

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 28, 2004—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with forty senators present.

Pastor Hollomon introduced as guest chaplain, Gracia Burnham, Rose Hill, Kansas, who delivered the invocation:

Dear Heavenly Father,

We thank You for this beautiful day. We believe that it's the day that You have made and we rejoice in it.

We believe that You've made us, too, Lord; and although we would like to think of ourselves as self sufficient and having everything under control, we in reality are very needy people.

We need Your wisdom to get us through this day, this session and this year. You are the one who knows the end from the beginning. You are the one who is able to change things, and You are the one who made the promise that You will work all things for our good if we love You.

So - we commit ourselves to You and we ask Your blessing on us, this afternoon, especially, in the name of our Lord Jesus, who loved us and gave himself for us. Amen.

Mrs. Burnham, along with her husband, Martin, who was killed, were seized and held hostage by rebels from the Abu Sayyaf group for 376 days in the Philippine jungle.

Also introduced were Mrs. Burnham's daughter, Mindy, and nephew, Ben, who were serving as Senate pages.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 377, An act concerning counties; relating to statements of expenditures; amending K.S.A. 2003 Supp. 19-228 and repealing the existing section, by Committee on Federal and State Affairs.

SB 378, An act concerning kennels; relating to the inspection of; amending K.S.A. 47-1709 and repealing the existing section, by Committee on Agriculture.

SB 379, An act concerning asset forfeiture; pertaining to notice to lienholder; amending K.S.A. 60-4107 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 380, An act concerning liens for wrecker and towing service; pertaining to notice to lienholder; amending K.S.A. 8-1103 and 8-1104 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 381, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; beneficiaries; amending K.S.A. 2003 Supp. 74-4902 and 74-4927 and repealing the existing sections, by Senator Bunten.

SB 382. An act relating to public utilities; concerning the recovery of certain costs of security measures; amending K.S.A. 66-1233 and repealing the existing section, by Committee on Utilities.

SB 383. An act amending the Kansas uniform commercial drivers' license act; relating to hazardous materials endorsement; amending K.S.A. 2003 Supp. 8-2,128 and repealing the existing section, by Committee on Transportation.

SB 384. An act regulating traffic; concerning the maximum speed limits; amending K.S.A. 8-1560c and 8-1560d and K.S.A. 2003 Supp. 8-1558 and repealing the existing sections, by Committee on Transportation.

SB 385. An act regulating traffic; concerning school zones; amending K.S.A. 8-2118 and repealing the existing section, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 368, SB 369, SB 370, SB 371, SB 372.**

Commerce: **SB 375.**

Education: **SB 373, SB 374.**

Elections and Local Government: **SB 376.**

Financial Institutions & Insurance: **SB 367.**

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2049.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2049 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1805—

A RESOLUTION congratulating and commending Henry and Bea Wessel.

WHEREAS, Henry and Bea Wessel, residents at the Council Grove City Lake, rescued John Hanson, a fellow resident at the lake, from a cold death on January 8; and

WHEREAS, John Hanson noticed that Checkers, one of his poodles, had not returned to the house and located the dog in the water near the edge of the ice about 100 feet from shore. Mr. Hanson went onto the thin ice and was within five feet of his dog when he fell through the ice into the water. After pushing the dog to safety, Mr. Hanson clung to a buoy about 100 feet from shore and yelled for his wife to help him, but she did not hear his call. Fortunately, Henry Wessel, who normally takes a nap after lunch, decided to clean out his garage and saw Mr. Hanson through the garage window. Mr. Wessel tried to throw a rope to Mr. Hanson without success; he got in a canoe to get closer, but after throwing the rope to Mr. Hanson was only pulled toward him. Finally, with Mrs. Wessel's help they secured the rope to the end of a pier and were able to bring Mr. Hanson to safety. He had been in the water over 10 minutes, and his body temperature was 93 degrees when checked by medical technicians; fortunately, he was able to return home after being checked at the hospital: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Henry and Bea Wessel for their heroic rescue of John Hanson; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Mr. and Mrs. Henry R. Wessel, I 10 Lake Road, Council Grove, KS 66846.

On emergency motion of Senator Barnett **SR 1805** was adopted unanimously.

Senators welcomed Henry and Bea Wessel with a standing ovation. Accompanying them were Shelly Wessel, Keith Wessel, Alicia Wessel, Kris Wessel, Barry Wessel, Jill Wessel, Ashley Wessel, Melany Martin and Carol Spencer.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 338** be passed.

Committee on **Ways and Means** recommends **SB 323** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Buhler in the chair.

On motion of Senator Buhler the following report was adopted:

Recommended **SB 312** be amended by adoption of the committee amendments, and the bill be passed as amended.

SB 297 be amended by adoption of the committee amendments, be further amended by motion of Senator Pugh on page 1, in line 42, by striking "state general" and inserting "judicial branch";

On page 7, preceding line 16, by inserting new material to read as follows:

"New Sec. There is hereby created the judicial branch fund. The state treasurer shall deposit moneys, in accordance with K.S.A. 20-367, and amendments thereto, to the judicial branch fund. All expenditures from the judicial branch fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the supreme court or by a person or persons designated by the chief justice.";

And by renumbering the remaining sections accordingly, and **SB 297** be passed as further amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, January 29, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

