

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 20, 2004—12:00 Noon

The Senate was called to order by President Dave Kerr.
The roll was called with twenty-nine senators present.
Senators Adkins, Barnett, Barone, Brownlee, Brungardt, Lee, Lyon, Oleen, Steineger,
Tyson and Wagle were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we face the trials and tribulations of each day, it is helpful to look at them from
Your perspective.

In one of his psalms David said, "God's anger lasts only for a moment, but His
favor for a lifetime; weeping may remain for a night, but rejoicing comes in the
morning. (Psalm 30:5)

Seeing things from our perspective
David tells us in his song,
Our problems and our burdens
Seem to last so long.

Although they seem so long,
They cannot at all compare
With the eternity You've prepared
For all your children there.

Your anger seems to last too long
And causes us much grief,
But Your favor lasts forever
Because of our belief.

Weeping comes with darkness,
And it seems the longest night.
But sunrise comes tomorrow
Bringing its welcome light.

So thank You for assurance
That weeping will pass away,
And the rejoicing that will follow
Welcomes a better day.

And I thank You in the Name of Christ,

AMEN

PRESENTATION OF PETITIONS

The following petitions were presented, read and filed:

SP 4, by Senator Dave Kerr: A petition against the Kansas Death Penalty because it continues the cycle of violence, submitted by Kansas Ecumenical Ministries member, E. Carol Bates, Viola, KS, 67149, plus 80 members.

SP 5, by Senator Tim Huelskamp: A petition supporting the removal of an obscene statue at Washburn University promoting bigotry against Catholics, signed by Karen Ackerman, Jetmore, Kansas, and 11 other Kansas residents.

SP 6, by Senator Dwayne Umbarger: A petition opposing all bills that would expand gambling in Kansas, especially the Governor's bill to legalize state-owned casinos throughout the state, submitted by Imogene Odaffer, Parsons, Kansas with 116 signatures.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 539, An act concerning issuance of bonds by certain state agencies to fund capital improvements for water-related infrastructure; amending K.S.A. 82a-1360, 82a-1361, 82a-1362, 82a-1363, 82a-1364, 82a-1367 and 82a-1368 and repealing the existing sections; also repealing K.S.A. 82a-1365, by Committee on Ways and Means.

SB 540, An act concerning postsecondary educational institutions; relating to student or employee's social security numbers, by Committee on Ways and Means.

SB 541, An act concerning court records; amending K.S.A. 20-160 and repealing the existing section, by Committee on Ways and Means.

SB 542, An act concerning insurance; relating to insured's social security numbers; amending K.S.A. 2003 Supp. 40-4623 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **Sub HB 2558**.

Natural Resources: **HB 2621**.

Judiciary: **HB 2601**.

Utilities: **Sub HB 2516; HB 2652**.

Ways and Means: **SB 536, SB 537, SB 538; HB 2669, HB 2670**.

REFERRAL OF APPOINTMENTS

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

By the Attorney General:

Rita Noll, Chairperson, Crime Victims Compensation Board, effective upon the date of confirmation by the Senate to serve a term effective March 16, 2004 and expiring March 15, 2008.

(Judiciary)

By the Department of Revenue:

Thomas W. Groneman, Director, Division of Alcoholic Beverage Control, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Secretary of Revenue. (Federal and State Affairs)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2557, HB 2573; Substitute HB 2592; HB 2617; Substitute HB 2635; HB 2781**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2557, HB 2573; Substitute HB 2592; HB 2617; Substitute HB 2635; HB 2781 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Bunten introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1819—

A RESOLUTION congratulating and commending Justin Sheehy.

WHEREAS, Justin Sheehy of Topeka and a Junior at Hayden High School has been selected as a top high school volunteer for 2004 in the ninth annual Prudential Spirit of Community Awards. He will receive a \$1,000 award, an engraved silver medallion and a trip to Washington, D.C. in May for a series of national recognition events. There he will be considered with other state honorees for recognition as a national honoree the winner of which will receive an additional \$5,000 award plus a gold medallion and crystal trophy; and

WHEREAS, The Prudential Spirit of Community Awards, created by Prudential Financial in partnership with the National Association of Secondary School Principals, constitute America's largest youth recognition program based exclusively on volunteerism. The awards are designed to emphasize the importance our nation places on service to others, and to encourage young Americans of all backgrounds to contribute to their communities; and

