

# Journal of the Senate

EIGHTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 5, 2004—2:30 p.m.

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

Heavenly Father,

Your apostle, Paul, said something in his first letter to the Corinthians which may surprise some readers. He said to his Christian brothers, “Not many of you were wise by human standards; not many of you were influential; not many were of noble birth. But God chose the foolish things of the world to shame the wise; God chose the weak things of the world to shame the strong. He chose the lowly things of this world and the despised things—and the things that are not—to nullify the things that are, so that no one may boast before Him. (I Corinthians 1:26b-29)

This should encourage legislators  
Who feel inadequate;  
With all their responsibilities  
Sometimes would like to quit.

Then to realize it's not the smart  
Nor the influential.  
Nor those born of “royalty”  
Who have the right credentials.

Those who think they're wise enough  
To live life on their own,  
Leave no room for God to fill  
With wisdom they've not known.

And those who think they're strong enough  
To climb the highest tower,  
Leave no room for God to fill  
With His almighty power.

The proud who think they're strong and wise  
Are going at it wrong.  
Only You can make us, Lord,  
Truly wise and strong.

I pray in Jesus' Name,

AMEN

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 445**, An act concerning private construction contracts; enacting the Kansas fairness in private construction contract act, by Committee on Federal and State Affairs.

**SB 446**, An act relating to roads and highways; concerning duties and liabilities during repairs or improvements; amending K.S.A. 68-2101, 68-2102 and 68-2103 and repealing the existing sections; also repealing K.S.A. 68-2107, by Committee on Transportation.

**SB 447**, An act relating to roads and highways; concerning culverts or new entrances; amending K.S.A. 68-543 and repealing the existing section, by Committee on Transportation.

**SB 448**, An act repealing K.S.A. 68-507, 68-515a, 68-528, 68-533, 68-560, 68-561, 68-572, 68-578, 68-579, 68-901 through 68-908, 68-1109, 68-1123, 68-1131, 68-1132, 68-1134 and 68-1231; concerning roads and highways, by Committee on Transportation.

**SB 449**, An act relating to roads and highways; concerning bids; amending K.S.A. 68-704, 68-705, 68-1111, 68-1113, 68-1114, 68-1115, 68-1117, 68-1118, 68-1119, 68-1120, 68-1121 and 68-1125 and repealing the existing sections, by Committee on Transportation.

**SB 450**, An act relating to the rail service improvement program; amending K.S.A. 2003 Supp. 75-5048 and repealing the existing section, by Committee on Ways and Means.

**SB 451**, An act concerning certain state agencies; transferring certain powers and duties of the secretary of wildlife and parks to the secretary of commerce; renaming the department of wildlife and parks; renaming the department of commerce, by Committee on Natural Resources.

**SB 452**, An act concerning the regulation of psychologists; relating to unlicensed assistants in psychology; amending K.S.A. 2003 Supp. 74-5344 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 453**, An act concerning the regulation of child care facilities; relating to exemptions therefrom; amending K.S.A. 65-501 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 454**, An act relating to license plates; providing for distinctive license plates for firefighters, by Senator Brownlee.

**SB 455**, An act enacting the industrial wind turbine development act, by Committee on Utilities.

**SB 456**, An act concerning insurance; prohibition on requiring insurance of residence in excess of replacement value as a condition of financing a mortgage or other loan, by Committee on Financial Institutions and Insurance.

**SB 457**, An act concerning the nonprofit medical and hospital service corporation act; relating to nonassignability provisions in subscription agreements; amending K.S.A. 40-19c06 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 458**, An act enacting a long-term care bill of rights; concerning older Kansans; relating to appropriate long-term care for the elderly and disabled in Kansas; prescribing long-term care principles for future policy development, by Senator Hensley.

**SB 459**, An act requiring information regarding services for seniors and their families as part of budget estimates of state agencies and the governor's budget report; amending K.S.A. 2003 Supp. 75-3717 and 75-3721 and repealing the existing sections, by Senator Hensley.

**SB 460**, An act concerning drivers' licenses and other identification cards; relating to taxpayer identification numbers; amending K.S.A. 2003 Supp. 8-240 and 8-1324 and repealing the existing sections, by Committee on Judiciary.

**SB 461**, An act concerning eminent domain; relating to acquisition of land for certain purposes by a port authority or county; amending K.S.A. 12-3408 and K.S.A. 2003 Supp. 12-3402, 12-3406 and 19-101a and repealing the existing sections, by Committee on Judiciary.

