

# Journal of the Senate

FORTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 12, 2008—2:30 p.m.

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

Heavenly Father,  
My wife and I attended  
Our President's dinner last night.  
We enjoyed ourselves immensely,  
The fellowship was a delight.  
  
We smiled a lot last night,  
And people were laughing, too.  
It showed some people getting along  
And what fellowship can do.  
  
There were men and women and black and white,  
There were Republicans and Democrats.  
They seemed to me they liked each other,  
And I personally was glad of that.  
  
Some may say it was the wine  
But I don't think it was that.  
There were people there with strong beliefs,  
And convictions which will stand pat.  
  
But they have learned to socialize  
With those with whom they disagree,  
And that anger rarely changes minds,  
That love is still the key.  
  
You've showed us how to love, O God,  
And love is still the key.  
So help us love especially those  
With whom we disagree  
  
I pray in the Name of Jesus Christ,  
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

## GUEST

Senator Haley introduced Mr. Charles Jean-Baptiste, Kansas State President of the National Association for the Advancement of Colored People (N.A.A.C.P.), who was seated in the VIP section of the chamber.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 677**, An act relating to drivers' licenses and other state issued identification cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 678**, An act concerning colleges and universities; relating to textbooks, by Committee on Ways and Means.

**SB 679**, An act relating to the department of revenue; concerning the division of vehicles; establishing the division of vehicles modernization fund; amending K.S.A. 2007 Supp. 8-145 and repealing the existing section, 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 675**.

Natural Resources: **SB 676**.

**CHANGE OF REFERENCE**

The President withdrew **HB 2923** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Ways and Means**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **Substitute HB 2505; HB 2672, HB 2740, HB 2916**.

Passage of **SB 113**, as amended by **House Substitute SB 113; SB 432; SB 273**, as amended by **House Substitute for SB 273**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Substitute HB 2505; HB 2672, HB 2740, HB 2916** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1825—

A RESOLUTION congratulating and commending the Blue Valley Northwest High School girls' cross country team for being the 2007 Class 6A State Champions.

WHEREAS, The Blue Valley Northwest High School girls' cross country team won the 2007 Class 6A State Championship; and

WHEREAS, Blue Valley Northwest was lead to its first state title by senior Laura Roxberg who won the 6A state meet by 20 seconds with a time of 14 minutes, 39.54 seconds, and became the first Kansas girl to win four 6A cross country state championships; and

WHEREAS, Roxberg ended her reign of high school girls' cross country by winning the KC Metro Championships for the fourth time, the Rim Rock Farm High School Cross Country Classic for the first time, and by adding another East Kansas League title and another regional championship to her accomplishments; and

WHEREAS, Roxberg was named The Kansas City Star's All-Metro girls' cross country runner of the year for the fourth time, and the inaugural 2007-08 Gatorade Kansas girls' cross country runner of the year, an award which recognizes outstanding athletic excellence, high standards of academic achievement and exemplary character demonstrated on and off the racecourse; and

WHEREAS, Other members of the team who contributed to the team victory are juniors Lisa Barrett and Hannah Hayes, both of whom are 3-time state qualifiers in cross country, sophomore Laura Junge, and freshmen Ellie Mohr, Anna Roxberg, a 10th place state medalist, and Maddie Mohr; and

WHEREAS, Cross country is one of the more grueling high school sports, requiring these outstanding female athletes to train between 25 and 50 miles each week, and race four kilometers through park-like settings under any weather conditions: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Blue Valley Northwest High School girls' cross country team and head coach Harlan Locke be congratulated and commended for being the 2007 Class 6A State Champions and for achieving a high degree of excellence in their sport; and

*Be it further resolved:* That the Secretary of the Senate provide 10 enrolled copies of this resolution to Senator Vratil for presentation to the Blue Valley Northwest girls' cross country team.

On emergency motion of Senator Vratil **SR 1825** was adopted unanimously.

Senator Vratil introduced and congratulated the Blue Valley Northwest High School girls' cross country team for being the 2007 Class 6A State Champions. They were recognized with a standing ovation.

#### REPORT ON ENROLLED BILLS

**H Sub for SB 327** reported correctly enrolled, properly signed and presented to the Governor on March 12, 2008.

**SR 1819, SR 1820, SR 1821, SR 1822, SR 1823** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 11, 2008.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2860** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2860," as follows:

"SENATE Substitute for HOUSE BILL No. 2860

By Committee on Agriculture

"AN ACT concerning appropriation of water for beneficial use; relating to municipalities."; and the substitute bill be passed.

Also, **HB 2660** be amended on page 2, following line 32, by inserting the following:

"Sec. 2. K.S.A. 2007 Supp. 2-2204 is hereby amended to read as follows: 2-2204. (a) Every agricultural chemical which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the secretary. *The secretary may adopt rules and regulations to allow products to be registered for a period not to exceed three years.* All registration of products shall expire on December 31 ~~following the date of issuance of the year the registration is set to expire,~~ unless such registration shall be renewed ~~annually,~~ in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated. Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same agricultural chemical may be registered as a single product and additional names and labels shall be added by supplement statements during the current period of registration. Within the discretion of the secretary, or an authorized representative of the secretary, a change in the labeling or formulas of an agricultural chemical may be made within the current period of registration without requiring a reregistration of the product. Any agricultural chemical imported into this state which is subject to the provisions of any federal act providing for the registration and which has been duly registered under the provisions of such federal act, in the discretion of the secretary, may be exempted from registration under this act when such agricultural chemical is sold or distributed in the unbroken immediate container in which such agricultural chemical was originally shipped.

