

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 20, 2007—2:30 p.m.

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

Heavenly Father,
From time to time constituents,
When their legislators
Vote a different way,
Consider them as traitors.
But sometimes constituents
Do not have access
To some information
Legislators possess.
They have access to Research,
A whole department here
Designed to furnish answers
To make the issues clear.
Legislators get to listen
To informed conferees
Who can present some evidence
A constituent never sees.
Lobbyists furnish information
That legislators find
Shines a brighter light
On a legislator's mind.
They also talk to colleagues
Who have some evidence,
Which when it's examined,
Makes a lot more sense.
Lord, convince constituents,
Before their tempers overflow,
To question legislators,
"Is there something I don't know?"
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 360, An act concerning the state certified and licensed real property appraisers act; amending K.S.A. 58-4105, 58-4107, 58-4112 and 58-4119 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 361, An act concerning athletic events; relating to the Kansas sports hall of fame; relating to funding thereof; concerning postsecondary education institutions; relating to the funding of deferred maintenance, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Elections and Local Government: **HB 2267**, **HB 2307**, **HB 2332**.

Federal and State Affairs: **SB 356**; **HB 2270**.

Financial Institutions & Insurance: **HB 2274**.

Judiciary: **HB 2006**; **Sub HB 2035**.

Natural Resources: **HB 2168**.

Transportation: **HB 2373**.

Ways and Means: **SB 357**, **SB 358**, **SB 359**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2004**, **HB 2249**, **HB 2268**, **HB 2280**, **HB 2293**, **HB 2295**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2004, **HB 2249**, **HB 2268**, **HB 2280**, **HB 2293**, **HB 2295** were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 17, An act concerning docket fees; amending K.S.A. 2006 Supp. 20-362, 20-367, 28-170, 28-172a, 28-172b, 59-104 and 60-1621 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 28-170c, 28-170d, 28-170e, 28-172e, 28-172f, 59-104, as amended by section 18 of chapter 210 of the 2006 Session Laws of Kansas, 59-104a and 60-1621a, 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, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Goodwin, 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.

Nays: Barone, Betts, Gilstrap, Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote yes for **SB 17**. Although I have concerns that this measure increases the bureaucratic process for the Kansas Law Enforcement Training Center, which is already more than adequately monitored by numerous other agencies, I am more than confident that my concerns will be addressed through out the legislative process. I see **SB 17** as a step in the right direction, as it is a well intentioned piece of legislation.—TERRY BRUCE

Senator Petersen requests the record to show he concurs with the "Explanation of Vote" offered by Senator Bruce on **SB 17**.

SB 88, An act concerning civil procedure; relating to divorce; restoration of name; amending K.S.A. 2006 Supp. 60-1610 and 60-1621 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 60-1621a, 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 107, An act concerning the board of nursing; concerning fingerprinting and criminal history records checks; creating the criminal background and fingerprinting fund, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, 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, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

The bill passed, as amended.

SB 178, An act concerning cancer registry; relating to confidential data; amending K.S.A. 65-1,172 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.

SB 179, An act concerning mortuary arts; assistant funeral director's license; qualifications and examination; amending K.S.A. 65-1717 and 65-1727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, 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, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

The bill passed, as amended.

Sub SB 208, An act concerning criminal history records; authorizing access by the insurance department to criminal history record information for certain purposes, 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 substitute bill passed.

SB 219, An act concerning insurance; relating to acquisition of subsidiaries by domestic insurance companies; amending K.S.A. 40-3303 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.

SB 220, An act pertaining to insurance companies; relating to corporate structure; amending K.S.A. 40-1004, 40-1006, 40-1201, 40-1508 and 40-1511 and K.S.A. 2006 Supp. 40-502 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.

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

Nays: Hensley.

The bill passed, as amended.

SB 242, An act concerning economic development and redevelopment of certain localities; amending K.S.A. 2006 Supp. 12-1770a, 12-1771 and 12-1774 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 288, An act concerning workforce development; certain reports required; amending K.S.A. 2006 Supp. 74-5002s 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.

