

# Journal of the Senate

## ELEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 25, 2005—2:30 p.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-eight senators present.  
Senators Ostmeyer and Wagle were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There have been numerous parts of the human body used in colloquialisms to motivate us to persevere in any endeavor. Such as...

Put your nose to the grindstone.

Put your shoulder to the wheel.

Keep an ear to the ground.

Keep on your toes.

Develop a thick skin.

Keep a stiff upper lip.

Give a helping hand.

Put some starch in your backbone.

Keep a cool head and a warm heart.

Don't be a big head.

Don't get cold feet.

Don't be a pantywaist

Some "wise" guy once said, "It's physically impossible to do all that at one time."  
Your apostle Paul summarized it in his letter to the Romans:

"I urge you therefore, brothers, in view of God's mercy, to offer your bodies as living sacrifices, holy and pleasing to God—this is your spiritual act of worship."  
(Romans 12:1)

Help us, Lord, to respond to Paul's urging.

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 88**, An act concerning the Kansas turnpike authority; relating to tolls; amending K.S.A. 68-2004 and repealing the existing section, by Senator Haley.

**SB 89**, An act concerning certain counties; relating to payment of certain expenses; amending K.S.A. 2004 Supp. 19-4444 and repealing the existing section, by Senator Reitz.

**SB 90**, An act concerning the civil commitment of sexually violent predators; relating to the costs thereof; amending K.S.A. 2004 Supp. 59-29a04 and repealing the existing section, by Senator Reitz.

**SB 91**, An act concerning fees; amending K.S.A. 65-1447 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 92**, An act relating to the department of aging; concerning duties thereof; amending K.S.A. 2004 Supp. 39-1404 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 93**, An act concerning eminent domain; relating to wind energy development projects; amending K.S.A. 17-618 and repealing the existing section, by Committee on Utilities.

**SB 94**, An act relating to roads and highways; concerning certain contracts; amending K.S.A. 68-521 and K.S.A. 2004 Supp. 68-1115 and repealing the existing sections, by Committee on Transportation.

**SB 95**, An act concerning retirement; relating to the Kansas public employees retirement system and systems thereunder; retirement benefit options; amending K.S.A. 2004 Supp. 20-2610a and 74-4918 and repealing the existing sections, by Senators Lee and Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt, D., Schmidt, V., Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson and Wysong.

**SB 96**, An act concerning punitive damages; relating to splitting damage awards; amending K.S.A. 60-3702 and repealing the existing section, by Committee on Judiciary.

**SB 97**, An act concerning construction contracts; relating to indemnification provisions; amending K.S.A. 2004 Supp. 16-121 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 98**, An act concerning hunting; relating to hunter's education requirements; amending K.S.A. 2004 Supp. 32-920 and repealing the existing section, by Committee on Natural Resources.

**SB 99**, An act concerning retirement; related to plan for certain employees of state board of regents and educational institutions thereunder; amending K.S.A. 74-4925b, 74-4925e and 76-746 and K.S.A. 2004 Supp. 74-4925 and repealing the existing sections, by Legislative Educational Planning Committee.

**SB 100**, An act concerning insurance; pertaining to HIPAA compliance; amending K.S.A. 2004 Supp. 40-2258 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 101**, An act concerning banks and trust companies; relating to employment of an officer or director who has been removed for cause; amending K.S.A. 9-1805 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 102**, An act concerning health insurance; relating to notice when a block of business is closed; amending K.S.A. 40-2255 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 103**, An act concerning insurance; relating to certain insurance policies issued to Kansas residents deployed in military service, by Committee on Financial Institutions and Insurance.

**SB 104**, An act concerning banks; relating to examination of certain affiliated business entities; amending K.S.A. 9-1702 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 105**, An act concerning sales taxation; relating to retailers' sales tax in Miami county; amending K.S.A. 2004 Supp. 12-187 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 106**, An act concerning advance voting; pertaining to the transmission of ballots; amending K.S.A. 2004 Supp. 25-1123 and repealing the existing section, by Committee on Elections and Local Government.

**SB 107**, An act concerning the employment security law; relating to the charging of benefit payments; amending K.S.A. 2004 Supp. 44-710 and repealing the existing section, by Committee on Commerce.

**SB 108**, An act concerning employment security law; amending K.S.A. 44-719 and K.S.A. 2004 Supp. 44-703, 44-710a and 44-716a and repealing the existing sections, by Committee on Commerce.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 82, SB 83.**  
Public Health and Welfare: **SB 86.**  
Ways and Means: **SB 84, SB 85, SB 87.**

**CHANGE OF REFERENCE**

The President withdrew **SB 70** from the Committee on Ways and Means, and referred the bill to the Committee on Assessment and Taxation.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2007.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2007** was thereupon introduced and read by title.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** recommends **SB 1** be amended on page 2, in line 33, by striking "2004 Supp."; and the bill be passed as amended.

**REPORT ON ENROLLED BILLS**

**SR 1805** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 25, 2005.

On motion of Senator Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 26, 2005.

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

PAT SAVILLE, *Secretary of the Senate.*

