

# Journal of the Senate

## FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 11, 2007—2:30 p.m.

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

Heavenly Father,

While it's early in the session  
Before we deal with immigration,  
And get deep into the question  
Of financing education.

Before we get immersed  
In important papers  
Involving universities,  
Energy and KPERS.

Before we look at gambling,  
And issues concerning health;  
Before we ask the question,  
"Will we have the wealth?"

May we resolve right from the start  
That we will all agree  
To be nothing but the best  
Senator we can be.

Help us use our talents, Lord,  
And the gifts that You've bestowed,  
And if we falter, help us lift  
The legislative load.

Help us to be leaders  
Who stand out in the crowd,  
So constituents can introduce us:  
"My Senator, of whom I'm proud!"

I pray in the Name of Jesus Christ,

AMEN

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 66**, An act concerning the Kansas lottery; amending K.S.A. 74-8705 and 74-8708 and repealing the existing sections; also repealing K.S.A. 74-8723, by Committee on Federal and State Affairs.

**SB 67**, An act concerning libraries; creating the state library of Kansas board and providing for the powers and duties thereof; abolishing the state library advisory commission and the Kansas library network board; amending K.S.A. 75-2546, 75-2548, 75-2549, 75-2549b, 75-2550, 75-2550a, 75-2552, 75-2576 and 75-2577 and K.S.A. 2006 Supp. 75-2551, 75-2562 and repealing the existing sections; also repealing K.S.A. 75-2578, 75-2579, 75-2580, 75-2581, 75-2582, 75-2583, 75-2584 and 75-2586, by Committee on Federal and State Affairs.

**SB 68**, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6454 and repealing the existing section, by Committee on Education.

**SB 69**, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6449 and 72-6451 and repealing the existing sections, by Committee on Education.

**SB 70**, An act concerning school districts; relating to attendance of pupils residing outside the district; amending K.S.A. 72-1046 and 72-1046a and repealing the existing sections; also repealing K.S.A. 72-1046b, by Senator Journey.

**SB 71**, An act concerning the minimum wage and maximum hours law; repealing the minimum wage provisions; amending K.S.A. 44-1201, 44-1207, 44-1208, 44-1209, 44-1210, 44-1211, 44-1212 and 44-1213 and K.S.A. 2006 Supp. 44-1202 and repealing the existing sections; also repealing K.S.A. 44-1203, by Committee on Commerce.

**SB 72**, An act concerning mortuary arts; relating to funeral directors and licenses; amending K.S.A. 65-1713 and K.S.A. 2006 Supp. 65-1751 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 73**, An act relating to mortgage registration fees; concerning certain exemptions; amending K.S.A. 79-3102 and repealing the existing section, by Committee on Judiciary.

**SB 74**, An act relating to the probate code; concerning the recovery of certain medical assistance; amending K.S.A. 59-2222, 59-2247 and 59-3086 and repealing the existing sections, by Committee on Judiciary.

**SB 75**, An act concerning indigent defense services; relating to compensation for attorneys; amending K.S.A. 2006 Supp. 22-4507 and repealing the existing section, by Committee on Judiciary.

**SB 76**, An act relating to the probate code; concerning the transfer of certain personal property; amending K.S.A. 59-1507b and repealing the existing section, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1601—

By Senator Journey

A PROPOSITION to amend section 6 of article 6 of the constitution of the state of Kansas, relating to school finance.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

**“§ 6. Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall ~~make suitable provision~~ *provide* for finance of the educational interests of the state *in the manner and amount as determined solely by the legislature*. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this amendment is to provide that the financing of educational interests of the state shall be in the manner and amount determined solely by the legislature.

“A vote for this amendment would provide that the financing of the educational interests of the state would be solely determined by your representatives and senators in the Kansas legislature.

“A vote against this amendment would continue in effect the current interpretation by the Kansas Supreme court that this provision of the Kansas constitution requires the Kansas legislature to make suitable provision for the finance of the educational system of the state in an amount determined by the court.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2008 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 50, SB 59.**

Education: **SB 61.**

Elections and Local Government: **SB 65.**

Judiciary: **SB 39, SB 40, SB 41, SB 42, SB 43, SB 44, SB 45, SB 46, SB 47, SB 48, SB 51, SB 52, SB 53, SB 54, SB 55, SB 56, SB 57, SB 58, SB 64.**

Natural Resources: **SB 38.**

Public Health and Welfare: **SB 62, SB 63.**

Utilities: **SB 49.**

Ways and Means: **SB 60.**

#### CHANGE OF REFERENCE

The Vice President withdrew **SB 60** from the Committee on Ways and Means, and referred the bill to the Committee on Agriculture.

#### COMMUNICATIONS FROM STATE OFFICERS

##### DEPARTMENT OF CORRECTIONS

January 8, 2007

Pursuant to L. 2006 ch. 212 §4, Roger Werholtz, Secretary of Corrections, submitted the Sex Crimes Summary Report.

##### DEPARTMENT OF WILDLIFE & PARKS

January 8, 2007

In accordance with K.S.A. 32-844 and 32-845, J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, submitted a report regarding land acquisition and renewals.

The Vice 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.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1806—

A RESOLUTION congratulating and commending the Washburn Rural High School girls volleyball team and Coaches Bordewick, Noe, Griffith and Stuewe.

WHEREAS, The Washburn Rural High School girls volleyball team is the 2006 Kansas State High School Activities Association class 6A girls volleyball champions; and

WHEREAS, The team finished the season with a record of 35 wins and 10 losses and finished tied for first in the Centennial League. In the sub-state finals the team defeated Topeka High School in a thriller. In the state tournament they defeated Manhattan and Shawnee Mission West high schools in pool play, advancing to the final four for the 8th straight year. They then defeated Olathe South, the defending 6A champions, in the semifinals, and Blue Valley West, the defending 5A champions, in the championship game; and

WHEREAS, The members of this outstanding volleyball team displayed excellent teamwork, a tremendous work ethic and a competitive spirit all year; and

WHEREAS, The team had enthusiastic support from students, staff, parents, administrators and citizens all year: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Washburn Rural High School girls volleyball team and Coach Kevin Bordewick upon being the 2006 Kansas State High School Activities Association class 6A girls volleyball champions and wish them continued success; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Bill Edwards, Principal, Washburn Rural High School, 5900 SW 61st Street, Topeka, KS 66619-2008.

On emergency motion of Senator V. Schmidt **SR 1806** was adopted unanimously.

Guests introduced and welcomed were Dr. Brenda Dietrich, Superintendent; Bill Edwards, Principal; Ms. Penny Lane, Athletic Director; Kevin Bordewick, Head Coach and players, Alexa Bordewick, Kelsey Lewis, Shannon Majors, Kacia Turner, Ashley Yoder, Lyndsey Gifford, Shelby Anderson, Janelle Branch, Sam McKenzie, Amber McKinley, Malori Golden and Erin Atwood.

**REMARKS BY SENATOR HALEY**

Senator Haley rose on a point of personal privilege to deliver the following remarks:

MR. VICE PRESIDENT:

Since all of us realize that we are due to celebrate the birthday of Martin Luther King, Jr. this long weekend, and since you might recall my pleas over the many years I have been here in the Legislature that we honor the true purpose of this holiday, Mr. Vice President...I will keep my commitment to stand down from my annual observation; distribute the Senate Journal from last year (found on page 934, Fourth Day, January 12, 2006), and remind each of you of the message of ingrained repetition as you go about this weekend...“You know.” Because I believe you each *do* know.—DAVID HALEY

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 12, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

