

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 4, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-six senators present.
Senators Emler, Morris, Schodorf and Steineger were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Don't let my life revise the 23rd Psalm; don't let me think...

I am my shepherd, I will never want anything,
I make myself lie down wherever I want.
I spend my own time by the still waters.
I bless my self.
I walk down the paths of pleasure for my comfort's sake.
Though I walk through the valley of temptation,
I will not fear anything, for I can take care of myself.
My pleasure and my possessions, they comfort me.
I set my own table full of expensive delicacies...
In the presence of all my friends.
I provide myself with all my needs.
My pride overflows.
Surely pleasure and prosperity will follow me all the days of my life,
And I will dwell in the house I built forever and ever.

Do not let this ever be my 23rd Psalm.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 530, An act concerning sales taxation; relating to exemptions; repealing all sales tax exemptions; amending K.S.A. 12-3418 and K.S.A. 2009 Supp. 12-189a, 41-501, 79-3602, 79-3603, 79-3606 and 82a-2101 and repealing the existing sections; also repealing K.S.A. 74-8721 and 79-3606d and K.S.A. 2009 Supp. 76-784, 79-3606e and 79-3606f, by Committee on Assessment and Taxation.

SB 531, An act enacting the radon certification law; amending K.S.A. 48-1625 and repealing the existing section, by Committee on Federal and State Affairs.

SB 532, An act concerning alcoholic beverages; relating to licenses and eligibility; amending K.S.A. 2009 Supp. 41-311 and repealing the existing section, by Committee on Federal and State Affairs.

SB 533, An act concerning crimes and criminal procedure; providing for electronic citations, complaints and notices to appear; amending K.S.A. 2009 Supp. 40-3104 and repealing the existing section, by Committee on Judiciary.

SB 534, An act concerning criminal procedure; relating to the correctional supervision fee; pretrial supervision fee; amending K.S.A. 21-4610a and 22-2814 and repealing the existing sections, by Committee on Judiciary.

SB 535, An act concerning crimes, punishment and criminal procedure; relating to parole and postrelease supervision for violent offenders and sex offenders; conditions; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, by Committee on Judiciary.

SB 536, An act relating to motor vehicles; concerning recreational off-highway vehicles; amending K.S.A. 2009 Supp. 8-126, 8-128, 8-197, 8-198, 8-1486, 8-1493, 8-1494 and 8-2118 and repealing the existing sections, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 516**, **SB 528**.

Business and Labor: **SB 529**.

Financial Institutions & Insurance: **SB 517**; **HB 2500**.

Judiciary: **SB 519**, **SB 520**, **SB 521**, **SB 522**, **SB 523**, **SB 524**; **HB 2411**, **HB 2503**.

Public Health and Welfare: **SB 525**.

Transportation: **SB 518**.

Ways and Means: **SB 526**, **SB 527**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 528** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SCR 1626** from the Committee on **Judiciary**, and referred separately to the Committee on **Public Health and Welfare** and to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2082**, **HB 2160**, **HB 2412**, **HB 2440**, **HB 2476**.

The House reconsidered its action to adopt the conference committee report on **HB 2195**. Upon reconsideration the House not adopts the conference committee report on **HB 2195**, requests a conference and appoints Representatives Morrison, Kinzer and Pauls as second conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2082, **HB 2160**, **HB 2412**, **HB 2440**, **HB 2476** were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **HB 2195**.

The Vice President appointed Senators Vratil, McGinn and Kelly as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1813—

A RESOLUTION congratulating and commending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family National Educator.

WHEREAS, Bradley Nicks has been a devoted teacher of mathematics, head coach of the track team, and assistant coach to both the varsity and junior varsity football teams; and

WHEREAS, Mr. Nicks has been an extremely popular and influential teacher to the students of Shawnee Heights High School for the past ten years; and

WHEREAS, The Milken Educator award is a highly prestigious distinction that has been likened to “the Oscars of teaching”; and

WHEREAS, Mr. Nicks is the only Kansas educator in 2009 to win the award, and joins an elite group of 57 Kansas teachers who have received the award since 2002; and

WHEREAS, Mr. Nicks is a brilliant example of the excellent caliber of teachers that lend their talent and passion to the Kansas public education system; and

WHEREAS, Excellent teachers like Mr. Nicks are needed to ensure that the youth of Kansas continue to reach their full potential and become the leaders of their generations; and

WHEREAS, Mr. Nicks will receive a cash award of \$25,000 and an all-expense paid trip to Los Angeles to participate in the annual Milken Education Forum: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Bradley Nicks for being named a Milken Family National Educator, and applaud his continued dedication to the students of Shawnee Heights High School; and

Be it further resolved: That the Secretary of the Senate be directed to provide three enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1813** was adopted unanimously.

