

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 4, 2005—9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-two senators present.
Senators Apple, Barnett, Brungardt, Goodwin, Palmer, Taddiken, Wagle and Wilson were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Some of the issues before us call for difficult decisions on our part. Sometimes it is because our conscience does not coincide with the desires of the majority of our constituents.

Sometimes it's because it's just hard to decide which is best: an "aye" or a "no".

I want to thank You, Lord, that in Your Holy Scriptures You have given us instructions on how to deal with these dilemmas.

In the book of James You instruct us to ask what is Your will before we make the decision. (James 4:15). And in the prayer that Jesus taught us to pray we ask that "thy will be done". (Matthew 9:10)

Another guideline is found in I Corinthians where we are told "...whatever you do, do it all for the glory of God." (I Corinthians 10:31). In other words, which decision will be most likely to bring glory to God?

We praise You, O God, for sharing Your wisdom with us.

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 196, An act relating to the Kansas mortgage business act; pertaining to administration of the act by the state bank commissioner; amending K.S.A. 9-2205, 9-2208, 9-2209, 9-2211, 9-2216 and 9-2218 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 197, An act concerning insurance; relating to insurance scores; repealing K.S.A. 2004 Supp. 40-5101, 40-5102, 40-5103, 40-5104, 40-5105, 40-5106, 40-5107, 40-5108, 40-5109, 40-5110, 40-5111, 40-5112, 40-5113 and 40-5114, by Senator Journey.

SB 198, An act concerning the Kansas insurance score act; relating to penalties for violations thereof; amending K.S.A. 2004 Supp. 40-5112 and repealing the existing section, by Senator Journey.

SB 199, An act concerning juveniles; relating to custody; amending K.S.A. 38-1632 and repealing the existing section, by Committee on Judiciary.

SB 200, An act concerning juveniles; relating to fingerprinting and photographing; amending K.S.A. 2004 Supp. 38-1611 and 75-7023 and repealing the existing sections, by Committee on Judiciary.

SB 201, An act concerning juveniles; relating to the detention thereof; amending K.S.A. 38-1691 and repealing the existing section, by Committee on Judiciary.

SB 202. An act concerning crimes and punishment; relating to traffic in contraband in a correctional institution; amending K.S.A. 2004 Supp. 21-3826 and repealing the existing section, by Committee on Judiciary.

SB 203. An act concerning juveniles; relating to sentencing alternatives; amending K.S.A. 38-1663 and repealing the existing section, by Committee on Judiciary.

SB 204. An act concerning governmental ethics; relating to the application of the state governmental ethics law to certain local officers; amending K.S.A. 46-214a, 46-217, 46-221, 46-222, 46-225, 46-226, 46-227, 46-228, 46-232, 46-235, 46-236, 46-237, 46-238, 46-239, 46-240, 46-241, 46-242, 46-243, 46-246a, 46-259, 46-262, 46-263, 46-268, 46-269, 46-271, 46-272, 46-273, 46-282 and 46-286 and K.S.A. 2004 Supp. 46-233, 46-234 and 46-247 and repealing the existing sections, by Senator Steineger.

SB 205. An act concerning sales taxation; relating to destination sourcing rules; amending K.S.A. 2004 Supp. 12-191, 79-3603, 79-3667, 79-3668, 79-3669, 79-3670, 79-3671, 79-3672, 79-3673 and 79-3682 and repealing the existing sections, by Senators Pyle, Brownlee, Huelskamp, Jordan, Journey, O'Connor, Ostmeyer, Palmer, Taddiken and Wilson.

SB 206. An act concerning crimes, punishment and criminal procedure; relating to evidence and videotaping of felony interrogations, by Senator Haley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 191, SB 192, SB 193, SB 195.**

Commerce: **SB 186, SB 187, SB 188.**

Judiciary: **SB 182.**

Natural Resources: **SB 185, SB 194.**

Public Health and Welfare: **SB 183.**

Transportation: **SB 184.**

Ways and Means: **SB 189, SB 190.**

MESSAGE FROM THE GOVERNOR

February 4, 2005

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Kathleen Sebelius
Governor

Member, Kansas Racing and Gaming Commission, Glenn R. Braun, pursuant to the authority vested in me by KSA 74-8803, effective upon the date of confirmation by the Senate, to serve a term of four years.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS PUBLIC BROADCASTING COUNCIL

Janet Campbell, Chair (KANU-FM) Lawrence, submitted the Kansas Public Broadcasting Council Annual Report.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2027, HB 2031, HB 2083, HB 2109.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2027, HB 2031, HB 2083, HB 2109 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1810—

A RESOLUTION recognizing February 6 as Ronald Reagan day.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, governor of California and president of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America; the second of which he earned the confidence of 3% of the electorate and was victorious in 49 of the 50 states in the general election—a record unsurpassed in the history of American presidential elections; and

WHEREAS, In 1981, when Ronald Reagan was inaugurated president, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, Mr. Reagan worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which agenda led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to meet 21st century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the cold war and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, February 6, 2005, will be the 94th anniversary of Ronald Reagan's birth, and the first since his passing; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 6th, 2005, as Ronald Reagan Day and urge the citizens of the state to recognize this event.

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

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

SENATE RESOLUTION No. 1811—

A RESOLUTION congratulating and commending Sumner Academy High School.

WHEREAS, Sumner Academy High School has been awarded the National PTA's School of Excellence Award. This award recognizes schools whose parent involvement programs are based on the national standards for parent/family involvement programs. This prestigious award has been presented to only 16 other Kansas schools and 497 schools nationwide. Sumner Academy High School is the first Kansas City, Kansas, school to receive the award; and

WHEREAS, Excellent schools are created through the dedication of administrators, teachers, parents and community members who are passionate about student success. The Parent Involvement Schools of Excellence Certification recognizes schools whose parent involvement programs are based on standards endorsed by nearly 100 health and education organizations. This program provides a framework for schools to evaluate themselves; and

WHEREAS, This award will be presented at the Sumner Academy PTA's Founders Day meeting on Tuesday, February 15; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Sumner Academy High School, its teachers and administrators and particularly the concerned parents involved in the school's PTA organization upon being awarded the prestigious National PTA's School of Excellence Award; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Mary Viveros, Principal, Sumner Academy High School, 1610 North 8th Street, Kansas City, KS 66101.

On emergency motion of Senator Steineger **SR 1811** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Natural Resources** recommends **SB 98** be passed.

FEBRUARY 4, 2005

113

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 7, 2005.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

