

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 19, 2007—3:00 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I praise You for the influence You had on the founders of our country. Since today is Presidents' Day, I especially want to express thanks for the effect You had on four of our early Presidents. I will reserve Washington until his birthday anniversary Thursday.

On August 28, 1811 John Adams wrote: "Religion and virtue are the only foundations, not only of republicanism and of all free government, but of social felicity under all governments and in all the combinations of human society."

Thomas Jefferson declared that religion is: "Deemed in other countries incompatible with good government and yet proved by our experience to be its best support."

In 1778 James Madison stated: "We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God."

In 1860 John Quincy Adams was quoted in the book *The Pulpit of the American Revolution* by John Wingate Thornton: "The highest glory of the American Revolution was this: it connected in one indissoluble bond, the principles of civil government with the principles of Christianity."

Many other relevant quotes by these presidents indicate their assumption of the connection between the founding of our nation and Your impact, O God.

I thank You, Lord, for how You influenced those instrumental in the founding of our country, in the Name of Jesus,

AMEN

Quotations are from *America's God and Country Encyclopedia Of Quotations*, by William J. Federer

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 356, An act ceding to the United States concurrent legislative jurisdiction over crimes and offenses under the laws of the state of Kansas over and within certain lands dedicated to national parks purposes; amending K.S.A. 27-120 and repealing the existing section, by Committee on Federal and State Affairs.

SB 357, An act making and concerning appropriations for the fiscal years ending June 30, 2008, and June 30, 2009, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing

or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 79-4801 and K.S.A. 2006 Supp. 2-223, 55-193, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

SB 358. An act making and concerning appropriations for the fiscal year ending June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 79-4801 and repealing the existing section, by Committee on Ways and Means.

SB 359. An act making and concerning appropriations for the fiscal years ending June 30, 2008, and June 30, 2009, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 355.**

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

February 14, 2007

Don Jordan, Secretary, submitted an annual report as required in K.S.A. 75-53,118, relating to the Kansas Foster Child Educational Assistance Act.

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 2006; Substitute HB 2035; HB 2168, HB 2267, HB 2270, HB 2274, HB 2307, HB 2332, HB 2373.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2006; Substitute HB 2035; HB 2168, HB 2267, HB 2270, HB 2274, HB 2307, HB 2332, HB 2373 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Lee and Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1819—

A RESOLUTION honoring Fire Chief Lawrence F. Ruff, the National Firefighter of the year.

WHEREAS, Chief Lawrence F. "Sonny" Ruff, of the Logan, Kansas Fire Department, was honored as the 2006 National Firefighter of the Year by the National Volunteer Fire Council, a national organization committed to advocating on behalf of volunteer fire, rescue, and EMS personnel across the country. Nominated by his peers, Chief Ruff was presented with a commemorative pin and trophy, as well as a place in history with the NVFC; and

WHEREAS, The NVFC Volunteer Firefighter of the Year Award is a lifetime achievement award that honors those individuals whose remarkable achievements in the fire service and community exemplify outstanding performance. This prestigious award is one of only two awards which the Council bestows; and

WHEREAS, Chief Ruff has been fire chief of the Logan, Kansas Fire Department for more than 45 years and has a long and distinguished history in the fire service. Four generations of the Ruff family have been firefighters, including his father, whom Chief Ruff succeeded as fire chief; and

WHEREAS, In addition to being fire chief, Chief Ruff has served for more than 38 years as an officer in the Kansas State Firefighters Association; most notably, he has trained more

firefighters across the State of Kansas than any other person in the history of the state fire service, ensuring his legacy of excellence; and

WHEREAS, Chief Ruff is the first Kansan to be awarded this singular honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor Chief Ruff for his exemplary leadership and dedication to his community and the State of Kansas, express our appreciation for his selfless commitment to the state fire service, and wish him all the very best in his future endeavors; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Chief Lawrence F. "Sonny" Ruff, P.O. Box 191, Logan, Kansas 67646.

On emergency motion of Senator Lee **SR 1819** was adopted unanimously.

Senator Lee introduced Fire Chief Lawrence F. (Sonny) Ruff and his wife Ruby. Members of the Senate welcomed and congratulated Sonny on his many years of dedication to the volunteer fire department and being named 2006 National Firefighter of the Year, with a standing ovation.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1820—

A RESOLUTION congratulating and commending the 2006 Victoria High School football team.

