

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 10, 2012, 8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Brungardt, Faust-Goudeau and Kelsey were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

This Sunday marks the two hundred and third birthday anniversary of Abraham Lincoln who became the 16th President of the United States.

He was a man, who though not perfect, honored You, O God, as the author of the Bible and the One from whom he sought strength and wisdom.

I have not always respected President Lincoln, having been born and raised in the deep South which was totally segregated at the time. We were so proud to be southerners, that I remember as a child in southwest Georgia, the most disappointing news I had ever heard was when I was told that I lived in NORTH America!

Today, Lord, I have a great respect for Lincoln, considering him to be one of our greatest presidents, and a man who turned to You over and over again for wisdom, strength, and endurance.

I close my prayer, dear Lord, with a quote, that I think, summarizes his submission to You.

During the Civil War, Lincoln overheard someone say, "I hope the Lord is on the Union side." To which President Lincoln responded, "...I know that the Lord is always on the right side. But it is my constant anxiety and prayer that I and this nation will always be on the Lord's side."

This quote expresses my deep desire, also, as I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 415, AN ACT concerning motor vehicles; relating to competitive bidding; amending K.S.A. 2011 Supp. 75-3740 and repealing the existing section, by Committee on Assessment and Taxation.

SB 416, AN ACT concerning the state workplace health and safety program; relating to implementation and administration of the program; pertaining to transfer of the

program from the department of health and environment to the department of labor; amending K.S.A. 2011 Supp. 44-575 and repealing the existing section, by Committee on Commerce.

SB 417, AN ACT concerning economic development; relating to the powers, duties and functions transferred to the secretary of commerce from Kansas, Inc.; making changes in references and transfers to state officers and agencies with respect thereto; amending K.S.A. 74-5007a, 74-50,101, 74-8009a, 74-8013, 74-8015, 74-8016, 74-8204, 74-8310 and 74-9306 and K.S.A. 2011 Supp. 12-17,169, 12-17,177, 74-5001a, 74-5049, 74-5089, 74-5095, 74-50,151, 74-8004, 74-8006, 74-8010, 74-8106, 74-8111, 74-8136, 74-8317, 74-8405, 74-99b09, 74-99c07, 74-99e02, 75-2935, 75-2935b, 75-3702k, 75-3702l, 75-3702m and 75-3702n and repealing the existing sections; also repealing K.S.A. 74-8003, 74-8011, 74-8012 and 74-8014 and K.S.A. 2011 Supp. 74-50,134, 74-8001, 74-8002, 74-8005, 74-8007, 74-8102 and 74-99c10, by Committee on Commerce.

SB 418, AN ACT concerning oil and gas; relating to horizontal drilling; amending K.S.A. 55-1304 and 55-1305 and repealing the existing sections, by Committee on Utilities.

SB 419, AN ACT concerning energy; relating to renewable energy resource investment; amending K.S.A. 2011 Supp. 66-1260 and repealing the existing section, by Committee on Utilities.

SB 420, AN ACT enacting the Kansas financial incentive protection act; providing requirements, procedures and penalties for violations thereof; duties of business entities receiving financial assistance from the state, by Committee on Assessment and Taxation.

SB 421, AN ACT concerning personal property taxation; relating to motor vehicles; computation of amount of tax; amending K.S.A. 79-5105 and repealing the existing section, by Committee on Assessment and Taxation.

SB 422, AN ACT concerning courts; relating to judges pro tem; amending K.S.A. 20-310a and repealing the existing section, by Committee on Judiciary.

SB 423, AN ACT concerning the judicial branch of government; relating to judges; authority of supreme court; amending K.S.A. 4-202, 4-203, 4-204, 4-205, 4-206, 4-207, 4-208, 4-209, 4-210, 4-211, 4-212, 4-213, 4-214, 4-215, 4-216, 4-217, 4-218, 4-219, 4-220, 4-221, 4-222, 4-223a, 4-224, 4-225, 4-226, 4-227, 4-228, 4-229, 4-230, 4-231 and 4-232 and repealing the existing sections; also repealing K.S.A. 20-301b and 20-338, by Committee on Judiciary.

