

# Journal of the Senate

FORTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 13, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Whether or not this turns out to be a good day depends to a large extent on the choices I make:

I can circulate or I can hibernate.

I can participate or I can vegetate.

I can cultivate or I can alienate.

I can congratulate or I can humiliate.

I can appreciate or I can irritate.

I can communicate or I can complicate.

I can motivate or I can frustrate.

I can facilitate or I can procrastinate.

I can mediate or I can manipulate.

I can cooperate or I can infuriate.

Help me, O God, to make the right choices.

I pray in the Name of Jesus Christ, AMEN.

The Pledge of Allegiance was led by President Stephen Morris.

## POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to recognize the ladies of Delta Sigma Theta Sorority, Inc., seated in the West Gallery and offered the following remarks: It is my honor indeed to ask the Senate's recognition of this organization, bedecked in resplendent red, whose membership includes my own mother, Doris Haley, my own sister, Anne Haley-Brown... and my own children's mother Dr. Michelle Haley, among many, many other socially and professionally motivated women across our country and the world. Thank you again in this recognition.

Senator Faust-Goudeau shared with the Senate that Delta Sigma Theta was founded in January of 1913 by twenty-two collegiate women at Howard University in

Washington, D.C. She introduced several Kansas Chapter Presidents in attendance. The Senate welcomed them with a standing ovation.

Senator Faust-Goudeau rose on a Point of Personal Privilege to congratulate the Wichita Heights High School Basketball Team for winning the fourth Consecutive 6A Championship Title. The following are team members introduced: Jordan Lattimore, Jet Moreland, Blake Chadwick, Terrence Moore, Gabe Lynch, Chris Reed, Ealy Bell, Xavier Williams, Jordan Wilbeck, Preston Kobeck, Lorin Smith, Gavin Thurman, Perry Ellis, Braie Ellis, Head Coaches Joe Auer and Gary Thomason; Assistant Coaches Bryan Chadwick and Beh Wahlers. Also in attendance were Alonte Lipscomb, Shane Garrison, Richarde Vix, Kade Wahlers, Kyan Wahlers and Frankie Milley. Their coaches placed very high expectations on their squad concerning grades, civic responsibility, and respect. The Senate acknowledged their achievements with a standing ovation.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 460**, AN ACT concerning elections; dealing with voter education; amending K.S.A. 2011 Supp. 25-2357 and repealing the existing section, by Committee on Ways and Means.

**SB 461**, AN ACT concerning elections; relating to education of election workers; amending K.S.A. 2011 Supp. 25-124, 25-2706 and 25-2806 and repealing the existing sections, by Committee on Ways and Means.

**SB 462**, AN ACT concerning the Kansas cigarette and tobacco products act; relating to taxation and enforcement under the act; licensing of retail dealers; amending K.S.A. 79-3304, 79-3309, 79-3371, 79-3373, 79-3374, 79-3375, 79-3377, 79-3378 and 79-3379 and K.S.A. 2011 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3313, 79-3316, 79-3321, 79-3322 and 79-3333 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3310c, by Committee on Federal and State Affairs.

**SB 463**, AN ACT concerning economic development; concerning the STAR bonds financing act; relating to the provisions regarding STAR bond projects; extending the sunset date; amending K.S.A. 2011 Supp. 12-17,179 and repealing the existing section, by Committee on Ways and Means.

**SB 464**, AN ACT concerning developmental disabilities; relating to the developmental disabilities waiver program; amending K.S.A. 39-7,100 and 39-1804 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:

Assessment and Taxation: **HB 2609**.

Federal and State Affairs: **HB 2353**.

Transportation: **HB 2674**.

Ways and Means: **SB 459; HB 2697, HB 2758**.

**CHANGE OF REFERENCE**

The President withdrew **HB 2324** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

**MESSAGE FROM THE GOVERNOR**

March 8, 2012

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback  
Kansas Governor

*Member, State Court of Tax Appeals*, Samuel H. Sheldon (R), Ottawa, pursuant to the authority vested in me by KSA 74-2433 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2016.

*Member, State Court of Tax Appeals*, James (Jay) D. Cooper (U), Wichita, pursuant to the authority vested in me by KSA 74-2433 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2016.