**SB 462**, An act concerning appropriation of water for beneficial use; amending K.S.A. 82a-734 and repealing the existing section, by Committee on Agriculture.

**SB 463**, An act concerning appropriation of water for beneficial use; relating to perfection of water rights; amending K.S.A. 2003 Supp. 82a-714 and repealing the existing section, by Committee on Agriculture.

**SB 464**, An act concerning pest control and fertilizer; relating to application equipment; amending K.S.A. 2-2456 and repealing the existing section, by Committee on Agriculture.

**SB 465**, An act concerning school districts; relating to school finance; providing revenue therefor; amending K.S.A. 72-4419, 72-6405, 72-6410, 72-6411, 72-6413, 72-6414, 72-6415, 72-6420 and 72-6421 and K.S.A. 2003 Supp. 72-6407, 72-6409, 72-6431, 72-8302, 79-32,110, 79-3603, 79-3620, 79-3703, 79-3710 and 79-5040 and repealing the existing sections; also repealing K.S.A. 72-979, 72-6412, 72-6433b, 72-6440, 72-6441, 72-6443 and 72-6446 and K.S.A. 2003 Supp. 72-978, 72-6431b, 72-6431c, 79-201y, 79-3603c, 79-3620c and 79-3710a, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 435**, **SB 444**.

Commerce: **SB 440**, **SB 441**.

Elections and Local Government: **HB 2528**.

Financial Institutions & Insurance: **SB 439**, **HB 2549**.

Judiciary: **SB 436**, **SB 437**, **SB 438**.

Public Health and Welfare: **SB 443**.

Transportation: **HB 2522**.

Ways and Means: **SB 442**.

#### COMMUNICATIONS FROM STATE OFFICERS

##### STATE OF THE JUDICIARY

Pursuant to K.S.A. 20-320, Kay McFarland, Chief Justice, submitted the 2004 Annual Report of the Chief Justice of the Kansas Supreme Court.

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 **Substitute SB 153**, as amended by **House Substitute for Substitute SB 153**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1810—

A RESOLUTION in recognition of the Kansas Mission of Mercy.

WHEREAS, Kansas dentists are caring and compassionate people; and

WHEREAS, The Kansas Mission of Mercy dental charity project was organized by the Kansas Dental Association through the Kansas Dental Charitable Foundation with funds from dentists, private foundations and other private sources; and

WHEREAS, Five hundred seventy-four total volunteers, including 81 dentists, 51 dental hygienists and 85 dental assistants provided \$554,000 in dental care to 1,734 patients at the Finney County Fairgrounds in Garden City on February 28 through March 2, 2003; and

WHEREAS, Eight hundred sixty-three total volunteers, including 207 dentists, 128 dental hygienists and 153 dental assistants provided \$758,455 in dental care to 2,659 patients at the Kansas Speedway in Kansas City on August 22 through 24, 2003; and

WHEREAS, The Kansas Mission of Mercy dental charity project will continue in the future and currently is scheduled to be held on the campus of Pittsburg State University on April 30 through May 2, 2004, and later in Salina; and

WHEREAS, The Kansas Mission of Mercy is the largest free dental clinic in the world; and

WHEREAS, The strength, success, vitality and health of Kansas citizens and its communities depend in great measure upon volunteerism, and concerned and devoted programs such as the Kansas Mission of Mercy: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Kansas Mission of Mercy dental charity project and its volunteers be recognized and thanked for their ongoing generosity for providing free dental care to the citizens of Kansas; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to the Kansas Dental Association and the Kansas Dental Charitable Foundation, both at 5200 S.W. Huntoon Street, Topeka, Ks. 66604.

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

Guests welcomed by the Senate were Dr. Jeff Stasch, Garden City, and Dr. Jon Tilton, Wichita.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 325** be passed.

Committee on **Utilities** recommends **SCR 1616** be amended on page 2, in line 15, by striking “and” and inserting a comma; in line 16, following “Association” by inserting “the Kansas State Council of Fire Fighters, each member of the Kansas Congressional Delegation”; and the concurrent resolution be adopted as amended.

#### **REPORT ON ENGROSSED BILLS**

**SB 292, SB 368** reported correctly engrossed February 5, 2004.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, February 6, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

