

# Journal of the Senate

## FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 9, 2006—2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and by virtue of his office as President of the Senate, Senator Stephen Morris declared the 2006 Senate to be in session.

President Morris welcomed the Rev. Fred S. Hollomon, who will again serve as the Senate Chaplain and delivered the following invocation:

Heavenly Father,  
We are now assembled  
In the year two thousand six,  
And people are wondering  
Which problems we will fix.  
Our chambers are attractive  
Which may help our disposition  
When we become entangled  
In heated competition.  
Thorny issues now beset us,  
Help us quickly find what clicks  
As we consider ways and means  
Regarding what we need to fix.  
On the light side, Lord,  
Some Senators are wondering  
If we are playing politics—  
By moving the podium from right to left  
They think we're using tricks.  
Please point out to them, O God,  
The podium is not out of place...  
Whether it's right or left depends  
On which way we face!  
I pray in the Name of Christ,  
AMEN

President Morris introduced the new reader, Andrea Patrick, who is a second year law student at Washburn University. Andrea received her Bachelor of Science Degree in Political Science from Kansas State University and is from St. George, Kansas.

The roll was called with thirty-nine senators present as follows:

District	District
1 Dennis D. Pyle	21 Mark Taddiken
2 Marci Francisco	22 Roger P. Reitz
3 Roger C. Pine	23 Karin Brownlee
4 David Haley	24 Pete Brungardt
5 Mark S. Gilstrap	25 Jean Kurtis Schodorf
6 Chris Steineger	26 Phillip B. Journey
7 David Wysong	27 Leslie D. Donovan, Sr.
8 Barbara P. Allen	28 Mike Petersen
9 Kay O'Connor	29 Donald Betts, Jr.
10 Nick Jordan	30 Susan Wagle
11 John L. Vratil	31 Carolyn McGinn
12 Pat Apple	32 Greta Goodwin
13 Jim Barone	33 Ruth Teichman
14 Dwayne Umbarger	34 Terry Bruce
15 Derek Schmidt	35 Jay Emler
16 Peggy Palmer	36 Janis K. Lee
17 Jim Barnett	37 Dennis M. Wilson
18 Laura Kelly	38 Tim Huelskamp
19 Anthony Hensley	39 Stephen R. Morris
20 Vicki Schmidt	40 Ralph Ostmeyer

#### INTRODUCTIONS

President Morris introduced Dr. Joe Davison, President of the Kansas Academy of Family Physicians. Dr. Davison is the Executive Physician of Family Medicine at West Wichita Family Practice. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session.

Also introduced were new doormen: Ron Brown and George Sommers.

Second Lieutenant Don Cackler will again be representing the Kansas Highway Patrol in the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

On emergency motion of Senator D. Schmidt, **SR 1801** by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1801—

A RESOLUTION relating to the organization of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Stephen Morris, president,  
 John Vratil, vice president,  
 Derek Schmidt, majority leader,  
 Anthony Hensley, minority leader,  
 Pat Saville, secretary,  
 Jody Kirkwood, sergeant at arms,  
 and awaits the pleasure of the House of Representatives.

On emergency motion of Senator D. Schmidt, **SR 1802** by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1802—

A RESOLUTION relating to assignment of seats of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the permanent seats of the Senate for 2006 through 2008 are hereby assigned as follows: Allen 28, Apple 4, Barnett 23, Barone 37, Betts 21, Brownlee 31, Bruce 14, Brungardt 32, Donovan 25, Emler 29, Francisco 8, Gilstrap 20, Goodwin 7, Haley 22, Hensley 39, Huelskamp 36, Jordan 26, Journey 17, Kelly 38, Lee 40, McGinn 27, Morris 1, O'Connor 16, Ostmeyer 18, Palmer 34, Petersen 5, Pine

12, Pyle 35, Reitz 33, D. Schmidt 2, V. Schmidt 15, Schodorf 24, Steineger 19, Taddiken 3, Teichman 11, Umbarger 9, Vratil 10, Wagle 30, Wilson 6, Wysong 13.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and senate concurrent resolutions were introduced and read by title:

**SB 315**, An act concerning certain tax credits for economic development; amending K.S.A. 2005 Supp. 74-50,154 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

**SB 316**, An act relating to the department of commerce; concerning the division of travel and tourism; relating to the display of travel and tourism brochures at Kansas travel information centers, by Senators D. Schmidt and Morris.

