

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 13, 2006—3:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-six senators present.
Senators Barnett, Gilstrap, Haley and Wagle were excused.
President Morris introduced as guest chaplain, Rev. Kasey Crosby, First United Methodist Church, Stafford, Kansas, who delivered the invocation:

Heavenly Father,

Precious Creator, as we gather to do the business of the State of Kansas we ask your presence here today. Bless us with wisdom that sees beyond party boundaries, beyond personal agendas and beyond our prideful selves that we may truly be your servants in the Senate today. Prepare us to be the best we can be for the good of all the people of our wonderful Kansas. Give us understanding, tolerance and open communication to each other as we go about this business. And lastly, help us be mindful of the precious call to service that has been laid upon our shoulders and give us each the wisdom and strength to perform the tasks before us today and every day. Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 589, An act concerning school finance; relating to at-risk pupils; amending K.S.A. 2005 Supp. 72-6414, 72-6414a and 72-9509 and repealing the existing sections, by Committee on Ways and Means.

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the senate for confirmation, were referred to Committees as indicated:

By the Governor:

Assistant Division Commander, 35th Infantry Division

Col. John E. Davoran, effective upon the date of confirmation by the Senate.
(Federal and State Affairs)

Chief of Staff, Kansas Air National Guard

Col. Edward R. Flora, effective upon the date of confirmation by the Senate.
(Federal and State Affairs)

Commander, 35th Infantry Division

BG Marvin W. Pierson, effective upon the date of confirmation by the Senate.
(Federal and State Affairs)

MESSAGE FROM THE GOVERNOR

SB 373 approved on March 13, 2006.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS SENTENCING COMMISSION**

February 2006

The Kansas Sentencing Commission, submitted the 2006 Report to the Kansas Legislature.

KU SCHOOL OF SOCIAL WELFARE

The University of Kansas

Ann Weick, Dean, School of Social Welfare at the University of Kansas, submitted the 2004-2005 Annual Report.

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 the House accedes to the request of the Senate for a conference on **SB 62** and has appointed Representative Edmonds, Siegfried and Burroughs as conferees on the part of the House.

Announcing passage of **HB 2640**.

Passage of **SB 354**; **Substitute SB 463**; **SB 464**, **SB 515**.

Also passage of **SB 25**, as amended, **SB 40**, as amended, **SB 355**, as amended.

The House concurs in Senate amendments to **HB 2611** and requests the Senate to return the bill.

The House nonconcurrs in Senate amendments to **HB 2118**, requests a conference and has appointed Representatives Vickrey, Huebert and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2592**, requests a conference and has appointed Representatives C. Holmes, Krehbiel and Kuether as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2640 was thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2118**.

The President appointed Senators Huelskamp, O'Connor and Betts as conferees on the part of the Senate.

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **HB 2592**.

The President appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2705**, **HB 2758**, **HB 2951** appearing on the Consent Calendar, the President directed the bills be removed and placed on the calendar under the heading of General Orders.

REPORT ON ENGROSSED BILLS

Sub SB 322 reported correctly engrossed March 10, 2006.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2856** be amended on page 1, after line 42, by inserting the following:

“Sec. 2. K.S.A. 46-1601 is hereby amended to read as follows: 46-1601. (a) The purpose of the legislative committees shall be to:

(a) Facilitate the growth, diversification and expansion of existing enterprises and the creation by Kansans of new wealth-generating enterprises;

~~(2)~~ (b) promote economic diversification and innovation within the basic industries and sectors of the state;

~~(3)~~ (c) promote increased productivity and value added products, processes and services among wealth-generating enterprises, and the export of those goods and services created by small and large Kansas enterprises to the nation and world;

~~(4)~~ (d) maintain and revitalize economically depressed rural areas and urban neighborhoods by annually targeting scarce resources by size, sector and location to communities and enterprises of particular need and opportunity, and by working in close collaboration with local communities; ~~and~~

~~(5)~~ (e) protect and enhance the environmental quality of the state in ways consistent with dynamic economic growth; *and*

(f) *promote and evaluate workforce development to meet the needs of the economy.*;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 43, after “K.S.A.” by inserting “46-1601 and K.S.A.”; also in line 43, by striking “is” and inserting “are”;

In the title, in line 9, by striking “the department of commerce” and inserting “economic development”; in line 10, after the semicolon, by inserting “legislative economic development committees.”; also in line 10, after “K.S.A.” by inserting “46-1601 and K.S.A.”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2595** be passed.

Committee on **Judiciary** recommends **HB 2663** be passed.

Also, **HB 2554**, as amended by House Committee, be amended on page 3, in line 26, after “investigation” by inserting “database”; by striking all in lines 27 through 34;

On page 4, in line 39, by striking the first “the” and inserting “: (A) The”; in line 40, by striking the comma and inserting “and”; also in line 40, by striking “and expungement”;

On page 5, in line 1, by striking “and” and inserting a semicolon; in line 2, before “other” by inserting the following:

“(B) a procedure which allows the defendant to request the DNA samples be expunged and destroyed in the event of a dismissal of charges or acquittal at trial; and

(C)”;

Also on page 5, in line 19, after the stricken “(l)” by inserting “In the event that a person’s DNA sample is lost or is not adequate for any reason, the person shall provide another sample for analysis.”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2875**, as amended by House Committee, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2875,” as follows:

“SENATE Substitute for HOUSE BILL NO. 2875

By Committee on Natural Resources

“AN ACT concerning sand and gravel pits; relating to the beneficial use of water; amending K.S.A. 2005 Supp. 82a-734 and repealing the existing section.”;

and the substitute bill be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, March 14, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

