

# Journal of the Senate

## EIGHTH DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 22, 2009—2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with forty senators present.

Vice President Vratil introduced as guest chaplain, Dr. Robert Meneilly, Pastor Emeritus, Village Presbyterian Church, Prairie Village, KS, who delivered the invocation:

Gracious God of all peoples everywhere, save this moment from being little more than protocol, as we pause to reverence your presence and providence in this sacred hall of government.

Give to these elected and devoted leaders who govern a keen sense of your will and the courage to do it. Keep them ever mindful that they are called to serve all of the citizens of Kansas as the doers of truth and justice. Enable each of these to do her or his work with integrity, intelligence and with a keen sense of personal responsibility. Give each of these the grace to hear one another, and where there is discord of politics or idealism may they respect each other's dignity and be open to reconciliation.

Give to all of us the determination to respect one another even as we would be respected, so help us God.

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 66**, An act concerning district courts; relating to change of venue in care and treatment cases for mentally ill persons and care and treatment cases for persons with an alcohol or substance abuse problem; transmittal of documents; amending K.S.A. 59-2971 and 59-29b71 and repealing the existing sections, by Committee on Judiciary.

**SB 67**, An act concerning crimes and punishment; creating the crime of endangering a dependent adult; relating to mistreatment of a dependent adult; amending K.S.A. 21-3437 and repealing the existing section, by Committee on Judiciary.

**SB 68**, An act concerning docket fees; relating to the prosecuting attorneys' training fund; amending K.S.A. 20-362 and repealing the existing section, by Committee on Judiciary.

**SB 69**, An act concerning crime stoppers; establishing an advisory council; imposing certain fees; providing for certain grants; creating the Kansas crime stopper trust fund, by Committee on Judiciary.

**SB 70**, An act concerning trusts; relating to the uniform principal and income act, by Committee on Judiciary.

**SB 71**, An act concerning certain elections; amending K.S.A. 25-901 and repealing the existing section, by Committee on Education.

**SB 72**, An act concerning credit unions; pertaining to membership of a credit union; amending K.S.A. 2008 Supp. 17-2205 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 73**, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6433 and repealing the existing section; also repealing K.S.A. 2008 Supp. 72-6433c, by Committee on Ways and Means.

**SB 74**, An act concerning the cash-basis law; relating to exceptions thereto; amending K.S.A. 2008 Supp. 10-1116a and repealing the existing section, by Committee on Ways and Means.

**SB 75**, An act concerning governmental consolidation and reorganization; amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904, 12-3909 and 19-205 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 76**, An act concerning alcoholic beverages; amending K.S.A. 41-210, 41-211, 41-304, 41-307, 41-308, 41-601, 41-602, 41-701, 41-708, 41-717, 41-718, 41-724, 41-725, 41-726, 41-729, 41-806, 41-901, 41-905, 41-1001, 41-1002, 41-1004, 41-1101, 41-1102, 41-1122, 41-1123, 41-1125, 41-2604, 41-2610, 41-2614, 41-2632, 41-2637, 41-2641, 41-2642, 41-2643, 41-2705, 41-2706, 41-2707, 41-2709, 41-2722, 41-2726, 79-4101, 79-4102, 79-4103, 79-4104, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2008 Supp. 41-102, 41-104, 41-209, 41-308b, 41-712, 41-805, 41-2611, 41-2645, 41-2701, 41-2704, 41-2728, 79-3606, 79-4108 and 79-41a03 and repealing the existing sections; also repealing K.S.A. 41-403 and 41-2712 and K.S.A. 2008 Supp. 41-2702, 41-2703 and 41-2708, by Committee on Federal and State Affairs.

**SB 77**, An act concerning the state use law committee; date for expiration thereof; amending K.S.A. 2008 Supp. 75-3322c and repealing the existing section, by Committee on Commerce.

**SB 78**, An act concerning transportation development districts; amending K.S.A. 2008 Supp. 12-17,140, 12-17,141, 12-17,143, 12-17,145 and 12-17,148 and repealing the existing sections, by Committee on Commerce.

**SB 79**, An act concerning elections; pertaining to filing deadlines for candidates; amending K.S.A. 25-205 and 25-4004 and repealing the existing sections, by Committee on Ethics and Elections.

**SB 80**, An act concerning cities; dealing with certain elections; amending K.S.A. 15-809 and repealing the existing section, by Committee on Ethics and Elections.

**SB 81**, An act enacting the Kansas nonsmoker protection act; repealing K.S.A. 21-4009, 21-4010, 21-4011, 21-4012, 21-4013 and 21-4014 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 82**, An act repealing K.S.A. 2008 Supp. 65-1,214; relating to residential childhood lead poisoning prevention; concerning sunset provision, by Committee on Public Health and Welfare.

**SB 83**, An act re-establishing the Kansas autism task force; relating to the powers and duties thereof; repealing K.S.A. 2008 Supp. 46-1208d, by Committee on Public Health and Welfare.

**SB 84**, An act concerning schools; relating to personal financial literacy courses; amending K.S.A. 2008 Supp. 72-7535 and repealing the existing section, by Committee on Education.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 55**, **SB 56**, **SB 57**.

Federal and State Affairs: **SB 52**, **SB 53**, **SB 54**.

Judiciary: **SB 61**.

Natural Resources: **SB 64**, **SB 65**.

Public Health and Welfare: **SB 62**, **SB 63**.

Transportation: **SB 59**, **SB 60**.

Utilities: **SB 58**.

#### GUEST

Senator V. Schmidt introduced First Lieutenant Eric Hollingsworth, Commander of the Recruit Sustainment Program and Operations Operator, Kansas National Guard, who was visiting in the Senate.

**REPORT ON ENROLLED BILLS**

**SR 1805** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 22, 2009.

**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 Schodorf in the Chair.

On motion of Senator Schodorf the following report was adopted:

Recommended **SB 8** be passed.

**SB 14, SB 19** 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 8, SB 14, SB 19** were advanced to Final Action and roll call.

**SB 8**, An act concerning the Kansas tort claims act; concerning the definition of terms used therein; amending K.S.A. 2008 Supp. 75-6102 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Absent or Not Voting: Colyer.

The bill passed.

**SB 14**, An act concerning the interstate compact for juveniles; relating to the compact administrator; establishing the Kansas council for interstate juvenile supervision.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Abrams, Pyle.

Absent or Not Voting: Colyer.

The bill passed, as amended.

**SB 19**, An act concerning crimes and punishment; relating to the criminal use of weapons; amending K.S.A. 21-4217 and 21-4218 and K.S.A. 2008 Supp. 21-4201 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Absent or Not Voting: Colyer.

The bill passed, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 23, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

