

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 22, 2008—8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-three senators present.
Senators Barnett, Brungardt, Donovan, Gilstrap, Goodwin, Jordan and Palmer were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
When I was in elementary school we used to sing this little song:
First in war, first in peace,
First in the hearts of his countrymen.
That is the story of Washington,
That is the glory of Washington.

On this 276th birthday anniversary of our first President, I want to thank You, Lord, for this man who turned out to be an outstanding leader for the fledgling nation.

Thomas Jefferson credited Washington with creating the USA almost single-handedly by winning The Revolutionary War and guiding the shaky republic for eight years.

Michael Beschloss, the editor of "The Presidents" an American Heritage book, said that Washington was successful for four reasons:

- (1) He had unflinching courage when it was needed most.
- (2) The worst conditions brought out his best qualities as a leader and strategist.
- (3) He believed in America's "glorious cause" and envisioned its future greatness.
- (4) He possessed charisma, the magnetic aura of leadership that moves others to extraordinary effort.

Surely You are the One, O God, who prepared George Washington to lead this country in its formative years.

Thank You, Lord! In Jesus' Name,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 648**.

Education: **SB 646**.

Elections and Local Government: **HB 2331**.

Federal and State Affairs: **SB 647**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Vratil and Steineger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION congratulating and commending the Kansas recipients of the 2007 Milken Family Foundation National Educator Award.

WHEREAS, Jamelle Brown, a speech and forensics instructor at Sumner Academy of Arts and Science, Kansas City USD 500, and Eric Kessler, a science teacher at Blue Valley North High School, Blue Valley USD 229, have been selected as the 2007 Kansas recipients of the Milken Family Foundation National Educator Award. They will receive an unrestricted award of \$25,000 plus recognition by their community, school and peers; and

WHEREAS, The Milken National Educator Awards program was established by the Milken Family Foundation in 1985. The first Awards were presented in 1987; and

WHEREAS, The Milken Family Foundation National Educator Awards program provides public recognition and financial awards to elementary and secondary school teachers, principals and other education professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken National Educator Awards are announced each fall at surprise notifications held in all-school assemblies. Foundation representatives and the chief state school officer make the announcements. This year 48 states and the District of Columbia participated in the program. By publicizing these awards our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Jamelle Brown and Eric Kessler upon their selection as the 2007 Kansas recipients of the Milken Family Foundation National Educator Award; and

Be it further resolved: That the Secretary of the Senate provide 2 enrolled copies of this resolution to the Commissioner of Education for forwarding to the 2007 Milken Educators.

On emergency motion of Senator Vratil **SR 1814** was adopted unanimously.

REPORT ON ENROLLED BILLS

SB 65 reported correctly enrolled, properly signed and presented to the Governor on February 22, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 501** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 501,” as follows:

“Substitute for SENATE BILL No. 501

By Committee on Commerce

“ACT concerning tourism; creating the Kansas tourism corporation and providing for the powers and duties thereof; transferring the powers and duties of the division of travel and tourism development to the Kansas tourism corporation; providing for tourism development and funding; amending K.S.A. 73-2103 and K.S.A. 2007 Supp. 73-2402, 73-2404 and 74-5005 and repealing the existing sections; also repealing K.S.A. 74-5032, 74-5032a and 74-5090 and K.S.A. 2007 Supp. 74-5089, 74-5091, 74-9001, 74-9002, 74-9003, 74-9004 and 74-9005.”;

and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 549** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 549,” as follows:

“Substitute for SENATE BILL No. 549

By Committee on Public Health and Welfare

“AN ACT relating to the board of pharmacy; concerning continuous quality improvement programs and nonresident pharmacy; amending K.S.A. 65-1657 and repealing the existing section.”;

and the substitute bill be passed.

Also, **SB 596** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 596,” as follows:

“Substitute for SENATE BILL No. 596

By Committee on Public Health and Welfare

“AN ACT relating to the board of healing arts; concerning cosmetic or aesthetic purpose included in the practice; amending K.S.A. 65-2869 and K.S.A. 2007 Supp. 65-2802 and 65-2872 and repealing the existing sections.”;

and the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 403** be passed.

