

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 19, 2004—9:00 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-four senators present.
Senators Barnett, Brownlee, Brungardt, Corbin, Tyson and Wagle were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

People sometimes wonder
Why it takes a lot of time
To deal with legislation
And get so far behind.

But we must consider
That the extreme diversity
Found in the Kansas Senate
Can hinder harmony.

There are 30 men and 10 women.
There are 30 Republicans and 10 Democrats.
There are 11 farmers and ranchers and 7 attorneys.
Each one of the other 12 has a different vocation.
There are 25 urban and 15 rural.
There are 38 Caucasians and 2 African-Americans.

Since they each come from a different perspective, it is amazing how much they get done. Add to them 125 House members who are probably three times as diverse.

Add to all of them a legislature controlled by Republicans and a Democrat Governor with a veto pen.

Of course the most efficient and time-saving form of government is when one person makes the laws with no accountability to anyone else. That is why Churchill once said, "Democracy is the worst form of government except for all the rest."

After all, how could a young black urban female Democrat relate to an old white rural male Republican? You have shown us it happens when they both worship the same God. Jesus said, "Worship the Lord your God, and serve him only." (Matthew 4:10)

I pray in His Name,

AMEN

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 14, by Senator Larry Salmans: A petition filed by concerned citizens in Hodgeman, Pawnee and Finney counties, cities along the highway, schools, ambulance services, fire departments, sheriff's departments, hospitals and commercial truck drivers who use the highway, requesting the repair, widening and improvement of Highway 156 between Larned and Garden City, for the safety of the citizens.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Assessment and Taxation: **HB 2544**, **HB 2682**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1830—

A RESOLUTION congratulating and commending Larry Friend: A great athlete, a great coach, and a great person.

WHEREAS, Larry Friend, a native of Burdett, was inducted into the Kansas High School State Activities Association Hall of Fame at a banquet in his honor at Hays on January 24, 2004. A star athlete in high school and college, he lived his dream of coaching other athletes; and

WHEREAS, Friend was an outstanding athlete at Burdett High School. Fifty years ago, on March 20, 1954, the Burdett High School Tigers, coached by Jay Frazier, won the Class BB State Basketball Championship at Great Bend with a victory over Plevna High School of 55 to 47, and Larry Friend, at 5'7" and 155 pounds was named the most valuable player. Playing football in college, he was a Conference 1st Team Running Back, All-American Halfback, and All Conference Defensive Back. In track, Friend excelled and set records in the 100 yard (9.4) and 220 yard (20.6) dashes; and

WHEREAS, In 35 years of coaching, Larry Friend made an impact on several Kansas High School athletic programs. In the 1960's, he guided Cimarron High School football team to an amazing 30 game winning streak with an overall record of 46-7-1. He also coached track at Cimarron, leading the Blue Jays to a Class B State Track title in 1966; and

WHEREAS, In 1968, Friend began a twenty-year stellar coaching career at Plainville High School, guiding the football team to six Mid Continent League titles, six District Championships, five Bi-District titles, Regional and Sub-State Championships on the way to winning Class 3A State Football titles in 1980 and again in 1985. At the close of his coaching career, he had compiled an overall football record of 214-95-1; and

WHEREAS, Along with his coaching duties, Friend also officiated basketball and was selected to call several state tournaments. He served as the president of the Kansas Coaches Association, was a KSHSAA Coaching School clinician and a Shrine Bowl Coach. He was recognized by the Salina Journal and the Hays Daily News as Area Coach of the Year; and

WHEREAS, Since his early days Friend always wanted to be a coach. He wanted to have the opportunity to teach his athletes that discipline, dedication, sportsmanship and respect for family were valuable parts of being winners both on and off the field. His record shows he succeeded as few others have: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Larry Friend upon his successes as an athlete, coach and person and cite him as one highly worthy of emulation; and

Be it further resolved: That the Secretary of the Senate provide nine enrolled copies of this resolution to Larry Friend, P.O. Box 847, Syracuse, KS 67878 and one copy to Senator Salmans.

On emergency motion of Senator Salmans **SR 1830** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2539** be amended on page 6, in line 6, after "register" by inserting "and on the Kansas development finance authority website"; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2712**, as amended by House Committee of the Whole, be amended on page 2, in line 26, by striking "two" and inserting "10"; and the bill be passed as amended.

