

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 3, 2004—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-nine senators present.
Senator Hensley was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I'm sure You'll help me welcome
Our three new Senate members:
Journey, Betts, and Helgerson
Need to be remembered.

My welcome's quite belated,
But it's certainly just as warm,
And they have had four weeks
To be somewhat more informed.

Two of them have served
On the west side called the House.
Compared to their noise level.
We are almost like a mouse.

If my prayers seem different to them
As I pray from day to day;
I don't think it honors You, O God,
If I'm boring when I pray.

I pray You'll help all three of them
To learn the ropes real quick,
And in the next nine weeks
Keep them from getting sick!

Give them a skin as tough as nails
But a heart that's warm and true,
And most of all give them the faith
To call for help on You.

I pray in the Name of Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 425, An act concerning dentistry; relating to the administering of sedation and anaesthetics; amending K.S.A. 65-1444 and repealing the existing section, by Committee on Public Health and Welfare.

SB 426. An act concerning institutional licenses under the Kansas healing arts act; amending K.S.A. 65-2895 and repealing the existing section, by Committee on Public Health and Welfare.

SB 427. An act concerning income taxation; relating to deduction for Washburn university retirement benefits; amending K.S.A. 2003 Supp. 79-32,117 and repealing the existing section, by Committee on Ways and Means.

SB 428. An act concerning taxation; relating to delinquent taxes; injunctions and restraining orders related to taxpayer engaging in business, by Committee on Assessment and Taxation.

SB 429. An act concerning crimes and punishment; relating to worthless checks; amending K.S.A. 2003 Supp. 21-3707 and repealing the existing section, by Committee on Judiciary.

SB 430. An act concerning adult care homes; relating to results of a survey or inspection reports; amending K.S.A. 39-935 and repealing the existing section, by Committee on Judiciary.

SB 431. An act concerning crimes and punishment; relating to criminal use of weapons; amending K.S.A. 2003 Supp. 21-4201 and repealing the existing section, by Committee on Judiciary.

SB 432. An act concerning law enforcement officers; relating to the records thereof; termination of employment; amending K.S.A. 74-5611a and K.S.A. 2003 Supp. 21-4619 and repealing the existing sections, by Committee on Judiciary.

SB 433. An act concerning crimes, punishment and criminal procedure; amending K.S.A. 2003 Supp. 21-4711 and repealing the existing section, by Committee on Judiciary.

SB 434. An act concerning campaign finance; establishing a limitation on total expenditures for election to a legislative office, by Senator Haley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 409.**

Assessment and Taxation: **SB 411, SB 412, SB 413, SB 414, SB 415.**

Commerce: **SB 405, SB 408, SB 410, SB 417.**

Natural Resources: **SB 416.**

Federal and State Affairs: **SB 407.**

Financial Institutions & Insurance: **SB 404.**

Judiciary: **SB 406, SB 419, SB 420, SB 421, SB 422, SB 423, SB 424.**

Public Health and Welfare: **SB 418.**

MESSAGE FROM THE GOVERNOR

February 3, 2004

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

Adjutant General, Colonel Tod M. Bunting, pursuant to the authority vested in me by K.S.A. 48-203, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS WATER OFFICE

January 22, 2004

Joseph Harkins, Acting Director, submitted the Water Authority's Annual Report to the Governor and the Legislature.

KANSAS SENTENCING COMMISSION

February 1, 2004

The Kansas Sentencing Commission, submitted the 2004 report to the legislature.

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.

CHANGE OF APPOINTMENT

The President withdrew the following appointment from the calendar under the heading of Consideration of Appointments: State Board of Tax Appeals, Thomas H. Slack and referred the appointment to the Committee on Assessment and Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Oleen, Barone, Downey, Huelskamp, Schmidt, Taddiken and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1809—

A RESOLUTION congratulating and commending the 2003 Kansas State University Collegiate Crops team.

WHEREAS, The 2003 Kansas State University Collegiate Crops team won its fifth consecutive national championship. The team was composed of Mike Epler of Columbus; Cole Tayler of Jewell; and Chris Pachta of Linn and was coached by Gerry Posler. All of the team members are seniors majoring in agronomy; and

WHEREAS, The national crop judging contest is held annually in November and consists of two parts: The regional competition in Kansas City and the national event in Chicago. Participants are required to identify more than 200 different plants or seed samples of crops and grains; grain grading, which involves the examination of eight different samples of grain, as well as determining the grade of grain according to federal grain inspection standards; and seed analysis, which requires the competitors to determine whether seed samples contain impurities, and if so, what contaminants exist; and

WHEREAS, Mr. Pachta was the high individual overall at the Kansas City competition and Mr. Taylor was the high individual overall at Chicago. A unique feature of this competition is that participants on the previous year's top three teams are ineligible to compete in succeeding years. Thus, for the past five years, the Kansas State University Collegiate Crops team has been composed of new competitors, competitors who each year have worked hard to retain the championship at Kansas State University; and

WHEREAS, Sponsors for the team were the Kansas Seed Industry Association, the Kansas Crop Improvement Association, the K-State Student Governing Association and the Department of Agronomy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Kansas State University Collegiate Crops team and its coach for winning its fifth consecutive national championship; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Dr. Jon Wefald, President, Kansas State University, 110 Anderson Hall, Manhattan, KS 66506-7083 and seven copies to Gerry Posler, 3107 Throckmorton Hall, Kansas State University, Manhattan, KS 66506 for appropriate recognition of this championship team.

On emergency motion of Senator Oleen **SR 1809** was adopted unanimously.

President Kerr and members of the Senate welcomed Coach Gerry Posler, K-State Professor of Agronomy, and team member Chris Pachta of Linn, with a standing ovation. Also in attendance were Rhett Kaufman and Mark Dilts.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 352**, **SB 353** be passed.

Committee on **Assessment and Taxation** recommends **SB 368** be amended on page 1, in line 23, after "original" by inserting "invoices"; also in line 23, after "invoices" by inserting "or self-generated lists" and the bill be passed as amended.

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 Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended **SB 295, SB 307, SB 311, SB 323, SB 324, SB 338** be passed.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, February 4, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

