

# Journal of the Senate

TWENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 10, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The biggest questions that we face  
Have always been the same;  
Which way should we vote?  
Who gets our acclaim?

The conferees the first day  
Use tables, graphs and charts,  
And it is very obvious  
That they are very smart.

The next day their opponents  
Use graphs, charts and tables  
Their presentation's very good  
It shows they, too, are able.

We could use Your wisdom, Lord,  
It's hard to know which way to lean,  
Is one of them the answer?  
Or somewhere in between?

I pray in the Name of Jesus Christ,

AMEN

The pledge of allegiance was led by President Stephen Morris.

## COMMUNICATIONS FROM STATE OFFICERS

STATE OF KANSAS  
SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, KRIS W. KOBACH, Secretary of State of the State of Kansas, do hereby certify that Allen Schmidt, Hays, was appointed by the Governor effective February 10, 2011, for the unexpired term, Thirty Sixth Senatorial District, to fill the vacancy created by the resignation of Janis Lee.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 10<sup>th</sup> day of February, A.D. 2011.

KRIS W. KOBACH  
Secretary of State

President Morris requested Senator Hensley escort Senator Allen Schmidt and his wife to the front of the Senate. The President introduced the Honorable Lawton Nuss, Chief Justice, Supreme Court of Kansas, who administered the Oath of Office to the newly appointed Senator Allen Schmidt.

#### OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of the State Senator of the 36<sup>th</sup> District. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 10<sup>th</sup> day of February, 2011.

Lawton Nuss  
*Chief Justice of the Supreme Court*

Senator A. Schmidt introduced his wife, Ellen, son, Brett and his fiancée, Ashley. Also introduced were Senator Schmidt's brother, Chuck Schmidt and his son, Nathan as well as his aunt and uncle, Ruth and Ralph Pfeifer.

The roll was called with thirty-nine senators present.  
Senator Donovan was excused.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 174**, AN ACT concerning certain veterans organizations; dealing with electronic gaming machines; amending K.S.A. 2010 Supp. 74-8702 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 175**, AN ACT concerning crimes, punishment and criminal procedure; relating to evidence; videotaping of felony interrogations, by Committee on Judiciary.

**SB 176**, AN ACT concerning criminal procedure; relating to conditions of

release and bond; considerations by court; amending K.S.A. 2010 Supp. 22-2802 and repealing the existing section, by Committee on Judiciary.

**SB 177**, AN ACT concerning taxation; relating to periods of limitation for certain refunds and credits; amending K.S.A. 2010 Supp. 79-3609 and repealing the existing section, by Committee on Utilities.

**SB 178**, AN ACT concerning surplus lines insurance; authorizing the commissioner to enter into agreements with other states involving surplus lines; pertaining to premium taxes on surplus lines insurance; amending K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 179**, AN ACT concerning the Kansas life and health insurance guaranty association act; amending K.S.A. 40-3009 and K.S.A. 2010 Supp. 40-3003, 40-3005 and 40-3008 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 180**, AN ACT concerning cities; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections, by Committee on Local Government.

**SB 181**, AN ACT concerning immigration; relating to verification of work authorization, by Committee on Federal and State Affairs.

**SB 182**, AN ACT concerning fire insurance premiums; relating to fire marshal fee fund, emergency medical services board operating fund and fire service training program fund; amending K.S.A. 2010 Supp. 75-1514 and repealing the existing section, by Committee on Ways and Means.

**SB 183**, AN ACT concerning motor vehicles; relating to safety belts; amending K.S.A. 2010 Supp. 8-2503 and repealing the existing section, by Committee on Ways and Means.

**SB 184**, AN ACT concerning adult care homes; relating to the minimum nursing care hours required of nursing facilities, by Committee on Ways and Means.

**SB 185**, AN ACT concerning insurance; designating trust companies as trustees; amending K.S.A. 2010 Supp. 40-2a20 and repealing the existing section, by Committee on Ways and Means.

**SB 186**, AN ACT concerning agriculture; relating to the pest control act; amending K.S.A. 2-2451 and repealing the existing section, by Committee on Agriculture.

**SB 187**, AN ACT concerning water; relating to the Kansas water banking act; amending K.S.A. 2010 Supp. 82a-765 and 82a-767 and repealing the existing sections, by Committee on Natural Resources.

