

# Journal of the Senate

THIRTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 6, 2012, 2:30 p.m.

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

Heavenly Father,

Can one still make a difference?

One Senator hoped to make a difference,  
The first time that one ran.  
There were things that needed changing,  
And one came with a plan.

But it only took one session  
For reality to set in.  
One only has one vote to cast,  
And it takes twenty-one to win!

Even if both houses pass it,  
The Governor may not like it,  
And it only takes one stroke  
Of his veto pen to strike it.

But hopefully the shock wears off  
And one comes to realize  
That numbers don't always measure  
One person's influence size.

How one conducts one's self  
Has a lot to do  
With how much influence one can have  
Before one's term is through.

Maintaining one's integrity  
Wins one great respect.  
And makes one's single vote  
Have a lot more effect.

And once they begin to see  
 The power of prayer unfold,  
 The impact of one's influence  
 Is something to behold!

So to keep one from discouragement,  
 Show how it's not odd  
 How one can make a difference  
 When that one connects with God!

I pray in the name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

#### **POINT OF PERSONAL PRIVILEGE**

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce and welcome Dr. Mildred Edwards, Wilma Moore-Black, Dr. Alan D'souza, Kaye Monk-Morgan, Dr. Deltha Q. Colvin and Frances Ervin who are members of the Trio Program in Wichita and were visiting the capitol.

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

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

**SB 454**, AN ACT concerning firearms; relating to the personal and family protection act; definition of firearm; criminal possession of a firearm by a convicted felon; expungement; amending K.S.A. 2011 Supp. 12-16,124, 21-5111, 21-6304, 21-6614, 75-7c03, 75-7c04, 75-7c05, 75-7c07 and 75-7c25 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b and 21-6614c, by Committee on Federal and State Affairs.

**SB 455**, AN ACT concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 2011 Supp. 4-4,451, 4-4,452, 4-4,453, 4-4,454, 4-4,455, 4-4,456, 4-4,457, 4-4,458, 4-4,459, 4-4,460, 4-4,461, 4-4,462, 4-4,463, 4-4,464, 4-4,465, 4-4,466, 4-4,467, 4-4,468, 4-4,469, 4-4,470, 4-4,471, 4-4,472, 4-4,473, 4-4,474, 4-4,475, 4-4,476, 4-4,477, 4-4,478, 4-4,479, 4-4,480, 4-4,481, 4-4,482, 4-4,483, 4-4,484, 4-4,485, 4-4,486, 4-4,487, 4-4,488, 4-4,489, 4-4,490, 4-4,491, 4-4,492 and 4-4,493, by Committee on Federal and State Affairs.

#### **SENATE CONCURRENT RESOLUTION No. SCR 1616—**

By Senators Brungardt, Abrams, Apple, Bruce, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Longbine, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle

A CONCURRENT RESOLUTION in support of the Native Nations Law Symposium and urging the Governor to declare a "Tribal Law Day."

WHEREAS, On September 14, 2012, the Kickapoo Tribe in Kansas, the Iowa Tribe of Kansas and Nebraska, the Prairie Band Potawatomi Nation and the Sac and Fox Nation of Missouri in Kansas and Nebraska will host the 12<sup>th</sup> annual Native Nations Law Symposium; and

WHEREAS, The Native Nations Law Symposium is the longest-running law symposium of its type hosted, organized and conducted by tribal nations in the United States; and

WHEREAS, The Native Nations Law Symposium will strengthen tribal courts and institutions and promote education on important legal issues, including issues pertinent to the State of Kansas, the sponsoring tribal nations and, more broadly, Indian country throughout the United States; and

WHEREAS, The State of Kansas and the sponsoring tribal nations have a vested interest in the participation and attendance of area attorneys, judges, law students, elected officials and the general public at the Native Nations Law Symposium: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That we recognize the importance of the Native Nations Law Symposium and its positive impact upon the State of Kansas, the sponsoring tribal nations and Indian country throughout the United States; and

*Be it further resolved:* That we urge the Governor to declare September 14, 2012, to be "Tribal Law Day."

