

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 22, 2007—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Lee was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Your apostle Paul in his second letter to the Corinthians reminded us that “we live by faith, not by sight.” (II Corinthians 5:17) And the writer of the book of Hebrews explained that “without faith it is impossible to please God, because anyone who comes to Him must believe that He exists and that He rewards those who earnestly seek Him.” (Hebrews 11:6)

But some folks beg to differ,
They say, “Seeing is believing,”
While those of us who live by faith
Find seeing is deceiving.

Lawyers find in courtrooms
That eyewitnesses disagree;
One swears he saw something
Another did not see.

Some may ask, “But how does faith
Affect bills and resolutions?”
We find that when we trust in God
He helps us find solutions.

Meeting the needs of others
Is what legislators do;
And when they’re serving others,
You say they’re serving You. (Matthew 25:40)

Thank You, Lord, that faith in You is so rewarding.
I pray in the Name of Jesus,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 133, An act concerning elections; relating to election crimes; relating to advance voting suppression, by Committee on Elections and Local Government.

SB 134, An act concerning economic development; relating to qualified industrial manufacturers; prescribing certain transfers; establishing the special qualified industrial manufacturer fund, by Senator Bruce.

SB 135, An act concerning authorized poll agents; pertaining to the qualifications thereof; amending K.S.A. 25-3005a and repealing the existing section, by Committee on Elections and Local Government.

SB 136, An act relating to restrictive covenants; concerning certain political yard signs, by Senator Journey.

SB 137, An act concerning banks; prohibiting the establishment of branches with commercial affiliates, by Committee on Financial Institutions and Insurance.

SB 138, An act establishing the Kansas autism task force; relating to the powers and duties thereof, by Committee on Ways and Means.

SB 139, An act concerning civil procedure; relating to attorney fees; amending K.S.A. 60-2003 and repealing the existing section; also repealing K.S.A. 60-2006, by Committee on Judiciary.

SB 140, An act concerning income taxation; relating to credits; alternative-fueled motor vehicles; amending K.S.A. 2006 Supp. 79-32,201 and repealing the existing section, by Senator Steineger.

SB 141, An act requiring information regarding services for seniors and their families as part of budget estimates of state agencies and the governor's budget report; amending K.S.A. 2006 Supp. 75-3717 and 75-3721 and repealing the existing sections, by Senator Hensley.

SB 142, An act concerning school districts; relating to school finance; relating to the cost of living weighting; amending K.S.A. 2006 Supp. 72-6449 and 72-6450 and repealing the existing sections, by Committee on Education.

SB 143, An act concerning school districts; relating to school finance; relating to local option budgets; amending K.S.A. 2006 Supp. 72-6433 and repealing the existing section, by Committee on Education.

SB 144, An act concerning school districts; relating to school finance; relating to a tax to provide revenue therefor; relating to exemption from such tax; amending K.S.A. 2006 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Education.

SB 145, An act concerning solid waste; relating to siting restrictions; amending K.S.A. 2006 Supp. 65-3407 and repealing the existing section, by Committee on Natural Resources.

SB 146, An act relating to solid waste; concerning the waste tire management fund; amending K.S.A. 2006 Supp. 65-3424g and repealing the existing section, by Committee on Natural Resources.

SB 147, An act relating to motor vehicles; concerning license plates for disabled veterans; amending K.S.A. 8-160 and repealing the existing section, by Senator McGinn.

SB 148, An act amending the KAN-ED act; relating to the Kansas department of corrections and the Kansas department of health and environment; amending K.S.A. 2006 Supp. 75-7222, 75-7223 and 75-7224 and repealing the existing sections, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1603—

By Committee on Financial Institutions and Insurance

A CONCURRENT RESOLUTION requesting the creation of a task force to study the design and implementation of an electronic motor vehicle financial security verification system for real time verification of compliance with the financial security requirements of the Kansas automobile injury reparations act.

WHEREAS, Insurance is an economic tool to protect the assets of Kansas residents; and
WHEREAS, Uninsured motorists unfairly contribute to the cost of motor vehicle insurance; and

WHEREAS, The state of Kansas is desirous of implementing an electronic motor vehicle financial security verification system for real time verification of compliance with the financial security requirements of K.S.A. 40-3101 et seq., and amendments thereto, to combat uninsured motorists; and

WHEREAS, The design of such electronic motor vehicle financial security verification system needs to include the following factors:

(1) The likelihood the system would reduce the number of uninsured motorists in the state;

