

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 18, 2005—9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-four senators present.
Senators Barnett, Brownlee, Brungardt, Gilstrap, V. Schmidt and Wagle were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Some wise person once said, "Anyone can count the seeds in an apple, but only God can count the apples in a seed."

Perhaps we can paraphrase this saying: Any legislator can count the deeds done by a man, but only God can count the men affected by a deed.

Does it not follow, O God, that anyone can count the number of laws passed by the people, but only God knows the number of people affected by the laws.

Lord, since only You can count the apples in a seed, perhaps it would behoove us to consult you before introducing a bill and before passing a law.

I pray this in the Name of Jesus Christ.

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2265**.

Elections and Local Government: **HB 2058**.

Financial Institutions & Insurance: **SB 269**.

Judiciary: **HB 2147**.

Ways and Means: **SB 270, SB 271, SB 272, SB 273; HB 2017, HB 2183**.

MESSAGE FROM THE GOVERNOR

February 11, 2005

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 05-358 for your information.

KATHLEEN SEBELIUS
Governor

The President announced Executive Directive No. 05-358, Authorizing Fund Transfers and Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1822—

A RESOLUTION expressing our appreciation of cub scouting upon its 75th anniversary.

WHEREAS, Cub scouting is celebrating its 75th anniversary with a theme of “75 Years of Fun, Family and Friends”; and

WHEREAS, Since 1930 cub scouting has served more than 57 million boys; and

WHEREAS, One hundred three organizations in the Jayhawk Area Council use the cub scout program as a part of their youth work; and

WHEREAS, The success of the home-centered cub scout program has depended on the dedicated leadership of 16 million volunteers since 1930; and

WHEREAS, Cub scouting offers an effective program for the character, citizenship and personal fitness training of boys who are in the first through fifth grade or are 7, 8, 9 or 10 years of age; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the year 2005 is designated as a time of celebration for the 4,213 boys and volunteer leaders who now participate in cub scouting in the Jayhawk Area Council; and

Be it further resolved: That the appreciation of all of our citizens is extended to those who make it possible for boys to take part in the educational cub scout program.

On emergency motion of Senator Hensley **SR 1822** was adopted unanimously.

President Morris and members of the Senate showed their appreciation with a standing ovation in honor of the Cub Scouts “75th” Anniversary. Those present were Paul Bures and Cubs representing Pack 11, Christ the King Church; Jessica Grafton and Cubs representing Pack 500, Williams Magnet Center and Kyle Ellerbeck, Shawnee District Director, JAC, BSA.

Accompanying the Cub Scouts were mascots, Baloo the Bear and Akela, the Wolf.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 244** be amended on page 2, in line 39, following “district” by inserting “finance”;

On page 3, in line 38, by striking “committee” and inserting “commission”; also in line 38, by striking “council” and inserting “commission”; in line 40, by striking “council” and inserting “commission”; in line 41, by striking “legislature” and inserting “legislative coordinating council”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 54** be amended on page 1, in line 12, by striking all after “1.”; by striking all in lines 13 through 43;

On page 2, by striking all in lines 1 through 3 and inserting:

“(a) From and after July 1, 2006, any provision of a restrictive covenant that requires the use of any particular roofing material in the construction or replacement of the roof which also does not require a roofing material that meets or exceeds class C fire resistant standards is hereby declared to be contrary to the public policy of this state and unenforceable.

(b) For the purposes of this section, a roofing material shall be deemed to comply with the requirements of subsection (a) if the roofing material has been tested in accordance with one of the following documents as such document exists on July 1, 2005, and found to be in compliance with the class C fire resistant standards contained therein:

(1) United Laboratories Standard 790 (UL 790) entitled “Standard Test Methods for Fire Tests of Roof Coverings”;

(2) ASTM E108 entitled “Standard Test Methods for Fire Tests of Roof Coverings”; or

(3) ASTM D2898 entitled “Standard Test Methods for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing”;

Also on page 2, by renumbering the remaining section accordingly;

and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 225** be amended on page 3, in line 43, by striking “\$0.00” and inserting “\$95.40”;

On page 6, by striking all in lines 7 through 9 and inserting the following:

“L & M Well Servicing Inc.

Box 528

Russell, KS 67665 \$308.76”;

On page 13, after “Sec. 8.” by inserting “(a)”;

On page 14, after line 9 by inserting the following:
“(b) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:

John Seitz
402 W. Carson St. #25
Carson, CA 90745 \$3,660.27

(c) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an canceled warrant, to the following claimant:

University of Wisconsin - Madison
400 A.W. Peterson Bldg.
750 University Ave.
Madison, WI 53706-1490 \$214,089.49

Sec. 9. The department of wildlife and parks is hereby authorized and directed to pay the following amount from the parks fee fund as reimbursement for damage to claimant’s pasture caused by a fire set by a state park patron, to the following claimant:

Duane W. Walker
1422 27th Ave.
Canton, KS 67428 \$3,000.00

Sec. 10. The university of Kansas is hereby authorized and directed to pay the following amount from the general fees fund as reimbursement for out-of-state tuition paid by a student who was subsequently granted in-state tuition, to the following claimant:

Ms. Teresa Gatewood
1408 N.W. Control Ave.
Topeka, KS 66608 \$7,476.00”;

And by renumbering sections accordingly; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 21, 2005.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

