

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 26, 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,

We may be old, we may be young,
We may be baby boomers
But one thing sure that we can use,
Is a healthy sense of humor.

Of all the blessings You bestow
On constituents and politicians,
A sense of humor does the most
To improve our disposition.

There comes a time when people whine
And get underneath our skin.
That's the time our sense of humor
Can turn a scowl into a grin.

When problems get so numerous
That joy seems out of style,
That's when a sense of humor
Can surprise us with a smile.

When we become the target of
A lot of nasty rumors,
That's when we really need
A healthy sense of humor.

We think a sense of humor, Lord,
Is a gift that comes from You....
From the way we humans sometimes act,
We're sure You have one, too!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Emler rose on a Point of Personal Privilege to introduce his daughter, Katherine and his granddaughter, Kashlei.

Senator Apple rose on a Point of Personal Privilege to introduce the Franklin County Leadership Class.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 339, AN ACT concerning taxation; relating to income tax, rate for individuals, credits, deductions and income determination; sales tax rate and distribution of revenue; severance tax, exemptions; homestead property tax refunds; food sales tax refund; amending K.S.A. 39-7,132, 65-7107, 74-8206, 74-8304, 79-32,118, 79-32,128, 79-32,177, 79-32,190 and 79-32,200 and K.S.A. 2011 Supp. 40-2246, 74-50,173, 74-50,208, 74-8316, 74-8401, 79-32,110, 79-32,111, 79-32,117, 79-32,119, 79-32,138, 79-32,143, 79-32,143a, 79-32,182b, 79-32,196, 79-32,197, 79-32,197a, 79-32,201, 79-32,204, 79-32,207, 79-32,210, 79-32,211, 79-32,212, 79-32,222, 79-3603, 79-3620, 79-3703, 79-3710, 79-4217, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections; also repealing K.S.A. 79-32,176 and 79-32,182 and K.S.A. 2011 Supp. 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-8137, 79-32,111a, 79-32,120, 79-32,202, 79-32,205, 79-32,213, 79-32,242, 79-3633, 79-3634, 79-3635, 79-3636, 79-3637, 79-3638 and 79-3639, by Committee on Assessment and Taxation.

SB 340, AN ACT concerning alcoholic liquor; relating to class A clubs; amending K.S.A. 2011 Supp. 41-2637 and repealing the existing section, by Committee on Transportation.

SB 341, AN ACT concerning cities; relating to dissolution of certain cities, by Committee on Transportation.

SB 342, AN ACT concerning traffic regulation; designating certain highway segments as safety corridors; establishing the traffic safety corridor fund; amending K.S.A. 2011 Supp. 8-2118 and 74-7336 and repealing the existing sections, by Committee on Transportation.

SB 343, AN ACT concerning motor vehicles; relating to one-way glass and sun screening devices; making an exception for licensed private detectives; amending K.S.A. 2011 Supp. 8-1749a and repealing the existing section, by Committee on Transportation.

SB 344, AN ACT concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 2011 Supp. 4-136, 4-137, 4-138, 4-139, 4-140, 4-141 and 4-142, by Committee on Federal and State Affairs.

SB 345, AN ACT enacting the Kansas management company registration act, by Committee on Financial Institutions and Insurance.

SB 346, AN ACT dealing with delinquent taxes and judicial foreclosure; amending K.S.A. 2011 Supp. 79-2804g and 79-2804h and repealing the existing sections, by Committee on Local Government.

SB 347, AN ACT concerning the court of tax appeals; amending K.S.A. 2011 Supp.

74-2438a and repealing the existing section, by Committee on Local Government.

SB 348, AN ACT concerning property appraisal and taxation; amending K.S.A. 79-304 and 79-1475 and K.S.A. 2011 Supp. 74-2433f, 79-1448, 79-1460, 79-1609, 79-1701a and 79-1702 and repealing the existing sections, by Committee on Local Government.

SB 349, AN ACT relating to the office of the securities commissioner of Kansas; relating to duties and establishing certain special revenue funds and prescribing functions therefor; employees of the securities commissioner; relating to the Kansas uniform securities act; amending K.S.A. 17-12a101, 17-12a102 and 17-12a410 and K.S.A. 2011 Supp. 17-12a601 and 75-6301 and repealing the existing sections, by Committee on Commerce.

SB 350, AN ACT concerning school districts; relating to the amount of base state aid per pupil; amending K.S.A. 2011 Supp. 72-6410 and repealing the existing section, by Committee on Ways and Means.

SB 351, AN ACT concerning property tax; transferring moneys to the local ad valorem tax reduction fund; amending K.S.A. 2011 Supp. 79-2959 and repealing the existing section, by Committee on Ways and Means.

SB 352, AN ACT concerning the employment security law; amending K.S.A. 44-702 and K.S.A. 2011 Supp. 44-703, 44-705, 44-706, 44-709, 44-710, 44-714, 44-715 and 44-717 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 44-703a and 44-706b, by Committee on Commerce.

SB 353, AN ACT concerning barbers; relating to the powers of the board; fees; licensure; amending K.S.A. 65-1819 and 65-1820a and K.S.A. 2011 Supp. 65-1817 and 65-1824 and repealing the existing sections, by Committee on Ways and Means.

SENATE RESOLUTION No. 1806—

By Committee on Transportation

A RESOLUTION urging the United States Congress to repeal 23 U.S.C. §127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic needs of the state.

