

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 31, 2007—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
President Morris introduced as guest chaplain, The Right Reverend Dean E. Wolfe, Ninth Bishop of Kansas, Episcopal Diocese of Kansas, Topeka, Kansas, who delivered the invocation:

O God, by whom the meek are guided in judgment,
and light riseth up in darkness for the godly;
Grant us, in all our doubts and uncertainties,
the grace to ask what thou wouldst have us to do,
that the Spirit of wisdom may save us from all false choices,
and in thy light we may see light,
and in thy straight path may not stumble.
This we ask in your eternal name, Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 231, An act concerning guardians and conservators; exceptions to an appointment by the court, by Senator Emler (By request).

SB 232, An act concerning taxing subdivisions; relating to pensions and other postemployment benefits; amending K.S.A. 12-16,102 and repealing the existing section, by Committee on Ways and Means.

SB 233, An act concerning crimes and punishment; amending K.S.A. 21-3603 and repealing the existing section, by Committee on Judiciary.

SB 234, An act concerning municipal group insurance pools; amending K.S.A. 12-2630 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 235, An act concerning the employment security law; definitions; amending K.S.A. 2006 Supp. 44-703 and repealing the existing section, by Committee on Commerce.

SB 236, An act amending the personal and family protection act; concerning places where carrying a concealed weapon not authorized; amending K.S.A. 2006 Supp. 75-7c10 and repealing the existing section, by Committee on Judiciary.

SB 237, An act relating to crimes, punishment and criminal procedure; concerning the collection of certain specimens; amending K.S.A. 2006 Supp. 21-2511 and repealing the existing section; also repealing K.S.A. 2006 Supp. 21-2511a, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 227**, **SB 228**.

Elections and Local Government: **SB 225**.

Federal and State Affairs: **SB 226**.

Financial Institutions & Insurance: **SB 218**, **SB 219**, **SB 220**.

Judiciary: **SB 221**, **SB 222**.

Public Health and Welfare: **SB 229, SB 230**.
 Transportation: **SB 223, SB 224**.

CHANGE OF REFERENCE

The President withdrew **SB 193** from the Committee on Ways and Means, and referred the bill to the Committee on Commerce, separately, and the Committee on Ways and Means, separately.

MESSAGE FROM THE GOVERNOR

January 18, 2007

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 07-374 for your information.

Sincerely,

KATHLEEN SEBELIUS
Governor

The President announced Executive Directive No. 07-374, Authorizing Personnel Transactions, is on file in the office of the Secretary of the Senate and is available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF COMMERCE

January 29, 2007

Steve Kelly, Acting Secretary, submitted the 2006 Annual Report on STAR bonds.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2046, HB 2048, HB 2062, HB 2080, HB 2109, HB 2128**.
 Also, adoption of **HCR 5007, HCR 5010**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2046, HB 2048, HB 2062, HB 2080, HB 2109, HB 2128; HCR 5007, HCR 5010 were thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Department on Aging, Secretary:

Kathy Greenlee, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The appointment was confirmed.

On the appointment to the:

Department of Social and Rehabilitation Services, Secretary:

Donald Jordan, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

FINAL ACTION ON CONSENT CALENDAR

SB 102 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 102, An act concerning insurance; pertaining to HIPAA compliance; amending K.S.A. 2006 Supp. 40-2258 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 13, An act concerning jurisdiction of certain law enforcement officers; amending K.S.A. 2006 Supp. 22-2401a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

SB 18, An act enacting the uniform child abduction prevention act, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

SB 31, An act concerning municipal courts; relating to jurisdiction; amending K.S.A. 12-4104 and 22-2601 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

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, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Kelly, Lee, Lynn, McGinn, Morris,

Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Journey, Ostmeyer, Pyle.

The bill passed, as amended.

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, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Journey.

The bill passed, as amended.

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 Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended **SB 99** be passed.

SB 34, **SB 65** be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 9 be amended by adoption of the committee amendments, be further amended by motion of Senator Journey as amended by Senate Committee, on page 1, in line 27, by striking "or";

On page 2, in line 1, following "C" by inserting "; or (5) a visual display used to enhance or supplement the driver's view forward, behind or to the sides of a motor vehicle", and **SB 9** be passed as further amended.

SB 14 be amended by adoption of the committee amendments, be further amended by motion of Senator D. Schmidt as amended by Senate Committee, on page 2, in line 16, by striking "or"; in line 21, by striking the period and inserting: "; or

(C) K.S.A. 65-4161, and amendments thereto.", and **SB 14** be passed as further amended.

ACTION ON HOUSE CONCURRENT RESOLUTIONS

Senator Schodorf introduced the following House Concurrent Resolution.

HOUSE CONCURRENT RESOLUTION No. 5007—

By Representative Goico

A CONCURRENT RESOLUTION supporting Wichita State University for full reaccreditation by the Higher Learning Commission of the North Central Association of Colleges and Schools.

WHEREAS, Wichita State University has a century-long history of providing excellent higher learning experiences for Kansas students and responding to changing workforce needs, most recently in the fields of nursing and dental hygiene;

WHEREAS, Wichita State University has a unique and essential mission in the Kansas system of higher education as an urban serving research university, which has developed an alternative teacher certification program to increase the supply of public school teachers and which partners with local organizations to increase the number of minority health care providers;

WHEREAS, Wichita State University makes a significant contribution to the economic development of the state of Kansas through its teaching, research, and public service functions including the work of the National Institute for Aviation Research and research on the development of innovative applications of composite materials;

WHEREAS, Wichita State University is positioned to enhance its future contributions to the cultural, economic and social development of the diverse metropolitan community and of the state of Kansas through projects such as the university's Self-Help Network's capacity-building in faith-based and nonprofit agencies throughout the state of Kansas; and

WHEREAS, Wichita State University has demonstrated its commitment to accountability to the taxpayers of Kansas by assessing student learning and participating in performance agreements with the Kansas Board of Regents: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature supports Wichita State University for full reaccreditation by the Higher Learning Commission of the North Central Association of Colleges and Schools.

Be it further resolved: That, the Secretary of State be directed to send an enrolled copy of this resolution to the president of Wichita State University.

On emergency motion of Senator Schodorf **HCR 5007** was adopted by voice vote.

On emergency motion of Senator D. Schmidt **HCR 5010**, A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from United States Senator Pat Roberts, was adopted by voice vote.

In compliance with **HCR 5010**, President Morris appointed Senators Wilson and Lee to escort Senator Pat Roberts.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 67** be amended on page 2, after line 43, by inserting the following:

"(4) promote collaboration with the KAN-ED network to ensure the inclusion of libraries on the network and the continued availability of statewide library reference resources;";

And by renumbering the remaining paragraphs accordingly; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 1, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