(b) The registrant shall file with the secretary, a statement including: (1) The name and address of the registrant and the name and address of the person whose name will appear on the label if other than the registrant; (2) the name of the agricultural chemical; (3) a complete copy of the labeling accompanying the agricultural chemical and a statement of all claims made and to be made for it and a statement of directions for use; and (4) if requested by the secretary, or an authorized representative of the secretary, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the product was registered or last reregistered.

(c) *On the date of registration*, the registrant shall pay ~~an annual~~ a fee fixed by rules and regulations adopted by the secretary of agriculture, ~~except that such fee shall not exceed \$130, or commencing July 1, 2002, and ending on June 30, 2010, such fee shall not exceed \$150 for each agricultural chemical registered. Such fee shall equal an amount per registered agricultural chemical, not to exceed \$150, multiplied by the number of years registered.~~ Such fee shall be deposited in the state treasury and credited as follows: (1) An amount equal to \$100 for each ~~fee so deposited~~ *year of registration* shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto; and (2) the remainder shall be credited to the agricultural chemical fee fund to be used for carrying out the provisions of this act. The annual fee for each agricultural chemical registered which is in effect on the day preceding the effective date of this act shall continue in effect until the secretary of agriculture adopts rules and regulations fixing a different fee therefor under this subsection. The secretary of agriculture is hereby authorized and empowered, whenever it determines that the fee imposed by this subsection and paid into the state treasury as provided by law is yielding more revenue than is required for the purposes to which such fee is devoted by law, to reduce the fee imposed by this subsection for such period as the secretary shall deem justified by adopting rules and regulations under this subsection but not for less than one year. In the event that the secretary, after reducing such fee, finds that sufficient revenues are not being produced by such reduced fee, the secretary is authorized and empowered by adopting rules and regulations under this subsection, to restore in full or in part such fee to an amount which, in the judgment of the secretary, will produce sufficient revenues for the purposes as provided in this section, but not exceeding the maximum amount of the fee imposed by this subsection.

(d) The secretary, or an authorized representative of the secretary, whenever it is deemed essential in the administration of this act, may require the submission of the complete formula of any agricultural chemical. If it appears to the secretary, or an authorized representative of the secretary, that the composition of the product is such as to warrant the proposed claims for the product and if the product and its labeling and other material required to be submitted comply with the requirements of this act, the secretary shall register the product.

(e) If it does not appear to the secretary, or an authorized representative of the secretary, that the product is such as to warrant the proposed claims for it or if the product and its labeling and other material required to be submitted do not comply with the provisions of this act, the secretary shall notify the registrant of the manner in which the product, labeling, or other material required to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections.

(f) In order to protect the public, the secretary, or a duly authorized representative of the secretary, on the secretary's own motion, may at any time, after written notice to the registrant, cancel the registration of an agricultural chemical. Any person so notified shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act with regard to the secretary's contemplated action, before any registration is canceled or revoked.

(g) Notwithstanding any other provisions of this act, registration is not required in the case of an agricultural chemical shipped from one plant within this state to another plant within this state operated by the same person.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 33, by striking “is” and inserting “and K.S.A. 2007 Supp. 2-2204 are”;

In the title, in line 9, following “concerning” by inserting “the secretary of agriculture; relating to agricultural chemicals; registration requirements.”; also in line 9, by striking “relating to the”; in line 10, preceding “and” by inserting “and K.S.A. 2007 Supp. 2-2204”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2847**, as amended by House Committee, be amended on page 1, in line 26, following “services” by inserting “in effect on July 1, 2008”; in line 40, following “services” by inserting “in effect on July 1, 2008”;

On page 2, in line 12, following “services” by inserting “in effect on July 1, 2008”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **Substitute for HB 2757** be amended on page 3, in line 38, by striking “personal”; in line 42, before the period, by inserting “, and an itemized statement of all such expenses and moneys paid out shall be made under oath by each of such trustees and filed with the secretary”; and the substitute bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 458** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 458,” as follows:

“Substitute for SENATE BILL No. 458  
By Committee on Federal and State Affairs

“AN ACT enacting the Kansas immigration enforcement and reform act; amending K.S.A. 21-3446, 21-3447, 21-4643, 22-4902 and 22-4906 and K.S.A. 2007 Supp. 38-2361, 60-4104, 75-451, 75-452 and 75-453 and repealing the existing sections.”; and the substitute bill be passed.

Committee on **Judiciary** recommends **SB 409** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 409,” as follows:

“Substitute for SENATE BILL No. 409  
By Committee on Judiciary

“AN ACT relating to crimes, punishment and criminal procedure; providing for substance abuse treatment for certain offenders; amending K.S.A. 21-4704, 21-4705, 21-4714 and 22-3716 and K.S.A. 2007 Supp. 8-1567, 75-5206, 75-5210 and 75-5220 and repealing the existing sections; also repealing K.S.A. 21-4704b and K.S.A. 2007 Supp. 8-1567b.” and the substitute bill be passed.

#### 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 Jordan in the Chair.

On motion of Senator Jordan the following report was adopted:

Recommended **SB 651**, **SB 669**; **HB 2748** be passed.

**SB 524**, **SB 554** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 577**, recommending a **Sub SB 577** be adopted, and the substitute bill be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 13, 2008.

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

PAT SAVILLE, *Secretary of the Senate.*

