

# Journal of the Senate

EIGHTEENTH DAY

---

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

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

President Morris introduced as guest chaplain, Rev. Chester Morris, Church of the New Covenant, Emporia, Kansas, who delivered the invocation:

Heavenly Father, in the name of Jesus do we come before you this day to acknowledge you in all our ways. Your promise is that you will direct our paths. Because of this promise we invite Your guidance and Your council in this session today, that in all that they do, the people of Kansas will be blessed and Your name honored.

You, oh God, are the source and fountain of all truth, wisdom, righteousness, blessing and strength. Bestow these upon us today.

We thank you Lord for this great state of Kansas, for its people, and for all these here whom You have appointed to govern and establish its laws.

We ask, receive, and give You glory for all these things in Jesus' mighty name. Amen

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 495**, An act concerning the credit union administrator; relating to the appointment thereof; amending K.S.A. 17-2233 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 496**, An act relating to certificates of title; concerning notice of security interest; amending K.S.A. 2005 Supp. 8-135 and repealing the existing section, by Committee on Transportation.

**SB 497**, An act concerning improvement districts; establishing qualifications for directors; amending K.S.A. 19-2760 and repealing the existing section, by Committee on Elections and Local Government.

**SB 498**, An act concerning cities and counties; relating to licensure of certain contractors; amending K.S.A. 12-1526 and repealing the existing section, by Committee on Elections and Local Government.

**SB 499**, An act concerning open records; pertaining to certain exceptions to the requirement of disclosure thereof; amending K.S.A. 2005 Supp. 45-229 and repealing the existing section, by Committee on Elections and Local Government.

**SB 500**, An act concerning agriculture; relating to phytosanitary fees; amending K.S.A. 2005 Supp. 2-2118 and repealing the existing section, by Committee on Agriculture.

**SB 501**, An act concerning school districts; relating to school finance; amending K.S.A. 2005 Supp. 72-6410, 72-6413 and 72-6414 and repealing the existing sections, by Committee on Education.

**SB 502**, An act concerning individuals needing long-term care; establishing a coordinated system for long-term care services, by Committee on Ways and Means.

**SB 503**, An act concerning the Kansas water office; establishing the water supply storage assurance fund, by Committee on Ways and Means.

**SB 504**, An act relating to drivers' licenses; concerning driver improvement clinics; providing for the disposition of certain moneys; amending K.S.A. 8-255 and K.S.A. 2005 Supp. 8-267 and repealing the existing sections, by Senator Journey.

**SB 505**, An act concerning records; relating to electronic access to court records; exemption from fees; amending K.S.A. 2005 Supp. 22-4504, 22-4506, 22-4507 and 74-9304 and repealing the existing sections, by Committee on Judiciary.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 482, SB 488, SB 489.**

Commerce: **SB 493 (Separately).**

Education: **SB 484, SB 485; SCR 1618; HB 2604.**

Elections and Local Government: **SB 492.**

Federal and State Affairs: **SB 486.**

Financial Institutions & Insurance: **HB 2662, HB 2663, HB 2692.**

Judiciary: **SB 487, SB 493 (Separately); SB 494.**

Transportation: **HB 2628, HB 2629, HB 2630, HB 2631.**

Ways and Means: **SB 483, SB 490, SB 491.**

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS GUARDIANSHIP PROGRAM

January 31, 2006

Judge Frank J. Yeoman, Jr., Chairperson, submitted the Annual Report for July 1, 2004 through June 30, 2005.

##### KANSAS CORPORATION COMMISSION

Utilities Division

February 1, 2006

Pursuant to the provisions of K.S.A. 66-117b, Brian J. Moline, Chair, submitted the annual report to the legislature. The report can be viewed on their website at [http://www.kcc.state.ks.us/06\\_legis\\_rpt.pdf](http://www.kcc.state.ks.us/06_legis_rpt.pdf).

##### KANSAS HUMAN RIGHTS COMMISSION

Errol V. Williams, Chairman, submitted the Annual Report for Fiscal Year 2005, July 1, 2004 through June 30, 2005.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2553, HB 2575, HB 2580.**

Also, adoption of **SCR 1617.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2553, HB 2575, HB 2580** were thereupon introduced and read by title.

#### CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

*Credit Union Administrator:*

John P. Smith, term expires November 1, 2009.

