

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 12, 2008—2:30 p.m.

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

Heavenly Father,

For the last three years on Lincoln's birthday anniversary,
I have shared some of his quotes which show his reliance on You.
I would like to continue this practice this year on this day,
His 199th birthday anniversary.

From his inaugural address on March 4, 1861:
"Intelligence, patriotism, Christianity, and a firm
Reliance on Him who has never yet forsaken this favored land,
Are still competent to adjust in the best way all our present difficulty."

He once told Noah Brooks, his intended secretary,
"I have been driven many times upon my knees by the overwhelming
Conviction that I had nowhere else to go. My own wisdom,
And that of all about me, seemed insufficient for that day."

From his proclamation initiating the first annual National Day of
Thanksgiving on October 3, 1863: "...it is announced in the Holy
Scriptures and proven by history, that those nations are blessed whose
God is the Lord."

Again we thank You, O God, for arranging such a man as Lincoln for
Such a time as that.

I pray in the Name of Jesus Christ,

AMEN

(Quotes taken from *America's God and Country Encyclopedia of Quotations* by William J. Federer).

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 600, An act relating to domestic relations; concerning case managers; amending K.S.A. 23-1003 and repealing the existing section, by Committee on Judiciary.

SB 601, An act concerning viatical settlements; pertaining to stranger-originated life insurance; amending K.S.A. 2007 Supp. 40-5002, 40-5008, 40-5011 and 40-5012 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 602, An act concerning sales taxation; relating to exemptions; wayside waifs, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 603, An act concerning liens; relating to supplier's liens; amending K.S.A. 60-1111 and repealing the existing section, by Committee on Commerce.

SB 604, An act relating to motor carriers; providing for certain exemptions; amending K.S.A. 2007 Supp. 66-1,129 and repealing the existing section, by Committee on Ways and Means.

SB 605, An act concerning the housing trust fund; relating to the collection of fees; amending K.S.A. 2007 Supp. 28-115 and repealing the existing section, by Committee on Ways and Means.

SB 606, An act concerning wildlife; enacting the invasive species management act; creating an aquaculture advisory council, by Senator Journey.

SB 607, An act establishing the Kansas government efficiency commission; providing for an independent efficiency review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other state agencies; amending K.S.A. 46-1001 and K.S.A. 2007 Supp. 75-2973 and 75-4319 and repealing the existing sections, by Senators D. Schmidt, Barnett, Donovan, Huelskamp, Jordan, Journey, Lynn, Ostmeier, Palmer, Petersen, Pine, Pyle, Schodorf, Steineger, Taddiken, Wagle and Wilson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 595**.

Assessment and Taxation: **SB 592, SB 593**.

Elections and Local Government: **SB 598**.

Federal and State Affairs: **SB 599; SCR 1617**.

Judiciary: **SB 587, SB 588, SB 589, SB 590, SB 591**.

Public Health and Welfare: **SB 596**.

Utilities: **SB 586; HB 2637**.

Ways and Means: **SB 594, SB 597**.

CHANGE OF REFERENCE

The President withdrew **SB 598** from the Committee on **Elections and Local Government**, and referred the bill to the Committee on **Natural Resources**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1813—

A RESOLUTION recognizing and expressing gratitude for the life and work of Tyrone T. Korte and other highway workers for the important and sometimes dangerous job they do.

WHEREAS, The topic of work zone safety is again being studied following the tragic death of Tyrone T. Korte, 30, of Seneca, who was killed on September 11, 2007, while working on U.S. Highway 59 near Lawrence. This unnecessary and unfortunate loss serves as a reminder of the danger that men and women face every day as they risk their lives in highway work zones; and

WHEREAS, Ty Korte's friends at the Seneca Construction and Maintenance Office said of him, "Ty always had a smile to greet you when you walked in the door. He would always go the extra mile to help you on the project or in the office. Ty would always step up to whatever task was set in front of him. But, he always made work fun, from the joking around, to his inability to sit still, and his love for the Jayhawks and the Yankees. Ty always wanted to be the best, whether it was at his job or in life. That was evident in all the little competitions he would come up with in the office or out on the project, and in his love for golf. If he wasn't the best he would try and try until he was. Ty Korte was a great co-worker and an even better friend."; and

