

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 9, 2010—2:30 p.m.

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

Heavenly Father,
From Egypt Moses led
Your people by Your hand;
But they stopped at the border
Of the Promised Land.

Moses sent out a dozen spies
Under his command;
Ten of them were afraid
Of the giants in the land.

The other two insisted
The giants could not withstand
The power of Your people
To take the Promised Land.

You then said all of them,
Except the faithful two
Would perish in the wilderness
Because of what they didn't do.

They did not believe You, Lord,
When the land was promised them,
So only Caleb and Joshua
Were the ones You didn't condemn.

The lesson we should learn, O God,
Is to obey all Your commands;
Even what seems impossible
Can become the Promised Land!

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 567, An act concerning taxation; imposing a tax upon sweetened beverages or concentrate, rates and procedures; inventory tax, method of payment, by Committee on Ways and Means.

SB 568, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; death and disability benefits, employer contributions; amending K.S.A. 2009 Supp. 74-4927 and repealing the existing section, by Committee on Ways and Means.

SB 569, An act concerning taxation; relating to tax on alcoholic liquor, cereal malt beverage and malt products; liquor enforcement tax; increase in rates; amending K.S.A. 79-4101 and K.S.A. 2009 Supp. 41-501 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 566**.

Ways and Means: **SB 565**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 399** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

The House announces the appointment of Representative Merrick to replace Representative Watkins as a conferee on **SB 30**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1840—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2009 Businesses of the year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Existing Business of the Year Award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2009 KSBDC Emerging Businesses of the Year are Flint Hills Laser Expressions in Emporia, Kansas, owned by Rick and Rhonda Robidou; Tischlerei, Inc. in Osborne, Kansas, owned by Olaf Gerhardt; Ewe Specialties, LLC and Special Occasions in Garden City, Kansas, owned by Louaine Knoll and Sondra Baird; Marathon Moving & Delivery, LLC in Overland Park, Kansas, owned by Roger Lee Ward III and Dana Marie Ward; Sweetlove Farm, LLC in Oskaloosa, Kansas, owned by Phil and Sally Holman-Hebert; Tallgrass Brewing Company in Manhattan, Kansas, owned by Jeff Gill; Long's Ranch & Pet Supply in Clay Center, Kansas, owned by Barrett and Stacie Long; and

WHEREAS, The 2009 KSBDC Existing Businesses of the Year are Kraus Electric, LLC in Scranton, Kansas, owned by Lee and Elizabeth Kraus; Completely Kids in Great Bend, Kansas, owned by Dana and Roger Long; Nature's Way Health Food in Garden City, Kansas, owned by Velma Diehl and Janice Olson; The BBQ Shack in Paola, Kansas, owned by Rick Schoenberger; Oliver Electric Construction in Lawrence, Kansas, owned by Robert and Deidre Oliver; Higher Calling Technologies, LLC in Parsons, Kansas, owned by Greg

and Suzie York and Mike and Kim Meyer; Custom Tree Care, Inc. in Topeka, Kansas, owned by Greg Gathers; Cannonball Engineering, LLC in Kingman, Kansas, owned by Terry and Debbie Schrag; and

WHEREAS, The KSBDC Businesses of the Year serve as examples of the success that the KSBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2009 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 20 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1840** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2649** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **HB 2540**, as amended by House Committee, be amended on page 1, in line 37, before "a" by inserting "shares or units of"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2456**, as amended by House Committee, be passed.

Also, **HB 2455** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 435 be amended on page 1, by striking all in lines 13 through 20;

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking "concerning criminal procedure" and inserting "repealing K.S.A. 22-2501"; in line 10, by striking ";"; amending K.S.A. 22-2501 and repealing the existing section"; and the bill be passed as amended.

SB 520 be amended on page 1, in line 20, by striking "cause" and inserting "allow"; also in line 20, after "public" by inserting "or nonprofit"; in line 21, by striking "to exceed" and inserting "more than"; in line 27, after "receive" by inserting "a credit on any fines and costs in an amount equal to \$5 for each full hour spent by the person in the specified work, or if there are no such fines and costs,"; in line 28, by striking "a day for" and inserting "for each full hour spent by the person in"; and the bill be passed as amended.

HB 2435 be amended on page 16, in line 18, before "no" by inserting "; subject to the provisions of K.S.A. 21-4719, and amendments thereto,"; in line 19, by striking "as" and inserting "As"; and the bill be passed as amended.

HB 2468 be amended on page 3, in line 22, by striking "the effective date of this act" and inserting "July 1, 2007,"; in line 28, after "2006" by inserting a comma; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2619**, as amended by House Committee, be passed.

Committee on **Transportation** recommends **HB 2552** be passed.

Also, **HB 2547**, as amended by House Committee, be amended on page 1, following line 14, by inserting the following:

"Section 1. K.S.A. 8-2409 is hereby amended to read as follows: 8-2409. (a) Any dealer may purchase from the division of vehicles thirty-day temporary registration permits, in multiples of five permits valid for 30 days at a cost of \$3 each. Such dealer shall have completed the application and permit as required by the division and mail a copy of such application to the division within 24 hours from the date of issuance. Such registration shall not extend the date when registration fees are due, but shall be valid registration for a period of 30 days from date of issuance. The dealer upon presentation of evidence of ownership in the applicant and evidence that the sales tax has been paid, if due, shall issue a sticker or paper registration as determined by the division. No dealer, or county treasurer, as authorized by K.S.A. 8-143, and amendments thereto, shall issue more than one thirty-day temporary registration permit to the purchaser of a vehicle.

