

# Journal of the Senate

SIXTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, May 28, 2010—10:00 a.m.

As provided by **SCR 1632**, the Sine Die Session of the regular 2010 Kansas Senate was called to order by President Stephen Morris.

The roll was called with thirty-three senators present.

Senators Colyer, Donovan, Holland, Huelskamp, Huntington, Kelsey and Taddiken were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,  
Another session's ended,  
Sine Die is here.  
The next time we are gathered  
It will be another year.  
  
I pray for all the Senators,  
People I hold dear.  
I've prayed a lot of prayers  
For all of them to hear.  
  
Keep them safe and well, O God,  
Bless their families, too.  
Help them to remember  
Blessings come from You.  
  
Interim committees will be meeting  
So most of them return  
To handle all the business  
And to "live and learn."  
  
Thank you for their service  
To those they represent  
Help us to appreciate  
All that they have meant.  
  
I pray in the Name of Jesus Christ,  
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

## REPORT ON ENGROSSED BILLS

**SB 387** reported correctly engrossed May 11, 2010.

Also, **H Sub for SB 572** correctly re-engrossed May 11, 2010.

**H Sub for SB 300** reported correctly engrossed May 12, 2010.

Also, **SB 368** correctly re-engrossed May 12, 2010.

**REPORT ON ENROLLED BILLS**

**SB 131; H Sub for SB 293, H Sub for SB 300; SB 368, SB 387, SB 586** reported correctly enrolled, properly signed and presented to the Governor on May 14, 2010.

**SR 1887** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 14, 2010.

**H Sub for SB 572** reported correctly enrolled, properly signed and presented to the Governor on May 18, 2010.

**SCR 1632** reported correctly enrolled, properly signed and presented to the Secretary of State on May 18, 2010.

**MESSAGE FROM THE GOVERNOR**

**H Sub for Sub for SB 214** approved on May 13, 2010.

**MESSAGE FROM THE GOVERNOR**

**SB 54; H Sub for SB 306; SB 434, SB 452** approved on May 17, 2010.

**MESSAGE FROM THE GOVERNOR**

May 21, 2010

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Directive No. 10-409 for your information.

Sincerely,

MARK PARKINSON  
Governor

The President announced Executive Directive No. 10-409, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at any time.

**MESSAGE FROM THE GOVERNOR**

**SB 131; H Sub for SB 293, H Sub for SB 300; SB 368, SB 387, SB 586** approved on May 24, 2010.

**MESSAGE FROM THE GOVERNOR**

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill No. 572 with my signature approving the bill, except for the items enumerated below.

**Division of Post Audit—Financial Compliance Audit**

That portion of Section 46(b) that reads as follows has been line-item vetoed:

*“And provided further,* That the division of post audit is hereby authorized to fix, charge and collect fees for the costs of financial-compliance audits under K.S.A. 46-1106, and amendments thereto: *And provided further,* That such fees shall be fixed to recover the expenses incurred for financial-compliance audits under K.S.A. 46-1106, and amendments thereto.”

This FY 2011 appropriation language for Legislative Post Audit was offered as an alternative to providing the Division with a State General Fund appropriation. Because the Legislature’s budget was enhanced by \$639,522 beyond what was intended, I hereby line-item veto this appropriation language as an unnecessary assessment on the other state agencies that cannot afford to finance the statewide audit. From within the Legislature’s appropriation, funds could be transferred to Post Audit in order to finance this audit, once the actual costs are known.

**Kansas Commission on Veterans Affairs—Transfer from Public Broadcasting to Veterans Affairs**

Section 72(c) has been line-item vetoed in its entirety.

This section constitutes a 50 percent reduction in the operating grants for public broadcasting stations throughout Kansas. This type of drastic reduction would be particularly damaging to stations in rural Kansas, likely silencing an important voice for our rural communities. Despite this line-item veto, the budget for veteran services programs will increase 30 percent, including an additional \$534,309 for veteran services programs.

**Kansas Health Policy Authority—KHPA Study**

Section 76(h) has been line-item vetoed in its entirety.

This provision would require the Kansas Health Policy Authority (KHPA) to conduct a study on the topic of requiring insurance companies to reimburse specified mental health professionals for certain proactive mental health care treatments. This study includes several parameters and requires analysis of a considerable amount of data. No funding was provided for the study, although the imposed deadline for the study's completion is December 31, 2010. KHPA does not currently have adequate resources to complete this assigned task. 2010 House Bill 2546, which would have mandated insurance coverage for these services, was the subject of a hearing in the House Committee on Insurance on February 4, 2010. This bill never made it out of committee, and so has not been thoroughly vetted by the Kansas Legislature. Mandating the use of scarce state resources to study a topic absent thorough legislative scrutiny is not a good policy decision in this budgetary climate. Therefore, I must veto this section.

