means: **SB 76**.

MESSAGES FROM GOVERNOR:

January 24, 2013

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Secretary, Kansas Department of Labor, Lana Gordon (R), Topeka, pursuant to the authority vested in me by the KSA 75-5701 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Karin Brownlee.

Sam Brownback
Governor

REPORT ON ENROLLED BILLS

SR 1705 reported correctly enrolled and properly signed on January 25, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 8** be amended on page 1, in line 5, before "Section" by inserting "New"; in line 6, by striking "qualifications" and inserting "nominations"; in line 26, by striking "not"; in line 28, after "thereto." by inserting "The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering confidential information related to the appointee's qualifications for office. Any confidential documents or other confidential information obtained by the commission shall be privileged and confidential, shall not be a public record and shall not be subject to discovery or subpoena in a civil or criminal action.";

On page 2, in line 5, before "Sec. 2" by inserting "New"; following line 30, by inserting:

"Sec. 3. K.S.A. 2012 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

- (1) Personnel matters of nonelected personnel;
- (2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;
- (3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;
- (4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) preliminary discussions relating to the acquisition of real property;
- (7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
- (8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (d)(1) of K.S.A. 38-2212, and amendments thereto, or subsection (e) of K.S.A. 38-2213, and amendments thereto;
- (9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243, and amendments thereto;

(10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596, and amendments thereto;

(11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 39-7,119, and amendments thereto;

(12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;

(13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such 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; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. 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;

(14) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto;

(15) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2012 Supp. 75-7427, and amendments thereto; ~~and~~

(16) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2012 Supp. 46-3801, and amendments thereto; and

(17) matters permitted to be discussed in a closed or executive meeting pursuant to section 1, and amendments thereto.

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

(d) (1) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(13), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(2) (A) Except as otherwise provided by law, any confidential documents, records or reports relating to the prisoner review board provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(B) Notwithstanding any other provision of law to the contrary, any summary statement provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 4. K.S.A. 2012 Supp. 75-4319 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "qualifications" and inserting "nominations"; also in line 2, after "confirmation" by inserting "; amending K.S.A. 2012 Supp. 75-4319 and repealing the existing section"; and the bill be passed as amended.

Also, **SB 18** be amended on page 1, in line 25, after "thereof" by inserting ", or to the

appropriate city clerk or county clerk if the adverse party is a city or county or an agency, officer or employee thereof"; in line 34, by striking "preliminary" and inserting "*temporary*"; in line 35, by striking "preliminary" and inserting "*temporary*";

On page 2, in line 13, after "Security." by inserting "Unless otherwise provided by statute or this section,."; also in line 13, by striking "a preliminary injunction or"; in line 16, by striking "enjoined or"; in line 18, after "security." by inserting "For any city or county or an agency, officer or employee thereof, at the discretion of the judge, the security required by this subsection may be waived."; and the bill be passed as amended.

SCR 1601 be amended on page 4, in line 4, by striking "nomination or"; in line 9, after "14." by inserting "The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below, until the decision of the court of appeals.

(2)";

And by redesignating paragraph accordingly;

On page 6, in line 1, by striking "nomination or"; by striking all in lines 6 and 7; and the resolution be adopted as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, January 28, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