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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The appointment was confirmed.

On the appointment to the:

*Lottery Commission:*

Robert Van Cleave, term expires March 15, 2008.

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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The appointment was confirmed.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 339** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

**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.

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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 297.** An act concerning alcoholic liquor; amending K.S.A. 2005 Supp. 41-719 and 41-2645 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barnett, Ostmeyer, Pyle.

The bill passed, as amended.

**SB 336.** An act concerning uniform laws; creating the uniform real property electronic recording act, was considered on final action.

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, McGinn, Morris, O'Connor, 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 348**, An act concerning schools and school districts; relating to boards of education; amending K.S.A. 2005 Supp. 72-8205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 15, Nays 24, Present and Passing 1, Absent or Not Voting 0.

Yeas: Allen, Barone, Betts, Brungardt, Francisco, Gilstrap, Goodwin, Haley, Hensley, Lee, Schodorf, Steineger, Teichman, Vratil, Wysong.

Nays: Apple, Barnett, Brownlee, Bruce, Emler, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Taddiken, Umbarger, Wagle, Wilson.

Present and Passing: Donovan.

A constitutional majority having failed to vote in favor of the bill, **SB 348** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: **SB 348** repeals a long standing tradition of requiring local Boards of Education to have “a regular meeting time of the board and a regular hour of commencement of the meeting, as well as the day of the week and the week of the month”. This bill provides a solution to a problem that does not exist. The current statute exists for the benefit of the public not for the benefit of the Boards of Education. Since 1992 over 3900 School Boards have organized annually in Kansas with very little problem. I vote no to continue our tradition that allows the public to have regularly scheduled meetings of their local Boards of Education.—PAT APPLE.

Senators Bruce, Emler, Journey, Kelly, O'Connor, Ostmeyer, Petersen, Pine, Reitz and Umbarger request the record to show they concur with the “Explanation of Vote” offered by Senator Apple on **SB 348**.

**SB 362**, An act concerning solid waste; relating to solid waste disposal areas; amending K.S.A. 65-3407 and 65-3415b and K.S.A. 2005 Supp. 65-3402 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Francisco.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: My objection to **SB 362** is limited to a concern over extending the exemption for the total of the one dollar per ton tipping fees for a landfill operator who is not also the owner of the land on which the landfill is operated.—MARCI FRANCISCO

**SB 371**, An act amending the Kansas uniform commercial drivers' license act; providing for penalties; relating to certain notifications; amending K.S.A. 8-2,131, 8-2,138 and 8-2,141 and K.S.A. 2005 Supp. 8-2,128, 8-2,142 and 66-1,142b and repealing the existing sections, was considered on final action.

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, McGinn, Morris, O'Connor, 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 regulating traffic; concerning vehicles engaged in highway construction or maintenance operations; amending K.S.A. 8-1520a and 8-1531 and K.S.A. 2005 Supp. 8-2118 and repealing the existing sections, was considered on final action.

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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

#### REPORT ON ENGROSSED BILLS

**SB 297, SB 362, SB 336, SB 371** reported correctly engrossed February 2, 2006.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 319** be amended on page 2, in line 3, by striking "act" and inserting "section"; in line 13, by striking "amount" and inserting "original purchase price"; in line 17, by striking all after "(c)"; by striking all in lines 18 through 21 and inserting: "Any transfer by the redevelopment project developer of real property acquired pursuant to this section shall be valid only if approved by a 2/3 majority vote of the members-elect of the governing body."; and the bill be passed as amended.

Also, **SB 324** be amended on page 1, in line 16, by striking ", services";

On page 3, after line 19, by inserting:

"(f) This section, as amended by this act, shall be construed and applied prospectively as well as retroactively to all taxable years beginning after December 31, 2003.";

Also on page 3, in line 27, by striking ", services";

On page 6, by striking all in lines 39 through 42;

And by relettering subsections accordingly;

On page 7, in line 8, by striking "grants" and inserting "funds"; in line 11, by striking "grant"; in line 12, by striking "grant" and inserting "funds"; in line 13, before "or" where it appears for the last time, by inserting a semicolon; after line 14, by inserting the following:

"(g) This section, as amended by this act, shall be construed and applied prospectively as well as retroactively to all taxable years beginning after December 31, 2003."; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, February 3, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