*Long-term Care Ombudsman*, Barbara J. Hickert (D), Atchison, pursuant to the authority vested in me by KSA 75-7304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2016.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Holland, Apple, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Merrick, Morris, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, A. Schmidt, V. Schmidt, Steineger, Umbarger and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1833**—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2011 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase the 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 up to eight Emerging Business of the Year award recipients and up to 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, KSBDC Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2011 KSBDC Emerging Businesses of the Year are Studio K Photography in Burlington, Kansas, owned by Kelli Higgins; The Kitchen and Closet Solution in Hays, Kansas, owned by Dustin Rupke and Brent Seib; Project Fitness LLC in Garden City, Kansas, owned by Joey Kelch; hr-haven, inc. in Overland Park, Kansas, owned by Belinda Waggoner; Risley Chiropractic in Lawrence, Kansas, owned by Scott Risley; Phelps's Hog Heaven in Coffeyville, Kansas, owned by Rick and Carol Phelps; Renaissance Cellars Winery in St. Marys, Kansas, owned by Tim Akers, Eric Stevenson, Marcia Stevenson and Rich Stevenson; Clearwater Engineering, Inc. in Clearwater, Kansas, owned by David and Diane Cool; and

WHEREAS, The 2011 KSBDC Existing Businesses of the Year are AT-HOME Health Care, Inc. in Emporia, Kansas, owned by David and Teresa Hurlocker; RoadRuner Manufacturing, LLC in Levant, Kansas, owned by Brad and Marie Skolout; The Main ARtery in Ulysses, Kansas, owned by Jeani Gustafson; Emily Hart Bridal in Leawood, Kansas, owned by Emily Miller-Brown; The Wreath Depot in Tonganoxie, Kansas, owned by Steve LaForge and Jim Bennett; Kids' Kingdom in Iola, Kansas, owned by Mona and Leland Hull; Billy Vanilly in Topeka, Kansas, owned by Allyson Fiander; Grassland Gardens Nursery & Flower Farm in Miltonvale, Kansas, owned by Trish Remley; 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 2011 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 shall be directed to send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1833** was adopted unanimously.

Senator Holland introduced the Kansas Small Business Leaders who were in attendance and the Senate recognized them with a standing ovation.

## REPORT ON ENGROSSED BILLS

**SB 374, SB 384, SB 406** reported correctly engrossed March 12, 2012.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2563**, as amended by House Committee, be amended on page 1, following line 7, by inserting:

"Sec. 2. The annual watermelon festival held in the city of Clyde, located in Cloud county, Kansas is hereby designated the official Kansas watermelon festival.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "ACT" by inserting "concerning official state festivals;"; also in line 1, by striking all after "the"; in line 2, by striking all before "official"; also in line 2, after "festival, by inserting "; official state watermelon festival"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2627**, as amended by House Committee of the Whole, be amended on page 1, in line 28, before "cost" by inserting "replacement";

On page 2, in line 18, by striking "value" and inserting "replacement cost or unpaid balance of the cost"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 379** be amended on page 2, in line 8, by striking "(f)" and inserting "(e)"; in line 22, by striking ""Production" means to use non-alcoholic juice or other physical"; by striking all in lines 23 through 29 and inserting "Not less than 20% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas, except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.";

And by relettering subsections accordingly;

Also on page 2, in line 36, by striking "(f)" and inserting "(e)"; in line 41, by striking "(f)" and inserting "(e)"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2593**, as amended by House Committee, 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 **Judiciary** recommends **Substitute for HB 2470; HB 2683, HB 2737** be passed.

Also, **Substitute for HB 2427** be amended on page 7, in line 21, by striking "on a public website which are"; in line 22, by striking "searchable by a key word search"; in line 29, by striking "the searchable"; in line 30, by striking "website" and inserting "access"; in line 32, by striking "websites" and inserting "access";

Also on page 7, following line 32, by inserting:

"(52) Records of a public agency which identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, the United States attorney for the district of Kansas, an assistant United States attorney, the attorney general, an assistant attorney general, a district attorney or county attorney or an assistant district attorney or assistant county attorney. Such person or such person's employer shall file with the custodian of such record a request to have such person's identifying information removed from public access. Within seven days of receipt of such requests, the public agency shall remove such person's identifying information from such public access."; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2669, HB 2672; HB 2675**, as amended by House Committee; **HB 2677** be passed.

