

# Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 28, 2001—2:30 p.m.

The Senate was called to order by President Dave Kerr.  
The roll was called with thirty-nine senators present.  
Senator Vratil was excused.

President Kerr introduced as guest chaplain, Rev. Les Arnold, Retired Wing Chaplain of the 190th Refueling Wing, Kansas Air National Guard, Forbes Field, Topeka, Kansas, and former Director of Missions for a sixteen county area of North Central Kansas.

Rev. Arnold, who flew with the B-52 bombers in Operation Desert Storm, delivered the following invocation:

Our gracious Heavenly Father we acknowledge your presence as we assemble today. We are thankful for those who have given so much to preserve the principle that all men are created equal and are afforded certain inalienable rights. Many families have sacrificed even to the point of life and death. Comfort their hearts and remind them that they have not been forgotten. We pause to seek your blessings to those who have given more than we can repay. Now focus our attention to see the world as you see it, Father, and may we never forget the "to whom much is given, much is required." In the name of our Master, Jesus the Christ, we pray. Amen

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were introduced and read by title:

**SB 342.** An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the state bank commissioner, board of nursing, state board of pharmacy, real estate appraisal board, governor's department, lieutenant governor, state treasurer, insurance department, state board of indigents' defense services, department of administration, department of revenue, Kansas racing and gaming commission, Kansas technology enterprise corporation, department of revenue—homestead property tax refunds, department of human resources, Kansas commission on veterans affairs, department of health and environment, department on aging, department of social and rehabilitation services, department of education, state library, Kansas arts commission, Fort Hays state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, state board of regents, department of corrections, juvenile justice authority, state fire marshal, Kansas sentencing commission, Kansas department of agriculture, state conservation commission, Kansas water office and department of wildlife and parks; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1609—

By Senator Barnett

A CONCURRENT RESOLUTION memorializing the Congress of the United States regarding the high cost of prescription drugs.

WHEREAS, Sales of prescription drugs are expected to exceed more than \$100 billion this year, and more than 39 million medicare eligible Americans on fixed incomes are paying the entire amount for their prescription drugs out-of-pocket. Total spending on prescription drugs has increased an average of 12.2% annually since 1993 while the consumer price index has increased an average of 2.6% and the average increase for health-care expenditures has been 5.1%. The average cost of new drugs introduced since 1992 is \$71.49, more than twice the average price of \$30.47 for previously existing drugs. As President Clinton has stated, "In a nation bursting with prosperity, no senior should have to choose between buying food and buying medicine." President Bush has declared prescription drug costs a priority and has proposed that medicare provide subsidies to help seniors purchase prescription drugs from competing private insurers and would commit \$48 billion for state grants in the first four years of the program; and

WHEREAS, To maximize sales, pharmaceutical manufacturers are spending billions of dollars in an unprecedented push to market prescription drugs directly to consumers, hoping that newspaper advertisements and TV commercials will fuel patient inquiries and pressure doctors to write more prescriptions. An estimated \$1.2 billion was spent on direct advertising in the year 2000 with \$183 million spent on the antihistamine Claratin; and

WHEREAS, While drug manufacturers provide discounts in excess of 50% to "preferred buyers", they discriminate against community retail pharmacies by only providing nominal volume discounts resulting in the general public paying more for their prescription medication; and

WHEREAS, The pharmaceutical industry spends about 21% of its revenues on research and development, compared to 4% in other industries, with such costs being absorbed mainly by individual Americans. Drug pricing in foreign countries is controlled by their respective governments; and

WHEREAS, The surge of prescription drug sales on the Internet and through "mail order pharmacies" reflects an attempt by consumers to obtain needed drugs from any source, domestic or foreign, which may place consumers at risk and result in overall poor health outcomes: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That we memorialize the Congress of the United States regarding the high cost of prescription drugs to individual consumers and the need for assistance and relief from this circumstance; and

*Be it further resolved:* That the Secretary of State be directed to provide an enrolled copy of this resolution to the President pro tempore of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2011, HB 2102, HB 2123, HB 2316.**

