

# Journal of the Senate

THIRTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 27, 2005—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,

Since the birthday of our state is Saturday I would like to ask Your blessings on one town in each Senatorial district.

Bless Valley Falls and Leavenworth,  
Mission Hills and Eureka,  
Kansas City and Eastborough,  
Lecompton and Topeka.

Bless Council Grove and Overland Park,  
Desoto, Troy, and Maize.  
Silver Lake and Carbondale  
Clay Center and also Hays.

Bless Shawnee, Leawood, and Fort Scott,  
Chanute, Sedan, and Garnett.  
Manhattan, Cheney, Edgerton.  
And I'm not finished yet!

Bless Edwardsville and Lenexa,  
And also bless Attica.  
Districts 27 and 29  
Both claim Wichita.

Bless Sterling, Haven, and Salina,  
Ulysses, Plains, St. Francis.  
Belle Plaine, Halstead, and Oak Lawn,  
And bless the entire state of Kansas!

*I pray in the Name of Jesus Christ,*

AMEN

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 120.** An act relating to telecommunications; concerning regulation thereof; amending K.S.A. 66-2005 and 66-2008 and repealing the existing sections, by Committee on Utilities.

**SB 121.** An act concerning the charitable organizations and solicitations act; registration statement; audited financial statement; amending K.S.A. 17-1763 and repealing the existing section, by Committee on Judiciary.

**SB 122**, An act concerning payment of compensation; relating to payment methods; electronic transfer and deposit; amending K.S.A. 44-314 and repealing the existing section, by Committee on Commerce.

**SB 123**, An act concerning the state treasurer; authority to charge certain fees, by Committee on Ways and Means.

**SB 124**, An act relating to roads and highways; concerning the classification thereof; amending K.S.A. 68-101, 68-402b, 68-506, 68-506f, 68-516, 68-588, 68-592, 68-1109, 68-1137, 68-1701, 68-1703 and 68-1704 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 68-1702, by Committee on Transportation.

**SB 125**, An act concerning unclaimed property; amending K.S.A. 58-3954 and repealing the existing section, by Committee on Ways and Means.

**SB 126**, An act concerning property taxation; relating to reduction of valuation of real property; amendment of tax rolls; payment of taxes under protest; amending K.S.A. 2004 Supp. 79-1460 and 79-2005 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 127**, An act concerning property taxation; relating to machinery, equipment, materials and supplies; amending K.S.A. 2004 Supp. 79-201w and repealing the existing section, by Committee on Assessment and Taxation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 113**.

Commerce: **SB 118**.

Committee of the Whole: **SCR 1603**.

Federal and State Affairs: **SB 109, SB 110**.

Financial Institutions & Insurance: **SB 114; SCR 1602**.

Judiciary: **SB 111, SB 112, SB 117**.

Public Health and Welfare: **SB 115, SB 116; SCR 1604**.

Transportation: **SB 119**.

#### MESSAGE FROM THE GOVERNOR

January 21, 2005

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Directive No. 05-357 for your information.

Sincerely,

KATHLEEN SEBELIUS

*Governor*

The President announced Executive Directive No. 05-357, Authorizing A Personnel Transaction, is on file in the office of the Secretary of the Senate and is available for review at anytime.

January 25, 2005

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

KATHLEEN SEBELIUS

*Governor*

*Member, State Board of Tax Appeals, Rebecca W. Crotty, pursuant to the authority vested in me by KSA 74-2433, effective upon the date of confirmation by the Senate to serve a term of 4 years.*

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2018, HB 2059**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2018, HB 2059** were thereupon introduced and read by title.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 26, SB 41** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 26**, An act concerning legal holidays; amending K.S.A. 35-107 and repealing the existing 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.

**SB 41**, An act relating to motor vehicles; concerning the manufacturing of license plates; amending K.S.A. 8-147 and repealing the existing 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.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Kelly, V. Schmidt and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1806—

A RESOLUTION congratulating and commending the Washburn University football team and Coach Craig Schurig for their success during the 2004 season and for being the Mineral Water Bowl Champion.

