

# Journal of the Senate

THIRTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 1, 2007—2:30 p.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with thirty-nine senators present.  
Senator Teichman was excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,  
There are reasons we should be  
Excellent legislators;  
All the reasons are good,  
But some are even greater.  
The people who elected us  
Deserve our very best.  
We owe it to them all  
To serve with zeal and zest.  
Of course it's You, O God,  
To whom we owe the most.  
You've proven it is You  
Of whom we all should boast.  
But then there are our children  
Though it's us they aggravate  
Tend to look at parents  
As the ones to emulate.  
And if we would be honest  
The best compliment we have had  
Is "I want to be like Mom."  
Or, "I want to be like Dad."  
So help us, O God, not to disappoint our offsprings who look to us as role models.  
I pray in the Name of Jesus.  
AMEN

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 370.** An act concerning sales taxation; relating to countywide retailers' sales tax in Johnson county; amending K.S.A. 2006 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-187b and 12-189f, by Committee on Ways and Means.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 367, SB 368.**  
 Ways and Means: **SB 369; HB 2385.**

#### **CHANGE OF REFERENCE**

The Vice President withdrew **SB 278** from the Calendar under the heading of General Orders and rereferred the bill to the Committee on Assessment and Taxation.

The Vice President withdrew **SB 314** from the Calendar under the heading of General Orders and referred the bill to the Committee on Assessment and Taxation.

#### **MESSAGE FROM THE GOVERNOR**

March 1, 2007

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

KATHLEEN SEBELIUS  
*Governor*

*Secretary, Department of Commerce, David D. Kerr, pursuant to the authority vested in me by KSA 74-5002, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.*

*Member, Public Employee Relations Board, Sally O'Grady, pursuant to the authority vested in me by KSA 75-4323, effective upon the date of confirmation by the Senate, to serve a term of 4 years.*

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **SB 13.**

The House accedes to the request of the Senate for a conference on **SB 83** and has appointed Representatives Brunk, Kiegerl and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HCR 5003**, requests a conference and has appointed Representatives Shultz, Kinzer and Sawyer as conferees on the part of the House.

#### **ORIGINAL MOTION**

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HCR 5003.**

The Vice President appointed Senators Morris, D. Schmidt and Hensley as conferees on the part of the Senate.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1822—

A RESOLUTION congratulating and commending the Silver Lake Senior High School girls volleyball team.

WHEREAS, The Silver Lake Senior High School girls volleyball team is the 2006 Kansas State High School Activities Association class 3A volleyball champion; and

WHEREAS, The Lady Eagles finished the regular season with a record of 21 wins and 9 losses. In tournament competition the team advanced past Maur Hill, Rossville and Rock Creek high schools at the sub-state level. In the state tournament they defeated Hillsboro, the number two seed, and Cheney to continue to the semifinals; the team overcame Osage City in the semifinals, and the fifth-seeded Wellsville in the championship match to become the 2006 class 3A State Champions; and

WHEREAS, The members of this outstanding volleyball team have received statewide recognition for their fine sportsmanship and athletic abilities. The championship team consisted of: Kayla Augustine, Chelsea Campbell, Loren Hewitt, Whitney Gillman, Caitlin Grant, Bailey Krogman, Jayme Lindstrom, Shannon Lindstrom, Jordan Lockwood, Amanda

Pfannenstiel, Brooke Stebbins, and Sara Wetzel. The team was led by head coach Angie Bittner, assistant coaches Amy Farlee and John Schneider, and manager Megan Richards.

WHEREAS, Other team honors include four of the team members being named to the Kansas Volleyball Association All-Tournament Team: Whitney Gillman, who had 47 digs; Jordan Lockwood, who had 50 kills and 11 blocks; Amanda Pfannenstiel, who had 96 assists, 21 kills, and 34 digs; and Sara Wetzel, who had 46 kills and 41 digs; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Silver Lake Senior High School girls volleyball team and coaches Bittner, Farlee, and Schneider upon being the 2006 Kansas State High School Activities Association class 3A 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 Mr. Larry Winter, Principal, Silver Lake Senior High School, 200 E. Lake, Silver Lake, KS 66539.

On emergency motion of Senator Kelly **SR 1822** was adopted unanimously.

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

SENATE RESOLUTION No. 1828—

A RESOLUTION congratulating and commending the Silver Lake Senior High School football team.

WHEREAS, The Silver Lake Senior High School football team won the 2006 Kansas State High School Activities Association class 3A football championship; and

WHEREAS, The Eagles defeated the Garden Plain Owls 49 to 21 in the championship game, which was held in Salina on November 25, 2006. This long-awaited championship came after four consecutive years of second-place finishes; and