Commerce: **Sub HB 2005; HB 2124, HB 2206.**

Education: **HB 2015.**

Elections and Local Government: **HB 2185, HB 2246, HB 2299.**

Natural Resources: **HB 2047, HB 2098, HB 2131, HB 2234.**

Federal and State Affairs: **HB 2343.**

Financial Institutions & Insurance: **HB 2193, HB 2465, HB 2481, HB 2482.**

Judiciary: **HB 2079; Sub HB 2080; HB 2212, HB 2230, HB 2329.**

Public Health and Welfare: **HB 2210, HB 2227, HB 2275, HB 2313, HB 2497.**

Transportation: **HB 2290, HB 2291, HB 2369.**

Utilities: **HB 2397.**

Ways and Means: **HB 2013, HB 2189, HB 2297.**

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Salmans, Corbin, Feleciano, Gooch, Morris, Oleen, Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, O'Connor,

Praeger, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle. introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1824—

A RESOLUTION memorializing the President of the United States and the United States Congress to provide ongoing assistance to Gulf War veterans and their families who suffer persistent symptoms of various kinds described now as Gulf War illness.

WHEREAS, Nearly 700,000 members of the United States armed forces, including 7,500 Kansans, deployed to the Persian Gulf region during 1990 and 1991 to participate in Operation Desert Shield and Operation Desert Storm to liberate Kuwait; and

WHEREAS, These Gulf War veterans have been, and continue to be, afflicted by an abnormally high rate of unexplained health problems. To date federal research efforts have not identified the prevalence, patterns, causes or treatments for illnesses suffered by Gulf War veterans. Yet thousands of our veterans continue to suffer from a variety of chronic symptoms; and

WHEREAS, The Kansas Persian Gulf War Veterans Health Initiative, a project of the Kansas Commission on Veterans Affairs, primarily through the efforts of Dr. Lea Steele, has completed a scientific study of 2,000 Kansas Gulf War veterans with the results being published in the American Journal of Epidemiology. The findings of this study indicate that: Kansas Gulf War veterans have significantly more health problems than veterans who served in other areas and that these conditions may have been caused by multiple factors; and

WHEREAS, While it has been established that Gulf War veterans suffer from an abnormally high rate of unexplained health problems, the cause, or causes of these varied conditions have not been determined, and the system for providing care and treatment of these veterans has been inadequate or nonresponsive to the conditions presented; and

WHEREAS, Gulf War illness has had a severe negative impact on the physical and emotional well-being of Gulf War veterans, and has affected their ability to work, yet adequate compensation for these conditions has not been received by these veterans; and

WHEREAS, Service connected illnesses have not been addressed adequately for veterans of past wars and conflicts: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we memorialize the President and the Congress of the United States to provide funding for Gulf War illness research independent of that administered by the United States Departments of Defense and Veterans Affairs; and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and

*Be it further resolved:* That we urge further assistance to veterans afflicted with Gulf War illness, whether by the Department of Defense, Department of Veterans Affairs or another designated organization, to provide badly needed health care, vocational assistance and disability compensation; and that there be public service announcements informing veterans across the nation of the findings of this research and informing the veterans of the programs that are available to help them; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, and to each member of the Kansas Congressional delegation; to the Governor of the State of Kansas, the Secretary of Health and Environment, the Secretary of Human Resources, and the Chairman of the Kansas Commission on Veterans Affairs; and to the National and State Commanders of the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans, National Retired Officers Association, National Retired Enlisted Association and the National Order of the Purple Heart.

On emergency motion of Senator Salmans **SR 1824** was adopted unanimously.

Veterans present for the resolution were recognized and welcomed by members of the Senate. Among the veterans were Senators Corbin, Feleciano, Gooch, Morris and Salmans.

A tribute written by Rev. Holloman was read by Senator Feleciano:

It's been almost ten years ago  
 So we commemorate  
 The end of the war called Desert Storm,  
 April 11 is the date.

Some 84 days after it all began  
 The war in the Gulf was done.  
 A powerful force fell in defeat,  
 A magnificent victory won.

To put it in perspective,  
 The victory had been earned  
 After the Senate had convened,  
 And before we had adjourned!

Our grateful nation marveled  
 At the brevity of the fight,  
 And though we grieve for casualties,  
 They were astonishingly slight.

A little nation was rescued  
 From a bully on his throne;  
 Whose forces suffered heavy loss,  
 While survivors scurried home.

The bully's long range goals were  
 squashed;  
 Saudi Arabia could relax;  
 And a tyrant called Saddam Hussein  
 Had been halted in his tracks.

