

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 9, 2007—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

During the course of a session we listen to so many people telling us what we ought to do.

It is sometimes difficult to know what to believe.

Many times it boils down to who knows what they are talking about and who doesn't. Then we must rely on You, O God, to reveal which is which.

Thank You in advance for providing us with the right choice.

I pray in the name of Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 33, An act relating to surplus property and public airport authorities; amending K.S.A. 27-323 and repealing the existing section, by Committee on Federal and State Affairs.

SB 34, An act concerning the transportation development district act; relating to definitions; projects; amending K.S.A. 2006 Supp. 12-17,141 and repealing the existing section, by Senator Emler.

SB 35, An act relating to driving under the influence of alcohol or drugs; concerning administrative hearings; amending K.S.A. 8-1020 and repealing the existing section, by Senator Journey.

SB 36, An act concerning certain cities and counties; relating to the unification thereof; amending K.S.A. 2006 Supp. 12-362, 12-363 and 12-365 and repealing the existing sections, by Senator Ostmeyer.

SB 37, An act concerning crimes and punishments; relating to smoking; amending K.S.A. 21-4009, 21-4010, 21-4011, 21-4012 and 65-530 and K.S.A. 2006 Supp. 20-350 and repealing the existing sections; also repealing K.S.A. 21-4017, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 19**.

Assessment and Taxation: **SB 26, SB 27, SB 28, SB 29**.

Commerce: **SB 10, SB 12**.

Education: **SB 22, SB 23**.

Federal and State Affairs: **SB 11, SB 13; SR 1803, SR 1804, SR 1805**.

Judiciary: **SB 2, SB 14, SB 17, SB 18, SB 31, SB 32**.

Natural Resources: **SB 15**.

Public Health and Welfare: **SB 1**.

Transportation: **SB 3, SB 4, SB 5, SB 6, SB 7, SB 8, SB 9.**

Utilities: **SB 20.**

Ways and Means: **SB 16, SB 21, SB 24, SB 25.**

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the senate for confirmation, were referred to Committees as indicated:

Department on Aging, Secretary, Kathy Greenlee, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Ways and Means)

Department of Social and Rehabilitation Services, Secretary, Donald Jordan, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Ways and Means)

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HEALTH POLICY AUTHORITY

December 28, 2006

A report on the Potential Impact of a Medicaid Photo Identification Requirement was submitted to the 2007 Kansas Legislature by Marcia Nielsen, Executive Director.

KANSAS SEX OFFENDER POLICY BOARD

January 8, 2007

On behalf of the Kansas Sex Offender Policy Board, Donald Jordan, Chair, submitted a copy of the Board's first report.

KANSAS DEPARTMENT OF ADMINISTRATION

January 8, 2007

Robert L. Mackey, Director, Division of Accounts and Reports submitted to members of the Senate a CD containing the 53rd Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2006. The report is available on the web at <http://da.ks.gov/ar/finrept>.

KANSAS WATER OFFICE

January 9, 2007

Pursuant to K.S.A. 82a-951 (b), Tracy Streeter, Director, submitted the 2007 Annual Report to the Governor and Legislature. The report is available on the web at www.kwo.org.

KANSAS ELECTRIC TRANSMISSION AUTHORITY

Carl Dean Holmes, KETA Chairperson, submitted the 2006 Annual Report to the Governor and the Legislature.

KANSAS STATE TREASURER

Kansas State Treasurer, Lynn Jenkins submitted the Annual Report to the Kansas Legislature for the Fiscal Year 2006.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

COMMITTEE OF THE WHOLE

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

On motion of Senator Schodorf the following report was adopted:

Recommended **SB 30** be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 30** was advanced to Final Action and roll call.

SB 30, An Act concerning school finance; establishing the keeping education promises trust fund; transferring moneys from the state general fund to the fund and prohibiting expenditure of such moneys during the fiscal year ending June 30, 2008; making and concerning appropriations for the fiscal years ending June 30, 2008, and June 30, 2009.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Kelly.

Present and Passing: Francisco.

Absent or Not Voting: Donovan.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: Although I fully support funding for the third year of the school finance plan, I made my commitment to that funding when I voted for **SB 549** last year. Since we can simply use the budget projections to understand how much to maintain in our ending balance, I hope we choose to spend our time and the taxpayer's money more effectively than we will by passing this bill.

If we do choose to pass it, I hope that we understand that there is more work to be done this year with regards to K-12 education. I believe changes are needed to maintain the current level of funding for all school districts next year, to fund the increases needed to allow the opportunity for all-day kindergarten, and to establish a new "third year" for our school finance plan.

I choose to "pass" on **SB 30**.—MARCI FRANCISCO

MR. PRESIDENT: I vote NO on **SB 30** on the principle that the legislative process is suppose to insure opportunity for public input prior to debate by the full senate. This bill was rushed through, for no good reason, without notice or public support.

I affirmed my responsibility to adequately fund education through my support for **SB 549** last session. I intend to keep that promise to the children of Kansas with or without passage of **SB 30**.

Lastly **SB 30** opens the door for all interests to request set asides which could cripple the ability of future legislatures to respond to unforeseen circumstances.—LAURA KELLY

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 10, 2007.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