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: **SB 452**.

Judiciary: **SB 453**; **SCR 1615**.

Transportation: **SB 451**.

#### CHANGE OF REFERENCE

The President withdrew **SB 311** from the Calendar under the heading of General Orders, and rereferred the bill to the **Committee on Ways and Means**.

The President withdrew **SB 153** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Education**.

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

March 2, 2012

Bob Jurgens, Chief, Assessment and Restoration Section, Bureau of Environmental Remediation, on behalf of the Treece Relocation Assistance (TRA) Trust provided the Treece Relocation Assistance Project Monthly Expenditure/Income Report for the January 2012 Reporting Period in accordance with KSA 49-512(h).

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.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator King introduced the following Senate resolution, which was read:

**SENATE RESOLUTION No. 1829—**

A RESOLUTION congratulating the Sedan High School Blue Devils for winning the 2011 class 2A-1A state baseball tournament.

WHEREAS, The Sedan High School Blue Devils claimed the state championship trophy during the class 2A-1A state baseball tournament held in Emporia, Kansas on May 28, 2011; and

WHEREAS, It was the school's second state title in baseball and first since 1973 when Sedan won the state championship under Hall of Fame Coach Les Davis; and

WHEREAS, The Blue Devils' first game at state came from two runs down in the bottom of the ninth to defeat Flinthills High School 7-6. Then, in a championship game, the Blue Devils scored four runs in the bottom of the eighth to beat St.-Mary's-Colgan Panthers, ending the Panthers' seven-year reign as 2A-1A baseball champions; and

WHEREAS, The Sedan Blue Devils broke numerous records in their perfect 26-0 baseball season, including: Highest team batting average of .423, most hits in a season by an individual, most hits in a season by the team, most runs batted in during a season by an individual, most runs batted in during a season by the team, most home runs in a season by an individual, most home runs in a season by the team, most runs scored in a season by an individual, most runs scored in a season by the team, most stolen bases by the team, most doubles by an individual, most doubles by the team, most singles in a season by the team, most sacrifices in a season by an individual, most sacrifices in a season by the team and highest on-base percentage by the team; and

WHEREAS, The victorious Blue Devil team members are: Brady McCoy, Casey Holt, Kolby Gorby, Andrew Bell, Sam Powell, Shon Pinard, Tim Walther, Zachary Ford, Trae Smith, Junior Austin Rees, Nick Kimple, Jacob Chrisman, Zane Mills, Michael Cunningham, Brace Unruh, Manager Zach Chrisman, Manager Kory Miller, Statistician Kyle Williams, Coach Rich Chrisman and Coach Mick Holt: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Sedan High School Blue Devils for winning the 2011 class 2A-1A state baseball tournament; and

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

On emergency motion of Senator King **SR 1829** was adopted unanimously.

Senator King introduced and congratulated the Sedan High School boy's baseball team for winning the 2011 class 2A-1A state baseball tournament. The following team members in attendance were Brady McCoy, Kolby Gorby, Andrew Bell, Casey Holt, Shon Pinard, Sam Powell and Trae Smith. Also in attendance were Rich Chrisman, Mick Holt, coaches; Korey Miller, Zach Chrisman, managers and Kyle Williams, statistician. The Senate acknowledged the team's achievement with a standing ovation. Senator Schodorf also extended her congratulations to the team and noted that she was present and observed the excitement of parents and citizens upon their return to Sedan.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture** recommends **HB 2588** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2502**, as amended by House Committee, be amended on page 1, in line 35, by striking all after "a"; by striking all in line 36;

On page 2, by striking all in lines 1 and 2; in line 3, by striking all before "shall" and inserting "business entity authorized and regulated under Kansas law to form a dairy production facility"; also in line 3, by striking ", either"; in line 4, by striking "directly or indirectly,"; in line 15, by striking all after "a"; by striking all in lines 16 through 18 and inserting "business entity authorized and regulated under Kansas law to form a dairy production facility"; in line 19, by striking the first ", either directly or indirectly,"; in line 21, by striking all after the question mark; by striking all in lines 22 and 23; in line 24, by striking all before the quotation mark;

