

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 14, 2006—2:30 p.m.

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

Heavenly Father,

As You know, Lord, Valentine's Day is named after St. Valentine, a bishop who was martyred over seventeen centuries ago. Before he died, he is reported to have written a note of appreciation to a lady who had befriended him. He signed it "Valentine".

Valentines are sent today
To people whom we love,
But it started with a bishop
Who took orders from above.

Today it seems to emphasize
Moon light and romance.
Lacey cards and candy
Keep the image enhanced.

But love runs much deeper
Than romance and affection.
You have shown what real love is:
Through the cross and resurrection.

And we can show what real love is
In many different ways:
Befriending the victim
Upon whom the bully preys.

Love encourages the fearful
And visits the ill.
It's consoling the grieving,
And paying someone's bill.

Love's responding to complaints
In a letter someone wrote.
Knowing all the time
He's not old enough to vote.

Love is being patient with
People under stress;
Love is giving God the credit
For those whom we have blessed.

And I thank You, O God, for Your
Incomparable love in the Name of
Your Son, Jesus Christ, AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 553, An act authorizing the state historical society to convey property to Audubon of Kansas, by Committee on Ways and Means.

SB 554, An act relating to drivers' licenses; concerning the expiration date of certain licenses; amending K.S.A. 2005 Supp. 8-247 and repealing the existing section, by Federal and State Affairs.

SB 555, An act concerning alcoholic liquor; relating to removal of partially consumed containers or alcoholic liquor from certain licensed premises; amending K.S.A. 8-1599 and repealing the existing section, by Committee on Federal and State Affairs.

SB 556, An act concerning sexual conduct; relating to intent; amending K.S.A. 21-3503, 21-3504, 21-3517, 21-3518 and 60-3102 and K.S.A. 2005 Supp. 21-3516 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 557, An act concerning labor and employment; relating to employers' health care costs; establishing the fair share health care fund; penalties, by Committee on Federal and State Affairs.

SB 558, An act concerning liens and encumbrances on vehicles; relating to the release thereof; establishing civil administrative penalties; amending K.S.A. 2005 Supp. 8-135 and repealing the existing section, by Committee on Transportation.

SB 559, An act relating to motor carriers; concerning exemptions from certain rules and regulations; amending K.S.A. 2005 Supp. 66-1,129 and repealing the existing section, by Committee on Transportation.

SB 560, An act concerning the emerging industry investment act; creating the emerging industry investment oversight council; relating to powers and duties; amending K.S.A. 2005 Supp. 74-99b33 and 74-99b34 and repealing the existing sections, by Committee on Commerce.

SB 561, An act concerning state parks; relating to use of all-terrain vehicles in such parks, by Senator Ostmeyer.

SB 562, 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, by Senator Journey.

SB 563, An act; concerning school districts; relating to kindergarten pupils; amending K.S.A. 2005 Supp. 72-6407 and repealing the existing section, by Senator Steineger.

SB 564, An act concerning sales taxation; relating to countywide retailers' sales tax; Saline county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 565, An act concerning counties; relating to costs for medical care and treatment of offenders; amending K.S.A. 2005 Supp. 19-1910 and 19-4444 and repealing the existing sections, by Senator Reitz.

SB 566, An act concerning teachers; enacting the teacher education grant program act; providing for the administration of the teacher education grant program, by Senators Wilson and D. Schmidt.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 551**, **SB 552**; **HB 2794**.

Elections and Local Government: **HB 2759**.

Federal and State Affairs: **SB 549**.

Financial Institutions & Insurance: **SB 547**.

Judiciary: **SB 548**, **SB 550**.

Transportation: **HB 2611**, **HB 2732**.

Ways and Means: **HB 2583**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2541, HB 2585, HB 2592, HB 2669, HB 2806**.
 Passage of **SB 372**.
 Also, passage of **SB 269**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2541, HB 2585, HB 2592, HB 2669, HB 2806 were thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

SB 261 reported correctly engrossed February 13, 2006.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SR 1809** be amended on page 1, in line 28, by striking "soybean" and inserting "soybeans"; and the resolution be adopted as amended.

Committee on **Education** recommends **SB 331** be amended on page 2, in line 13, by striking all preceding the period and inserting "grant academic degrees"; in line 33, by striking "offer any course that leads to an academic degree" and inserting "grant academic degrees"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 322** be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 40; in line 41, by striking "Sec. 3." and inserting "Section 1.";

And by renumbering the remaining sections accordingly;

On page 7, in line 18, by striking "and K.S.A. 2005 Supp. 21-3436 are" and inserting "is";

On page 1, in the title, in line 10, by striking "providing for triple damages;"; in line 11, by striking "K.S.A. 2005 Supp. 21-3436 and"; in line 12, by striking "sections" and inserting "section"; and the bill be passed as amended.

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 Umbarger in the chair.

On motion of Senator Umbarger the following report was adopted:

Recommended **SB 386, SB 495; HB 2628, HB 2629, HB 2630, HB 2631** be passed.
SB 221, SB 374, SB 381, SB 384, SB 405 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 379 be amended by adoption of the committee amendments.

Senator Ostmeyer moved to amend **SB 379**, as amended by Senate Committee, on page 4, in line 20, by striking "a majority" and inserting "not less than $\frac{2}{3}$ "

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 19, Nays 19, Present and Passing 1, Absent or Not Voting 1.

Yeas: Barnett, Betts, Donovan, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Taddiken, Teichman, Umbarger, Wilson.

Nays: Allen, Apple, Barone, Brownlee, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Jordan, Morris, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Vratil, Wysong.

Present and Passing: Wagle.

Absent or Not Voting: O'Connor.

The motion failed and the amendment was rejected.

Senator Brownlee amended **SB 379**, as amended by Senate Committee, on page 3, by striking all in line 24; in line 25, by striking "or if the"

Senator Brungardt further amended **SB 379**, as amended by Senate Committee, on page 3, in line 18, by striking "a majority of"; also in line 18, by striking "subdivision" and inserting "subdivisions"

Senator Huelskamp moved to amend **SB 379**, on page 4, line 20, by striking “a majority” and inserting “not less than 60 percent”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 22, Nays 17, Present and Passing 0, Absent or Not Voting 1.

Yeas: Barnett, Barone, Betts, Donovan, Francisco, Goodwin, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Taddiken, Umbarger, Wagle, Wilson.

Nays: Allen, Apple, Brownlee, Bruce, Brungardt, Emler, Gilstrap, Jordan, Morris, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Vratil, Wysong.

Absent or Not Voting: O'Connor.

The motion carried and the amendment was adopted.

The Committee recommended **SB 379** be passed as further amended.

SB 392 be amended by adoption of the committee amendments, be further amended by motion of Senator Taddiken, as amended by Senate Committee, on page 1, in line 33, by striking “the drainage district” and inserting “any such county”, and **SB 392** be passed as further amended.

SB 464 be amended by adoption of the committee amendments, be further amended by motion of Senator Journey, on page 1, line 43, by striking water,

Senator Emler further amended **SB 464**, as amended by Senate Committee, on page 1, by striking all in lines 21 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 33;

By renumbering section 4 as section 2;

In the title, in line 11, by striking all following “regulations”; in line 12, by striking all before the period and **SB 464** be passed as further amended.

HB 2284 be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 15, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