**SB 317**, An act concerning the Kansas state high school activities association; relating to the powers and duties thereof, by Senators V. Schmidt, Petersen and Wysong.

**SB 318**, An act concerning juvenile offenders; relating to school safety and security; amending K.S.A. 72-89b03 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 319**, An act regarding eminent domain; concerning excess land; amending K.S.A. 2005 Supp. 12-1773 and repealing the existing section, by Joint Committee on Economic Development.

**SB 320**, An act concerning jurisdiction of certain law enforcement officers; amending K.S.A. 2005 Supp. 22-2401a and repealing the existing section, by Joint Committee on State-Tribal Relations.

**SB 321**, An act relating to the Kansas department of revenue; providing for the development and implementation of an electronic motor vehicle financial security verification system; amending K.S.A. 2005 Supp. 40-3118 and repealing the existing section, by Senators Teichman and D. Schmidt.

**SB 322**, An act relating to the Kansas automobile injury reparations act; concerning certain penalties; providing for triple damages; amending K.S.A. 40-3104 and K.S.A. 2005 Supp. 21-3436 and repealing the existing sections, by Senators Teichman and D. Schmidt.

**SB 323**, An act concerning eminent domain; relating to restriction of government authority to take property, by Senators D. Schmidt and Goodwin, Apple, Barnett, Barone, Haley, Journey, Lee, Ostmeier, Petersen, Pine, Schodorf, Steineger, Taddiken, Teichman and Wagle.

**SB 324**, An act concerning economic development; amending K.S.A. 2005 Supp. 74-50,154, 74-99c02, 74-99c05 and 74-99c09 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 74-99c06, by Joint Committee on Economic Development.

**SB 325**, An act concerning aquaculture; aquaculture advisory council; amending K.S.A. 2005 Supp. 47-1902 and repealing the existing section; also repealing K.S.A. 2005 Supp. 47-1903 and 47-1904, by Legislative Coordinating Council.

**SB 326**, An act concerning civil actions and civil penalties; relating to false or fraudulent claims, by Special Committee on Medicaid Reform.

**SB 327**, An act creating the office of inspector general within the Kansas health policy authority; providing for the appointment of the inspector general and the powers, duties and functions thereof; amending K.S.A. 46-2601 and K.S.A. 2005 Supp. 75-2973 and repealing the existing sections, by Special Committee on Medicaid Reform.

**SB 328**, An act amending the Kansas act against discrimination; concerning certain homeowners association's restrictive covenants, by Senator Haley.

**SB 329**, An act concerning education; relating to curriculum standards; amending K.S.A. 2005 Supp. 72-6439 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 330**, An act concerning family postsecondary education savings accounts; amending K.S.A. 2005 Supp. 75-646 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 331**, An act concerning technical colleges; relating to the governing body thereof; relating to the powers and duties thereof; amending K.S.A. 2005 Supp. 72-4470a and

repealing the existing section; also repealing K.S.A. 72-4476, by Legislative Educational Planning Committee.

**SB 332**, An act concerning postsecondary educational institutions; relating to insurance; amending K.S.A. 75-4101 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 333**, An act concerning purchases by state agencies; amending K.S.A. 2005 Supp. 75-3739 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 334**, An act concerning crimes, punishment and criminal procedure; enacting a life imprisonment sentence for persistent offenders; lifetime parole for certain offenders; mandatory penalties for rape and aggravated criminal sodomy; duties of the Kansas sentencing commission; tampering with an electronic monitoring device; amending K.S.A. 21-3506 and 74-9101 and K.S.A. 2005 Supp. 21-3502, 21-4635, 21-4638 and 22-3717 and repealing the existing sections, by Senators D. Schmidt, Apple, Barnett, Barone, Bruce, Emler, Gilstrap, Hensley, Jordan, McGinn, Morris, Pine, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson and Wysong.

**SB 335**, An act concerning civil procedure; relating to collateral source benefits; amending K.S.A. 60-3802, 60-3804 and 60-3805 and repealing the existing sections, by Special Committee on Judiciary.

**SB 336**, An act concerning uniform laws; creating the uniform real property electronic recording act, by Special Committee on Judiciary.

**SB 337**, An act concerning docket fees; relating to compensation for certain judicial personnel; amending K.S.A. 60-2001, 61-2704 and 61-4001 and K.S.A. 2005 Supp. 20-367, 21-4619, 22-2410, 28-172a, 75-3120g and 75-3120k and repealing the existing sections, by Special Committee on Judiciary.

