

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 23, 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 Gilstrap, Helgerson, Huelskamp were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Most people do not understand the time pressure a legislator experiences each day and night he or she is in Topeka. In this prayer, O God, I've tried to express what at least some, if not all of them, would like to pray some time.

Caucus meets at seven thirty,
And if I live in Kansas City,
I must arise at least by five,
Shouldn't I deserve some pity?

At eight-thirty I'm in Commerce
At nine-thirty Judiciary.
At ten-thirty I'm in Ways and Means,
And all of this is necessary.

Ways and Means has Sub-Committees;
One starts three different times;
It's the Department on the Aging
Which helps me age far past my prime.

At one-thirty I'm in Education;
Some "subs" will meet at twelve-fifteen.
Others meet at three-thirty
Everything else is in between.

"Everything else" includes, O God,
The session at two-thirty;
And I take time to grab a bite
If General Orders is not too wordy.

Lobbyists and reporters
Stop me in the hall,
And in my office there awaits
Umpteen dozen calls.

Social events occur at night.
It cannot be coincidence
Those starting at the same time
Are the ones with my constituents!

I could go on and on, O God,
 But there's one thing folks should know:
 Concerning the rest rooms that exist,
 It's tough to find the time to go!

So when someone says that politicians
 Don't work enough to sweat;
 Help me, Lord, to not respond
 With words that I'll regret.

I pray this, relying on Your sense of
 humor, and in the Name of Your Son,

Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 543, An act concerning income taxation; relating to Kansas net operating losses; refunds; amending K.S.A. 2003 Supp. 79-32,143 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 540**; **Sub HB 2592**.

Natural Resources: **HB 2557**, **HB 2573**.

Financial Institutions & Insurance: **SB 542**; **Sub HB 2635**; **HB 2781**.

Judiciary: **SB 541**; **HB 2617**.

Ways and Means: **SB 539**.

CHANGE OF REFERENCE

The President withdrew **SB 534** from the Committee on Federal and State Affairs, and referred the bill to the Committee on Financial Institutions and Insurance.

GUESTS

Senator Umbarger introduced four students from Pittsburg State University, Angela Meyer, John Fogliasso, Joy Harrison and Sarah Fisher.

Guests of Senator Haley were Alvin Sykes, President of the Justice Campaign of America, President of the Emmett Till Justice Campaign and a board member of the National Association of Human Rights Workers, and Donald Burger, Co-Chair of the Emmett Till Campaign.

Senator Salmans introduced as a guest, Megan Clements, a senior at Logan High School, Logan, Kansas, a vocalist, who has performed the last four years at the Kansas Day Banquet and the Kansas Native Sons and Daughters.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS COALITION FOR WORKPLACE SAFETY

February 20, 2004

The Kansas Coalition for Workplace Safety submitted the 2004 report on Workers Compensation in Kansas. The study was conducted by the Docking Institute of Public Affairs at Fort Hays State University.

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 2248**, **HB 2600**, **HB 2655**, **HB 2709**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2248, **HB 2600**, **HB 2655**, **HB 2709** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 472** be passed.

Also, **SB 326** be amended on page 1, in line 14, by striking “The” and inserting “(a) Except as provided by subsection (b), the”; in line 17, by striking “(a)” and inserting “(1)”; in line 29, by striking “(b)” and inserting “(2)”; in line 40, by striking all following the period; by striking all in lines 41 through 43;

On page 2, in line 1, by striking “chemical coverage.”; in line 11, by striking “(c)” and inserting “(3)”; in line 19, by striking “(d)” and inserting “(4)”; preceding line 42, by inserting material to read as follows:

“New Sec. 2. If the applicant for a pesticide business license is an aerial applicator, the secretary shall not issue a pesticide business license until the applicant has furnished proof of financial responsibility by one of the following:

(a) A surety bond in an amount not less than \$6,000 per year. The bond shall be executed by a corporate surety and shall state the effective date and the expiration date. The surety bond shall be executed on a form approved by the secretary. The applicant shall be named as the principal in the bond. Such bond shall be to the state of Kansas and shall be conditioned upon compliance by the principal and by the principal’s officers, agents, representatives and employees, with the provisions of this act and acts amendatory thereof and supplemental thereto. It shall be unlawful for any licensed person to use the words “bond” or “bonded” in advertising or in publicizing such person’s operations in connection with the application of pesticides unless such bond is a performance bond and that fact and the amount of such bond are specified.

(b) A certificate of liability insurance. The certificate of liability insurance shall be executed by an insurance company authorized to do business in Kansas or by a licensed insurance agent operating under authority of K.S.A. 40-246b, and amendments thereto, and shall state the effective date and the expiration date of the policy. Such liability insurance shall be subject to the insurer’s policy provisions filed with and approved by the commissioner of insurance pursuant to K.S.A. 40-216, and amendments thereto, except as authorized by K.S.A. 40-246b, and amendments thereto. The liability insurance policy shall provide: (1) Coverage for not less than \$25,000 for bodily injury liability for each occurrence; and (2) coverage for not less than \$5,000 for property damage liability for each occurrence. In addition to the coverage specified above, the liability insurance policy shall provide coverage for any pesticide such applicant will be applying and for comprehensive chemical coverage. Pesticide application equipment, if required to be registered under K.S.A. 2-2456, and amendments thereto, shall be covered. The insurer shall notify the secretary, in writing, of any expiration, reduction or cancellation of liability insurance, furnished as a prerequisite of licensure, not later than 10 days before the expiration, reduction or cancellation takes effect. Upon expiration, reduction or cancellation of the liability insurance, the secretary shall suspend such pesticide applicator’s business license until the insurance requirement is met by the licensee for the current license period. The certificate shall be executed on a form approved by the secretary.

(c) A \$6,000 letter of credit from a Kansas financial institution, as defined in K.S.A. 16-117, and amendments thereto. The letter of credit shall be executed on a form approved by the secretary. The letter of credit shall state the effective date and the expiration date and shall be valid through the term of the applicant’s business license. Upon cancellation of the letter of credit, the secretary shall suspend such pesticide applicator’s business license until the letter of credit requirement is met by the licensee for the current license period.

(d) Maintaining a minimum balance of \$6,000 in an escrow account in a Kansas financial institution as defined in K.S.A. 16-117, and amendments thereto. The escrow account shall maintain the minimum balance through the term of the applicant’s business license. The secretary shall be notified in writing by the financial institution within 10 days if the amount in the escrow account falls below the \$6,000 minimum balance. Upon notification, the secretary shall suspend such pesticide applicator’s business license until the escrow account minimum balance is at \$6,000.”;

By renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 437** be amended on page 1, in line 20, by striking "January" and inserting "July"; in line 24, after the period by inserting "This amount shall be rounded to the nearest \$100.";

On page 2, by striking all in lines 22 through 43;

On page 3, by striking all in lines 1 through 43;

On page 4, by striking all in lines 1 through 43;

On page 5, by striking all in lines 1 through 39;

And by renumbering the sections accordingly;

On page 1, in the title, in line 10, by striking "and 61-2713"; in line 11, by striking the period and inserting "; also repealing K.S.A. 2003 Supp. 61-2713."; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 24, 2004.

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

PAT SAVILLE, *Secretary of the Senate*.

