

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 2, 2004—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-five senators present.
Senators Adkins, Downey, Gilstrap, Goodwin and Haley were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Sometimes it helps to remember good advice by using one syllable words:

Dream while others scheme.
Pray while others play.
Share while others stare.
Care while others swear.
Save while others crave.
Trust while others “cuss”.
Work while others shirk.
Try while others cry.
Hope while others mope.
Cheer while others sneer.

Perhaps, O God, some of us can use these one syllable suggestions to help us achieve the goals which You have set for us.

I pray in the Name of Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 404, An act concerning real estate brokers and salespersons; relating to licensure thereof; relating to certain prohibited acts; amending K.S.A. 2003 Supp. 58-3043, 58-3050 and 58-3062 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 405, An act concerning cities; relating to certain redevelopment projects; amending K.S.A. 12-1771a and repealing the existing section, by Committee on Federal and State Affairs.

SB 406, An act concerning crimes, punishments and penalties; relating to domestic battery; amending K.S.A. 2003 Supp. 21-3412a and repealing the existing section, by Committee on Federal and State Affairs.

SB 407, An act concerning parimutuel wagering; relating to takeout; amending K.S.A. 74-8819 and repealing the existing section, by Committee on Federal and State Affairs.

SB 408, An act concerning public improvements and buildings; relating to public works bonds; amending K.S.A. 2003 Supp. 60-1111 and repealing the existing section, by Committee on Federal and State Affairs.

SB 409, An act concerning the Kansas water appropriation act; relating to sand and gravel pits; amending K.S.A. 82a-734 and repealing the existing section, by Committee on Agriculture.

SB 410, An act concerning the employment security laws; relating to failure to pass a pre-employment drug screen and misconduct; amending K.S.A. 2003 Supp. 44-706 and repealing the existing section, by Senators Schmidt, Adkins, Brownlee, Donovan, Jordan, Kerr, Schodorf, Teichman, Umbarger and Vratil.

SB 411, An act concerning taxation on marijuana and controlled substances; relating to tax assessments; appeals, procedure; amending K.S.A. 79-5205 and repealing the existing section, by Committee on Assessment and Taxation.

SB 412, An act concerning taxation; relating to collection of delinquent taxes; tax liens; amending K.S.A. 2003 Supp. 79-3235 and 79-3617 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 413, An act concerning sales taxation; relating to exemptions; identification numbers and certificates; amending K.S.A. 2003 Supp. 79-3651 and repealing the existing section, by Committee on Assessment and Taxation.

SB 414, An act concerning alcoholic liquor; relating to licenses; delinquent taxes; amending K.S.A. 2003 Supp. 41-311 and 41-2623 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 415, An act concerning property taxation; relating to classification of property; amending K.S.A. 79-1459 and repealing the existing section, by Committee on Assessment and Taxation.

SB 416, An act concerning solid waste; relating to fees; amending K.S.A. 65-3410 and repealing the existing section, by Committee on Natural Resources.

SB 417, An act concerning income taxation; relating to rural business development tax credits; amending K.S.A. 40-2803 and 40-2804 and K.S.A. 2003 Supp. 79-32,117 and repealing the existing sections, by Committee on Commerce.

SB 418, An act establishing a birth defects information system; providing for administration by the secretary of health and environment and for collection of data, by Committee on Public Health and Welfare.

SB 419, An act concerning civil procedure; relating to costs in actions involving the negligent operation of a motor vehicle; amending K.S.A. 2003 Supp. 60-2006 and repealing the existing section, by Senator Vratil.

SB 420, An act concerning civil procedure; relating to costs; amending K.S.A. 60-2002 and repealing the existing section, by Senator Vratil.

SB 421, An act concerning eminent domain; relating to the filing of the appraisers' report; amending K.S.A. 26-504 and repealing the existing section, by Senator Vratil.

SB 422, An act concerning crimes, punishment and criminal procedure; relating to imprisonment for life without the possibility of parole; amending K.S.A. 21-4633 and 21-4634 and K.S.A. 2003 Supp. 21-4635 and 22-3717 and repealing the existing sections, by Committee on Judiciary.

SB 423, An act concerning civil procedure; relating to wage garnishment; amending K.S.A. 2003 Supp. 60-2310 and repealing the existing section, by Committee on Judiciary.

SB 424, An act concerning trusts; relating to the transfer of property into a trust, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 403 (separately)**.

Education: **SB 403 (separately)**.

Federal and State Affairs: **SB 400, SB 402**.

Financial Institutions & Insurance: **SB 399**.

Utilities: **SB 401**.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS DEPARTMENT OF CORRECTIONS**

January 27, 2004

In accordance with the provisions of K.S.A. 2002 Supp. 60-4117, Roger Werholtz, Secretary of Corrections, submitted the report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2002 through December 1, 2003.

KANSAS BUREAU OF INVESTIGATION

January 29, 2004

In compliance with K.S.A. 60-4117, Larry Welch, Director, Kansas Bureau of Investigation, submitted the annual report regarding the status of the KBI State Forfeiture Fund.

KANSAS CORPORATION COMMISSION

January 30, 2004

Brian J. Moline, Chair, submitted the Kansas Corporation Commission report, pursuant to the provisions of K.S.A. 66-117b. This report can be viewed on the KCC website at http://www.kcc.state.ks.us/04_legis_rpt.pdf.

KANSAS GUARDIANSHIP PROGRAM

January 30, 2004

On behalf of the Board and staff of the Kansas Guardianship Program, Judge Frank J. Yeoman, Jr., Board of Directors, submitted the 2003 Annual Report.

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

REPORTS OF STANDING COMMITTEES

Committee on **Elections and Local Government** recommends **SB 292** be amended on page 1, in line 43, following "hydrants" by inserting ", or other similar devices for fighting fires,";

On page 2, following line 4, by inserting:

"The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.";

Also on page 2, in line 22, following "hydrants" by inserting ", or other similar devices for fighting fires,"; following line 25, by inserting:

"The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.";

Also on page 2, in line 38, following "hydrants" by inserting ", or other similar devices for fighting fires,"; following line 40, by inserting:

"The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.";

On page 3, in line 36, following "hydrants" by inserting ", or other similar devices for fighting fires,"; following line 39, by inserting:

"The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.";

On page 4, in line 11, following "hydrants" by inserting ", or other similar devices for fighting fires,"; following line 15, by inserting:

"The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the fire

district and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.”;

Also on page 4, in line 21, before “including” by inserting “or other similar devices for fighting fires.”; in line 26, following the period, by inserting:

“The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the municipality and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.”;

On page 5, in line 35, following “hydrants” by inserting “, or other similar devices for fighting fires.”; following line 38, by inserting:

“The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.”;

On page 6, in line 11, following “hydrants” by inserting “, or other similar devices for fighting fires.”; following line 15, by inserting:

“The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the township board and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.”;

Also on page 6, in line 25, following “hydrants” by inserting “, or other similar devices for fighting fires.”; following line 26, by inserting:

“The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the township board and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.”;

Also on page 6, in line 42, following “hydrants” by inserting “, or other similar devices for fighting fires.”;

On page 7, following line 3, by inserting:

“The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the township board and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.”;

Also on page 7, in line 15, following “hydrants” by inserting “, or other similar devices for fighting fires.”; following line 19, by inserting:

“The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the township board and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed.”; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 3, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