On page 4, in line 27, by striking all after "a"; by striking all in lines 28 through 30; in line 31, by striking all before "shall" and inserting "business entity authorized and regulated under Kansas law to form a swine production facility"; also in line 31, by striking the second comma; in line 32, by striking "either directly or indirectly,"; in line 43, by striking all after "a";

On page 5, by striking all in lines 1 through 3; in line 4, by striking all before "be" and inserting "business entity authorized and regulated under Kansas law to form a swine production facility"; also in line 4, by striking ", either directly or indirectly,"; in line 6, by striking all after the question mark; by striking all in lines 7 and 8; in line 9, by striking all before the quotation mark; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **Substitute for SB 71** be amended on page 2, in line 14, by striking "single premium"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2412**, as amended by House Committee, be passed.

Committee on **Transportation** recommends **HB 2557**, as amended by House Committee, be amended on page 2, in line 9, after "registration" by inserting "and commercial vehicle"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2624** be passed.

Also, **SB 436** be amended on page 1, in line 8, after "Section 1." by inserting:

"K.S.A. 2011 Supp. 40-3213 is hereby amended as follows: 40-3213. (a) Every health maintenance organization and medicare provider organization subject to this act shall pay to the commissioner the following fees:

(1) For filing an application for a certificate of authority, \$150;

(2) for filing each annual report, \$50;

(3) for filing an amendment to the certificate of authority, \$10.

(b) Every health maintenance organization subject to this act shall pay annually to the commissioner at the time such organization files its annual report, a privilege fee in an amount equal to 1% per annum of the total of all premiums, subscription charges or any other term which may be used to describe the charges made by such organization to enrollees. In such computations all such organizations shall be entitled to deduct therefrom any premiums or subscription charges returned on account of cancellations and dividends returned to enrollees. If the commissioner shall determine at any time

that the application of the privilege fee would cause a denial of, reduction in or elimination of federal financial assistance to the state or to any health maintenance organization subject to this act, the commissioner is hereby authorized to terminate the operation of such privilege fee.

(c) For the purpose of insuring the collection of the privilege fee provided for by subsection (b), every health maintenance organization subject to this act and required by subsection (b) to pay such privilege fee shall at the time it files its annual report, as required by K.S.A. 40-3220, and amendments thereto, make a return, generated by or at the direction of its chief officer or principal managing director, under penalty of K.S.A. 2011 Supp. 21-5824, and amendments thereto, to the commissioner, stating the amount of all premiums, assessments and charges received by the health maintenance organization, whether in cash or notes, during the year ending on the last day of the preceding calendar year. Upon the receipt of such returns the commissioner of insurance shall verify the same and assess the fees upon such organization on the basis and at the rate provided herein and such fees shall thereupon become due and payable.

(d) Premiums or other charges received by an insurance company from the operation of a health maintenance organization subject to this act shall not be subject to any fee or tax imposed under the provisions of K.S.A. 40-252, and amendments thereto.

(e) Fees charged under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, except as provided by K.S.A. 65-180, and amendments thereto, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Sec. 2. ";

On page 4, in line 6, by striking all after "the"; by striking all in lines 7 and 8; in line 9, by striking all before the period and inserting "portion of such amount that is necessary to fund the newborn screening program for the preceding month as certified by the secretary of health and environment or the secretary's designee, to the newborn screening fund, except that such amount shall not exceed the amount to be credited to the state general fund pursuant to K.S.A. 40-3213, and amendments thereto";

And by renumbering sections accordingly;

Also on page 4, in line 10, after "Supp." by inserting "40-3213 and"; by striking "is" and inserting "are";

On page 1, in the title, in line 4, after "Supp." by inserting "40-3213 and"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Wednesday, March 7, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

