

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 10, 2007—2:30 p.m.

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

Heavenly Father,
No one can do another's job
Who's nothing but a spectator.
And that's quite true of anyone
Who's not been a legislator.

There's a saying that's quite true
As sure as the sun will set:
When I'm right, no one remembers;
When I'm wrong, no one forgets."

So legislators must be prepared
For unfair criticism,
Filled with undisguised disdain,
And steeped in dogmatism.

I've been here long enough to know
It's not considered "cool"
To defend these legislators
When they've been ridiculed.

And I know folks have the right
To bad mouth legislators;
But language should not be used
Which offends our great Creator.

Please impress upon the critics, Lord,
To keep their language soft.
If we prayed as much as criticized,
We'd all be better off!

I pray in the Name of Jesus,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 38, An act concerning state parks; renaming state park no. 24; amending K.S.A. 2006 Supp. 32-837 and repealing the existing section, by Senators Kelly, Hensley and V. Schmidt.

SB 39, An act concerning search warrants; relating to affidavit or testimony supporting probable cause; access; statute of limitations tolled; amending K.S.A. 22-2502 and repealing the existing section, by Senator Journey.

SB 40, An act concerning crimes and punishment; creating the crime of automated teller machine robbery; aggravated automated teller machine robbery, by Senator Journey.

SB 41, An act concerning negligence; relating to standard of care; amending K.S.A. 60-19a02 and repealing the existing section, by Senator Journey.

SB 42, An act concerning crimes and punishment; relating to theft of a rifle, shotgun or firearm; amending K.S.A. 2006 Supp. 21-3701 and repealing the existing section, by Senator Journey.

SB 43, An act repealing K.S.A. 12-16,115; concerning cities and municipalities; relating to civil penalty for sale, manufacture or distribution of imitation firearms, by Senator Journey.

SB 44, An act concerning insurance; relating to subrogation and reimbursement rights under health insurance policies, by Senator Journey.

SB 45, An act concerning district courts; relating to the chief judge; amending K.S.A. 2006 Supp. 20-329 and repealing the existing section, by Senator Journey.

SB 46, An act concerning crimes and punishment; relating to firearms; amending K.S.A. 21-4205 and repealing the existing section, by Senator Journey.

SB 47, An act concerning search warrants; relating to affidavit or testimony supporting probable cause; access; amending K.S.A. 22-2502 and repealing the existing section, by Senator Journey.

SB 48, An act concerning municipal courts; relating to the accused person's competency to stand trial; amending K.S.A. 22-3302 and repealing the existing section, by Senator Journey.

SB 49, An act concerning telecommunications; relating to the Kansas universal service fund; amending K.S.A. 2006 Supp. 66-2008 and repealing the existing section, by Committee on Utilities.

SB 50, An act repealing K.S.A. 2006 Supp. 79-5401; relating to the Kansas franchise tax, by Senators Vratil, Allen, Apple, Barnett, Brownlee, Bruce, Emler, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Petersen, Pine, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson and Wysong.

SB 51, An act concerning vital statistics; providing clerks of the district courts certain information; amending K.S.A. 2006 Supp. 65-2422d and repealing the existing section, by Committee on Judiciary.

SB 52, An act regulating traffic; relating to certain violations of maximum speed limits; amending K.S.A. 8-1560d and repealing the existing section, by Committee on Judiciary.

SB 53, An act relating to civil procedure; concerning certain dormant judgments; amending K.S.A. 60-2403 and repealing the existing section, by Committee on Judiciary.

SB 54, An act concerning criminal procedure; relating to arrest warrants; amending K.S.A. 2006 Supp. 22-2303 and repealing the existing section, by Committee on Judiciary.

SB 55, An act relating to the department of corrections; concerning work release and job training programs; disposition of compensation; amending K.S.A. 75-5268 and repealing the existing section, by Committee on Judiciary.

SB 56, An act concerning law libraries; relating to fees; amending K.S.A. 2006 Supp. 20-3129 and repealing the existing section, by Committee on Judiciary.

SB 57, An act repealing K.S.A. 20-351a; concerning the report to legislature of the elimination or addition of certain judgeships, by Committee on Judiciary.