WHEREAS, The Victoria High School football team won the 8-man Division II state championship by defeating the Hope team 40 to 12 in the championship game played at Fischer Field in Newton on November 18. The Victoria Knights overcame an early 6-0 deficit to win the state championship for the second time in three seasons and the fifth time overall. The team won their final 10 games and finished the season with a record of 12 wins and only 1 loss; and

WHEREAS, With this victory the Victoria Knights became the first team to win at least two state championships in both 8-man and 11-man football since the KSHSAA first initiated state playoffs for high school football in 1969; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, former players, the players' family members and many citizens in their community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2006 Victoria High School football team and head coach Doug Oberle upon their 8-man Division II championship and wish the team continued success; and

Be it further resolved: That the Secretary of the Senate provide 26 enrolled copies of this resolution to Senator Lee for presentation to the Victoria High School football team.

On emergency motion of Senator Lee **SR 1820** was adopted unanimously.

Senator Lee and members of the Senate welcomed and congratulated Coach Doug Oberle; Asst. Coach Gary Lowry and team members Jared Pfeifer, Cody VonLintel, Cory Dreiling, Nic Conroy, Jason Kuhn and Trevor Dinkel on their winning accomplishments.

REPORTS OF STANDING COMMITTEES

Committee on **Elections and Local Government** recommends **SB 152** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 152," as follows:

"Substitute for SENATE BILL No. 152

By Senator Pyle

"AN ACT concerning elections; pertaining to vacancy in the position of United States senator; amending K.S.A. 25-318 and repealing the existing section."; and the substitute bill be passed.

Committee on **Judiciary** recommends **SB 308** be passed.

Also, **SB 183** be amended on page 9, in line 13, by striking all following the period; by striking all in lines 14 through 43;

On page 10, by striking all in lines 1 through 11; in line 12, by striking "action, if" and inserting

“(a) Except as otherwise provided in this section, when a transaction bears reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a), and except as provided in subsection (c), the uniform commercial code applies to transactions bearing an appropriate relation to this state.

(c) If”;

Also on page 10, following line 19, by inserting
“(6) K.S.A. 84-6-103, and amendments thereto;”;

By renumbering the remaining paragraphs accordingly;

And the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 15** be amended on page 2, in line 38, by striking “permit holder” and inserting “owner”; also in line 38, by striking “to”; in line 39, by striking “rehabilitate or remove unsafe” and inserting “for dam rehabilitation, to purchase and raze or relocate residential structures, or for engineering solutions to address”; in line 41, after the period by inserting “State agencies and political or taxing subdivisions in this state shall not be eligible for cost-share assistance pursuant to this section.”;

On page 3, in line 7, by striking “permit holder” and inserting “owner”; in line 9, by striking “(k)” and inserting “(h)”; in line 10, by striking “pursuant to subsection (k)”; in line 11, by striking all after “(k)”; by striking all in lines 12 through 16 and inserting “If the engineered solution is to purchase and raze or relocate residential structures in the inundation area of the dam, a cost share grant may be awarded for the purchase and razing or relocating of all residential structures in the inundation area if: (1) An easement prohibiting future development for the inundation area is acquired and recorded with the register of deeds; and (2) other terms and conditions of the state conservation commission, if any, are met.”; in line 33, after “(n)” by inserting “As used in this act, “dam” shall have the meaning ascribed thereto in K.S.A. 82a-301, and amendments thereto.

(o)”;

Also on page 3, in line 34, by striking “act” and inserting “program”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 285** be passed.

Also, **SB 201** be amended on page 3, following line 7, by inserting the following:

“(f) The secretary shall notify the child care facility, within seven days by restricted mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsection (a)(1) through (7) with regard to the person who is the subject of the review.”;

And by relettering the remaining subsections accordingly;

And the bill be passed as amended.

SB 202 be amended on page 1, in line 29, by striking “subject” and inserting “placed with a prospective adoptive family pursuant”; and the bill be passed as amended.

SB 284 be amended on page 1, in line 14, by striking all following “1.”; by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 9; in line 10, by striking all preceding “K.S.A.”;

By renumbering the remaining sections accordingly;

On page 3, in line 17, by striking “65-7302.”;

In the title, in line 10, by striking “65-7302 and”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 11, SB 52, SB 127, SB 138, SB 159, SB 166, SB 204, SB 239 reported correctly engrossed February 16, 2007.

SB 35, SB 56, SB 103, SB 113, SB 118, SB 162, SB 169 reported correctly engrossed February 19, 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 Umbarger in the chair.

On motion of Senator Umbarger the following report was adopted:

Recommended **SB 178, SB 219, SB 220, SB 288** be passed.

The committee report on **SB 208** recommending a **Sub SB 208** be adopted, and the substitute bill be passed.

SB 17, SB 88, SB 107, SB 179, SB 235, SB 242, SB 326; HB 2152 be amended by adoption of the committee amendments, and the bills be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 20, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

