

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 12, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Heavenly Father, in a few days people around the world will attempt, some more successfully than others, to be Irish. Although possibly the history has been lost in the need for jocularly, Bishop Patrick of Ireland went from being a slave to the spiritual leader of his adopted people. His leadership brought order and justice to a people in great need and his legacy has cemented them through many trials since his time. We give you thanks O Lord for raising up men and women as leaders in their time who show love and compassion for their people. In your holy name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2319**.
Ethics, Elections and Local Government: **HB 2296**.
Ways and Means: **HB 2234**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Holland, Abrams, Apple, Arpke, Bowers, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Kelly, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1729**—

A RESOLUTION recognizing the Kansas Small Business
Development Center's 2013 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Existing Business of the Year Award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2013 KSBDC Emerging Businesses of the Year are: Ash, LLC in Emporia, Kansas, owned by Amy and Steve Harmon; Oberlin Knife Shop in Oberlin, Kansas, owned by J.W. and Deborah Smith; Pumpkin Paradise, LLC in Sublette, Kansas, owned by Steve and Janet Weidner; New York Dawg Pound in Overland Park, Kansas, owned by Sal Frustaci and Will Brown; Lawrence Montessori School in Lawrence, Kansas, owned by Purvis and Tiraz Birdie; Sweet Designs Cakery in Pittsburg, Kansas, owned by Heather and Roger Horton, Jr.; Absolute Dimensions, LLC in Wichita, Kansas, owned by Stephen Brittain and Michael Rickords; and Seneca Variety in Seneca, Kansas, owned by Dona and Jack Willmeth; and

WHEREAS, The 2013 KSBDC Existing Businesses of the Year are: Kessler Creations in Hillsboro, Kansas, owned by Marie Kessler; Hays Fire & Rescue Sales and Service, LLC in Hays, Kansas, owned by Kelvin and DeAnn Meyers; Sunflower Creations in Copeland, Kansas, owned by Gerald and Lois Nichols; Molly's Table, LLC in Paola, Kansas, owned by Donna Nagle; Mid Star Lab, Inc. in Edwardsville, Kansas, owned by Kari and Ron Wagner; HayesBrand Molding, Inc. in Garnett, Kansas, owned by the Hayes Family; Ohlde's Dairy, Inc. in Linn, Kansas, owned by Steve and Cindi Ohlde, Justin and Becky Ohlde, and Kyler Ohlde; and Pat the Plumber, LLC, in Topeka, Kansas, owned by Pat and Jennifer Grogan; and

WHEREAS, The KSBDC Businesses of the Year serve as examples of the success that the KSBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2013 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to provide 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1729** was adopted unanimously.

The Senators rose for a standing ovation.

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

SENATE RESOLUTION No. **1730**—

A RESOLUTION congratulating Cletus Simons on his receipt of the French Legion of Honor medal.

WHEREAS, Cletus Simons received the Knight of the Legion of Honor medal from the President of the French Republic on December 31, 2012; and

WHEREAS, The French *Légion d'honneur* or "Legion of Honor" is the highest decoration bestowed in France, and it was first established by Napoleon Bonaparte in May of 1802; and

WHEREAS, Following the two World Wars, the Legion of Honor was awarded to honor the heroism of veterans and to comfort the families of soldiers who had sacrificed their lives to protect their country; and

WHEREAS, U.S. veterans who risked their lives during World War II to fight on French territory qualify to be decorated as Knights of the Legion of Honor if the veteran fought in one of the main campaigns of the Liberation of France; and

WHEREAS, Cletus Simons is a U.S. combat veteran of World War II. He served in L Company, 325th Parachute Infantry Regiment of the 82nd Airborne Division, U.S. Army. During Operation Overload-D Day, Mr. Simons went to Le Havre France as a Platoon Sergeant; and

WHEREAS, Mr. Simons has earned several military awards and decorations including the Combat Infantry Badge, the Expert Infantry Badge, Parachutists Badge, Glider Badge, Bronze Star, Purple Heart, the American Campaign Medal, the European-African-Middle Eastern Theater Ribbon with three Bronze Battle Stars and the Good Conduct Medal; and

WHEREAS, Mr. Simons suffered injury in Paris where he was evacuated to a hospital and had had an operation. Despite this injury, after recovering from his wounds, Mr. Simons rejoined his unit to continue fighting for our country; and

WHEREAS, Service members, like Mr. Simons, are an essential part of our nation's society. They risk their lives to fight for the freedoms and liberties of American citizens without regard for their personal welfare: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Cletus Simons on his receipt of the Legion of Honor medal from the President of France. We are extremely grateful for his service in World War II, and all Kansans and Americans benefited greatly from his service. We are honored to call Mr. Simons a Kansan, and we wish him well in the future; and

Be it further resolved: That the Secretary of the Senate provide six enrolled copies of this resolution to Senator Hensley.

Gaylord Sanneman, President of the Kansas American Legion, also presented Cletus with the Kansas American Legion Americanism Award.

Senator Hensley also introduced Cletus' wife, Carmen and their children and spouses Gary Simons, Joe and Jan Simons, Pat and Sharon Simons, Carol and Frank Main, Tim and Beth Simons and others.

On emergency motion of Senator Hensley **SR 1730** was adopted unanimously.

The senators rose to honor Cletus Simons with a standing ovation.

REPORT ON ENROLLED BILLS

SR 1720, SR 1721, SR 1722, SR 1723, SR 1724, SR 1725, SR 1726, SR 1727, SR 1728 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 12, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 165** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 165," as follows:

"Substitute for SENATE BILL NO. 165

By Committee on Assessment and Taxation

"AN ACT concerning property taxation; relating to authority for boards of county commissioners to abate or provide credit against property taxes levied upon property destroyed or substantially destroyed by calamity."; and the substitute bill be passed.

Committee on **Commerce** recommends **HB 2326**, as amended by House Committee, be passed.

Also, **HB 2022** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. **2022**," as follows:

"Senate Substitute for HOUSE BILL NO. **2022**
By Committee on Commerce

"AN ACT concerning employees; relating to certain employee organizations; political activities; certain deductions from wages; amending K.S.A. 75-4333 and K.S.A. 2012 Supp. 44-319 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2096** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2041** be passed

Also, **HB 2044**, as amended by House Committee, be passed.

HB 2009, as amended by House Committee of the Whole, be amended on page 3, in line 9, by striking "seeking new employment" and inserting "schooling"; in line 10, by striking "in going to or returning"; in line 11, by striking "from an appointment with a health care provider or"; in line 12, before "(iv)" by inserting "and"; in line 14, by striking all after "court"; in line 15, by striking all before the period; in line 16, following the stricken material by inserting "The provisions of this paragraph shall expire on January 1, 2016."; in line 23, by striking ". The court shall not assess such"; in line 24, by striking "reinstatement fee more than one time in a 365-day period." and inserting "for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges."; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

Recommended: **HB 2019**, **HB 2066** be passed.

The Committee report on **SB 45** be amended by the adoption of the committee amendments, and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 13, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks*.
DIANE MINEAR, *Secretary of the Senate*.