Committee on **Natural Resources** recommends **SB 314** be amended on page 1, following line 5, by inserting:

"New Section 1. The Kansas department of wildlife, parks and tourism shall offer a resident senior hunting and fishing pass to residents of this state who are 65 years of age or more. The fee for such pass shall be an amount not to exceed  $\frac{1}{8}$  the fee for a general combination lifetime hunting and fishing license. The provisions of this section shall expire on June 30, 2020.";

Also on page 1, before line 17, by inserting:

"(3) a resident of this state who is 75 years of age or more;"

And by redesignating paragraphs accordingly;

On page 3, following line 14, by inserting:

"(i) The provisions of paragraph (b)(3) shall expire on June 30, 2020.";

Also on page 3, in line 25, after "(3)" by inserting "a resident of this state who is 75 years of age or more;

(4)";

And by redesignating paragraphs accordingly;

On page 4, following line 11, by inserting:

"(g) The provisions of paragraph (b)(3) shall expire on June 30, 2020.

Sec. 4. K.S.A. 2011 Supp. 32-988 is hereby amended to read as follows: 32-988.

(a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

Resident (other than elk permit): maximum \$100

Nonresident (other than elk permit): maximum \$400

Elk permit: maximum \$350

Nonresident mule deer stamp: maximum \$150

Nonresident applications: maximum \$25

Combination hunting and fishing licenses

Resident: maximum \$50

Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

Resident: maximum \$250

Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

Resident or nonresident with valid hunting license: maximum \$5

Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: maximum \$300

Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$75

Five-day nonresident: maximum \$25

Institutional group: maximum \$200

Special nonprofit group: maximum \$200

- Twenty-four-hour: maximum \$10
- Fur dealer licenses
  - Resident: maximum \$200
  - Nonresident: maximum \$400
- Furharvester licenses
  - Resident: maximum \$25
  - Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
  - Nonresident: maximum \$400
- Game breeder permits: maximum \$15
- Handicapped hunting and fishing permits: maximum \$5
- Hound trainer-breeder running permits: maximum \$25
- Hunting licenses
  - Resident: maximum \$25
  - Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
  - Nonresident 16 or more years of age: maximum \$125
  - Nonresident under 16 years of age: maximum \$75
  - Controlled shooting area: maximum \$25
  - Forty-eight-hour waterfowl permits: maximum \$25
- Migratory waterfowl habitat stamps: maximum \$8
- Mussel fishing licenses
  - Resident: maximum \$200
  - Nonresident: maximum \$1,500
- Rabbit permits
  - Live trapping: maximum \$200
  - Shipping: maximum \$400
- Raptor propagation permits: maximum \$100
- Rehabilitation permits: maximum \$50
- Scientific, educational or exhibition permits: maximum \$10
- Wildlife damage control permits: maximum \$10
- Wildlife importation permits: maximum \$10
- Wild turkey permits
  - Resident: maximum \$100
  - Nonresident: maximum \$400
  - Resident turkey tag: maximum \$20
  - Nonresident turkey tag: maximum \$30
- Special permits under K.S.A. 32-961: maximum \$100
- Miscellaneous fees
  - Special events on department land or water: maximum \$200
  - Special departmental services, materials or supplies: no maximum
  - Other issues of department: no maximum
  - Vendor bond: no maximum
- (b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to  $\frac{1}{2}$  the fee for a general resident big game or wild turkey hunting permit.
- (c) The fee for a big game or wild turkey hunting permit for a resident under 16 years of age shall be an amount equal to  $\frac{1}{2}$  the fee for a general resident big game or wild turkey hunting permit.

(d) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to  $\frac{1}{2}$  the fee for a resident furharvester license.

(e) For a resident who is at least 65 years of age, but less than 75 years of age:

(1) The fee for an annual hunting license shall be an amount equal to  $\frac{1}{2}$  the fee for a general annual hunting license;

(2) the fee for an annual fishing license shall be an amount equal to  $\frac{1}{2}$  the fee for a general annual fishing license; and

(3) the fee for an annual combination hunting and fishing license shall be an amount equal to  $\frac{1}{2}$  the fee for a general annual combination hunting and fishing license.

(f) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

(g) The provisions of subsection (e) shall expire on June 30, 2020.;

And by renumbering sections accordingly;

Also on page 4, in line 12, by striking "and 32-919" and inserting ", 32-919 and 32-988"

On page 1, in the title, in line 2, by striking "and 32-919" and inserting ", 32-919 and 32-988"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2414**, **HB 2687**, **HB 2703** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

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

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

PAT SAVILLE, *Secretary of the Senate.*