WHEREAS, The KDOT family is deeply saddened by the loss of Ty Korte, who had worked as an Engineering Technician for the agency since 2002. The deaths of Ty Korte and other highway workers stand as witness to the need to redouble our efforts to reduce work zone crashes to help protect men and women working and traveling on highways in Kansas; and

WHEREAS, Ty Korte and his colleagues provide an essential service for the traveling public. However, motorists traveling through work zones present significant risk to highway workers and other motorists—last year alone, 14 people were killed and 657 injured in work zone crashes; and

WHEREAS, Highway work zone safety has long been a top priority in the state of Kansas and a joint committee of Kansas Department of Transportation and Kansas Highway Patrol will now re-examine our policies and standards in a renewed effort to protect those who serve in work zones: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the significant contributions of Tyrone T. Korte and other highway workers for the difficult and sometimes dangerous job they do; and

Be it further resolved: That the Secretary of the Senate provide two enrolled copies of this resolution to Senator Taddiken, one for presentation to the Korte family, and one for Ty Korte's friends in the Seneca Construction and Maintenance Office.

On emergency motion of Senator Taddiken **SR 1813** was adopted unanimously.

Tyrone's parents, Tom and Wilma Korte were guests and were introduced by Senator Taddiken. Also present were members of the Kansas Department of Transportation and co-workers.

REPORT ON ENROLLED BILLS

SR 1812 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 461** be amended on page 19, in line 7, by striking "employers with 50 or more employees or"; and the bill be passed as amended.

Committee on **Education** recommends **SB 426** be passed.

Committee on **Judiciary** recommends **SB 477** be amended on page 3, in line 18, preceding the semicolon, by inserting ", committed on and after the effective date of this act" and the bill be passed as amended.

Also, **SB 479** be amended on page 2, in line 15, by striking all following "sentence"; in line 16, by striking "life imprisonment"; in line 17, following "life", by inserting "or the longest term of post incarceration supervision imposed for all crimes upon which sentence was imposed"; in line 18, following the period, by inserting "The term of post incarceration supervision imposed by this paragraph shall apply retroactively to crimes committed prior to the effective date of this act."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 522** be passed.

Also, **SB 462** be amended on page 5, in line 9, by striking "base state registration" and inserting "unified carrier registration"; in line 10, by striking all after the period; by striking all in line 11; in line 12, by striking "made from such fund.";

On page 6, by striking all in lines 6 through 8; and the bill be passed as amended.

SB 3, SB 5, SB 6, SB 7, SB 147, SB 174, SB 186, SB 205, SB 224 be not passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. 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 Allen in the Chair.

On motion of Senator Allen the following report was adopted:

Recommended **SB 419, SB 430, SB 434, SB 450, SB 465, SB 472, SB 509** be passed. The committee also recommended **SB 431** be passed.

A motion by Senator Haley to amend **SB 431** failed and the following amendment was rejected: on page 3, following line 26, by inserting the following: "New Sec. 5. (a) Any successor or successors of a decedent, who are entitled by will or by intestate succession to such decedent's real property may file a notification of interest in title in the office of the register of deeds in the county where such real property is located. Such notification shall state:

- (1) The decedent's name and the date of death;
 - (2) the address and legal description of such real property owned by the decedent;
 - (3) the name and current address of the successor or successors filing the notification;
 - (4) the relationship between the decedent and the successor or successors filing the notification; and
 - (5) that the successor or successors filing the notification of interest in title is filing a claim to be the vested owner of such real property.
- (b) A certified copy of the decedent's death certificate shall be attached to such form.";
- And by renumbering the remaining sections accordingly.

SB 301, SB 433, SB 435, SB 487 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 471; HB 2578 be passed over and retain a place on the calendar.

CHANGE OF REFERENCE

SB 471 was withdrawn from the Calendar under the heading of General Orders and rereferred to the Committee on Assessment and Taxation.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 13, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