SB 326, An act concerning the state corporation commission; relating to certain powers and duties related to emergency management; amending K.S.A. 74-616, 74-619 and 74-620 and repealing the existing sections; also repealing K.S.A. 74-618, 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.

HB 2152, An act concerning the commission on emergency planning and response; amending K.S.A. 2006 Supp. 65-5721 and repealing the existing section, 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, 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.

Nays: Brownlee.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 298** be passed.

Also, **SB 115** be amended on page 2, in line 2, by striking “after”; in line 3, by striking “having given the taxpayer 10” and inserting “. Prior to taking any action, the secretary shall provide the taxpayer 30”; in line 4, after “ing” by inserting “to be conducted pursuant to the Kansas administrative procedure act”; by striking all in lines 15 and 16; and the bill be passed as amended.

SCR 1602 be amended on page 1, in line 27, by striking “shall” and inserting “may”; also in line 27, by striking “prohibit” and inserting “limit”;

On page 3, in line 20, by striking “require” and inserting “authorize”; in line 21, by striking “prohibit” and inserting “limit”; in line 24, by striking “require” and inserting “authorize”; also in line 24, by striking “prohibit” and by inserting “limit”; in line 31, by striking “prohibition” and inserting “authorization to limit such valuation increases”; and the concurrent resolution be adopted as amended.

Committee on **Commerce** recommends **SB 292** be passed.

Also, **SB 314** be amended on page 3, in line 7, by striking “\$8,000,000 per tax”; in line 8, by striking “year” and inserting “\$4,000,000 during tax year 2007 and \$6,000,000 for tax year 2008 and each tax year thereafter”;

On page 5, in line 37, before “The” by inserting “(a)”;

On page 6, after line 21, by inserting the following:

“(b) In addition to reports by the businesses to KTEC and its board of directors, KTEC will also provide an annual report, on or before February 1, to the governor, to the senate committee on commerce, the house committee on economic development and tourism and the joint committee on economic development and any successor committees thereto, on the marketing and use of the angel investor tax credits. This report will include the following: The amount of tax credits used in the previous fiscal year including what percentage was claimed by individuals and what percentage was claimed by investment firms; the types of businesses that benefited from the tax credits; and any aggregate job creation or capital investment in Kansas that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded. In addition, the annual report will provide information regarding what businesses which derived benefit from the tax credits remained in Kansas and what businesses ceased business, what businesses were purchased and what businesses may have moved out-of-state and why.”; and the bill be passed as amended.

Committee on **Education** recommends **SB 93** be amended on page 1, in line 30, by striking all following “(1)”;

in line 31 by striking all preceding the semicolon and inserting “by .005533 in school year 2007-2008 and by .0062 in school year 2008-2009 and each school year thereafter”; and the bill be passed as amended.

Also, **SB 143** be amended on page 10, in line 7, by striking “The” and inserting “Except as provided by subsection (e), the”;

On page 11, following line 6, by inserting the following:

“(e) Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.”;

And by relettering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 196** be amended on page 1, in line 34, by striking all following “filed”; in line 35, by striking all preceding the period by inserting “by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state”;

On page 2, in line 24, by striking “not con-”; in line 25, by striking all preceding the period and inserting “made without the cooperation or consent of the candidate or agent of such candidate intended to be benefited”; and the bill be passed as amended.

Also, **SB 249** be amended on page 1, in line 24, after “enlarge” by inserting “, reduce”; in line 30, before “or” by inserting “, reduction”;

On page 2, in line 3, by striking “may” and inserting “shall”; in line 4, after “enlargement” by inserting “, reduction”; in line 7, by striking “and”; after line 7, by inserting:

“(3) notification of existing property owners located within the boundaries of the proposed district; and”;

Also on page 2, in line 8, by striking “(3)” and inserting “(4)”; in line 9, by striking “may” and inserting “shall”; in line 11, by striking “or enlargement” and inserting “, enlargement, reduction or dissolution”; in line 13, by striking “or enlargement” and inserting “, enlargement, reduction or dissolution”; in line 16, by striking “or enlargement” and inserting “, enlargement, reduction or dissolution”; in line 17, by striking “or enlargement” and inserting “, enlargement, reduction or dissolution”; and the bill be passed as amended.

