

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 7, 2008—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,

We find a parable in your book which talks about four
Different reactions to Your Word. (Luke 8:11-14)
The third one seems to me should help legislators
Who are under such pressure for these ninety days.
It tells of people who hear Your Word but allow life's
Worries to prevent them from enjoying the abundant life
That Jesus came to give us. (John 10:10)

I have found at least twenty gifts You have provided us
To cope with the worries of this life.

I want to mention only five of them:

1. THE BIBLE: You have given us solutions in this Book
Which are not found in any other source.
2. PRAYER: You have given us the amazing privilege of
Personally speaking to You at any time in any place about anything.
3. INSPIRING MUSIC: The international language which can soothe the soul.
4. FRIENDS: People whom we can trust with anything and who
Know our faults and still like us.
5. PROMISES: You have promised that those who submit to You
Can overcome all obstacles and that they will not encounter more
Than they can handle. (1 Corinthians 10:13).

Thank You, Lord, for these wonderful gifts.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 574, An act concerning the consolidation of certain fire districts and fire departments in Johnson County, Kansas; amending K.S.A. 12-3913 and 12-3914 and K.S.A. 2007 Supp. 12-3915 and repealing the existing sections, by Committee on Elections and Local Government.

SB 575, An act concerning campaign finance; prohibiting the use of public funds and certain other public assets to influence the nomination or election of a candidate; amending K.S.A. 25-4169a and repealing the existing section, by Senator Huelskamp.

SB 576. An act concerning governmental ethics; pertaining to the definition of lobbying; amending K.S.A. 46-225 and repealing the existing section, by Committee on Elections and Local Government.

SB 577. An act enacting the radon awareness law and the radon certification law; amending K.S.A. 48-1625 and repealing the existing section, by Committee on Federal and State Affairs.

SB 578. An act concerning income taxation; clarifying treatment of certain credits by corporations in a unitary group; amending K.S.A. 79-32,141 and repealing the existing section, by Committee on Commerce.

SB 579. An act concerning the rules and regulations filing act; requiring agencies to consider the effects of proposed rules and regulations on small employers; amending K.S.A. 77-415 and K.S.A. 2007 Supp. 77-416 and repealing the existing sections, by Committee on Commerce.

SB 580. An act relating to housing; establishing the weatherization assistance program account within the state housing trust fund; relating to the transfer of funds in the state general fund to the weatherization assistance program account; amending K.S.A. 2007 Supp. 74-8959 and repealing the existing section, by Committee on Utilities.

SB 581. An act amending the revised Kansas juvenile justice code; relating to juvenile offenders; amending K.S.A. 2007 Supp. 38-2302 and repealing the existing section, by Senator Journey.

SB 582. An act relating to driving under the influence of alcohol or drugs; concerning certain penalties; amending K.S.A. 2007 Supp. 8-1567 and repealing the existing section; also repealing K.S.A. 2007 Supp. 8-1567b, by Committee on Ways and Means.

SB 583. An act concerning crimes, criminal procedure and punishment; relating to sexual exploitation of a child; amending K.S.A. 21-3516 and repealing the existing section, by Committee on Ways and Means.

SB 584. An act concerning the Kansas department of agriculture; transferring powers and duties of the secretary of the department of health and environment to the secretary of agriculture; amending K.S.A. 36-501, 36-502, 36-504, 36-506, 36-507 and 36-510 and K.S.A. 2007 Supp. 36-503, 36-515b and 74-592 and repealing the existing sections, by Committee on Agriculture.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 571.**

Education: **SB 567.**

Elections and Local Government: **SB 562.**

Federal and State Affairs: **SB 569.**

Financial Institutions & Insurance: **SB 563, SB 564.**

Judiciary: **SB 565.**

Public Health and Welfare: **SB 566, SB 568, SB 572.**

Utilities: **SB 570.**

Ways and Means: **SB 573.**

FINAL ACTION ON CONSENT CALENDAR

SB 441, SB 467 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 441. An act concerning insurance; pertaining to HIPAA compliance; amending K.S.A. 2007 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, Ostmeier, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 467, An act relating to manufactured housing; concerning the filing of notice of security interest; amending K.S.A. 2007 Supp. 58-4204 and repealing the existing section, by Committee on Judiciary.

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.

REPORT ON ENROLLED BILLS

SR 1811 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 7, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 510** be amended on page 1, in line 26, after "bed" by inserting ", body"; in line 27, after "operation" by inserting ", except for a bed, body or box that is attached to the motor vehicle by the motor vehicle manufacturer"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 465, SB 472** be passed.

Also, **SB 521** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 448, SB 450** be passed.

Also, **SB 449** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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 Taddiken in the Chair.

On motion of Senator Taddiken the following report was adopted:

Recommended **SB 412, SB 421, SB 424, SB 432** be passed.

SB 48, SB 411, SB 423, SB 444 be amended by adoption of the committee amendments, and the bills be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt, an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 48, SB 411, SB 412, SB 421, SB 423, SB 424, SB 432, SB 444** were advanced to Final Action and roll call.

SB 48, An act concerning municipal courts; relating to the accused person's competency to stand trial; amending K.S.A. 22-3302 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, as amended.

SB 411, An act concerning crimes, criminal procedure and punishment; relating to parole suitability factors; amending K.S.A. 22-3717 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, as amended.

SB 412, An act concerning health care; relating to medical and other care and services assistance repayment; discretionary trusts; amending K.S.A. 2007 Supp. 39-709 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.

SB 421, An act concerning school districts; relating to the Kansas challenge to secondary school pupils act; amending K.S.A. 2007 Supp. 72-11a03 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.

SB 423, An act concerning civil procedure; relating to the notice of filing of a foreign judgment; amending K.S.A. 60-3003 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, as amended.

SB 424, An act relating to oil and gas leases; concerning the distribution of certain oil and gas lease monies deposited with the court; amending K.S.A. 55-221 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.

SB 432, An act concerning the uniform transfer on death security registration act; amending K.S.A. 17-49a01 and 17-49a03 and repealing the existing sections.

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 444, An act concerning property taxation; relating to exemptions; tangible personal property not specifically classified; amending K.S.A. 2007 Supp. 79-213 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

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

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McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt V, Schodorf, Steiner, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barone, Schmidt D.

The bill passed, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 8, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