- (2) the likelihood the system would aid law enforcement in the identification of uninsured motorists in this state;
- (3) the reliability of the system;
- (4) the cost-effectiveness of the system;
- (5) privacy protections of the system;
- (6) data security and integrity of the system; and
- (7) any other issue related to the proper design and implementation of the system: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That a task force be formed consisting of 17 members to include the commissioner of insurance or the commissioner's designee; the secretary of revenue or the secretary's designee; the director of the division of motor vehicles or the director's designee; one member appointed by the president of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house of representatives; one member appointed by the minority leader of the house of representatives; one member representing a domestic property and casualty insurance company and one member representing a foreign property and casualty insurance company appointed by the insurance commissioner from a list submitted by the Kansas Association of Property and Casualty Insurance Companies; one member representing foreign stock insurance companies appointed by the insurance commissioner from a list submitted by the American Insurance Association; one member representing automobile insurance companies appointed by the insurance commissioner from a list of the top six automobile insurance premium writers in Kansas; one member representing a property and casualty insurance company appointed by the insurance commissioner from a list submitted by the Property Casualty Insurers Association of America; one member representing a property and casualty insurance company appointed by the insurance commissioner from a list submitted by the National Association of Mutual Insurance Companies; one member representing the licensed Kansas insurance agents appointed by the insurance commissioner from a list submitted by the Kansas Association of Insurance Agents and two members appointed by the governor representing law enforcement and one member appointed by the governor representing the consumer interests. The commissioner of insurance shall serve as the chairperson and appoint the vice-chairperson from the membership of the task force. The chairperson and vice-chairperson shall not be of the same political party. Except for members of the legislature appointed to serve on the task force, no task force member shall receive any compensation, subsistence, mileage or other allowances for serving on the task force or attending any meeting thereof. Members of the legislature attending meetings of the task force shall be paid compensation, subsistence and expenses in accordance with K.S.A. 75-3212 and amendments thereto. The staff of the legislative research department and the office of the revisor of statutes shall provide such assistance as may be requested by the task force to the extent authorized by the legislative coordinating council.

Be it further resolved: That a report containing the results of the study and the task force's recommendations and conclusions emanating therefrom shall be transmitted to the speaker of the house of representatives, the president of the senate, the chair of the house committee on insurance, and the chair of the senate committee on financial institutions and insurance no later than the convening of the 2008 Kansas legislature.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 126; SCR 1602.**

Education: **SB 129, SB 130.**

Elections and Local Government: **SB 131.**

Financial Institutions & Insurance: **SB 127.**

Judiciary: **SB 124, SB 125, SB 132.**

Utilities: **SB 128.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1809—

A RESOLUTION congratulating and commending the Independence High School boys' tennis team and Coach Ken Brown for being the 2006 Class 4A State Tennis Champion in Kansas.

WHEREAS, The Independence High School boys' tennis team was the 2006 Kansas State High School Activities Association Class 4A State Tennis Champion, its first such championship; and

WHEREAS, Tyler Smith and Andrew Posch won the 2006 Class 4A boys' State Doubles Championship, the first such championship for boys' tennis; and

WHEREAS, The Independence High School boys' tennis team was also the Southeast Kansas League, and Class 4A Regional Champion; and

WHEREAS, The members of this outstanding tennis team have achieved statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many citizens in their community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Independence High School boys' tennis team and Coach Ken Brown be congratulated and commended for being the 2006 Kansas State High School Activities Association Class 4A State Tennis Champion.

Be it further resolved: That the Secretary of the Senate provide 25 enrolled copies of this resolution to Senator Derek Schmidt for presentation to the Independence High School boys' tennis team and Coach Ken Brown.

On emergency motion of Senator D. Schmidt **SR 1809** was adopted unanimously.

Senator D. Schmidt and members of the Senate congratulated and welcomed the team with a standing ovation. Those present were Head Coach Ken Brown, Assistant Coach Gina McLenon, Principal Mitch Shaw, Team members Andrew Carr, Logan Dent, Omar Elshabassy, Shane Ferguson, Adam Greenhaw, Eric Hardy, Cameron Johnson, Dan Porter, Andrew Posch, Rylan Romans, Tyler Smith, Zach Willis and Michael Ysusi.

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1810—

A RESOLUTION congratulating and commending the Independence High School girls' tennis team and Coach Jean Lundt for being the 2006 Class 4A State Tennis Champion in Kansas.

WHEREAS, The Independence High School girls' tennis team was the 2006 Kansas State High School Activities Association Class 4A State Tennis Champion, its second such championship; and

WHEREAS, The Independence High School girls' tennis team was also the Southeast Kansas League, and Class 4A Regional Champion; and

WHEREAS, The members of this outstanding tennis team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many citizens in their community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Independence High School girls' tennis team and Coach Jean Lundt be congratulated and commended for being the 2006 Kansas State High School Activities Association Class 4A State Tennis Champion; and

Be it further resolved: That the Secretary of the Senate provide 25 enrolled copies of this resolution to Senator Derek Schmidt for presentation to the Independence High School girls' tennis team and Coach Jean Lundt.

On emergency motion of Senator D. Schmidt **SR 1810** was adopted unanimously.

Senator D. Schmidt and members of the Senate congratulated and welcomed the team with a standing ovation. Those present were Head Coach Jean Lundt, Assistant Coach Gina McLenon and team members Lauren Lester, Breezy Mangan, Kelsey Stelting, Allie Stephens, Brandie Eades, Kelsie Froebe, Jenny Jabben, Taylor Jurski, Allison Lumm, Biloxie

Mangan, Kayla Schabel, Jaymee Wright, Marylynn Craig, Kelsey Mayes, Morgan Baxter, Bayley Conner, Brittany Meyer, Aubrey Near, Katie Porter, Kylee Rose and Talor Smith.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Department on Aging, Secretary: K.S.A. 2006 Supp. 75-5903

Kathy Greenlee, serves at the pleasure of the Governor

Department of Social and Rehabilitation Services, Secretary: K.S.A. 2006 Supp. 75-5301

Donald Jordan, serves at the pleasure of the Governor

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 23, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

