

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 7, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-eight senators present.
Senators McGinn and Pettey were excused.
Invocation by Father Don Davidson:

Good and Gracious God, we have reached somewhere close to the middle of the season. While the starting line is no longer visible, the finish line is also beyond our sight. The days get longer, the nerves grow thin, and interruptions become normal while the mundane slowly slips away. Give us courage dear Lord to meet the days ahead with eyes open remembering the work we have been given to do, the people we serve and the state and nation we love. In your holy name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Hensley rose on a point of personal privilege to recognize a member of his staff.

His communications director, Lauren Tice, received a Headliner Award this afternoon during a “Women Making Headlines” luncheon hosted by the Topeka Chapter of the Association for Women in Communications.

“Women Making Headlines” is a local event that recognizes Topeka-area communications professionals who have made a significant contribution to the non-profit sector, a for-profit business or a media organization in 2012. This year’s event honored eight nominees and named three winners of the Headliner Award.

Lauren received a Headliner Award in the for-profit category for the work she did for Jayhawk Pharmacy & Patient Supply’s GET FIT TOPEKA STYLE, a health and wellness competition held in 2012.

This was the fourth year for the awards, making Lauren the fourth-ever to receive the award in the for-profit category.

The Senate recognized Lauren Tice with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 230, AN ACT concerning agriculture; relating to the Kansas pet animal act; rescue networks and animal shelters as licensing agents for pet animal foster home

licenses; inspection schedule; off-site adoption events; amending K.S.A. 47-1704 and K.S.A. 2012 Supp. 47-1701 and 47-1709 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 47-1701a and 47-1709a, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2084, HB 2255.**

Commerce: **Sub HB 2024; HB 2069, HB 2083; Sub HB 2105, HB 2179, HB 2272.**

Committee of the Whole: **HB 2019**

Education: **HB 2109, HB 2222, HB 2280.**

Ethics, Elections and Local Government: **HB 2074, HB 2185, HB 2210, HB 2249.**

Federal and State Affairs: **HB 2212.**

Financial Institutions and Insurance: **HB 2106, HB 2107, HB 2294, HB 2312.**

Judiciary: **HB 2043, HB 2044, HB 2070, HB 2093, HB 2120, HB 2170, HB 2203, HB 2204, HB 2205, HB 2217, HB 2252, HB 2278, HB 2298, HB 2303, HB 2353.**

Natural Resources: **HB 2305, HB 2363.**

Public Health and Welfare: **HB 2025; Sub HB 2183; HB 2343, HB 2368.**

Transportation: **HB 2147, HB 2318, HB 2357.**

Ways and Means: **HB 2200, HB 2216.**

CHANGE OF REFERENCE

The President withdrew **SB 203** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs**.

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Board Member, Kansas Development Finance Authority:

James Cusser, to serve a four year term to expire January 15, 2017.
(Ways and Means)

The following appointment made by the Attorney General and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Crime Victims Compensation Board:

Nan Porter, to serve a four year term to expire March 15, 2017.
(Judiciary)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2033, HB 2160, HB 2193, HB 2195.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2033, HB 2160, HB 2193, HB 2195 were thereupon introduced and read by title.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor were considered.

Senator Bruce moved the following appointments be confirmed as recommend by the Standing Senate Committee:

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Suchitra Padmanabhan, Term ends January 15, 2017

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: McGinn, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employees Retirement System:

Kelly Arnold, Term ends January 15, 2017

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

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

Present and Passing: Kelly.

Absent or Not Voting: McGinn, Pettey.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 216 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 216, AN ACT concerning public building commissions; relating to municipal universities; amending K.S.A. 12-1758 and 12-1764 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: McGinn, Pettey.

The bill passed.

REPORT ON ENROLLED BILLS

SCR 1611 reported correctly enrolled, properly signed and presented to the Secretary of State on March 07, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 42** be passed.

Also, **HB 2252**, as amended by House Committee, be passed.

HB 2006, HB 2013 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2081, as amended by House Committee, be amended on page 2, in line 35, after "aggravated" by inserting "indecent"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 45** be amended on page 1, in line 9, after the second "the" by inserting "federal government,"; in line 11, after "by" by inserting "the federal government,"; in line 12, after "government" by inserting "relating to the advocacy or promotion of gun control"; in line 17, after "the" by inserting "federal government,"; in line 18, after "body" by inserting "relating to the advocacy or promotion of gun control"; line 23, by striking ", including, but not limited to," and inserting "relating to"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2066**, as amended by House Committee, be passed.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

Recommended: **SB 176** be amended by the adoption of the committee amendments, be further amended by motion of Senator Abrams, on: page 3, following line 21, by inserting:

"(e) The coalition board shall report annually to the president of the senate, the speaker of the house of representatives, and the chairpersons of the senate and house education committees regarding pupil performance in the public innovative districts, the laws and rules and regulations deemed to be problematic by the coalition board, and any other information regarding success or problems experienced by the public innovative districts during the previous school year."

SB 176 be further amended by motion of Senator Fitzgerald, on: page 4, in line 18, by striking "there be"; also in line 18, by striking "10" and inserting "10% of the school districts in the state operate as"; in line 19, by striking "operating in this state"; following line 20, by inserting:

"(e) The coalition board may organize itself into subcommittees." and **SB 176** be passed as further amended.

A motion by Senator Francisco to amend **SB 176** failed and the following amendment was rejected: on page 2, in line 2, by striking "and"; in line 4, by striking the period and inserting "; and

(5) a list of one or more state laws or rules and regulations that the school district has identified as limiting its ability to implement innovation."

Vice President King assumed the chair.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 176** was advanced to Final Action and roll call.

SB 176, AN ACT creating the coalition of innovative districts act.

On roll call, the vote was: Yeas 31; Nays 7; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Francisco, Haley, Hawk, Hensley, Holland, Kelly, Wolf.

Absent or Not Voting: McGinn, Pettey.

The bill passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 8, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

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