

# Journal of the Senate

TWENTY-FIFTH DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 13, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-eight senators present.  
Senators Haley and Masterson were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There is an old saying: "Prayer changes things."  
But does it, Lord?  
Does this seventy seconds we stand with heads bowed make a difference?  
Would we really miss the invocation if we didn't have it?  
What it really boils down to, God, is whether prayer really accomplishes anything?  
Or even more to the point, do You, O God, really care about what happens in the State House.

Do You really care about clean-up amendments, or points of order, or resolutions, or conference committees, or rules suspended, or any other such things?

I believe You do, O God.

Jesus said the very hairs of our head are numbered. And although that is not a remarkable accomplishment on some of our heads, it shows Your remarkable attention to details.

Jesus also said, "The birds of the air do not sow or reap or stow away in barns, and yet Your Heavenly Father feeds them."

So I will continue to believe what I have found to be true for a long time: "If it's worth worrying about, it's worth praying about."

And I thank You for all the prayers You have answered, whether "yes" or "no" or "wait". And I thank You 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 bill was introduced and read by title:

**SB 426**, AN ACT concerning income taxation; relating to credits; adoption expenses; amending K.S.A. 2011 Supp. 79-32,202 and repealing the existing section, by Committee on Ways and Means.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 421**.

Commerce: **SB 416, SB 417, SB 420**.

Judiciary: **SB 422, SB 423, SB 424, SB 425**.

Utilities: **SB 418, SB 419**.

Ways and Means: **SB 415**.

**COMMUNICATIONS FROM STATE OFFICERS**

## KANSAS INSURANCE DEPARTMENT

In compliance with KSA 40-108, Sandy Praeger, Commissioner of Insurance, submitted the 2011 Annual Report of the Kansas Insurance Department.

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

**MESSAGE FROM THE HOUSE**

Announcing passage of **Substitute HB 2055, HB 2441, HB 2472, HB 2491, HB 2507**.

**INTRODUCTION OF HOUSE BILLS AND RESOLUTIONS**

**Substitute HB 2055, HB 2441, HB 2472, HB 2491, HB 2507** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Huntington introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1814—

A RESOLUTION congratulating the Shawnee Mission East girls' tennis team on winning the class 6A state tournament.

WHEREAS, The Shawnee Mission East girls' tennis team won the Kansas Class 6A state tournament; and

WHEREAS, Shawnee Mission East swept the singles, doubles and team competition; and

WHEREAS, Shawnee Mission East won the team competition with a score of 55 points, barely edging out the second-place Blue Valley North by three points; and

WHEREAS, Senior Mimi Fotopoulos won the state singles title in 2011 and 2010. In 2011, she won the final match 6-1, 6-1. Ms. Fotopoulos will play tennis at the University of Tennessee starting this fall; and

WHEREAS, Senior Mollie Cooper and junior Elizabeth Wilcox won the state doubles title in 2011 and 2010. In 2011, they won the state title with a 6-4, 6-2 victory; and

WHEREAS, Freshman Elizabeth Barnickel finished fifth in singles and sophomore Meredith Shackelford and freshman Stephanie Wilcox took seventh in doubles; and

WHEREAS, Susan Chipman coached the Shawnee Mission East team to victory and contends the team's depth led to the state title: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Shawnee Mission East girls' tennis team on their class 6A state title.

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Huntington.

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

Senator Huntington congratulated the Shawnee Mission East girls' tennis team on winning the Kansas Class 6A state tournament. The Shawnee Mission East girls' team were introduced as follows: Head Coach Sue Chipman, Assistant Coach Debbie Ogden, Mollie Cooper, Mimi Fotopoulos, Elizabeth Wilcox, Elizabeth Barnickel, Meredith Shackelford and Stephanie Wilcox. Also in attendance were Ted Barnickel, Tracy Cooper, Angie Fotopoulos, Sam Fotopoulos, Martha Shackelford, Kathy Wilcox and Kelly Barnickel. The Senate acknowledged their achievement with a standing ovation.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 269** be amended on page 2, in line 11, by striking "malt beverage" and inserting "beer"; also in line 11, after "premises" by inserting ", or adjacent premises, monitored and regulated by the division of alcoholic beverage control,"; in line 20, after "premises" by inserting ", or adjacent premises, monitored and regulated by the division of alcoholic beverage control,"; in line 23, by striking "package store"; in line 26, by striking "holder of a nonresident seller's or manufacturer's agent's"; in line 27, by striking "permit" and inserting "supplier or its agent"; in line 28, by striking "wholesaler's" and inserting "distributor's"; and the bill be passed as amended.