SB 424, AN ACT concerning the Kansas law enforcement training act; amending K.S.A. 74-5601 and 74-5622 and K.S.A. 2011 Supp. 74-5602, 74-5603, 74-5605, 74-5607, 74-5607a, 74-5608a and 74-5616 and repealing the existing sections; also repealing K.S.A. 74-5618, by Committee on Judiciary.

SB 425, AN ACT concerning courts; relating to court fees and costs; judiciary technology fund; amending K.S.A. 20-1a12, 20-371, 60-2101 and 65-409 and K.S.A. 2011 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b, 21-6614c, 22-2410a, 28-177a, 38-2312a and 38-2312b, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 412, SB 414.**

Commerce: **SB 413.**

Local Government: **HB 2420.**

Reapportionment: **HB 2606.**

Transportation: **HB 2458, HB 2459.**

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 262** be amended on page 1, in line 6, by striking "any" and inserting "a"; also in line 6, by striking "shall" and inserting "may"; in line 7, by striking "preference" and inserting "consideration"; in line 20, after "(c)" by inserting "The provisions of this section shall not apply to actions filed under the Kansas adoption and relinquishment act, K.S.A. 59-2111, *et seq.*, and amendments thereto.

(d)"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 64** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 64," as follows:

"Substitute for SENATE BILL NO. 64

By Committee on Financial Institutions and Insurance

"AN ACT concerning banking; allowing the obtaining of fingerprints from certain individuals for certain purposes; amending K.S.A. 9-1722 and 9-1801 and K.S.A. 2011 Supp. 9-509 and repealing the existing sections.";

And the substitute bill be passed.

Also, **SB 287** be amended on page 2, in line 14, after the period by inserting:

"A credit union also may do all things necessary to obtain, continue, pay for and terminate private insurance coverage of its shares and share certificates in excess of the coverage for such shares and share certificates provided by the national credit union share insurance fund or its successor. Such excess coverage shall be obtained from an insurer approved by the commissioner of insurance.";

On page 3, in line 43, after the period by inserting:

"Confidential information may be disclosed to the private insurer of any credit union regarding the credit union insured by such insurer when necessary in the performance of their official duties or functions. No employees of such private insurer may disclose such confidential information without express written authorization of the administrator.";

On page 4, in line 1, by inserting "(e)" before "Confidential"; in line 7, by striking "(e)" and inserting "(f)"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 311** be amended on page 1, by striking all in lines 28 through 36;

On page 2, by striking all in lines 1 and 2;

On page 3, by striking all in lines 24 through 41;

On page 4, by striking all in lines 10 through 22;

On page 5, by striking all in lines 18 through 39;

On page 6, in line 19, by striking all after "(a)"; by striking all in lines 20 through

23; in line 24, by striking "(b)"; by striking all in lines 41 through 43;

On page 7, by striking all in lines 1 through 8;

On page 8, following line 19, by inserting:

"(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Air service incentive fund..... \$2,000,000

Provided, That 50% of all expenditures from the air service incentive fund during fiscal year 2012 shall be made to participate in air passenger service support agreements with the Manhattan area chamber of commerce, inc., and airlines providing air passenger service at Manhattan regional airport, related to any quarter during fiscal year 2012 when flights provided by an airline that is a party to an air passenger service support agreement are filled to less than 70% of capacity, or as determined under a formula finalized and agreed upon by the Manhattan area chamber of commerce, inc., in such support agreements: *Provided however*, That no expenditures shall be made from the air service incentive fund unless the Manhattan area chamber of commerce, inc., has made payments to such airlines for such purpose of \$250,000 or more for fiscal year 2012: *Provided further*, That expenditures from the air service incentive fund to such airlines for such purpose for fiscal year 2012 shall not exceed \$1,000,000: *And provided further*, That 50% of all expenditures from the air service incentive fund during fiscal year 2012 shall be for a competitive grant program developed and administered by the secretary of commerce for the purposes of expanding air travel options and airport improvements across the state: *And provided further*, That in addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in the air service incentive fund for fiscal year 2012, expenditures may be made by the secretary of commerce to enter into an agreement for competitive grants or to produce market research studies to determine the economic benefits of providing incentives to expand air travel options and airport improvements in the state: *And provided further*, That expenditures from the air service incentive fund for competitive grants for fiscal year 2012 shall not exceed \$1,000,000.