WHEREAS, Students like Justin represent the best of America's youth and are role models to their peers and communities. Justin organized the first official band for Topeka's annual St. Patrick's Day parade. He recruited band members plus a conductor, selected the music to be played and transposed the music for each band member. He also got a practice room and arranged for a flatbed trailer to transport the musicians. He designed T-shirt uniforms and got a sponsor to pay for them. He also oversees a collection drive that provides toiletry items to needy people in the community: Now, therefore:

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Justin Sheehy upon being selected as a 2004 Prudential Spirit of Community Award for the State of Kansas and wish him success in his trip to Washington, D.C.; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the Principal of Hayden High School for presentation to Justin Sheehy.

On emergency motion of Senator Bunten **SR 1819** was adopted unanimously.

Senator Bunten and members of the Senate welcomed and congratulated Justin Sheehy on his many accomplishments. Accompanying Justin were his parents, Deb and Pat Sheehy; brothers, Danny and Brendan; grandparents, Lois and William Bernhard; Rick Strecker, President of Hayden High School and Mark Madson, Principal of Hayden High School.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 296** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 296," as follows:

"Substitute for SENATE BILL NO. 296

By Committee on Agriculture

"AN ACT relating to the department of agriculture; renaming the department of agriculture; transferring powers and duties of the secretary of the department of health and environment to the secretary of agriculture; amending K.S.A. 65-688 and 74-560 and K.S.A. 2003 Supp. 74-567 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Commerce** recommends **SB 481** be passed.

Committee on **Elections and Local Government** recommends **SB 328, SB 479, SB 502** be passed.

Also, **SB 387** be amended on page 1, in line 19, preceding "including" by inserting "public safety and emergency preparedness."; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 380** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 380," as follows:

"Substitute for SENATE BILL NO. 380

By Committee on Financial Institutions and Insurance

"AN ACT concerning liens for wrecker and towing service; pertaining to notice to lienholder; amending K.S.A. 8-1102, 8-1103 and 8-1104 and repealing the existing sections."; and the substitute bill be passed.

Also, **SB 404** be amended on page 1, in line 27, by striking “negatively”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 183** be passed.

Also, **SB 420** be amended on page 1, in line 34, after the period by inserting “Reasonable attorney fees awarded by the court shall not exceed the lesser of: (1) Reasonable attorney fees incurred by the offeror after the making of the offer, or (2) reasonable attorney fees incurred by the offeree after the making of the offer.”; and the bill be passed as amended.

SB 424 be amended on page 1, in line 13, by striking all after “(a)”; by striking all in lines 14 through 19 and inserting the following:

“The transfer by warranty deed of real property into an inter vivos trust shall not affect the coverage of any title insurance if: (1) Such real property qualifies as a homestead; and

(2) the settlor of such trust is and remains a beneficiary and occupant of such real property.

(b) Upon the transfer taking effect: (1) The trustee shall be deemed to be insured; and

(2) the insurance coverage for such trust shall be subject to the defenses which the insurance company has under the policy against the original named insured.

(c) If the transferor is a beneficiary of such trust at the time of the transfer, the transfer of such property into such trust shall not: (1) Affect any homestead exemption or redemption rights; or

(2) cause a due on sale or similar clause to be effective under a mortgage or security interest.”;

Also on page 1, in line 20, by striking “(b)” and inserting “(d)”; and the bill be passed as amended.

SB 431 be amended on page 3, in line 17, after the period by inserting “Subsections (a)(6), (7) and (8) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.”; and the bill be passed as amended.

SB 436 be amended on page 1, in line 15, by striking “30” and inserting “five”; in line 16, by striking “three” and inserting “five”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 275** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL NO. 275,” as follows:

“Substitute for SENATE BILL NO. 275

By Committee on Ways and Means

“AN ACT concerning correctional facilities; relating to construction by private companies.”; and the substitute bill be passed.

REPORT ON ENROLLED BILLS

SB 254 reported correctly enrolled, properly signed and presented to the Governor on February 20, 2004.

SR 1816, SR 1817, SR 1818 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 20, 2004.

On motion of Senator Donovan the Senate adjourned until 2:30 p.m., Monday, February 23, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

