

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 14, 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 Brownlee was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Valentine's Day is when we send cards, and/or chocolates, and/or flowers to people as a token of our love. (Personally, I prefer chocolates, but to each his own.)

It seems to me a good time to remind ourselves that love is valued higher than any other virtue in the Bible. What Jesus called the greatest commandment says, "Thou shall love the Lord thy God with all thy heart, soul, mind, and strength." And He said, "Love thy neighbor as thyself is the second." And he added, "There is no commandment greater than these." (Mark 12:30-31)

Possibly the most familiar verse in the Bible is John 3:16, "For God so loved the world that He gave His only begotten Son, that whosoever believes in Him should not perish, but have everlasting life."

The apostle Paul closes his "love chapter" with these words, "And now abideth faith, hope, and love; but the greatest of these is love." (I Corinthians 13:13). In his letter to the Galatians, he lists love as the first of the eight fruits of the Spirit. (Galatians 5:22) And in Colossians 3:14 He says, "And over all these virtues put on love, which binds them together in perfect unity."

Lord, help us to love You with all of our being, and our neighbors as ourselves.

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 346, An act creating the Kansas long-term care bill of rights, by Committee on Ways and Means.

SB 347, An act concerning income tax; relating to withholding; annual statement, electronic filing; amending K.S.A. 2006 Supp. 79-3299 and repealing the existing section, by Committee on Federal and State Affairs.

SB 348, An act relating to merchants; prohibiting certain changes by credit or debit card issuers, by Committee on Federal and State Affairs.

SB 349, An act relating to merchants; prohibiting transaction charges on credit or debit cards, by Committee on Federal and State Affairs.

SB 350, An act relating to merchants; providing for access to certain credit and debit card rate information, by Committee on Federal and State Affairs.

SB 351, An act concerning the office of the state bank commissioner; relating to the office of administrative hearings; exception; amending K.S.A. 2006 Supp. 75-37,121 and repealing the existing section, by Committee on Federal and State Affairs.

MESSAGE FROM THE GOVERNOR

SB 36, SB 252 approved on February 14, 2007.

COMMUNICATIONS FROM STATE OFFICERS

THE KANSAS PUBLIC BROADCASTING COUNCIL

February, 2007

As required by KSA 75-4924, Lawrence Holden, Chair, submitted the Annual Report highlighting the impact of the investment made in public broadcasting by the state.

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 2014, HB 2031, HB 2106; Substitute HB 2108; HB 2111, HB 2145, HB 2306**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2014, HB 2031, HB 2106; Substitute HB 2108; HB 2111, HB 2145, HB 2306 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 144** be passed.

Committee on **Federal and State Affairs** recommends **HB 2152** be amended on page 1, in line 35, before the semicolon, by inserting “, one of which represents broadcasting”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 17** be amended on page 2, after line 8, by inserting the following:

“(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the indigents’ defense services fund, a sum equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month.

(e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

(f) Prior to any of the moneys credited to each fund in subsection (d) or (e) being appropriated during any regular legislative session for the ensuing fiscal year, the agency administering such fund shall provide to the committee on ways and means of the senate and the committee on appropriations of the house of representatives:

(1) A detailed explanation of how such moneys in the fund are being expended in the current fiscal year;

(2) a detailed explanation of how such moneys will be expended in the next fiscal year; and

(3) justification for such fund to continue to receive moneys from docket fees.”;

Also on page 2, in line 9, by striking “(d)” and inserting “(g)”; in line 14, by striking “and (c)” and inserting “(c), (d) and (e)”; in line 18, by striking “(d)” and inserting “(g)”;

On page 3, in line 37, by striking “and”; also after line 37, by inserting the following:

“(8) 2.73% to the juvenile detention facilities fund;

(9) 0.56% to the crime victims assistance fund;

(10) 1.24% to the Kansas juvenile delinquency prevention trust fund;

(11) 0.21% to the permanent families account in the family and children investment fund;

(12) 1.48% to the trauma fund;

(13) 0.67% to the child exchange and visitation centers fund;

(14) 2.68% to the protection from abuse fund; and”;

Also on page 3, in line 38, by striking “(8)” and inserting “(15)”; in line 41, by striking “(d)” and inserting “(g)”;

On page 4, in line 5, by striking “and”; also after line 5, by inserting the following:

“(7) 2.83% to the juvenile detention facilities fund;

(8) 0.58% to the crime victims assistance fund;

(9) 2.78% to the protection from abuse fund;

(10) 1.29% to the Kansas juvenile delinquency prevention trust fund;