Senator Hensley introduced and congratulated Bradley Nicks, math teacher from Shawnee Heights, for being honored as a Milken Family National Educator. Also introduced was Dr. Martin Stessman, Superintendent of Shawnee Heights Schools.

Senators V. Schmidt, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION encouraging participation in the American Heart Association’s Go Red for Women campaign.

WHEREAS, Diseases of the heart are the nation’s leading cause of death and stroke is the third leading cause of death; and

WHEREAS, Cardiovascular disease claims the lives of nearly 460,000 American females each year, approximately one death per minute; and

WHEREAS, The estimated direct and indirect costs of cardiovascular diseases for 2010 in the United States, including stroke, is estimated to be \$503.2 billion; and

WHEREAS, Each year, 53% of all deaths due to cardiovascular disease and 61 % of stroke deaths are women; and

WHEREAS, Many women die each year because they are unaware of the risk that heart disease poses and that heart disease is the number one cause of death for women; and

WHEREAS, Nearly as many women die of heart disease, stroke, and all other cardiovascular diseases than the next five leading causes of death combined, including all cancers; and

WHEREAS, Only 21 % of women consider cardiovascular disease their greatest health risk; and

WHEREAS, February is designated as American Heart Month in Kansas by a proclamation signed by Governor Parkinson; and

WHEREAS, Go Red For Women is the American Heart Association’s national call to increase awareness about heart disease, the leading cause of death for women, and to inspire women to take charge of their heart health; and

WHEREAS, All women should learn their own personal risk for heart disease, using tools such as the American Heart Association’s Go Red For Women Heart CheckUp, the Go Red For Women Better U and by talking to their healthcare provider; and

WHEREAS, Making the right choices relating to proper nutrition, physical activity and other healthy lifestyle choices are essential to living a heart healthy life; and

WHEREAS, By choosing to Speak Up about heart disease, we can save lives using the power of our very own voices; and

WHEREAS, The color red and the red dress symbol have become linked with the ability all women have to improve their heart health, the American Heart Association is encouraging everyone to wear red on February 5 in support of all women who have experienced heart disease or stroke: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support the efforts of the American Heart Association in reducing women's heart health problems and urge all Kansas citizens to show their support for women and the fight against heart disease by commemorating this day by the wearing of the color red. By increasing awareness, speaking up about heart disease, and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Linda J. De Coursey, American Heart Association, 5375 SW 7th Street, Topeka, KS 66606.

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

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 342** be passed.

Also, **SB 169** be amended on page 6, in line 21, by striking "2008" and inserting "2009"; In the title, in line 12, by striking "2008" and inserting "2009"; and the bill be passed as amended.

SB 452 be amended on page 3, in line 1, after "facility" by inserting ", juvenile correctional facility"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 368** be passed.

Committee on **Ways and Means** recommends **SB 446** be passed.

Also, **SB 410** be amended on page 1, in line 40, after "75-3044" by inserting a comma; in line 41, before the period by inserting ", but shall not include the Kansas payment center operating pursuant to K.S.A. 23-4,118, and amendments thereto"; preceding line 42, by inserting the following:

"Sec. 2. K.S.A. 16a-2-403 is hereby amended to read as follows: 16a-2-403. No seller or lessor in any sales or lease transaction or any credit card issuer may impose a surcharge on a card holder who elects to use a credit *or debit* card in lieu of payment by cash, check or similar means. A surcharge is any additional amount imposed at the time of the sales or lease transaction by the merchant, seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit *or debit* card.";

And by renumbering the remaining sections accordingly;

On page 2, in line 24, before "K.S.A." by inserting "K.S.A. 16a-2-403 and"; also in line 24, by striking "is" and inserting "are";

In the title, in line 10, after "amending" by inserting "K.S.A. 16a-2-403 and"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 5, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