Committee on **Transportation** recommends **Substitute for HB 2143**, as amended by House Committee of the Whole, be amended on page 1, in line 28, following "thereto" by inserting ", or section 6 or 7, and amendments thereto"; in line 30, following "8-1,146" by inserting "or 8-1,148"; in line 31, by striking "K.S.A. 8-1,148" and inserting "section 4";

On page 4, by striking all in lines 22 through 43;

On page 5, by striking all in lines 1 through 43;

On page 6, by striking all in lines 1 through 33 and inserting:

"Sec 3. K.S.A. 2003 Supp. 8-1,147 is hereby amended to read as follows: 8-1,147. In the event of the death of any person issued distinctive license plates under the provisions of K.S.A. 8-161, 8-177a, 8-177c, 8-1,139, 8-1,140, 8-1,145 or 8-1,146, and amendments thereto, or section 6 or 7, and amendments thereto, the surviving spouse or other family member, if there is no surviving spouse, shall be entitled to possession of any such distinctive license plates. Such license plates shall not be displayed on any vehicle unless otherwise authorized by statute.

New Sec. 4. (a) On and after January 1, 2005, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one helping schools license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The state board of education may authorize the use of the logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the helping schools license plate program fund. Any motor vehicle owner or lessee annually may apply to the state board of education for the use of such logo. Upon annual application and payment to the board in an amount of \$40 as a logo use royalty payment for each license plate to be issued, the board shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plates shall provide the annual logo use authorization statement provided for in subsection (b). Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director. The school district to receive the royalty payment shall be designated by the applicant on such forms.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of

registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(f) The helping schools license plate shall not be developed by the division until the state board of education has collected sufficient logo use royalty payments under subsection (b), to comply with the provisions of paragraph (1) of subsection (e) of K.S.A. 8-1,141, and amendments thereto.

(g) The state board of education, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.

New Sec. 5. (a) There is hereby created in the state treasury, the helping schools license plate program fund. All moneys credited to the helping schools license plate fund, except for an amount for the development of the helping schools license plate under subsection (f) of section 4, and amendments thereto, and reasonable costs to administer the helping schools license plate program provided under section 4, and amendments thereto, shall be allocated and distributed annually on or after July 1 of each year to the school districts designated by the applicants under section 4, and amendments thereto. Such money allocated and distributed to the school districts shall be used for the purchase of classroom supplies and equipment in grades K through 12 of the public schools of the school district. No moneys shall be distributed under the provisions of this section until the provisions of K.S.A. 8-1,141, and amendments thereto, have been satisfied. All expenditures from the helping schools license plate program 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 state board of education or the state board's designee.

(b) Moneys allocated and distributed under subsection (a), shall be deemed a donation under K.S.A. 72-8210, and amendments thereto.

New Sec. 6. (a) On and after January 1, 2005, any owner or lessee of one or more passenger vehicles or trucks of a gross weight of 20,000 pounds or less, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person was awarded a military service award known as a bronze star by the United States government, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle or truck designating such person as a recipient of a bronze star. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any recipient of a bronze star may make application for the distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with such proof as the director shall require that the applicant was a recipient of a bronze star. Application for the registration of a passenger vehicle or truck and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

New Sec. 7. (a) On and after January 1, 2005, any owner or lessee of one or more passenger vehicles or trucks of a gross weight of 20,000 pounds or less, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person was awarded a military service award known as a silver star by the United States government, upon compliance with the provisions of this section, may be issued one distinctive license

plate for each such passenger vehicle or truck designating such person as a recipient of a silver star. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any recipient of a silver star may make application for the distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with such proof as the director shall require that the applicant was a recipient of a silver star. Application for the registration of a passenger vehicle or truck and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.”;

By renumbering the remaining sections accordingly;

Also on page 6, in line 35, by striking “8-132” and inserting “8-1,147”;

In the title, in line 11, by striking “personalized” and inserting “authorizing certain distinctive”; in line 13, by striking “8-132” and inserting “8-1,147”; and the bill be passed as amended.

Committee on **Utilities** recommends **SR 1829** be amended on page 1, in line 17, by striking “standardization” and inserting “streamlining”; also in line 17, by striking “forms” and inserting “process”; in line 19, by striking all following “develop”; in line 20, by striking “forms” and inserting “a streamlined reporting process”; in line 24, by striking “urges” and inserting “encourages”; in line 25, preceding “work” by inserting “continue to”; also in line 25, by striking “stan-”; in line 26, by striking all preceding “Kansas” and inserting “streamlined reporting process for the”;

In the title, in line 9, by striking “urging” and inserting “encouraging”; in line 10, following “to” by inserting “continue to”; in line 11, by striking all preceding “oil” and inserting “streamlined reporting process for the Kansas”; and the resolution be adopted as amended.

On motion of Senator Donovan the Senate adjourned until 2:30 p.m., Monday, March 22, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