**Department of Education—Uniform Chart of Accounts**

Section 79(l) has been line-item vetoed in its entirety.

At a time when school boards are making difficult budget decisions, including increasing class sizes, closing buildings, eliminating course offerings and imposing instructional and professional staff layoffs, the policy to require additional financial reporting causes a costly and unnecessary administrative burden. The Department of Education already requires a uniform chart of accounts for school district budgets. In fact, the State Department of Education already provides on its website a copy of the uniform chart of accounts, the complete budget for each school district, as well as the "Budget at a Glance" and a budget profile for each district in Kansas. As a result, I find it necessary to veto this section of the budget bill.

**University of Kansas—Water Data Repository Fund**

That portion of Section 91(a) that reads as follows has been line-item vetoed:

"Standardized water data repository fund ..... \$300,000

*Provided*, That expenditures may be made from this account or any special revenue fund of the above named agency for the purposes of bathymetric mapping, sediment surveys and lake assessments and the development of a standardized water quality and quantity data repository relating to public water supply sources."

The Standardized Water Data Repository Fund at the University of Kansas was inadvertently appropriated as a State General Fund appropriation in the bill, when it should have been established as a special revenue fund. This veto eliminates the State General Fund appropriation, but does not eliminate the new fund, that is financed with a \$300,000 transfer from the Clean Drinking Water Fee Fund.

**Board of Regents—Postsecondary Operating Grant Adjustment**

Section 94(j) has been line-item vetoed in its entirety.

Legislative intent for the Regents system was to lapse \$2.3 million from the State General Fund; however, the amendment to alter the lapse incorrectly took \$9.5 million. I veto this section in order to restore the funding, and instruct the Regents to submit a revised budget this fall with the \$2.3 million reduction. This veto also ensures our state's compliance with requirements in accepting federal American Reinvestment and Recovery Act funding.

**Kansas State Fair—Workers Compensation Insurance**

Section 107(c) has been line-item vetoed in its entirety.

Allowing the State Fair to acquire private workers compensation insurance would set a bad precedent and has the potential to increase rates for all other state agencies that will continue to participate in the State Self Insurance Fund (SSIF). The SSIF would be responsible for the expense of medical and disability payments from ongoing claims by State Fair employees prior to the new private insurance becoming effective and the SSIF would have to pass these expenses to all other state agencies. Furthermore, it was recently announced that workers comp rates for the SSIF, including the State Fair, will decrease over the next year, making this proviso all the more unwarranted.

#### **State Officers' Pay**

Section 163 has been line-item vetoed in its entirety.

Eighty percent of this reduction would be absorbed by the Judicial Branch which has already reduced its spending to the point of furloughing staff. Already, Kansas' Circuit Court salaries rank 40th in the nation for pay; this makes it difficult to attract and retain quality individuals to these critical posts. Therefore, I believe that additional cuts in this area would further harm Kansas' justice system. Additionally, for those state officers who might retire at this time of administrative transition, a cut will adversely impact retirement benefits. I would also remind Legislators and any other state officer that they may accept a voluntary pay reduction of any amount on their own accord without this provision. Toward that end, I and Lieutenant Governor Findley will continue the reduction in our pay until the end of our term.

#### **Out of State Travel**

Section 165 has been line-item vetoed in its entirety.

This provision requires additional layers of approval for every state employee's out-of-state travel and creates an unnecessary level of government bureaucracy. Agency budgets have been significantly reduced in the past two years. One of the major areas of reduction has been travel. In fact, from the beginning of FY 2008 to date, total travel expenditures within executive branch agencies have been reduced over 50 percent. Within their budgetary authority, agency heads should have the flexibility to prioritize expenditures to allow travel as necessary to carry out essential functions of state government. Accordingly, I have instructed agency heads to continue to limit travel to only that which is essential to carrying out their mission. Creating additional layers of bureaucracy does not improve government. Therefore, I veto this section of the budget bill.

#### **Department of Health & Environment—Title X Family Planning Services**

Section 167 has been line-item vetoed in its entirety.