Also, **SB 415** be amended on page 1, in line 22, by striking “approved by the state board” and inserting “in substantial compliance”; in line 24, by striking all after “(b)”; by striking all in line 25; in line 26, by striking “approval” and inserting “The state board shall certify”; in line 27, after “revenue” by inserting “whenever a technical school or college has achieved substantial compliance with subsection (a)”;

On page 4, in line 26, by striking “20” and inserting “eight”;

On page 6, in line 29, after “(B),” by inserting “for the tax year 2008,”; in line 32, by striking all after “exceed”; by striking all in lines 33 through 35 and inserting “\$78,125; and, except as provided in paragraph (B), for the tax years 2009 through 2012, the total amount of credits allowed under this section for taxpayers who contribute to community colleges, technical colleges or technical schools shall not exceed the following amounts: For the tax year 2009, an amount not to exceed \$3,750,000; and for the tax years 2010, 2011 and 2012, an amount not to exceed \$5,000,000. Except as otherwise provided, for the tax years 2009 through 2012, the allocation of such tax credits for each individual community college, technical college or technical school shall be determined by the state board of regents in consultation with the secretary of revenue and each community college, technical college and technical school, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section. Not more than 40% of the total of credits allowed under this section shall be allocated to any one community college, technical college or technical school unless all such community colleges, technical colleges and technical schools approve an allocation to any one such community college, technical college or technical school which exceeds 40% of the total of such credits allowed under this section.”; in line 38, by striking “approved” and inserting “certified”; also in line 38, after “board” by inserting “to be substantially compliant”; in line 40, after “2008;” by inserting “and in addition to any amounts allocated to a technical school pursuant to paragraph (A),”; in line 41, by striking “approved” and inserting “certified”; also in line 41, after “board” by inserting “to be substantially compliant”; in line 43, after “and” by inserting “in addition to any amounts allocated to a technical school pursuant to paragraph (A),”;

On page 7, in line 1, by striking “approved” and inserting “certified”; also in line 1, after “board” by inserting “to be substantially compliant”;

On page 8, after line 31, by inserting the following:

“New Sec. 6. (a) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of each state educational institution interest earnings based on:

(1) The average daily balance of moneys in each clearing fund of the state educational institution for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) All moneys transferred to the deferred maintenance support fund pursuant to this section shall be expended solely to finance infrastructure improvement projects as defined by K.S.A. 2007 Supp. 76-7,102, and amendments thereto.

(c) As used in this section, “clearing fund of the state educational institution” means those special revenue funds in the state treasury which are designated as clearing funds, other than service clearing funds under K.S.A. 76-755, and amendments thereto, of a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, by the chief executive officer of the state board of regents.

New Sec. 7. (a) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of each state educational institution interest earnings based on:

(1) The average daily balance of moneys in each health fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) All moneys transferred to the deferred maintenance support fund pursuant to this section shall be expended solely to finance infrastructure improvement projects as defined by K.S.A. 2007 Supp. 76-7,102, and amendments thereto.

(c) As used in this section, "health fee fund" means the university of Kansas health service fund, Kansas state university student health fees fund, Emporia state university student health fees fund, Pittsburg state university hospital and student health fees fund and Fort Hays state university health fees fund.

Sec. 8. K.S.A. 76-755 is hereby amended to read as follows: 76-755. (a) There is hereby established in the state treasury a service clearing fund for each state educational institution.

(b) The service clearing fund at a state educational institution shall be used only as a working capital fund to finance the internal service activities rendered to the state educational institution's own departments, other institutional related organizations and specific organizations and classes of individuals approved by the state board of regents, which activities are specified in appropriations acts for the service clearing fund or which are authorized for the service clearing fund by the state board of regents with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto.

(c) The director of accounts and reports shall approve the accounting procedures to be used for service clearing funds to insure a self-supporting operation of each service clearing fund.

(d) *On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of each state educational institution interest earnings based on:*

(1) The average daily balance of moneys in the service clearing fund of the state educational institution for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) All moneys transferred to the deferred maintenance support fund pursuant to this section shall be expended solely to finance infrastructure improvement projects as defined by K.S.A. 2007 Supp. 76-7,102, and amendments thereto.;

And by renumbering the remaining sections accordingly; Also on page 8, in line 32, after "Sec. 6." by inserting "K.S.A. 76-755 and";

On page 1, in the title, in line 10, after "amending" by inserting "K.S.A. 76-755 and"; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 25, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