WHEREAS, The championship team was led by seniors Austin Abbott, Andrew Brunner, Jason Corwin, Nick DeSouza, Josh Glotzbach, Brian Hill, Spencer Hinson, Evan Malloy, Cody Meier, Marty Pfannenstiel, Chad Ray, Keaton Taylor, Andrew Tripp, Jared Wall and manager Matt Haverkamp. The other members of this outstanding football team were: Eddie Avila, Justin Bachman, Josh Baden, Gabe Battis, Derek Bledsoe, Warren Bledsoe, Quinn Bruce, Wes Burdick, Dustin Campbell, Ethan Cray, Garrett Cummings, Brian Deiter, Dylan Gragert, Michael Hamilton, Brian Hanson, Alex Hawkins, Tony Hawkins, Cody Johnson, D.J. Johnson, Clint Jones, Colby Killinger, Andy Knudsen, Brett LaMar, Cameron Lambert, Jordan Lambert, Jace Lowe, Jay McDaniel, Jason Mellies, Shawn Merilatt, Justin Morgan, Drake Muncie, Logan Pegram, Joe Priddy, Cameron Renfro, Tyler Roberts, Josh Rosebaugh, Tyler Roth, Randy Rudolph, Devin Smith, Tyler Smith, Trae Stebbins, Casey Swartz, Marshall Wetta, Adam Wetzel, Kyle Wichman, Tyler White and Luke Ziegler. The victory was attained under the leadership and direction of head coach C.J. Hamilton and assistant coaches Pat Brewster, Loren Ziegler and Mark Workman; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Silver Lake Senior High School football team and coaches Hamilton, Brewster, Ziegler, Bledsoe, and Workman upon being the 2006 Kansas State High School Activities Association class 3A state 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 Mr. Larry Winter, Principal, Silver Lake Senior High School, 200 E. Lake, Silver Lake, KS 66539.

On emergency motion of Senator Kelly **SR 1828** was adopted unanimously.

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

SENATE RESOLUTION No. 1829—

A RESOLUTION congratulating and commending the Silver Lake Senior High School debate team and head coach Gail Naylor.

WHEREAS, Silver Lake Senior High School seniors Courtney Brokaw and Donnie Hanson are the 2007 Kansas State High School Activities Association class 3A two-speaker debate champions; and

WHEREAS, Brokaw and Hanson earned several achievements throughout the season. They won four first place finishes, one second place and one fifth place finish, in addition to qualifying to the national CFL tournament. These prolific debaters also placed at the NFL district competition; and

WHEREAS, Brokaw and Hanson provided guidance, encouragement and leadership throughout the season to the younger members of the debate team; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Courtney Brokaw and Donnie Hanson for winning the 2007 class 3A two-speaker state debate championship and head coach Gail Naylor for the expert guidance given to these champion debaters; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Mr. Larry Winter, Principal, Silver Lake Senior High School, 200 E. Lake, Silver Lake, KS 66539.

On emergency motion of Senator Kelly **SR 1829** was adopted unanimously.

Members of the Silver Lake Senior High School girls volleyball team, the football team and the debate team were guests and recognized with a standing ovation.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HB 2208** be amended on page 1, in line 18, by striking “Terms shall run”; in line 19, by striking all before “At”; in line 22, by striking all after the period; by striking all of line 23; in line 24, by striking all before “Any”; in line 25, by striking “to at large” and inserting “for”; in line 37, before the period, by inserting “commencing January 1 and ending December 31”; and the bill be passed as amended.

The Committee on **Commerce** recommends **SB 316** be amended by substituting a new bill as recommended by the Senate Committee on Commerce as reported in the Journal of the Senate on February 21, 2007, and the substitute bill be amended by substituting a new bill to be designated as “Substitute for Substitute for SENATE BILL No. 316,” as follows:

“Substitute for Substitute for SENATE BILL No. 316

By Committee on Commerce

“AN ACT concerning economic development; relating to tax increment financing and sales tax and revenue bonds; establishing the STAR bond financing act; amending K.S.A. 12-1770 and 12-1776 and K.S.A. 2006 Supp. 12-1770a, 12-1771, 12-1771b, 12-1773, 12-1774 and 12-1774a and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, 12-1771d, 12-1780b, 12-1780c, 12-1780d, 12-1780e and 12-1780f.”;

and the substitute bill be passed.

Also, **SB 333** be amended on page 1, in line 15, by striking “building”; in line 23, after “building” by inserting “water and waste water treatment facilities”;

On page 2, after line 6, by inserting the following:

“(i) “Undisputed payment” means payments which all parties to the contract agree are owed to the contractor.”;

Also on page 2, in line 32, before the comma, by inserting “according to terms of the contract”; in line 36, after “record”, by inserting “or agent of the owner”; in line 38, before the period, by inserting “of receipt from the contractor”;

On page 3, in line 13, by striking “5%” and inserting “10%”; in line 14, by striking all after “due”; by striking all in line 15; in line 16, by striking all before the period; in line 17, before “An”, by inserting “(b)”;

And by relettering the remaining subsections accordingly;

Also on page 3, in line 22, by striking all after the period; by striking all of line 23 and 24; in line 35, by striking “to the owner. The” and inserting “or additional cost to the owner or contractor. Once so determined, the”;

On page 4, in line 11, by striking the second comma; in line 22, by striking “building”; in line 26, before the period, by inserting “or any subsequent editions”;

On page 1, in the title, in lines 9 and 10, by striking “building”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 136** be passed.

Committee on **Federal and State Affairs** recommends **SB 194** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 194,” as follows:

“Substitute for SENATE BILL No. 194

By Committee on Federal and State Affairs

“AN ACT concerning public information.”;

and the substitute bill be passed.

Also, **SB 321** be amended on page 1, in line 26, before the period, by inserting “and within five miles of the corporate limits along the Marmaton river”; in line 28, by striking “Kansas” and inserting “Marmaton”; in line 35, by striking “but”; in line 36, by striking all before the period; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2168**, as amended by House Committee, be passed.

Committee on **Public Health and Welfare** recommends **HB 2096, HB 2181, HB 2182** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### **REPORT ON ENGROSSED BILLS**

**SB 77** reported correctly engrossed February 27, 2007.

On motion of Senator D. Schmidt the Senate adjourned until 9:00 a.m., Friday, March 2, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