**SB 338**, An act concerning contracts; relating to indemnification provisions and additional insured parties; amending K.S.A. 2005 Supp. 16-121 and repealing the existing section, by Special Committee on Judiciary.

**SB 339**, An act concerning the joint committee on corrections and juvenile justice oversight; relating to the sunset provisions thereof; reviving and amending K.S.A. 2005 Supp. 46-2801 and repealing the revived section, by Joint Committee on Corrections and Juvenile Justice Oversight.

SENATE CONCURRENT RESOLUTION No. 1612—

By Senators D. Schmidt and Goodwin, Apple, Barnett, Barone, Haley, Journey, Lee, Ostmeyer, Pine, Schodorf, Taddiken, Teichman and Wagle

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning eminent domain.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

“§ 17. Private property shall not be taken except for public use, and private property shall not be taken without just compensation. The taking of private property with the intent to or in anticipation of selling, leasing or otherwise transferring any interest in the property to any private entity is not a valid public use and is prohibited except as the legislature may provide by law.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*“Explanatory statement.* There is currently no constitutional provision prohibiting state or local government from taking private property except for public use, and there is no definition of “public use”.

“A vote for this proposition would amend the Kansas constitution to prohibit state and local governments from taking private property except for public use and

would require that the owner of any property taken for public use be paid just compensation. It also would clarify that "public use" does not include the taking of private property with the intent to or in anticipation of selling, leasing or otherwise transferring any interest in the property to any private entity except as the legislature may provide by law.

"A vote against this proposition would not amend the constitution."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2006.

SENATE CONCURRENT RESOLUTION No. 1613—

By Senators Huelskamp, Barnett, Brownlee, Gilstrap, Jordan, O'Connor, Ostmeyer, Palmer, Pyle, Taddiken, Wagle and Wilson

A PROPOSITION to amend section 24 of article 2 of the constitution of the state of Kansas, relating to appropriations.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 24 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 24. **Appropriations.** No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law. *The executive and judicial branches shall have no authority to direct the legislative branch to make any appropriation of money or to redirect the expenditure of funds appropriated by law, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. Any existing order directing the legislative branch to make an appropriation of money shall be unenforceable as of the date this provision is adopted.*"

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to clarify that the executive and judicial branches shall not direct the legislative branch to make any appropriation of money nor to redirect the expenditures of funds appropriated by law, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. Any existing court order which is inconsistent with this amendment is unenforceable.

"A vote for this amendment would clarify that section 24 of article 2 of the Kansas Constitution provides that neither the judicial branch nor the executive branch can force the legislative branch to appropriate money, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. The amendment would also prohibit the judicial branch from ordering a change in how money is spent after it has been appropriated by the legislative branch, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. If money is appropriated for a particular purpose the judicial branch could not stop that money from being spent for that purpose. Finally, the amendment would void any current court order directing the legislative branch to make an appropriation of money.

"A vote against this amendment would provide no change to the Kansas Constitution and the existing order that directs the legislative branch to make an appropriation of money shall remain in effect."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and

qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held in November, 2006.

SENATE CONCURRENT RESOLUTION No. 1614—

By Senators Morris, D. Schmidt and Hensley

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

On emergency motion of Senator D. Schmidt, **SCR 1614** was adopted by voice vote.

In compliance with **SCR 1614**, President Morris appointed Senator Brungardt and Senator Steineger as senate members of the committee to notify the Governor that the Legislature is organized and ready to receive any communications the Governor may have to present.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

In accordance with Senate Rule 32, the following prefiled bills are referred as follows:

Agriculture: **SB 325**.

Commerce: **SB 315, SB 319 (Separately); SB 324**.

Education: **SB 318, SB 329, SB 330, SB 331, SB 332**.

Elections and Local Government: **SB 328**.

Federal and State Affairs: **SB 317, SB 320**.

Financial Institutions & Insurance: **SB 321, SB 322**.

Judiciary: **SB 319 (Separately); SB 323, SB 326, SB 334, SB 335, SB 336, SB 337, SB 338, SB 339; SCR 1612**.

Ways and Means: **SB 316, SB 327, SB 333**.