(f) On the effective date of this act, of the \$2,203,172 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 103 (b) of chapter 118 of the 2011 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account, the sum of \$300,000 is hereby lapsed.";

On page 9, following line 2, by inserting:

"(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training grant fund.....No limit";

Also on page 9, by striking all in lines 15 through 19;

On page 10, following line 19, by inserting:

"Renovations at rainbow mental health facility..... \$1,500,000";

On page 11, following line 4, by inserting:

"(n) In addition to the other purposes for which expenditures may be made by the above agency from the state operations account of the state general fund for fiscal year 2012 as authorized by section 111(a) of chapter 118 of the 2011 Session Laws of Kansas, expenditures shall be made by the above agency from the state operations

account of the state general fund for fiscal year 2012 to provide reimbursement to the cities of Ft. Scott, Lawrence, Marysville, McPherson and Pratt for expenses incurred in keeping open each such city's local social and rehabilitation services office: *Provided*, That such expenditures from the state operations account of the state general fund for fiscal year 2012 shall not exceed \$448,977.";

On page 13, in line 24, by striking "\$2,427,906" and inserting "\$2,603,283"; following line 24, by inserting:

"(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2012, by section 106(b) of chapter 118 of the 2011 Session Laws of Kansas on the VA burial reimbursement fund – federal of the Kansas commission of veterans affairs is hereby increased from \$80,538 to \$101,942.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2012, by section 106(b) of chapter 118 of the 2011 Session Laws of Kansas on the veterans' home fee fund of the Kansas commission of veterans affairs is hereby increased from \$3,000,003 to \$3,133,615.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2012, by section 106(b) of chapter 118 of the 2011 Session Laws of Kansas on the veterans' home federal fund of the Kansas commission of veterans affairs is hereby increased from \$2,924,231 to \$3,308,745.";

Also on page 13, following line 31, by inserting:

"(b) On the effective date of this act, the appropriation for the above agency for the fiscal year ending June 30, 2012, by section 128(a) of chapter 118 of the 2011 Session Laws of Kansas of any unencumbered balance in the southwest Kansas access project account of the state general fund, is hereby lapsed.

(c) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Midwest higher education commission \$5,462";

Also on page 13, following line 37, by inserting:

"Operating expenditures (including official hospitality).....\$50,000";

On page 14, following line 36, by inserting:

"(d) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Purchase of services..... \$870,540";

On page 16, in line 22, by striking all after "(b)"; by striking all in lines 23 and 24 and inserting "There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:
State parks operating fund \$300,000

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the water plan project of projects specified, the following:

State parks water projects fund..... \$423,267";

Also on page 16, following line 35, by inserting:

"Sec. 38.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures..... \$172,000

Sec. 39.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2012, by section 94(a) of chapter 118 of the 2011 Session Laws of Kansas on expenditures for official hospitality from the operating expenditures account of the Kansas human rights commission is hereby increased from \$150 to \$275.

Sec. 40.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Court appointed special advocates..... \$50,000

(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2011 Supp. 21-5933, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the medicaid fraud prosecution revolving fund of the attorney general to the state general fund.

Sec. 41.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Judiciary operations..... \$1,200,000

Sec. 42. (a) During the fiscal year ending June 30, 2012, notwithstanding the provisions of chapter 118 of the 2011 Session Laws of Kansas, in addition to the other purposes for which expenditures may be made by any state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the state agency by chapter 118 of the 2011 Session Laws of Kansas or by this or other appropriation act of the 2012 regular session of the legislature, expenditures may be made by the state agency from moneys appropriated by chapter 118 of the 2011 Session Laws of Kansas or by this or other appropriation act of the 2012 regular session of the legislature from the state general fund or from any such special revenue fund or funds for fiscal year 2012 to purchase bottled drinking water for water dispensers.";

And by renumbering sections accordingly;

And the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1812, SR 1813 reported correctly enrolled, properly signed and presented to the Secretary of the Secretary on February 10, 2012.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Monday, February 13, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

