

# Journal of the Senate

FORTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 8, 2006—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today I would like to complete the list of principles for maintaining interpersonal relationships as described in Paul's letter to the Romans:

Do not repay evil for evil. Be careful to do what is right in the eyes of everybody. If it is possible, as far as it depends on you, live at peace with everyone. Do not take revenge, but leave room for God's wrath, for it is written: "It is mine to avenge; I will repay," says the Lord. On the contrary, "If your enemy is hungry, feed him; if he is thirsty, give him something to drink. In doing this you will heap burning coals on his head." Do not be overcome by evil, but overcome evil with good. (Romans 12:17-21)

These may be tough to follow, Lord, but You would not have shared them through your servant, Paul, if they didn't work.

I pray in the Name of Jesus Christ,

AMEN

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2573**.

Federal and State Affairs: **SB 587**.

Ways and Means: **SB 588**.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2835** be passed.

Also, **HB 2833** be amended on page 1, after line 18, by inserting the following:

"(c) "Companion animal" means any dog, cat or other domesticated animal possessed by a person for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability but shall exclude any animal raised on a farm or ranch and used or intended for use as food.";

Also on page 1, in line 19, by striking "(c)" and inserting "(d)"; in line 23, by striking "(d)" and inserting "(e)"; in line 33, by striking "(e)" and inserting "(f)"; in line 35, by striking "(f)" and inserting "(g)";

On page 2, in line 6, by striking "(g)" and inserting "(h)"; in line 34, by striking "(h)" and inserting "(i)"; in line 39, by striking "(i)" and inserting "(j)"; in line 42, by striking "(j)";

On page 3, in line 2, before " "Veterinary" by inserting "(k)"; in line 10, by striking "(k)" and inserting "(l)"; in line 13, by striking "(l)" and inserting "(m)"; in line 16, by striking "(m)" and inserting "(n)"; in line 35, by striking "(n)" and inserting "(o)"; in line 38, by striking "(o)" and inserting "(p)"; in line 41, by striking "(p)" and inserting "(q)";

On page 4, in line 2, by striking "(q)" and inserting "(r)";

On page 5, after line 21, by inserting the following:

“Sec. 4. K.S.A. 47-834 is hereby amended to read as follows: 47-834. (a) ~~No person who shall practice veterinary medicine without a currently valid license may receive any compensation for services so rendered, except for persons exempted under Unlawful practice of veterinary medicine is the practice of veterinary medicine by a person without a license unless that person is exempt from such requirement pursuant to the provisions of K.S.A. 47-817 and amendments thereto.~~

(b) ~~Any person who shall practice veterinary medicine without a license or operate a veterinary premises without registering with the board shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$250 nor more than \$2,000 or imprisoned for not more than 90 days, or both. Unlawful operation or management of veterinary premises is the operation or management by a person of a veterinary premises that is not registered pursuant to the provisions of K.S.A. 47-840, and amendments thereto.~~

(c) (1) *Unlawful practice of veterinary medicine is a class B nonperson misdemeanor.*

(2) *Unlawful operation or management of veterinary premises is a class B nonperson misdemeanor.*

(3) ~~Each act of such unlawful practice shall constitute that violates the provisions of subsection (a) or (b) constitutes a distinct and separate offense.~~

~~(d) The board may order the remedying of any violations of any provision of this act or any rules and regulations of the board. The board may issue a cease and desist order upon board determination that a licensee, registrant or any veterinarian has violated any provision of this act, an order of the board or any rules and regulations of the board. The board may bring an action to enjoin any veterinarian from practicing veterinary medicine without a currently valid license or from operating a veterinary premises without registering such premises with the board. If the court finds that the person is violating this act, it shall enter an injunction restraining such person from such unlawful acts.~~

~~(d) The board may order the remedying of any violations of any provision of this act or any rules and regulations adopted thereunder and the board may issue a cease and desist order upon board determination that a licensed veterinarian or the holder of a premises registration has violated any order of the board, any provision of this act and any rules and regulations adopted thereunder.~~

(e) *If the board determines that a person is practicing veterinary medicine without a license on a companion animal or is operating or managing a veterinary premises that is not registered pursuant to K.S.A. 47-480, and amendments thereto, in addition to any other penalties imposed by law, the board may take any or all of the following actions:*

(1) *Issue a cease and desist order;*

(2) *issue a citation and fine in accordance with the procedures in K.S.A. 47-843 and 47-844, and amendments thereto; and*

(3) *bring an injunction action in its own name in a court of competent jurisdiction.*

(f) *For purposes of investigations and proceedings conducted by the board, the board may issue subpoenas compelling the attendance and testimony of any person or the production for examination or copying of documents or any other physical evidence according to the procedures in subsection (a)(19) of K.S.A. 47-821, and amendments thereto, if such evidence relates to practicing veterinary medicine without a license on a companion animal or operating or managing a veterinary premises that is not registered pursuant to K.S.A. 47-840, and amendments thereto.*

(g) *The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.”;*

And by renumbering sections accordingly;

On page 7, in line 24, after “47-824” by inserting “, 47-834”;

