

# Journal of the Senate

SIXTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 1, 2005—2:30 p.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-nine senators present.  
Senator Gilstrap was excused.  
President Morris introduced as guest chaplain, Rev. Al Areheart, Pastor, Twelfth Avenue Baptist Church, Emporia, Kansas, who delivered the invocation:

Dear Father in Heaven,

Thank you for the blessings that we enjoy today—the blessings of health, prosperity, and our freedom. We confess that we are richly blessed to live in America. We thank you for those who have sacrificed over the last 250 years to make these blessings possible.

Father—as faithful citizens of this great land—we ask you to be with those in uniform who are risking their lives even now in the defense of freedom around the world.

Here at home, we thank you for these who serve you in our Kansas Senate. Bless them for making the sacrifice of public service.

Give them physical strength, mental sharpness, and true wisdom that comes from you. Give them the heart of a servant to conscientiously serve their fellow Kansans. Impress upon their spirits an awareness that they serve as your agents as well.

May they fulfill their duties faithfully, with their eyes on their fellow citizens and their ears attuned to heaven.

May the efforts of this body be greater than the sum of their individual parts as they join together to work for the highest good.

Father, at the end of the day, may they have that deep sense of satisfaction that comes from giving their very best.

In Christ's name, Amen

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 151**, An act defining the crimes of trafficking and aggravated trafficking and prescribing penalties therefor, by Senator Jordan.

**SB 152**, An act relating to district hospitals; relating to the sale of property; amending K.S.A. 80-2520 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 153**, An act concerning the negotiation and approval of gaming compacts; amending K.S.A. 46-2302 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 154**, An act relating to food and beverages available to students in Kansas school districts; providing for the adoption of certain standards, by Committee on Public Health and Welfare.

**SB 155**, An act concerning abortion; amending K.S.A. 65-6703 and repealing the existing section, by Senator Journey.

**SB 156**, An act concerning taxation; relating to secretary of revenue; tax report to legislature, by Committee on Assessment and Taxation.

**SB 157**, An act concerning income taxation; relating to credits; disclosures; amending K.S.A. 2004 Supp. 79-3234 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 158**, An act concerning property taxation; relating to hay and cotton storage structures; amending K.S.A. 2004 Supp. 79-201d and repealing the existing section, by Committee on Assessment and Taxation.

**SB 159**, An act concerning taxation; relating to duties of secretary of revenue; tax incidence impact analysis, by Committee on Assessment and Taxation.

**SB 160**, An act relating to health insurance; relating to reimbursement of certain services, by Committee on Elections and Local Government.

**SB 161**, An act concerning civil procedure; relating to the liability of certain entities for services performed by offenders, by Committee on Judiciary.

**SB 162**, An act concerning crimes, punishment and criminal procedure; relating to sentencing to a nonprison sanction; amending K.S.A. 2004 Supp. 21-4603d and 21-4729 and repealing the existing sections, by Committee on Judiciary.

**SB 163**, An act concerning elections; relating to the conduct of elections by election workers; amending K.S.A. 25-3005 and K.S.A. 2004 Supp. 25-124 and repealing the existing sections, by Committee on Elections and Local Government.

**SB 164**, An act concerning cities; relating to quarterly reports of the treasurer; amending K.S.A. 12-1608 and repealing the existing section, by Committee on Elections and Local Government.

**SB 165**, An act concerning health insurance; relating to abuse of health insurance, by Committee on Financial Institutions and Insurance.

**SB 166**, An act concerning health insurance; relating to assignment of insurance payments for covered services, by Committee on Financial Institutions and Insurance.

**SB 167**, An act concerning health insurance; relating to insurance payments for covered dental services, by Committee on Financial Institutions and Insurance.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 150**; **SCR 1605**.

Elections and Local Government: **SB 141**, **SB 142**, **SB 143**.

Financial Institutions & Insurance: **SB 140**.

Judiciary: **SB 144**, **SB 145**, **SB 146**, **SB 147**, **SB 148**, **SB 149**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2040**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2040** was thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1807—

A RESOLUTION congratulating and commending Charlie Brown.

WHEREAS, Charlie Brown, a truck driver for Yellow Transportation in Overland Park, has been named the 2004 National Truck Driver of the Year by the American Trucking Association; and

WHEREAS, Charlie Brown was also named the 2004 Driver of the Year by the Kansas Motor Carriers Association; and

WHEREAS, Charlie Brown in his 36 year over-the-road truck driving career has driven over 3.3 million accident free miles; and

WHEREAS, Charlie Brown, along with his wife Karen and daughter Amanda, reside in Fort Scott; and

WHEREAS, The Kansas Motor Carriers Association is proud to have four National Truck Drivers of the Year in its membership: Charlie Brown in 2004; Bill Whim of ABF Freight Systems in 1978 and 2000; Leroy Likins of CHS Transportation in 1997 and David McDonald of Roadway Express in 1996; and

WHEREAS, Charlie Brown epitomizes a true professional by his dedication, honor, humility and integrity: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That Charlie Brown be congratulated and commended for being named the 2004 National Truck Driver of the Year and for his 36 years of safe truck driving; and

*Be it further resolved:* That the Secretary of the Senate be directed to send four enrolled copies of this resolution to the Kansas Motor Carriers Association, Post Office Box 1673, Topeka, Kansas 66601-1673.

On emergency motion of Senator Barone **SR 1807** was adopted unanimously.

Senator Barone and members of the Senate congratulated and honored Charlie Brown with a standing ovation. Accompanying Charlie was his wife, Karen and Dave Knisley, Safety Director, Yellow Transportation of Overland Park, Kansas.

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 13** be passed.

Also, **SB 126** be amended on page 1, in line 32, by striking "tax" and inserting "appraisal"; in line 33, by striking "79-1412a" and inserting "79-1466"; in line 34, by striking "tax" and inserting "appraisal"; also in line 34, after "rolls" by inserting "and certify the changes to the county clerk"; in line 36, by striking all after "that"; in line 37, by striking all before "after" and inserting "such changes shall not be made"; and the bill be passed as amended.

Committee on **Education** recommends **SB 9** be passed.

Committee on **Judiciary** recommends **SB 50** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **SB 92** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 10** be amended on page 1, in line 25, by striking "unlimited" and inserting "limited";

On page 2, in line 7, by striking "may" and inserting "shall"; also on page 2, in line 33, by striking "and" where it appears for the last time; following line 33, by inserting the following:

"(5) a requirement that all teachers responsible for the student's supervision shall be notified that permission to carry medications and self-medicate has been granted; and";

Also on page 2, in line 34, by striking "(5)" and inserting "(6)"; in line 41, preceding "shall" by inserting "in compliance with the provisions of this section";

On page 3, in line 12, preceding "back-up" by inserting "any"; also in line 12, by striking "if"; in line 13, by striking the comma; in line 24, by striking "resolution" and inserting "policy"; by striking all of line 30; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 8** be passed.

Also, **SB 46** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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

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

PAT SAVILLE, *Secretary of the Senate.*