(11) 0.22% to the permanent families account in the family and children investment fund;

(12) 1.53% to the trauma fund;

(13) 0.69% to the child exchange and visitation centers fund; and”;

Also on page 4, in line 6, by striking “(7)” and inserting “(14)”; also after line 6, by inserting the following:

“(c) Prior to any moneys credited to each fund in paragraphs (8) through (14) of subsection (a) and paragraphs (7) through (13) of subsection (b) being appropriated during any regular legislative session for the ensuing fiscal year, the agency administering such fund shall provide the committee on ways and means of the senate and the committee on appropriations of the house of representatives:

(1) A detailed explanation of how such moneys are being expended in the current fiscal year;

(2) a detailed explanation of how such moneys will be expended in the next fiscal year; and

(3) justification for such fund to continue to receive moneys from docket fees.”;

On page 5, in line 10, after the stricken material by inserting “In actions pursuant to the revised Kansas code for care of children (K.S.A. 2006 Supp. 38-2201 et seq., and amendments thereto), the revised Kansas juvenile justice code (K.S.A. 2006 Supp. 38-2301 et seq., and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 et seq., and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 et seq., and amendments thereto), or the care and treatment act for mentally ill persons (K.S.A. 59-2945 et seq., and amendments thereto), the clerk shall charge an additional fee of \$.50 which shall be deducted from the docket fee and credited to the indigents’ defense services fund as provided in K.S.A. 28-172b, and amendments thereto.”; in line 11, before “The” by inserting “(e)”;

On page 6, in line 21, before “the” by inserting “the law enforcement training center fund.”; in line 22, before “the” by inserting “the juvenile detention facilities fund.”; in line 23, before “and” by inserting “, the emergency medical services operating fund.”; in line 26, before the period by inserting “, the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees”;

On page 7, in line 11, by striking all after the period; by striking all in line 12”; after line 23, by inserting the following:

“(b) The clerk of the district court shall charge a fee of \$.50 in each criminal case, to be deducted from the docket fee as provided in K.S.A. 28-172a, and amendments thereto, and shall charge a fee of \$.50 in each case pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code and each mental illness, drug abuse or alcoholism treatment action as provided by subsection (d) of K.S.A. 28-170, and amendments thereto. The clerk of the district court shall remit all such fees received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the indigents’ defense services fund.”;

Also on page 7, in line 24, by striking “(b)” and inserting “(c)”;

On page 9, by striking all in lines 27 through 43;

By striking all on pages 10 through 13;

On page 14, by striking all in lines 1 through 24;

And by renumbering the remaining sections accordingly;

Also on page 14, in line 25, by striking “K.S.A. 74-7325 and 74-7334 and”; in line 28, by striking all after “60-1621”; in line 29, by striking “75-7021” and inserting “and 60-1621a”;

In the title, in line 9, by striking all after “amending”; in line 10, by striking “and”; in line 11, by striking “, 60-1621, 75-5670 and 75-7021” and inserting “and 60-1621”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 178** be passed.

Also, **SB 107** be amended on page 1, in line 14, preceding “applicant” by inserting “original”; and the bill be passed as amended.

SB 179 be amended on page 1, in line 26, by striking “with” and inserting “on successful completion of an”; in line 27, following the comma by inserting “and”;

On page 2, in line 34, following “examination” by inserting “and education”; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 326** be amended on page 2, in line 37, by striking “energy” and inserting “emergency”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 74, SB 81, SB 97, SB 106, SB 146, SB 176, SB 192 reported correctly engrossed February 14, 2007.

REPORT ON ENROLLED BILLS

SR 1818 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 14, 2007.

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 Huelskamp in the chair.

On motion of Senator Huelskamp the following report was adopted:

Recommended **SB 54, SB 55, SB 58, SB 85, SB 188** be passed.

SB 11, SB 45, SB 52, SB 127 be amended by adoption of the committee amendments, and the bills be passed as amended.

CORRECTION OF THE JOURNAL

Correct the Journal of the Senate for February 13, 2007, on page 136 under the heading of “**Reports of Standing Committees**” by striking all reference to **SB 103** and inserting in lieu thereof the following report:

Committee on **Judiciary** recommends **SB 103** be amended by adoption of the amendments recommended by the Senate Committee on Judiciary as reported in the Journal of the Senate on February 8, 2007, and the bill, as printed with amendments by Senate Committee, be further amended:

On page 2, in line 19, by striking “a” and inserting “the”; also in line 19, by striking “or” and inserting “and”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 15, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