On page 1, in the title, in line 10, after “47-824” by inserting “, 47-834”; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 585** be amended on page 21, in line 39, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 549** be amended on page 1, in line 39, by striking "14" and inserting "12";

On page 2, in line 8, by striking "Four" and inserting "Three"; in line 9, by striking "three" and inserting "two"; in line 11, by striking "Three" and inserting "Two"; in line 12, by striking all following "The"; in line 13, by striking all preceding "commissioner"; in line 14, by striking "(C)" and inserting "(B)"; preceding line 43, by inserting:

"(4) cooperate, and encourage cooperation by libraries, in implementation of the KAN-ED network and ensure there is not duplication of services and expenditures;";

By renumbering the remaining subsections accordingly;

On page 9, by striking all in lines 23 through 29 and inserting:

"(a) "Board," "regional system of cooperating libraries" and "system librarian" have the meanings provided by K.S.A. 75-2548, and amendments thereto.";

By relettering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2678** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2645**, as amended by House Committee of the Whole, be passed.

Committee on **Ways and Means** recommends **HB 2786** be amended on page 1, after line 13, by inserting the following:

"Section 1. K.S.A. 72-8201 is hereby amended to read as follows: 72-8201. Each unified school district shall be designated by the name and style of "unified school district No. \_\_\_ (the number designated by the state board of education), \_\_\_\_\_ county (naming the home county of the unified school district), state of Kansas," and by such name may sue and be sued, execute contracts and hold such real and personal property as it may acquire. Every unified school district shall possess the usual powers of a corporation for public purposes. The board of education of every unified school district may delegate to the superintendent of schools the power to execute contracts on behalf of the district for the purchase of goods and services if the value of such goods or services is ~~less than \$10,000~~ *\$20,000 or less.*";

Also on page 1, in line 14, by striking "Section 1." and inserting "Sec. 2."; also in line 14, after "K.S.A." by inserting "72-8201 and K.S.A.";

And by renumbering the remaining section accordingly;

In the title, in line 9, after "ACT" by inserting: "concerning purchases by public entities; amending K.S.A. 72-8201 and repealing the existing section; also"; in line 10, by striking all after "75-3322a"; in line 11, by striking all before the period; 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 Journey in the chair.

On motion of Senator Journey the following report was adopted:

Recommended **SB 569**; **HB 2562**, **HB 2606**, **HB 2607**, **HB 2665** be passed.

The Committee recommended **HB 2703** be passed.

A motion by Senator Francisco to amend **HB 2703** failed and the following amendment was rejected: As amended by House Committee, on page 1, in line 26, by striking "and" where it appears the second time; in line 27, by striking all preceding the semicolon

**HB 2118**, **HB 2592** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SCR 1606** be amended by adoption of the committee amendments.

Senator Barnett moved to amend **SCR 1606**, as amended by Senate Committee, on page 1, in line 24, by striking "Section 5" and inserting "Sections 5, 15 and 16"; in line 25, by striking "is" and inserting "are"; in line 34, by striking all after "senate"; by striking all in lines 35 and 36; in line 37, by striking all before the period; in line 39, by striking "sixty" and inserting "60"; also in line 39, by striking "names of the nominees"; in line 40, by striking

all before the comma and inserting “vacancy occurs or the position opens”; in line 42, by striking “from such nominees”;

On page 2, in line 11, by striking “may”; by striking all in line 12; in line 13, by striking all before “and” and inserting “within 30 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office”; in line 17, by striking “or if”; by striking all in lines 18 through 22; in line 23, by striking all before “in” and inserting “, then the chief justice of the supreme court shall make the appointment, with the consent of the senate”; in line 37, by striking “twelve” and inserting “12”; also in line 37, by striking “sixty” and inserting “60”;

On page 3, in line 19, by striking all after the stricken “(d)”; by striking all in lines 20 through 43 and inserting the following:

“§15. **Removal of justices and judges.** Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the ~~supreme court nominating commission~~ senate that such justice is so incapacitated as to be unable to perform adequately his duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

“§16. **Savings clause.** Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in subsection (a) of section 6 hereof, and all such justices and judges shall hold their respective offices for the terms for which elected or appointed unless sooner removed in the manner provided by law; (b) repeal any statute of this state relating to the supreme court, ~~the supreme court nominating commission~~, district courts, or any other court, or relating to the justices or judges of such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature.”;

On page 4, in line 3, after “to” by inserting “abolish the supreme court nominating commission and to”; in line 6, after “senate” by inserting “, similar to the federal system”; in line 8, by striking “supreme court”; by striking all in lines 9 and 10; in line 11, by striking “would again go” and inserting “governor or the chief justice would then select another appointment which would again be submitted”; in line 16, after “would” by inserting “abolish the supreme court nominating commission and”;

In the title, in line 14, by striking “section 5” and inserting “sections 5, 15 and 16”

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

On roll call, the vote was: Yeas 15, Nays 25, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Brownlee, Bruce, Donovan, Huelskamp, Jordan, Journey, O’Connor, Ostmeyer, Palmer, Petersen, Pyle, Taddiken, Wagle, Wilson.

Nays: Allen, Apple, Barone, Betts, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.

The motion failed and the amendment was rejected.

The Committee recommended **SCR 1606** be adopted as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 9, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

