

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 17, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Donovan and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I thank You and the Senate President for letting me serve as Senate Chaplain.

I pray for all the Senators and hope some of them pray for me.

I also visit their staff members in their offices from time to time.

I also visit most of the Senate Secretary's staff members, as well as the Sergeant-At-Arms and doormen, the security people, legislative services, the lobbyists and Don in the snack shop.

The reason I mention this is because so many of them, especially the Senators themselves, are the objects of bad mouthing.

It really saddens me to hear members of the public, most of whom have never met a Senator, criticize people they don't even know.

Accusations like "crooks", "can't be trusted", "just in it for the money", "lazy", "ignorant", and other descriptions which are worse, are too common to ignore.

When someone discovers I am the Chaplain and says, "They sure need prayer", I usually say, "That's what they say about you." Or when they get personal and say, "You don't seem to have helped them much." I usually respond with a smile, "You should have seen them before I came!"

I close this prayer with a request I have repeated many times: Please convict the public that if we all prayed as much as we badmouthed, we would all be better off!

I pray in the Name of Jesus Christ,

AMEN

The pledge of allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 212, AN ACT concerning taxation; relating to abatement of tax liability; annual report; amending K.S.A. 2010 Supp. 79-3233b and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2038**.

Public Health and Welfare: **SB 211**.

Ways and Means: **SB 208**, **SB 209**, **SB 210**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2017**, **HB 2071**; **Substitute HB 2134**.

INTRODUCTION OF HOUSE BILLS

HB 2017, **HB 2071**; **Substitute HB 2134** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Taddiken and Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. SR 1816—

A RESOLUTION congratulating Jordy Nelson on his success in Super Bowl XLV.

WHEREAS, Jordy Nelson was born to parents Alan and Kim Nelson on May 31, 1985 in Leonardville, Kansas, population 900; and

WHEREAS, Jordy took to football and excelled as quarterback under coach Steve Wagner for Riley County High School, where he was named Flint Hills Player of the Year in his senior year; and

WHEREAS, Jordy began his collegiate football career as a walk-on for the Kansas State Wildcats in 2003; and

WHEREAS, After impressing coach Bill Snyder in spring workouts with his dynamic speed, Jordy moved from defensive back to wide receiver, where he excelled in his sophomore season; and

WHEREAS, Jordy began catching the eye of NFL scouts during his outstanding senior campaign in which he was a consensus All-American and a finalist for the Biletnikoff Award for the nation's best receiver, while catching 122 passes for 1,606 yards and 11 touchdowns; and

WHEREAS, Jordy was drafted in the second round of the 2008 draft by the Green Bay Packers, where he served admirably, catching a combined 55 passes for 686 yards and four touchdowns during his first two seasons; and

WHEREAS, Jordy had a career year in 2010, catching 45 passes for 582 yards, but saved the best performance of his career for a worldwide audience; and

WHEREAS, Jordy exploded for 140 yards on nine receptions and the first touchdown of the Super Bowl, all against a formidable Steelers' secondary, while proving the most reliable target for quarterback and Super Bowl MVP Aaron Rodgers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we gratefully acknowledge Jordy's parents, siblings, coaches and teachers who encouraged him, challenged him and helped him develop his skills, confidence, humility and Kansas determination; attributes which have helped him to achieve success at the high school, college and national levels and to be a good husband to Emily and a sterling example for his one-year-old son, Royal; and

Be it further resolved: That we do hereby congratulate and proudly recognize Jordy Ray Nelson for his outstanding achievements in Super Bowl XLV and for being a superb ambassador for Kansas State University and the state as a whole on football's biggest stage; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Taddiken's office.

On emergency motion of Senator Taddiken **SR 1816** was adopted unanimously.

Senator Taddiken introduced and congratulated Jordy Nelson on his success in Super Bowl XLV. His wife, Emily was also introduced and they were acknowledged with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 127** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 127" as follows:

"Substitute for SENATE BILL NO. 127

By Committee on Ethics and Elections

"AN ACT concerning elections; pertaining to certain primary elections; amending K.S.A. 25-2102 and

K.S.A. 2010 Supp. 25-2021, 25-2108a and 71-1415 and repealing the existing sections.";

and the substitute bill be passed.

Also **SB 43** be amended on page 7, following line 21, by inserting:

"Sec. 6. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if

such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
- (2) entertainment, gifts, honoraria or payments;
- (3) mass media communications;
- (4) recreation provided as hospitality;
- (5) communications for the purpose of influencing legislative or executive action; and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality ~~and~~ the amount expended on such gift, entertainment or hospitality and the date the expenditure was made.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;

(B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only

the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.";

And by renumbering sections accordingly;

Also on page 7, in line 22, after "25-4142" by inserting "and 46-269."

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking all before "amending"; also in line 2, before "and" by inserting "and 46-269"; and the bill be passed as amended.

SB 67 be amended on page 3, in line 37, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 80** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 85** be passed.

Also, **SB 170** be amended on page 4, after line 32, by inserting "(b) An insurer may not terminate an individually enrolled customer based solely upon the age of such enrolled customer's covered portable electronic device."; in line 33, by striking "(b)" and inserting "(c)"; in line 39, by striking "(c)" and inserting "(d)"; also in line 39, by striking " paragraph (1) of";

On page 5, in line 2, by striking "(d)" and inserting "(e)"; in line 13, by striking "(e)" and inserting "(f)"; in line 30, by striking "(f)" and inserting "(g)"; in line 43, after "after" by inserting "January 1, 2012, and"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 33** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 33" as follows:

"Substitute for SENATE BILL NO 33

By Committee on Public Health and Welfare

"AN ACT concerning school districts; enacting the school sports head injury prevention act.";

and the substitute bill be passed.

Committee on **Transportation** recommends **SB 115** be passed, be placed on consent calendar.

Also, **SB 119** be amended on page 2, in line 35, after "loan" by inserting "or grant"; in line 38, after "entity" by inserting "and in coordination with the railroad providing service,"; and the bill be passed as amended.

SB 120 be amended on page 1, in line 35, by striking all following "watercraft"; by striking all in line 36;

On page 2, in line 1, by striking all before the period and inserting "required to be numbered pursuant to K.S.A. 32-1110, and amendments thereto";

On page 3, in line 13, by striking "vehicle" and inserting "vessel";

On page 4, in line 41, by striking all following "vehicles"; and in line 42, by striking all before the period; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 37, SB 77 reported correctly engrossed February 16, 2011.

On Motion of Senator Emler the Senate adjourned until 8:00 a.m., Friday, February 18, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