WHEREAS, The United States Congress approved 23 U.S.C. § 127(d) on June 1, 1991, which froze the truck size and weight limits to those weights and lengths that were being operated at such time; and

WHEREAS, Operation of more productive vehicles has been frozen by federal law for 20 years; and

WHEREAS, The custom harvesting industry requested that the legislature approve additional length for their combination vehicles and were informed of the federal freeze and the potential loss of federal highway funds to Kansas should the freeze be violated; and

WHEREAS, States should have the flexibility to adopt vehicle size and weight laws necessary for the economic growth for the state and region; and

WHEREAS, The custom harvesting industry contributes to feeding this

country and to the United States' energy independence by efficiently and effectively harvesting a variety of crops both for food and fuel; and

WHEREAS, The Western Governors' Association has approved a policy resolution urging Congress to lift the freeze on more productive trucks for the 13 western states: Kansas, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming; and

WHEREAS, Any change in vehicle size and weight laws must be adopted by both the Kansas House of Representatives and Kansas Senate and approved by the Governor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge the United States Congress to repeal 23 U.S.C. § 127(d) and eliminate the freeze on more productive trucks, thereby allowing Kansas to respond to new technology and new vehicle size and weight requirements; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the United States secretary of transportation and each member of the Kansas congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 333**.

Federal and State Affairs: **SB 332**.

Judiciary: **SB 330**.

KPERS Select: **SB 338**.

Public Health and Welfare: **SB 331**.

Transportation: **SB 334**, **SB 335**.

Ways and Means: **SB 336**, **SB 337**.

CHANGE OF REFERENCE

The President withdrew **SB 262** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 329** from the Committee on **Transportation**, and referred the bill to the Committee on **Local Government**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2412**, as amended;

Announcing passage of **HB 2436**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2412, **HB 2436** were thereupon introduced and read by title.

COMMUNIUCATONS FROM STATE OFFICERS

Kansas Board of Regents

January 24, 2012

In compliance with KSA 76-717, Gary Alexander, Vice President of Academic Affairs, submitted a report on the Implementation of Qualified Admissions.

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.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 270** be amended on page 3, in line 31, after "licensee" by inserting "and registration"; in line 33, after "license" by inserting "or registration"; in line 34, by striking "parlor"; in line 35, by striking "owner" and inserting "lessor of premises"; and the bill be passed as amended.

Also, **HCR 5016**, as amended by House Committee, be adopted.

Committee on **Judiciary** recommends **SB 249** be amended on page 1, in line 7, before "There" by inserting "(a)"; in line 10, after "committee." by inserting:

"(b) (1)";

In line 14, after "employees." by inserting:

"(2)";

In line 16, after "employees." by inserting:

"(3)";

In line 20, by striking "The post auditor may require a person to be"; by striking all in lines 21 through 29; in line 30, by striking "person to be employed by the division of post audit." and inserting:

"(c) (1) The post auditor may require employees of the division of post audit to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the employee and to determine whether the employee has a record of criminal history in this state or another jurisdiction. The post auditor shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the post auditor in the taking and processing of fingerprints of employees. The post auditor may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the employee and in the official determination of the qualifications and fitness of the employee to be employed by the division of post audit.

(2) Any person offered a position of employment in the division of post audit, subject to a criminal history records check, shall be given a written notice that a criminal history records check is required. The post auditor may require such applicant to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The post auditor shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the post auditor in the taking and processing of fingerprints of applicants. The post auditor may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of the eligibility of the applicant to perform tasks within the division of post audit. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.";

Also on page 1, in line 30, after the period, by inserting:

"(d)";

And the bill be passed as amended.

Also, **SB 279** be amended on page 2, in line 12, after "and" by inserting ":

(A)";

In line 13, after "is" by inserting "a person"; in line 14, by striking "and" and inserting "who has been"; in line 15, by striking "(A)" and inserting "(i)"; in line 18, by striking "(B)" and inserting "(ii)"; in line 20, by striking "and" and inserting "; and

(B)";

In line 27, before "to" by inserting "in a social and rehabilitation services institution or"; in line 29, by striking all after the comma; in line 30, by striking all before "lewd"; in line 31, by striking all after "sodomy"; in line 32, by striking all before "is"; in line 33, by striking "in the custody of the department" and inserting "a patient in such institution or in the custody of the secretary"; in line 35, by striking all after "(8)"; by striking all in lines 36 through 42 and inserting:

"the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a foster child placed in the care of such family foster home:";

On page 3, in line 2, by striking all after the comma; by striking all in lines 3 through 8; in line 9, by striking "amendments thereto," and inserting "lewd fondling or touching, or sodomy is a person 16 years of age or older who"; following line 35, by inserting:

"(c) (1) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 2011 Supp. 21-5503, and amendments thereto, the provisions of K.S.A. 2011 Supp. 21-5503, and amendments thereto, shall apply, not this section.

(2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of subsection (b)(1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, shall apply, not this section.

(3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of subsection (a)(3), (a)(4) or (b) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, the provisions of subsection (a)(3), (a)(4) or (b) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, shall apply, not this section.

(4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of subsection (b)(2) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(2) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, shall apply, not this section.";

And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Transportation** recommends **SR 1803, SR 1804** be adopted.

Also, **SB 300** be amended on page 4, in line 36, by striking "30" and inserting "60";

On page 5, in line 21, by striking "30" and inserting "60"; in line 26, by striking "30" and inserting "60";

On page 6, in line 24, by striking "30" and inserting "60"; in line 30, by striking "30" and inserting "60"; in line 33, by striking "30" and inserting "60";

On page 7, in line 2, by striking "30" and inserting "60";

On page 8, in line 32, by striking "\$6" and inserting "\$3";
On page 9, in line 10, by striking "statute book" and inserting "Kansas Register"; and
the bill be passed as amended.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, January
27, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

