

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 17, 2008—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Emler and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

You have told us in the Bible that “. . . there is no authority except that which God has established. The authorities that exist have been established by God.”
(Romans 13:1)

So today we pray for our executive and legislative leadership:

Give our Governor:

Godly wisdom

Profound insight

Astute perception

A heart of compassion for the welfare of our people.

Give the President of the Senate and the Speaker of the House:

Sensitivity to the needs of our state

An intuitive grasp of the most essential legislation

A firm and just approach to the day by day proceedings.

Give the Majority and Minority Leaders of both Houses:

A knowledgeable and fair assessment of the priorities of legislation

An intense desire to serve the interests of all the people of our state

Well-defined goals for the success of the session.

I pray this petition in the Name of Jesus Christ,

AMEN

POINT OF PERSONAL PRIVILEGE

MR. VICE PRESIDENT; GENTLE COLLEAGUES:

Frankly, it is with some trepidation that I return to this annual renewal; this once yearly plea with each of you . . . to pause and to reflect on this Holiday before us this weekend. I recognize that many of you are already in tune with the concept of equality and of justice for all. And, sadly, after fourteen years of raising this Point, I realize that some here within the leadership of Kansas, never will . . .

It can be said that by my raising the Appeal, your minds may prefer to become captivated by other endeavors. It is true that until as of late, “David Haley couldn’t even get you to vote for a dog . . . !”

But this year, 2008, is a renewal year, Mr. Vice-President. And unlike yesterday, unlike yesteryear, it is too crucial to allow the hopes that “You (already) know” . . . to keep the spirit of the Rev. Dr. Martin Luther King, Jr. Holiday alive and well ; to leave it to unmen-

tioned, or to unemphasized, chance. Why? Primarily, because many of the warriors are no longer on the battlefield for civil and for social rights or some intend to soon leave. Champions from King's family, like his widow, Coretta Scott King and their daughter, Yolanda, and closer to home, our own former Rep. Mike Farmer, who I joined in these very tributes for half a dozen years while across the Rotunda. And then too, our newest generation of warriors, like Sen. Donald Betts, Jr. who continued the concept with the character of every driver and not the color of their skin and successfully urged us, as a Legislature, to follow suit, might weary and too soon leave the front lines for Justice and Inclusion.

This weekend should not be another "day off", Mr. Vice-President, but a "day on." Your leadership, no, *our* leadership is required across our State in each of our cities and villages to remind our constituents, our neighbors and our friends that the legacy of Dr. King is the legacy of a united America. This holiday, which bears but one man's name, was accomplished by so many, many people; who sacrificed and labored; time and resources and even reputation for the creed that is uniquely America. That we are all endowed by our Creator with inalienable rights; rights such as Liberty, Freedom and Justice . . . without partiality to one's color or one's creed.

As I have said before Mr. Vice-President, the vision of these warriors and this resulting day "on" to, hopefully, first reflect and then to share with others is not owned by my religion or by yours. It doesn't belong to my race or to my political party or to yours. The dream of Dr. King is as deeply rooted in the American psyche as the true beauty of diversity and inclusion is to America itself. And as the elected leaders of this great State, we must exert our ability to do our best to insure that in this, our time, and in this our place . . . that with God's grace . . . that we too can make a difference.

Please, have a reflective and active King Holiday. — Senator David Haley

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 430, An act relating to crimes, punishment and criminal procedure; concerning aggravated criminal threat; amending K.S.A. 21-3419a and repealing the existing section, by Committee on Judiciary.

SB 431, An act concerning the probate code; relating to the increase in allowances for spouses and minor children; amending K.S.A. 59-403, 59-6a215 and 59-2287 and K.S.A. 2007 Supp. 59-1507b and repealing the existing sections, by Committee on Judiciary.

SB 432, An act concerning the uniform transfer on death security registration act; amending K.S.A. 17-49a01 and 17-49a03 and repealing the existing sections, by Committee on Judiciary.

SB 433, An act enacting the uniform prudent management of institutional funds act; repealing K.S.A. 58-3601 through 58-3609, by Committee on Judiciary.

SB 434, An act relating to civil procedure; concerning certain rules of procedure; amending K.S.A. 60-216, 60-226, 60-233, 60-234, 60-237 and 60-245 and repealing the existing sections, by Committee on Judiciary.

SB 435, An act relating to children and minors; concerning the revised Kansas juvenile justice code and the revised Kansas code for care of children; amending K.S.A. 2007 Supp. 38-2202, 38-2203, 38-2211, 38-2217, 38-2237, 38-2241, 38-2243, 38-2244, 38-2247, 38-2248, 38-2251, 38-2254, 38-2258, 38-2259, 38-2260, 38-2264, 38-2265, 38-2268, 38-2269, 38-2304 and 38-2317 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 38-133, by Committee on Judiciary.

SB 436, An act concerning community colleges; providing districtwide retailers' sales tax authority; procedure and requirements; protest petition, by Legislative Educational Planning Committee.

SB 437, An act concerning postsecondary educational institutions; relating to the ROTC service scholarship; amending K.S.A. 74-3255 and repealing the existing section, by Committee on Education.

SB 438, An act concerning certain firefighters; establishing certain employment rights, by Senator D. Schmidt.

SB 439. An act concerning insurance; establishing advertising standards for life insurance policies and annuities; amending K.S.A. 2007 Supp. 40-4909 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 440. An act concerning insurance agents and producers; relating to continuing education requirements; amending K.S.A. 2007 Supp. 40-4903 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 441. An act concerning insurance; pertaining to HIPAA compliance; amending K.S.A. 2007 Supp. 40-2258 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 442. An act concerning insurance; relating to foreign insurance companies doing business in this state; amending K.S.A. 2007 Supp. 40-209 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 443. An act concerning the long-term care partnership program, by Committee on Financial Institutions and Insurance.

SB 444. An act concerning property taxation; relating to exemptions; tangible personal property not specifically classified, by Committee on Assessment and Taxation.

SB 445. An act concerning income taxation; relating to credits; capital investments in businesses located in a city substantially damaged by disaster, by Committee on Assessment and Taxation.

SB 446. An act concerning sales taxation; relating to exemptions; certain educational foundations; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SENATE CONCURRENT RESOLUTION No. 1616—

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; and

WHEREAS, It would be appropriate for the state of Kansas to conduct a comprehensive review of insurance department fee modernization and modernizing rating laws for personal lines of property and casualty insurance and workers compensation: Now, therefore,

Be it resolved by the _____ of the State of Kansas, the _____ concurring therein: That a task force be formed to study the design and implementation of an electronic motor vehicle financial security verification system consisting of 18 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; one member representing licensed Kansas insurance agents appointed by the insurance commissioner from a list submitted by the Kansas Association of Insurance and Financial Advisors; 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 financial institutions, and the chair of the senate committee on financial institutions and insurance no later than the convening of the 2009 Kansas legislature.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 426**.

Elections and Local Government: **SB 428**.

Judiciary: **SB 427, SB 429**.

Ways and Means: **SB 425**.

CHANGE OF REFERENCE

The Vice President withdrew **HB 2390** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs**.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2186**, as amended by House Committee, be amended on page 1, in line 21, by striking "state in such advertisement whether or not such person is"; by striking all in line 22; in line 23, by striking all before the semicolon and inserting "be licensed by the state of Kansas in such person's profession and in any such advertisement shall place such person's license number"; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 18, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