(b) The division of vehicles may deny any dealer the authority to purchase thirty-day temporary permits if the vehicle dealer is delinquent in monthly sales reports to the division for two months or more or if the vehicle dealer is found to have issued more than one thirty-day permit to the purchaser of a vehicle.

(c) The temporary registration authorized by this section shall ~~not~~ entitle a truck, truck tractor or any combination of truck or truck tractor and any type of trailer or semitrailer to be operated under laden conditions; ~~except that such temporary registration shall authorize any such vehicle or combination of vehicles to be operated under laden conditions for 48 hours after the time of issuance of the temporary permit.~~;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 15, by striking "Section" and inserting "Sec.";

On page 4, in line 40, by striking "dealer complies"; in line 41, by striking all preceding the semicolon and inserting "prohibition or prevention of such arrangements would be unreasonable in light of all existing circumstances including, but not limited to, debt exposure, cost, return on investment, the dealer's and manufacturer's business plans and other financial and economic conditions and considerations";

On page 5, in line 10, following "economic" by inserting "conditions and";

On page 18, in line 22, following "K.S.A." by inserting "8-2409,";

On page 1, in the title, in line 11, following "K.S.A." by inserting "8-2409,"; and the bill be passed as amended.

HB 2660, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 19 through 31;

Also on page 1, in line 32, by striking "New Sec. 3." and inserting "New Section 1.,"; also in line 32, by striking "2011" and inserting "2012"; in line 39, by striking "county" and inserting "country";

On page 7, by striking all in lines 3 through 43;

On page 8, by striking all in lines 1 through 7; preceding line 8, by inserting the following: "Sec. 3. K.S.A. 2009 Supp. 8-145d is hereby amended to read as follows: 8-145d. In addition to the annual vehicle registration fees prescribed by K.S.A. 8-143, 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-167, 8-172 and 8-195, and amendments thereto, and K.S.A. 2009 Supp. 8-143l, and amendments thereto, any applicant for vehicle registration or renewal thereof for registration shall pay a service fee in the amount of \$5 to the county treasurer at the time of making such application. In addition to such service fee, the county treasurer may charge any applicant for vehicle registration or renewal thereof for registration, a ~~satellite~~ registration fee in an amount not to exceed \$5 per vehicle registration or renewal thereof for registration, when such application is made at a ~~satellite~~ registration facility *in a county with multiple vehicle registration facilities as established by the county treasurer. Such registration fee shall not be charged at a registration facility located within the county courthouse or administrative office used as the primary location for the county treasurer's operations and if a registration facility is not located within such courthouse or such administrative office, then at least one of the registration facilities established by the county treasurer shall not charge such registration fee.* The county treasurer shall deposit all amounts received under this section in the special fund created pursuant to K.S.A. 8-145, and amendments thereto, and such amounts shall be used by the county treasurer for all purposes for which such fund has been appropriated by law, and such additional amounts are hereby appropriated as other amounts deposited in such fund.";

On page 14, by striking all in lines 31 through 43;

By striking all on pages 15, 16, 17, 18, 19, 20 and 21;

On page 22, by striking all in lines 1 through 8; preceding line 9, by inserting the following: "Sec. 5. K.S.A. 8-1598 is hereby amended to read as follows: 8-1598. (a) No person under the age of 18 years shall operate or ride upon a motorcycle or a motorized bicycle, unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) *No person shall allow or permit any person under the age of 18 years to: (1) Operate a motorcycle or motorized bicycle or to ride as a passenger upon a motorcycle or motorized bicycle without being in compliance with the provisions of subsection (a); or (2) operate a*

motorcycle or to ride as a passenger upon a motorcycle without being in compliance with the provisions of subsection (c).

~~(b)~~ (c) (1) No person shall operate a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

(2) *No person under the age of 18 years shall ride as a passenger on a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant.*

~~(c)~~ (d) This section shall not apply to persons riding within an enclosed cab or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three wheels and commonly known as a truckster.”;

Also on page 22, in line 9, by striking “8-128” and inserting “8-145d”; also in line 9, by striking all following “8-197,”; in line 10, by striking all preceding “are” and inserting “and 8-1598”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, by striking “motor”; in line 13, by striking “recreational off-highway vehicles” and inserting “traffic”; in line 15, by striking “8-128” and inserting “8-145d”; also in line 15, by striking all following “8-197,” and inserting “and 8-1598”; and the bill be passed as amended.

Committee on **Utilities** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Corporation Commission: K.S.A. 74-601

Ward E. Loyd, term expires March 15, 2012

COMMITTEE OF THE WHOLE

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

On motion of Senator Barnett the following report was adopted:

Recommended **SB 559; HB 2433, HB 2445, HB 2555** be passed.

SB 454; HB 2415, HB 2418 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 359 be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 10, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*
PAT SAVILLE, *Secretary of the Senate.*