**SB 188**, AN ACT concerning solid waste; relating to exemptions from permits; amending K.S.A. 65-3407c and repealing the existing section, by Committee on Natural Resources.

**SB 189**, AN ACT concerning the Kansas bioscience authority; pertaining to the number of voting members; amending K.S.A. 2010 Supp. 74-99b04 and repealing the existing section, by Committee on Commerce.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills and resolution were referred to Committees as indicated:

Commerce: SB 157, SB 171.

Education: **SB 155; HB 2020.**

Ethics and Elections: **SB 166, SB 168, SB 169, SB 172.**

Federal and State Affairs: **SB 161, SB 162; HB 2001.**

Financial Institutions & Insurance: **SB 153, SB 167, SB 170; HB 2056.**

Judiciary: **SB 158, SB 159, SB 160, SB 164, SB 165; SCR 1604; HB 2049, HB 2057.**

Local Government: **SB 163; HB 2088.**

Natural Resources: **SB 152.**

Transportation: **HB 2033.**

Ways and Means: **SB 154, SB 156, SB 173.**

**MESSAGE FROM THE GOVERNOR**

February 10, 2011

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

Enclosed herewith is Executive Order No. 11-02 for your information.

SAM BROWNBACK

*Governor*

President Stephen Morris announced Executive Order No. 11-02 regarding Citizens Utility Ratepayer Board (“CURB”) as established by KSA 66-1222 take on new duties and responsibilities as set forth herein to provide citizen input and review of proposed state agency rules and regulations.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2023, HB 2028, HB 2030.**

**INTRODUCCION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2023, HB 2028, HB 2030** were thereupon introduced and read by title.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture** 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:

Kansas Department of Agriculture, Secretary: KSA 74-560

Dale Rodman, serves at the pleasure of the Governor

Committee on **Education** recommends **SB 28, SB 41** passed.

Committee on **Financial Institutions and Insurance** recommends **SB 65** be passed.

Committee on **Judiciary** recommends **SB 45, SB 60, SB 62**, be passed.

Also, **SB 37** be amended on page 2, in line 40, after "escape" where it appears for the first time by inserting "from custody"; after "escape" where it appears for the second time by inserting "from custody";

On page 3, in line 1, by striking "under" and inserting "or aggravated arson as defined in"; in line 18, after "or" by inserting "convicted of"; in line 19, by striking "provision of" and inserting "specified in";

On page 4, in line 9, by striking "administrative" and inserting "chief";

On page 7, in line 27, by striking "305" and inserting "248 of chapter 136 of the 2010 Session Laws of Kansas";

On page 8, in line 1, by striking "305" and inserting "286"; in line 3, by striking "after the effective date of this act" and inserting "July 1, 2003";

On page 9 in line 24, by striking "have the"; in line 25, by striking all before "K.S.A." and inserting "means the same as in"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 123** be passed.

Committee on **Public Health and Welfare** 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:*

Department of Aging: Secretary: K.S.A. 2010 Supp. 75-5903

Shawn Sullivan, serves at the pleasure of the Governor

Also, **SB 90** be amended on page 3, in line 27, after "if" by inserting ":

(1)"; in line 30, after "services" by inserting ", secretary on aging or secretary of health and environment"; in line 31, after "K.S.A." by inserting "38-2223 through 38-2230 and"; also in line 31, after "thereto" by inserting ";

(2) the administrative appeal process has been exhausted; and

(3) the determination of substantiation has become final"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2014, as amended by House Committee of the Whole**, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2014" as follows:

“SENATE Substitute for HOUSE BILL NO. 2014”

By Committee on Ways and Means

“AN ACT making and concerning appropriations for the fiscal year ending June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.”; and the

substitute bill be passed.

**REPORT ON ENGROSSED BILLS**

**SR 1807** reported correctly engrossed February 8, 2011.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m. Friday, February 11, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

**CORRECTION OF THE JOURNAL**

Correct the Journal of the Senate on Wednesday, February 9, 2011, on page 146 under the heading of "Change of Reference" to read as follows:

The Vice-President withdrew **SB 131** from the committee on Public Health and Welfare and referred the bill to the committee on Local Government.

The Vice-President withdrew **SB 147** from the committee on **Ways and Means** and referred the bill to the Committee on **Agriculture**.