SB 58, An act amending the Kansas uniform trust code; relating to trust property; amending K.S.A. 58a-810 and repealing the existing section, by Committee on Judiciary.

SB 59, An act concerning income taxation; relating to credits; education expenses, by Committee on Assessment and Taxation.

SB 60, An act relating to conservation districts; concerning funding; amending K.S.A. 2-1907c and repealing the existing section, by Committee on Agriculture.

SB 61, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6433 and repealing the existing section, by Committee on Education.

SB 62, An act restricting the prescribing, ordering, dispensing, administering, selling, supplying or giving certain amphetamine or sympathomimetic amine controlled substances; amending K.S.A. 65-2837a and repealing the existing section, by Committee on Ways and Means.

SB 63, An act concerning filling prescriptions; amending K.S.A. 2006 Supp. 65-1637 and repealing the existing section, by Committee on Ways and Means.

SB 64, An act concerning small claims; relating to the filing of a counter claim; amending K.S.A. 61-2705 and repealing the existing section, by Committee on Judiciary.

SB 65, An act concerning elections; relating to advance voting; amending K.S.A. 2006 Supp. 25-1122 and repealing the existing section, by Committee on Elections and Local Government.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 34**.

Elections and Local Government: **SB 36**.

Federal and State Affairs: **SB 33**.

Judiciary: **SB 35**, **SB 37**.

CHANGE OF REFERENCE

The President withdrew **SB 11** from the Committee on Federal and State Affairs, and referred the bill to the Committee on Ways and Means.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION

January 8, 2007

Pursuant to K.S.A. 55-194 section b, M.L. Korphage, Director, Conservation Division, submitted reports regarding the Abandoned Oil & Gas Well Status and the Remediation Site Status.

THE ADJUTANT GENERAL'S DEPARTMENT

Major General Tod M. Bunting, Adjutant General, Kansas National Guard, submitted the Annual Report for 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.

REPORTS OF STANDING COMMITTEES

Committee on Organization, Calendar and Rules begs leave to submit the following report concerning committee assignments.

All committee assignments for 2007 shall remain the same as at the close of the 2006 session with the following exceptions:

Senator Julia Lynn is appointed to the following committees replacing Senator Kay O'Connor who resigned:

Member, Elections and Local Government Committee

Member, Federal and State Affairs Committee

Member, Judiciary Committee

Senator Jim Barnett is appointed to the Federal and State Affairs Committee replacing Senator Dennis Wilson.

Senator Roger Reitz is appointed Vice Chair of Elections and Local Government.

Senator Laura Kelly is replacing Senator Jim Barone as the ranking Minority Member of the Ways and Means Committee.

Senator Jim Barone is replacing Senator Laura Kelly as the ranking Minority Member of the Commerce Committee.

ADDITIONAL COMMITTEE ASSIGNMENTS

Other committee assignments made by the Senate President:

Senator Julia Lynn replaces Senator Kay O'Connor as Vice Chair of the Joint Committee on Children's Issues.

Senator David Wysong replaces Senator Kay O'Connor on Joint Committee on Corrections and Juvenile Justice Oversight.

Senate President Stephen Morris announced the formation and the bi-partisan membership of the following Senate task forces:

SENATE TASK FORCE ON HEALTH CARE

Senator Jim Barnett, Chair	
Senator Pete Brungardt	Senator Roger Reitz
Senator Julia Lynn	Senator David Haley
Senator Roger Pine	Senator Laura Kelly

SENATE TASK FORCE ON K-12 EDUCATION

Senator Nick Jordan, Chair	
Senator Mike Petersen	Senator John Vratil
Senator Vicki Schmidt	Senator Don Betts
Senator Ruth Teichman	Senator Anthony Hensley

SENATE TASK FORCE ON HIGHER EDUCATION

Senator Jean Schodorf, Chair	
Senator Barbara Allen	Senator David Wysong
Senator Pat Apple	Senator Marci Francisco
Senator Karin Brownlee	Senator Janis Lee

The President announced the Senate would recess until 6:30 p.m., for the purpose of a joint meeting with the House of Representatives to hear the State of State Address by Governor Sebelius.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, January 11, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