SB 283 be amended on page 2, in line 20, after “place” by inserting “on duty when the polls close”; in line 24, by striking the semicolon; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 356** be amended on page 1, in line 22, by striking “Tall Grass” and inserting “Tallgrass”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 255** be amended on page 1, in the title, in line 9, by striking “laped” and inserting “lapse”; and the bill be passed as amended.

Also, **SB 273** be amended on page 1, in line 36, before “medicare supplement,” by reinserting “long-term care.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 269** be passed.

Also, **SB 184** be amended on page 1, in line 31, by striking all after “the”; in line 32, by striking all before “for” and inserting: “office of the attorney general shall be responsible”; and the bill be passed as amended.

SB 203 be amended on page 2, in line 9, by striking “by a surety authorized”; by striking all in lines 10 and 11; in line 12, by striking “thereto” and inserting: “with sufficient solvent sureties who are residents of the state of Kansas”; and the bill be passed as amended.

SB 259 be amended on page 6, in line 29, before the comma, by inserting “or fees, or”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 266** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 266,” as follows:

“Substitute for SENATE BILL No. 266

By Committee on Natural Resources

“AN ACT relating to wildlife; concerning big game; amending K.S.A. 2006 Supp. 32-937 and repealing the existing section.”;

and the substitute bill be passed.

Committee on **Organization, Calendar and Rules** recommends **HCR 5003**, as amended by House Committee, be amended on page 8, in line 4, by striking “confer-”; in line 5, by striking “ence committee reports.”; and the concurrent resolution be adopted as amended.

Committee on **Transportation** recommends **SB 211**, **SB 294** be passed.

Also, **SB 210** be amended on page 5, in line 5, by striking all after “Kansas”; by striking all in line 6; in line 7, by striking “functions”; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 128** be amended on page 1, in line 15, by striking all following “shall”; in line 16, by striking all preceding “all” and inserting “require”; in line 18, following “with” by inserting “education and conservation”; in line 20, by striking “shall” and inserting “may”; in line 40, by striking “and”; in line 42, preceding the period by inserting the following:

“(11) one member to represent the residential construction industry;

(12) one member to represent the factory built housing industry;

(13) one member to represent the real estate industry;

(14) one member who is a certified energy star inspector;

(15) one member who represents the mechanical heating, ventilation and air conditioning contractors who have received a certificate of competency for purposes of licensure pursuant to K.S.A. 12-1541, and amendments thereto; and

(16) one member who represents agricultural production”;

On page 2, in line 17, by striking all following “section”; in line 18, by striking all preceding the period; in line 38, by striking “Electric” and inserting “The Kansas energy office of the state corporation commission and the Kansas energy council, with consultation from electric”; in line 39, after “utilities” by inserting a comma; also in line 39, preceding “report” by inserting “written”; also in line 39, by striking “legislature” and inserting “senate committee on utilities and the house committee on energy and utilities”; also in line 39, by striking “the Kansas”; by striking all in line 40; in line 41, by striking “council”;

On page 3, in line 5, by striking all preceding the period; in line 7, by striking “development” and inserting “design, development, implementation, promotion, ongoing expenses and evaluation costs”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 17, SB 88, SB 107, SB 179, SB 235, SB 242, SB 326 reported correctly engrossed February 20, 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 Wysong in the chair.

On motion of Senator Wysong the following report was adopted:

Recommended **SB 61, SB 285, SB 308** be passed.

SB 23, SB 68, SB 183, SB 201, SB 202, SB 244, SB 284 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., Wednesday, February 21, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