#### MESSAGE FROM THE GOVERNOR

July 15, 2005

*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

*Member, Kansas Human Rights Commission, Clyde Howard* pursuant to the authority vested in me by K.S.A. 44-1003, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Human Rights Commission, Antonio Villegas* pursuant to the authority vested in me by K.S.A. 44-1003, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Human Rights Commission, Errol V. Williams* pursuant to the authority vested in me by K.S.A. 44-1003, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Human Rights Commission, Jerome L. Williams* pursuant to the authority vested in me by K.S.A. 44-1003, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Development Finance Authority, Audrey H. Langworthy* pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Development Finance Authority, John G. Montgomery* pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Development Finance Authority, Daniel L. Watkins* pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Public Employee relations Board, H. Wayne Maichel*, pursuant to the authority vested in me by K.S.A. 75-4323, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Public Employee relations Board, Sabrina K. Standifer*, pursuant to the authority vested in me by K.S.A. 75-4323, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, University of Kansas Hospital Authority, Edward Chapman* pursuant to the authority vested in me by K.S.A. 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, University of Kansas Hospital Authority, Sharon Lindenbaum* pursuant to the authority vested in me by K.S.A. 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, University of Kansas Hospital Authority, Thomas E. Murphy* pursuant to the authority vested in me by K.S.A. 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, University of Kansas Hospital Authority, Charles Sunderland* pursuant to the authority vested in me by K.S.A. 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

September 27, 2005

*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

*Member, Kansas Board of Regents, Christine L. Downey-Schmidt* pursuant to the authority vested in me by K.S.A. 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Board of Regents, Robert "Dan" Lykins* pursuant to the authority vested in me by K.S.A. 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Board of Regents, Juana "Janie" Perkins* pursuant to the authority vested in me by K.S.A. 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Lottery Commission, Harold J. Nye* pursuant to the authority vested in me by K.S.A. 74-8709, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, State Banking Board, Michael R. Downing* pursuant to the authority vested in me by K.S.A. 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, State Banking Board*, Melvin G. Minor pursuant to the authority vested in me by K.S.A. 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, State Banking Board*, Winton Allen Winter, Jr. pursuant to the authority vested in me by K.S.A. 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, University of Kansas Hospital Authority*, David M. Kerr pursuant to the authority vested in me by K.S.A. 76-3304, effective upon the date of confirmation by the Senate, to fulfill a term of 4 years.

November 14, 2005

*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

*Member, Kansas Electric Transmission Authority Board of Directors*, Leslie W. Evans pursuant to the authority vested in me by K.S.A. 74-99d03, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, Kansas Electric Transmission Authority Board of Directors*, Earnest Lehman pursuant to the authority vested in me by K.S.A. 74-99d03, effective upon the date of confirmation by the Senate, to serve a term of 2 years.

*Member, Kansas Electric Transmission Authority Board of Directors*, Timothy McKee pursuant to the authority vested in me by K.S.A. 74-99d03, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Health Policy Authority*, Arneatha Martin pursuant to the authority vested in me by K.S.A. 2005 Supp. 75-7401, effective upon the date of confirmation by the Senate, to serve a term of 2 years.

*Member, Kansas Health Policy Authority*, Vernon A. Mills, M.D. pursuant to the authority vested in me by K.S.A. 2005 Supp. 75-7401, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Health Policy Authority*, Marcia J. Nielsen pursuant to the authority vested in me by K.S.A. 2005 Supp. 75-7401, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas, Inc.*, Donna A. Johnson pursuant to the authority vested in me by K.S.A. 74-8001, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas, Inc.*, Wilbert J. Leiker pursuant to the authority vested in me by K.S.A. 74-8001, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas, Inc.*, John Pilla pursuant to the authority vested in me by K.S.A. 74-8001, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, State Board of Tax Appeals*, James Frederick Kubik pursuant to the authority vested in me by K.S.A. 74-2433, effective upon the date of confirmation by the Senate, to fulfill an unexpired term.

*Secretary of the Department of Social and Rehabilitation Services*, Gary J. Daniels pursuant to the authority vested in me by K.S.A. 75-5301, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

January 6, 2006

*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

*Administrator, Department of Credit Unions*, John P. Smith pursuant to the authority vested in me by K.S.A. 17-2233, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Lottery Commission*, Robert B. Van Cleave pursuant to the authority vested in me by K.S.A. 74-8709, effective upon the date of confirmation by the Senate, to fulfill an unexpired term.