WHEREAS, The Washburn University football team finished the 2004 season with a record of 8 wins and 4 losses including 6 wins and 3 losses during conference competition. The Ichabods finished with their highest MIAA Conference finish since joining the league in 1989. The team recorded their highest win total since 1988 and became only the 7th Ichabod team in 114 years of football competition to record 8 wins. The Ichabod football team became the 2004 Mineral Water Bowl Champion by beating Northern State University 36 to 33 on December 4, 2004; and

WHEREAS, The 2004 Ichabod captains were senior quarterback Tyler Schuerman, senior offensive lineman Tyrone Barrett, junior linebacker Grant Gould and junior wide receiver Mike Odupitan; and

WHEREAS, Individual player accomplishments were as follows:

Curtis Massey—first team all-MIAA punter

Sam Sissom—second team all-MIAA wide receiver and second team all-region

Rudy Su'e—second team all-MIAA offensive lineman

Trey Lewis—second team all-MIAA defensive tackle

Fletcher Terrell—second team all-MIAA defensive back

Tyler Schuerman—honorable mention all-MIAA quarterback

Ra' Shawn Mosley—honorable mention all-MIAA runningback

Mike Odupitan—honorable mention all-MIAA wide receiver

Rashawn Bland—honorable mention all-MIAA fullback

Tyrone Barrett—honorable mention all-MIAA offensive lineman

Grant Gould—honorable mention all-MIAA linebacker  
Adam Azeltine, Evin Beck, Ben Boswell, Matt Durler, Zach Hemmerling, Dustin Hickel, Joseph Leiker, Josh Looney, Pat Mack, Chris McCann, Blake Meyer and Tyler Schuerman were named to the MIAA Commissioner's Academic Honor Roll; and

Matt Durler was named first team Academic All-Region; and

WHEREAS, The Ichabods were coached by Craig Schurig, Brian Miller, Chris Brown, Cooper Harris, Rob Robinson, David Trupp, Dion Meneley, Cassidy McCrite, Justin Schriber and Zach Nally; Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Washburn University Ichabod football team and Coach Schurig be congratulated and commended for their success during the 2004 season and for being the 2004 Mineral Water Bowl Champion; and

*Be it further resolved:* That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Dr. Jerry B. Farley, President, Washburn University, 1700 College, Topeka, Kansas 66621.

On emergency motion of Senator Kelly **SR 1806** was adopted unanimously.

Guests recognized and welcomed by the Senate included Dr. Jerry Farley, University President; Loren Ferre, Athletic Director; Craig Schurig, Coach; Peggy Clark, Gene Cassell, Cooper Harris, Rob Robinson, Brian Miller, Zac Nally, Mike Odupitan, James Martin, Rashawn Mosley, Cassidy McCrite, Grant Gould, Adam Ewy and Chris Brown.

#### COMMITTEE OF THE WHOLE

On motion of Senator 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 16**; **HB 2007** be passed.

**SB 1** be amended by adoption of the committee amendments, and the bill be passed as amended.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 1**, **SB 16**; **HB 2007** were advanced to Final Action and roll call.

**SB 1**, An act concerning the Kansas bioscience authority; relating to the members of the board; amending K.S.A. 2004 Supp. 74-99b04 and repealing the existing 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, as amended.

**SB 16**, An act concerning the Kansas agricultural remediation board; relating to the terms of members thereof; amending K.S.A. 2-3709 and repealing the existing 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.

**HB 2007**, An act concerning the horsethief reservoir benefit district; relating to district sales tax; election therefor; amending K.S.A. 2004 Supp. 82a-2205 and repealing the existing 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.

On motion of Senator Schmidt the Senate adjourned until 9:30 a.m., Friday, January 28, 2005.

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

PAT SAVILLE, *Secretary of the Senate*.

