

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 1, 2012, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with forty senators present.

In recognition of Military Appreciation Day, Vice President Vratil introduced guest chaplain, Military Chaplain Major Michael Shellman, Fort Leavenworth, Kansas, who delivered the invocation.

Members of the Kansas Senate, I thank you for the opportunity to be here today. As I have come to offer the invocation today on this Military Appreciation Day, I not only stand here as an active duty military Chaplain and officer, but I stand here also as one representing our military men and women who courageously serve our great country. It is with a grateful heart for these defenders of freedom that I now invite you to join me in prayer for our leaders, both military and civilian, and for those they both serve.

Prayer:

Almighty God, I come before your presence with joy and thanksgiving on this day of appreciation for our military personnel.

God, there are many of Kansas's sons and daughters who are serving in the military both here and those who are deployed. I pray for their safety, strength of body and of character, and for their leadership. Help them in the moment of decision, You would be with them to guide, protect and assist. As they serve, so their families are also serving. I pray for Your protection and provision to be with them as well.

Be here also in our Kansas communities. Strengthen us that we may in turn strengthen others around us. Help us to support our Soldiers, Sailors, Airmen and Marines who are also sons and daughters of Kansas and may our actions reflect our support as well. Bless us now in this hallowed chamber, God bless our military, and God bless America.

In the name of Jesus I pray, amen.

The Pledge of Allegiance was led by Vice President John Vratil.

SPECIAL REMARKS

MR. VICE PRESIDENT: Armed Forces Day was created in 1949 by President Harry Truman following the consolidation of the military services in the Department of Defense to honor Americans serving in the five U.S. Military branches – the Army, Navy, Marines, Air Force and Coast Guard. This morning, our Governor has signed a proclamation designating today, Thursday, March 1, 2012, as Kansas Armed Forces

Appreciation Day.

Today, 63 years after the formation of the Department of Defense and the first Armed Forces Day, the United States military service members are standing ever vigilant at their posts around the world to keep us secure. The military of the United States is deployed in more than 150 countries and are working here at home to protect America from threats foreign and domestic. They are risking their lives in the mountains of Afghanistan and serving bravely providing security and peacekeeping missions in places like Djibouti, Kenya, Kosovo and the Sinai, among others. They provide humanitarian assistance when and where needed across the world.

Today, the National Guard and Reserve not only continue their support to emergencies at home and to active duty units that deploy, but are also deployed themselves. Kansas Guard and Reserve members make the extra sacrifice of leaving their full time jobs to deploy.

Mention must also be made of the families who support our military members as they serve. Many here in this chamber have served or have immediate family members serving right now.

Please join me on this “Kansas Armed Forces Appreciation Day” in saying thank-you to those Americans who serve to protect what we often take for granted – our security and our right to meet here today. – Allen Schmidt

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 447, AN ACT concerning wildlife, parks and tourism; relating to vessel fees; amending K.S.A. 2011 Supp. 32-1172 and repealing the existing section, by Committee on Ways and Means.

SB 448, AN ACT concerning state institutions; relating to special education and related services provided by the state school for the blind and the state school for the deaf; amending K.S.A. 76-1006 and 76-1102 and K.S.A. 2011 Supp. 72-978 and repealing the existing sections, by Committee on Ways and Means.

SB 449, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2012, June 20, 2013, and June 30, 2014, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 450, AN ACT concerning school districts; relating to the amount of base state aid per pupil; relating to the local option budget; amending K.S.A. 2011 Supp. 72-6410 and 72-6433 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:

Agriculture: **HB 2596, HB 2597, HB 2604, HB 2605, HB 2626, HB 2649, HB 2668.**

Assessment and Taxation: **SB 446.**

Commerce: **HB 2627, HB 2638, HB 2673.**

Ethics and Elections: **HB 2715.**

Financial Institutions and Insurance: **HB 2618.**

Judiciary: **Sub HB 2106; HB 2313; Sub HB 2427; HB 2558, HB 2629, HB 2655, HB 2683, HB 2684, HB 2704.**

Local Government: **Sub HB 2166; HB 2646, HB 2669, HB 2670, HB 2672, HB 2675, HB 2676, HB 2677, HB 2682.**

Public Health and Welfare: **Sub HB 2159.**

Ways and Means: **HB 2619, HB 2624, HB 2650, HB 2687, HB 2703, HB 2705, HB 2706.**

CHANGE OF REFERENCE

The Vice President withdrew **HB 2329, HB 2371** from the Committee on **Judiciary**, and referred the bills to the Committee on Reapportionment.

