

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 2, 2006—2:30 p.m.

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

Heavenly Father,

Those who enter politics
Are seldom quite the same.
The number of roles they must play
Sometimes disturbs their aim.

Those who have ambition
Choose a rougher road.
They're exposed to more temptation,
And shoulder a heavier load.

The pressure is enhanced
By considerably more exposure,
Making it very difficult
To maintain their composure.

But those who have discovered
They need not walk alone,
Have found a powerful Friend
Who implants a tough backbone.

Most constituents seem to want
Someone wise and just
Whom they find to their delight
Is someone they can trust.

But when it comes to trusting
The legislator simply must
Believe our nation's motto:
It is "In God we trust."

So with trust in our Creator,
And with their honesty intact,
You help them clear the hurdles
On their treacherous track.

I pray this in the name of Jesus Christ,
AMEN

GUESTS

Senator Brownlee introduced as guests in the Senate today Colin Brainard who serves as her part-time Secretary, and was accompanied by his parents, Ray and Laura Brainard.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 580, An act repealing K.S.A. 2005 Supp. 12-350 through 12-359, relating to consolidation of the city of Topeka and Shawnee county, by Committee on Federal and State Affairs.

SB 581, An act concerning office-based surgeries; providing for inspection of offices at which office-based surgeries and special procedures are performed, by Committee on Federal and State Affairs.

SB 582, An act concerning education; relating to the 2010 commission and the at-risk education council; amending K.S.A. 2005 Supp. 46-3401 and 72-9910 and repealing the existing sections, by Committee on Ways and Means.

SB 583, An act concerning wildlife and parks; relating to funding therefor; concerning the economic development initiatives fund; amending K.S.A. 79-4801 and K.S.A. 2005 Supp. 79-4804 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Ways and Means: **SB 579; HB 2786, HB 2796.**

COMMUNICATIONS FROM STATE OFFICERS**KANSAS TECHNOLOGY ENTERPRISE CORPORATION**

Tracy Taylor, President and CEO and Lindsay Olsen, Chairman of the Board, KTEC, submitted the 2005 Annual Report.

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 HB 2727**.

Also, adoption of the **HCR 5011, HCR 5029; Substitute HCR 5030; HCR 5034**.

The House concurs in Senate amendments to **HB 2485**.

The House nonconcur in Senate amendments to **HB 2611**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2732**, requests a conference and has appointed Representatives Hayzlett, Faber and Long as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2727; HCR 5011, HCR 5029; Substitute HCR 5030; HCR 5034 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Elections and Local Government** recommends **HB 2759** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 539** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 539," as follows:

"Substitute for SENATE BILL No. 539

By Committee on Financial Institutions and Insurance

"AN ACT concerning casualty insurance companies; relating to certain requirements regarding filing rates, forms and premiums; amending K.S.A. 40-954 and 40-955 and K.S.A. 2005 Supp. 40-216 and repealing the existing sections."
and the substitute bill be passed.

Committee on **Utilities** recommends **HB 2703**, as amended by House Committee, be passed.

Also, **HB 2592**, as amended by House Committee, be amended on page 1, preceding line 16, preceding "Section" by inserting "New"; by striking all in lines 39 through 42; in line 43, by striking "(e)" and inserting "(d)";

On page 2, preceding line 8, by inserting:

"Sec. 2. K.S.A. 12-856 is hereby amended to read as follows: 12-856. For the purpose of this act the following words and phrases shall have the meanings ascribed to them in this section:

(a) "City" shall mean any city ~~having a population of less than eighty thousand (80,000) in this state.~~

(b) "Waterworks system" shall mean a waterworks system owned and operated by a city.

(c) "Sewage disposal system" shall mean the sanitary and storm sewers, pumping stations, sewage treatment plants, outfall sewers and any and all appurtenances necessary in the operation of the same owned and operated by a city.

(d) "Water and sewage system" shall mean a combination of a waterworks system and sewage disposal system.

Sec. 3. K.S.A. 2005 Supp. 12-860 is hereby amended to read as follows: 12-860. ~~(a)~~ The governing body of the city shall establish rates and charges for water and for the use of the sewage disposal system. The amount of such rates and charges shall be reasonable and sufficient to pay the cost of operation, repairs, maintenance, extension and enlargement of the water and sewage system and improvements thereof and new construction and the payment of any bonds and the interest thereon as may be issued for such water and sewage system. No revenue shall be used for the payment of bonds payable primarily by assessments against property in sewer districts. Such revenue may be used to pay revenue bonds or general obligation bonds payable by the city at large issued either for the waterworks system or sewage disposal system before the systems were combined or for the water and sewage system after they have been combined. The city is authorized to discontinue water service for any failure to pay the rates or charges fixed for either water service or the use of the sewage disposal system or both when due, ~~and, except as provided in subsection (b), if there is sewage disposal system use without water service the charge may be certified as a lien against the property served and assessed as a tax by the county clerk or county assessor.~~

~~(b) The lien established by subsection (a) shall not apply whenever the water service or the use of the sewage disposal system has been contracted for by a tenant and not by the landlord or the owner of the property affected.;~~

And by renumbering the remaining sections accordingly;

Also on page 2, in line 8, preceding "K.S.A." by inserting "K.S.A. 12-856 and";

In the title, in line 11, preceding "also" by inserting "amending K.S.A. 12-856 and K.S.A. 2005 Supp. 12-860 and repealing the existing sections; in line 12, by striking "12-"; in line 13, by striking "860.,"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 569** be passed.

Also, **SB 574** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, March 3, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