**COMMUNICATIONS FROM STATE OFFICERS**

January 9, 2006

The Honorable Stephen Morris  
President, Kansas State Senate  
State Capitol  
Topeka, KS 66612

Dear President Morris:

As provided in K.S.A. 75-105, I have received from the Honorable Kathleen Sebelius, Governor of the State of Kansas, since the adjournment of the 2005 session of the legislature the following communications:

Executive Directives Nos. 05-360, 05-361, 05-362, 05-363, 05-364, 05-365, 05-366, 05-367 all relating to Authorizing Personnel Transactions, Expenditure of Federal Funds and Fund Transfers.

Also, Executive Order No. 2005-04, continuing the moratorium on employee bonuses for Fiscal Year 2006.

Executive Order No. 2005-05, creating the Kansas Interagency Council on Homelessness.

Sincerely,  
Pat Saville  
Secretary of the Senate

January 9, 2006

The Honorable Stephen Morris  
President, Kansas State Senate  
State Capitol  
Topeka, KS 66612

Dear President Morris:

This letter is to advise you that the Office of the Secretary of the Senate has received the following communications during the interim since adjournment of the 2005 Regular Session of the Legislature:

Kansas Bureau of Investigation, submitting in compliance with K.S.A. 60-4117, a report regarding the status of the KBI State Forfeiture fund.

Kansas Department of Administration, Division of Accounts and Reports, submitting a CD containing the 52nd Annual Financial Report of the State of Kansas for the fiscal year ending June 30, 2005.

Kansas Department of Health and Environment, submitting the first annual tobacco control report.

Kansas Development Finance Authority, submitting the Annual Report for FY 2005 and independent auditors' report.

Kansas Energy Council, submitting the 2006 Kansas Energy Report.

Kansas Housing Resources Corporation, submitting the Annual Report for FY 2005.

Kansas, Inc. submitting the Annual Report for FY 2005.

Kansas and Missouri Metropolitan Culture district commission, submitting the Annual Report and Comprehensive Annual Financial Report for period ending December 31, 2005.

Kansas Public Employees Retirement System, submitting the Annual Report for the fiscal year ending June 30, 2005.

Kansas Public Finance Center, Wichita State University, submitting a copy of State of Kansas 2005 Debt Affordability Report.

Kansas Sentencing Commission, submitting the Desk Reference Manual for 2005.

Kansas State Treasurer, Lynn Jenkins, submitting the Annual Report for FY 2005.

Pooled Money Investment Board, submitting in compliance with K.S.A. 75-422(h) the Annual Report for Fiscal year 2005.

State Bank Commissioner, Clancy Norris, submitting Special Order 2005-1 replacing Special Order 2003-1, pursuant to K.S.A. 9-1715.

Task Force on Racial Profiling (Governor's), submitting the report outlining recommendations for the full implementation of Substitute Senate Bill 77.

University of Kansas Hospital Authority, submitting the Annual Report for FY 2005.

Sincerely,  
Pat Saville  
Secretary of the Senate

These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

#### **REPORTS OF STANDING COMMITTEES**

Committee on Confirmation Oversight begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Development Finance Authority: K.S.A. 74-8903