This proviso is nearly identical to the one I vetoed in 2009, S. Sub. for House Bill 2373. Therefore, I find it appropriate to repeat many of the same points I made last year regarding this issue:

Regardless of one's views on whether abortion should be allowed in this country, hopefully we can all agree that we should make every effort to prevent unplanned pregnancies. Access to affordable family planning services and contraceptives is critical if we are to continue reducing the number of abortions that occur in this state. This section would prohibit distribution of Title X moneys to private family planning providers unless they are either a hospital or provide comprehensive primary and preventative care in addition to family planning services. This proviso would prevent funding for two facilities of other eligible family planning providers. These facilities do not perform abortions, and by law, Title X funding cannot be used for abortion services.

Both of these facilities provide affordable access to contraceptives and family planning services for women who are significantly below the poverty level. These women are most at risk for unplanned pregnancies. The family planning services provided by these facilities help lower the likelihood of unplanned pregnancy, and thus reduce abortions. Eliminating funding for programs intended to reduce the number of unplanned pregnancies does nothing to help reduce abortions in Kansas. I therefore find it necessary to line-item veto this proviso.

**Clean Air Act Rules and Regulations**

Section 168 has been line-item vetoed in its entirety.

Kansas has a proud history of being an energy producing state and an exciting future in the area of renewables.

As we look ahead to opportunities on the horizon, we must also uphold those bedrock industries, such as oil and gas, which provide prosperity to so many Kansans. Yet in doing so, we must ensure that we do not unintentionally harm the very sector of our economy we wish to protect.

This proviso has unintended consequences bringing forth regulatory uncertainty which would hinder Kansas' ability to serve our citizens, homes, farms and businesses. By abandoning productive progress with state agencies, sources would be required to work directly with the federal government to implement these programs which is considerably less expeditious.

Most importantly, this proviso is simply poor economic policy for Kansas. It would restrict the state's capacity to provide information and technical assistance to Kansas businesses and industries regarding federal standards, resulting in adverse impacts to local entities that need air quality permits to conduct business.

If there is a new federal law that will harm our state, it should be addressed and action should be taken through policy changes, not annual budget provisions. Decisions such as this are best made when they are developed through the proper legislative process, where expert testimony can be presented and debated in a transparent fashion. I therefore find it necessary to veto this section.

Mark Parkinson, Governor  
May 27, 2010

**COMMUNICATIONS FROM STATE OFFICERS**

SECRETARY OF STATE STATE OF ARIZONA

April 26, 2010

Ken Bennett, Secretary of State, reported the Forty-ninth Legislature - Second Regular Session of the State of Arizona, passed **HCR 2001**, a Concurrent Resolution resolving intent to claim sovereignty under the tenth amendment to the constitution of the United States over certain powers, serving notice to the Federal Government to cease and desist certain mandates and providing that certain Federal Legislation be prohibited or repealed.

KANSAS DEPARTMENT OF LABOR

May 25, 2010

Jim Garner, Secretary of Labor, submitted the 2009 Kansas Green Jobs Report.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **Senate Substitute for Senate Substitute for Substitute HB 2320**.

The House concurs in Senate amendments to **Senate Substitute for Senate Substitute for HB 2650**.

The House adopts the conference committee report on **HB 2130**.

The House adopts the conference committee report on **Senate Substitute for HB 2219**.

The House adopts the conference committee report on **HB 2434**.

The House adopts the conference committee report on **Senate Substitute for HB 2506**.

The House adopts the conference committee report on **HB 2660**.

**MESSAGE FROM THE HOUSE**

Announcing a veto message from the Governor on **Senate Substitute for Substitute House Bill No. 2538**, AN ACT concerning economic development; pertaining to the

promoting employment across Kansas act; pertaining to qualifications for benefits under such act; duties of secretary of revenue; reporting requirements; amending K.S.A. 2009 Supp. 74-50,103, 74-50,108, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 74-8010, 79-32,153 and 79-32,160a and repealing the existing sections, was received on April 15, 2010, and read on April 28, 2010.

There being no motion to reconsider **Senate Substitute for Substitute House Bill 2538**, the veto was sustained.

#### MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1632**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Brownlee, Colyer and Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1888—

A RESOLUTION congratulating and thanking Patricia All.