Also, **SB 288** be amended on page 2, in line 10, by striking "an individual serving of a beverage"; by striking all in line 11; in line 12, by striking "(m) "Individual serving" means"; in line 15, by striking "serving" and inserting "drink";

And redesignating the remaining subsections accordingly;

On page 3, by striking all in lines 21 through 23;

And by redesignating paragraphs accordingly;

Also on page 3, in line 32, by striking "(5)" and inserting "(4)"; in line 37, by striking "or"; in line 38, after "(3)" by inserting "sell, offer to sell and serve individual drinks at different prices throughout any day; or

(4)";

On page 4, following line 10, by inserting:

"Sec. 3. K.S.A. 41-2722 is hereby amended to read as follows: 41-2722. (a) No retailer, or employee or agent of a retailer, licensed to sell cereal malt beverage for consumption on the licensed premises shall:

- (1) Offer or serve any free cereal malt beverage to any person;
- (2) offer or serve to any person a drink at a price that is less than the acquisition cost of the drink to the licensee;
- (3) sell, offer to sell or serve to any person an unlimited number of drinks during

any set period of time for a fixed price, except at private functions not open to the general public;

~~(4) sell, offer to sell or serve any drink to any person at any time at a price less than that charged the general public on that day, except at private functions not open to the general public;~~

~~(5) increase the size of a drink of cereal malt beverage without increasing proportionately the price regularly charged for the drink on that day;~~

~~(6) encourage or permit, on the licensed premises, any game or contest which involves drinking cereal malt beverage or the awarding of drinks as prizes; or~~

~~(7) (5) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (6) (4).~~

~~(b) Nothing in subsection (a) shall be construed to prohibit A retailer from offering may:~~

~~(1) Offer free food or entertainment at any time;~~

~~(2) sell, offer to sell and serve individual drinks at different prices throughout any day; or~~

~~(3) sell or serve cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces.~~

(c) Violation of any provisions of this section is a misdemeanor punishable as provided by K.S.A. 41-2711, and amendments thereto.

(d) Violation of any provision of this act shall be grounds for suspension or revocation of the retailer's license as provided by K.S.A. 41-2708, and amendments thereto.

(e) Every licensee subject to the provisions of this section shall make available at any time upon request a price list showing the licensee's current prices for all cereal malt beverages.

~~(f) As used in this section, "drink" means an individual serving of cereal malt beverage.~~

~~(g) This section shall be part of and supplemental to K.S.A. 41-2701 through 41-2721, and amendments thereto.;~~

And by renumbering sections accordingly;

Also on page 4, in line 11, after "41-2640" by inserting "and 41-2722";

On page 1, in the title, in line 2, after "41-2640" by inserting "and 41-2722"; and the bill be passed as amended.

**SB 345** be amended on page 1, in line 4, by striking "This act" and inserting "The provisions of sections 1 through 25, and amendments thereto.;"

On page 3, in line 21, by striking "Except as provided by section 5, and amendments thereto.;" by striking all in lines 22 through 29; in line 30, by striking "(b)"; also in line 30, by striking "required by subsection (a)";

On page 4, in line 14, by striking "14" and inserting "11"; in line 24, by striking "15" and inserting "12"; in line 27, by striking "16" and inserting "13"; in line 37, by striking "18" and inserting "16"; by striking all in lines 38 and 39 and inserting the following:

"(b) The board shall review each application that is properly submitted and either issue the registration to the applicant or deny such application in accordance with the provisions of this act.;"

On page 6, in line 25, by striking "26" and inserting "23";

On page 9, in line 2, before "If" by inserting "(a)"; in line 10, by striking "Sec. 12."

and inserting "(b)"; in line 13, by striking "Sec. 13." and inserting "(c)"; in line 18, by striking "Sec. 14." and inserting "(d)"; in line 23, by striking "(a)" and inserting "(1)"; in line 25, by striking "(b)" and inserting "(2)";

On page 10, following line 18, by inserting:

"Sec. 15. Except as provided by section 5, and amendments thereto, it shall be unlawful for any person to do any of the following without first obtaining a registration issued by the board pursuant to section 4, and amendments thereto:

- (a) Directly or indirectly engage or attempt to engage in business as an AMC;
- (b) directly or indirectly perform or attempt to perform appraisal management services as an AMC; or
- (c) advertise or hold such person out as engaging in or conducting business as an AMC.";

On page 12, in line 40, by striking "18" and inserting "16";

On page 14, by striking all in lines 15 through 17; in line 18, by striking "refuse to issue an initial or renewal"; in line 19, by striking "registration" and inserting "deny the issuance of a registration or a renewal of a registration to an applicant for failure to comply with any requirement of this act, or any rule or regulation adopted pursuant thereto, or";

On page 15, in line 3, before "The" by inserting "(a)"; in line 8, by striking "(a)" and inserting "(1)"; in line 9, by striking "(b)" and inserting "(2)"; in line 11, by striking "(c)" and inserting "(3)"; in line 13, by striking "(d)" and inserting "(4)"; in line 16, by striking "Sec. 27." and inserting "(b)"; following line 17, by inserting:

"(c) A violation of this act, or of any rule or regulation adopted pursuant thereto, shall be a class C misdemeanor.";

And by renumbering sections accordingly;

On page 16, in line 5, by striking "October 1, 2012, and";

On page 1, in the title, in line 1, after "Kansas" by inserting "appraisal"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 320, 403, 404** be passed.

Also, **SB 307** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 307," as follows:

"Substitute for SENATE BILL NO. 307

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to lesser included crimes; murder in the first degree; amending K.S.A. 2011 Supp. 21-5109 and repealing the existing section.";

And the substitute bill be passed.

**SB 395** 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 281** be amended on page 1, in line 7, before "The" by inserting "(a)"; following line 15 by inserting:

"(b) The provisions of K.S.A. 20-3201 through 20-3207, and amendments thereto, shall expire on January 1, 2015."; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 341** be passed.

FEBRUARY 13, 2012

1495

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Tuesday, February 14, 2012.

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