Audrey H. Langworthy, term expires January 15, 2009

John G. Montgomery, term expires January 15, 2009

Daniel L. Watkins, term expires January 15, 2009

Kansas Electric Transmission Authority: K.S.A. 2005 Supp. 74-99d03

Leslie W. Evans, term expires March 15, 2008

Ernest A. Lehman, term expires March 15, 2007

Timothy E. McKee, term expires March 15, 2009

Kansas Health Policy Authority: K.S.A. 2005 Supp. 75-7401

Arneatha Martin, term expires March 15, 2007

Vernon Alexander Mills, M.D., term expires March 15, 2009

Marcia J. Nielson, term expires March 15, 2009

Kansas Human Rights Commission: K.S.A. 44-1003

Clyde Howard, term expires January 15, 2009

Antonio Villegas, term expires January 15, 2009

Jerome L. Williams, term expires January 15, 2008

Errol V. Williams, term expires January 15, 2008

Kansas Inc.: K.S.A. 2005 Supp. 74-8001

Donna A. Johnson, term expires January 15, 2009

Wilbert J. Leiker, term expires January 15, 2009

John Pilla, term expires January 15, 2008

Kansas Lottery Commission: K.S.A. 74-8709

Harold J. Nye, term expires March 15, 2009

Public Employee Relations Board: K.S.A. 2005 Supp. 75-4323  
 H. Wayne Maichel, term expires March 15, 2009  
 Sabrina K. Standifer, term expires March 15, 2009  
 State Banking Board: K.S.A. 74-3004  
 Michael R. Downing, term expires March 15, 2008  
 Melvin G. Minor, term expires March 15, 2008  
 Winton Allen Winter, Jr., term expires March 15, 2008  
 State Board of Regents: Article 6, Section 6 of the Constitution and K.S.A. 74-3202a  
 Christine L. Downey-Schmidt, term expires June 30, 2009  
 Robert "Dan" Lykins, term expires June 30, 2009  
 Juana "Janie" Perkins, term expires June 30, 2009  
 State Board of Tax Appeals: K.S.A. 2005 Supp. 74-2433  
 James Frederick Kubic, term expires January 15, 2008  
 University of Kansas Hospital Authority: K.S.A. 2005 Supp. 76-3304  
 Edward Chapman, term expires March 15, 2008  
 David M. Kerr, term expires March 15, 2006  
 Sharon Lindenbaum, term expires March 15, 2007  
 Thomas E. Murphy, term expires March 15, 2008  
 Charles Thomas Sunderland, term expires March 15, 2008  
 By the President of the Senate:  
 Kansas Health Policy Authority: K.S.A. 2005 Supp. 75-7401  
 E.J. Holland, Jr., term expires March 15, 2008  
 Joe L. Tilghman, term expires March 15, 2008  
 By the Minority Leader of the Senate:  
 Kansas Health Policy Authority: K.S.A. 2005 Supp. 75-7401  
 Charles E. Mossman, term expires March 15, 2007  
 By the Speaker of the House of Representatives:  
 Kansas Health Policy Authority: K.S.A. 2005 Supp. 75-7401  
 Garen L. Cox, term expires March 15, 2008  
 Connie L. Hubbell, term expires March 15, 2008  
 By the Minority Leader of the House of Representatives:  
 Kansas Health Policy Authority: K.S.A. 2005 Supp. 75-7401  
 Susan M. Page, term expires March 15, 2007

Also, at the invitation of the chairperson of the committee, the following appointees appeared before and were considered by the committee. The committee recommends that the Senate consent to such appointment:

By the Governor:

Social and Rehabilitation Services, Dept. of, Secretary: K.S.A. 2005 Supp. 75-5301  
 Gary J. Daniels, serves at the pleasure of the Governor

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

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives:

*Be it resolved by the House of Representatives of the State of Kansas:*

That the chief clerk of the House of Representatives notify the senate that the House is organized with the following officers:

Dougs Mays, speaker,  
 Ray Merrick, speaker pro tem,  
 Clay Aurand, majority leader,  
 Dennis McKinney, minority leader,  
 Janet Jones, chief clerk,  
 Wayne Owen, sergeant at arms,  
 and await the pleasure of the Senate.

Announcing adoption of **SCR 1614**, a concurrent resolutions relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications, and the appointment of Representatives C. Holmes, Freeborn and Gatewood as members of the committee to wait upon the Governor.

**MESSAGE FROM THE HOUSE**

Announcing adoption of **HCR 5022**, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, and the appointment of Representatives Merrick, Hayzlett, Kuether to escort the Governor;

Representatives C. Holmes, Wilk, Phelps to escort the Lt. Governor;

Representatives O'Neal, Owens, Davis to escort the Supreme Court;

Representatives Sloan, Neufeld, Kirk to escort the Senators.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5022**, a concurrent resolution relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications, was introduced and read by title.

On emergency motion of Senator D. Schmidt, **HCR 5022** was adopted by voice vote.

In compliance with **HCR 5022**, the President appointed Senator Emler and Senator Kelly to escort the Governor; Senator Journey and Senator Betts to escort the Lt. Governor; and Senator Barnett and Senator Francisco to escort the Supreme Court.

The President announced the Senate would recess until 6:15 p.m., for the purpose of a joint meeting with the House of Representative to hear the State of the State Address by Governor Sebelius.

On motion of Senator D. Schmidt adjourned until 2:30 p.m., Tuesday, January 10, 2006.

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

PAT SAVILLE, *Secretary of the Senate*.