REPORT ON ENROLLED BILLS

SR 1806, SR 1826 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 29, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 413** be amended on page 1, in line 5, by striking "10" and inserting "11"; in line 8, by striking "10" and inserting "11"; in line 19, by striking "10" and inserting "11"; in line 25, by striking "10" and inserting "11"; in line 29, by striking "10" and inserting "11"; in line 33, by striking "10" and inserting "11";

On page 2, in line 5, by striking "10" and inserting "11"; in line 27, by striking "10" and inserting "11"; in line 36, by striking "10" and inserting "11";

On page 3, in line 13, by striking "10" and inserting "11"; in line 29, by striking "10" and inserting "11";

On page 4, in line 10, by striking "10" and inserting "11"; in line 11, by striking "10" and inserting "11"; in line 23, before "covered" by inserting "client or";

On page 5, in line 21, by striking "25%" and inserting "15%";

On page 6, in line 17, by striking "5" and inserting "6"; in line 40, by striking "5" and inserting "6";

On page 7, in line 34, by striking "5" and inserting "6"; in line 43, by striking "10" and inserting "11";

On page 8, in line 4, by striking "10" and inserting "11"; following line 7, by inserting:

"Sec. 5. (a) Upon filing an initial application for registration, a professional employer organization shall pay a fee in an amount not to exceed \$1,000.

(b) Upon filing a renewal application for registration, a professional employer organization shall pay a fee in an amount not to exceed \$500.

(c) Upon filing an initial or a renewal application for limited registration, a professional employer organization shall pay a fee in an amount not to exceed \$500.

(d) Upon filing an initial or a renewal application for registration, a professional employer group shall pay a fee in an amount determined by the secretary and adopted by rules and regulations.

(e) The secretary shall adopt rules and regulations establishing the fees to be charged pursuant to this section in such amounts as deemed reasonably necessary by the

secretary for the administration of the provisions of sections 1 through 11, and amendments thereto, subject to the limitations on fee amounts set forth in subsections (a), (b) and (c).

(f) There is hereby created the professional employer organization fee fund. The secretary shall remit all moneys received from fees or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the professional employer organization fee fund. All expenditures from the professional employer organization fee fund shall be for the purposes of the administration of the provisions of sections 1 through 11, and amendments thereto, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary, or the secretary's designee.";

And by renumbering sections accordingly;

Also on page 8, in line 31, by striking "10" and inserting "11"; in line 40, by striking "10" and inserting "11";

On page 9, in line 1, by striking "10" and inserting "11"; in line 9, by striking "10" and inserting "11"; in line 25, after "employee" by inserting "only"; in line 27, by striking "10" and inserting "11";

On page 10, in line 29, by striking "in its capacity as sponsoring employer of a benefit program,"; in line 43, by striking "10" and inserting "11";

On page 11, in line 31, by striking "10" and inserting "11"; in line 39, by striking "5" and inserting "6";

On page 12, in line 2, after "crime" by inserting ": (A)"; in line 3, by striking ", or" and inserting "; (B) that"; in line 6, after "or" by inserting "(C) pursuant to 18 U.S.C. § 1033; or"; in line 8, by striking "10" and inserting "11"; in line 17, by striking "\$1,000" and inserting "\$10,000"; in line 18, by striking "10" and inserting "11"; in line 28, by striking "10" and inserting "11"; in line 29, by striking "10" and inserting "11"; in line 32, by striking "10" and inserting "11"; in line 33, after "after" by inserting "January 1, 2014, and"; and the bill be passed as amended.

Also, **SB 438** be amended on page 1, in line 10, by striking "new" and inserting "newly hired"; in line 11, by striking "new" and inserting "newly hired"; in line 12, by striking "new" and inserting "newly hired"; in line 14, by striking "new" and inserting "newly hired"; in line 15, by striking "and" and inserting a comma; also in line 15, after "number" by inserting "and any other information as may be required by section 453A of the social security act (42 U.S.C. § 653a), and amendments thereto"; in line 16, by striking "new" and inserting "newly hired"; in line 17, after "employer" by inserting a comma; in line 18, after "employer" by inserting a comma; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 390** be amended on page 1, in line 25, by striking "if the licensee manufactured the wine,"; in line 26, by striking "if" and inserting "provided,"; in line 28, after "establishments" by inserting ". Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 *et seq.*, and amendments thereto, and no drinking establishment license shall be required to make such sales";

On page 2, in line 24, by striking "10%" and inserting "60%"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 250** be amended on page 1, in line 4, by striking "New"; in line 6, by striking all after "shall"; in line 7, by striking "premiums" and inserting "pay premiums for the continuation of coverage under COBRA"; in line 8, after the period by inserting "Premiums for continuation of coverage under COBRA shall be paid for 18 months."; in line 11, by striking "fifth calendar year commencing" and inserting "end of the 18th calendar month"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2472** be passed.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Alex Ammar, to fill a term expiring on March 15, 2015

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Greg Graves, to fill a term expiring on March 15, 2015

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Sharon Lindenbaum, to fill a term expiring on March 15, 2015

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, March 2, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