WHEREAS, Patricia All is retiring as superintendent of the Olathe School District after the 2009-2010 school year; and

WHEREAS, Patricia All has served as superintendent of the Olathe School District since 2005 and has served the district since 1979; and

WHEREAS, She joined the Olathe School District in 1979 as assistant principal of Olathe High School, after 11 years of teaching English and social studies in another district. From 1981 to 1986, she served as principal of Oregon Trail Junior High School, and from 1986 to 1991, was principal of Olathe South High School, during which time both schools earned the U.S. Department of Education Blue Ribbon School recognition; and

WHEREAS, In 1991, Patricia All was named Director of Secondary Education, and in 1993, she became the Executive Director of Education and Technology. From 1995 to 2002, she was Assistant Superintendent for General Administration, and in 2002 she was named Deputy Superintendent; and

WHEREAS, Patricia All has been recognized by a number of community organizations for her leadership and service, including the Educator Award from the City of Character Council in 2002, the Leadership Olathe Community Leadership Award in 1996, and the Olathe Chamber of Commerce Spirit Award in 1995. She has also served on the Olathe Area Chamber of Commerce Board of Directors in 1991 and as Chairman of the Board in 1994, as the Chairman of the Convention and Visitors Bureau from 2001 to 2003 and currently serves on the Olathe Medical Center Board of Trustees; and

WHEREAS, Patricia All, who received a bachelor's degree in education, and master's and doctoral degrees in secondary school administration, all from the University of Kansas, has devoted her life to serving her community and improving the lives of young Kansans: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and thank Patricia All for her lifetime of service and dedication to the education of so many Kansans, and that we extend our best wishes for her future endeavors; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide enrolled copies of this resolution to Senators Karin Brownlee, Jeff Colyer and Julia Lynn.

On emergency motion of Senator Brownlee **SR 1888** was adopted unanimously.

#### VETO SUSTAINED

President Morris announced the time had arrived for reconsideration of **H Sub for SB 572**, An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, as amended by section 33 of 2010 House Bill No. 2557, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156,

79-34,171, 79-4801 and 82a-953a and section 14 of 2010 Senate Substitute for House Bill No. 2222 and section 52 of chapter 124 of the 2009 Session Laws of Kansas and repealing the existing sections.

No motion having been offered to reconsider, President Morris announced the Governor's line items vetoes on **H Sub for SB 572** were declared sustained.

As provided by **SCR 1632**, Senator D. Schmidt moved the Senate adjourn Sine Die. The motion prevailed.

President Morris thereupon announced: "By virtue of the authority vested in me as president of the Senate, I now declare the 2010 Session of the Kansas Senate adjourned Sine Die."

#### MESSAGE FROM THE HOUSE

Announcing the following bills are hereby transmitted to the Senate with final disposition: Senate Bills died in House Committees: **House Substitute SB 3; Substitute SB 6; SB 49; SB 55; SB 56; Substitute SB 58; SB 59; SB 69; SB 71; SB 79; SB 92; SB 93; SB 94; SB 103; Substitute SB 117; H Sub for SB 126; SB 138; SB 152; SB 153; SB 167; SB 173; SB 201; SB 215; Substitute SB 220; SB 222; SB 223; SB 224; SB 241; SB 249; SB 268; SB 274; SB 285; SB 297; SB 299; SB 307; House Substitute SB 342; SB 348; SB 351; SB 354; SB 360; SB 367; SB 370; SB 385; SB 390; SB 391; SB 406; SB 408; SB 411; Substitute SB 416; SB 417; SB 419; SB 420; SB 421; SB 423; SB 424; SB 426; SB 429; Substitute SB 447; SB 453; SB 454; SB 479; SB 480; SB 482; SB 483; SB 484; SB 488; SB 494; Substitute SB 501; SB 506; SB 512; SB 523; SB 532; SB 559; SB 566; SB 570; SB 571; SB 574; SB 575; SB 579; SB 580.**

Senate Concurrent Resolutions died in House Committees: **SCR 1602; SCR 1616; SCR 1618; SCR 1630; SCR 1631.**

Senate Bills died on the Calendar: **House Substitute SB 22, House Substitute SB 73, House Substitute SB 95, SB 147, House Substitute SB 174, Substitute SB 184, House Substitute SB 205, House Substitute SB 247, SB 248, House Substitute SB 260, House Substitute SB 302, Substitute SB 311, House Substitute SB 324, SB 363, SB 446, SB 459, SB 518, SB 520, House Substitute SB 561, SB 568, SB 581.**

Senate Concurrent Resolutions died on the Calendar: **SCR 1617, SCR 1625.**

Senate Bills died in Conference Committee: **House Substitute SB 146, House Substitute SB 254, House Substitute SB 310, House Substitute SB 313, SB 388, House Substitute for Substitute SB 514.**

Senate Concurrent Resolution died in Conference Committee: **SCR 1614.**

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