Today we honor American troops  
 Who left their homes and jobs  
 To defeat a greedy despot  
 Who kills and maims and robs.

They fought with skill and courage;  
 Their leaders were the best.  
 Coming home they could be proud  
 That they had stood the test.

Some of them still suffer  
 From scars that they incurred.  
 Today we must assure them  
 Their cries of pain are heard.

Veterans of the Gulf War  
 Join others who have fought  
 For ourselves and for others  
 Whose freedom they have bought.

It's only been ten years ago,  
 But time can steal our memory yet.  
 We must continue to salute them;  
 Lest we forget; Lest we forget.

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

Committee on Assessment and Taxation begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Board of Tax Appeals: K.S.A. 74-2433

Calvin T. Roberts, term expires January 15, 2004

Committee on **Commerce** recommends **HB 2099**, as amended by House Committee, be passed.

Also **SB 227** be amended on page 1, in line 37, by striking "real-time."; in line 39, by striking all after "the"; in line 40, by striking all before "determines" and inserting "secretary of transportation or the director of purchases"; in line 41, by striking all after the comma; in line 42, by striking "may" and inserting "state agencies may utilize procedures prescribed by the director of purchases to";

On page 2, in line 5, by striking "public agencies" and inserting "the secretary of transportation or the director of purchases"; in line 7, after "must", by inserting "either"; also in line 7, before the period, by inserting "or opened at the bid closing time"; in line 10, by striking "Purchasing agents" and inserting "The director of purchases or the secretary of transportation"; in line 12, after "of", by inserting "K.S.A. 75-430, and amendments thereto, relating to advertisements in the Kansas register and the provisions of K.S.A. 68-401 *et seq.*, and amendments thereto, and"; in line 15, by striking all after "be" and inserting "subject to the open records act."; after line 17, by inserting new material to read as follows:

"Sec. 5. K.S.A. 2000 Supp. 10-106 is hereby amended to read as follows: 10-106. (a) Municipal bonds shall be sold at public *notice* sale as follows: The officers having charge of the sale of the bonds shall publish a notice of the sale one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register. Such notices shall be published not less than six days nor more than 30 days before the sale and shall contain the following information: (1) Except as provided by subsection (b), the date, time and place at which a public auction will be held *on such terms and conditions as shall be provided by the municipality* or at which ~~written~~ bids will be received and considered for the sale of the bonds for cash at such price as the municipality may accept; (2) the date of issue, total par value and denomination of the bonds being sold; (3) the dates and amounts of maturities of the bond issues; (4) the dates on which interest on the bonds shall become due and payable; (5) the place or places where and the approximate date on which the bonds being sold will be delivered to the purchaser; (6) a statement that a good faith deposit in the form of a certified or cashier's check or surety bond in the amount of 2% of the total par value of the bonds being sold ~~shall accompany each bid or in the case of public sale at auction the same~~ shall be furnished *at or prior to the time of sale* by each bidder; (7) a statement disclosing whether or not the purchaser of the bonds will be required to pay for the printing thereof and whether or not and to what extent the purchaser of the bonds will be required to pay the expense of legal services rendered to the municipality in connection with the issuance of the bonds including the fees of recognized bond counsel for an opinion as to legality of issuance; (8) the assessed valuation of the municipality; (9) *that bidders may be required to be qualified in a manner established by the municipality before submitting a bid*; and ~~(9)~~ (10) the total bonded indebtedness of the municipality as of the date on which the bonds being sold are dated including the bonds submitted for bid. The rate of interest may be omitted in advertising and the bidders requested to specify the lowest interest rate or rates on the bonds at which they will pay the purchase price.

If sold at public *notice* sale ~~with written bids~~, purchasers shall submit their bids in writing, sealed or sent by telefacsimile or other electronic transmission, as set forth in the notice of sale, for all or any part of the bonds. ~~Each bid shall be accompanied by a certified or cashier's check or surety bond for 2% of the total amount of the bid.~~ In case any purchaser, whose bid is accepted, fails to carry out the contract, the deposit shall be forfeited to the municipality issuing the bonds. ~~Written~~ Bids shall be disclosed publicly and tabulated or compared only at the time and place specified in the notice. At the time and place specified, the bonds shall be sold to the highest and best bidder or bidders, and the bonds may be allotted among the bidders, however, any or all bids may be rejected. No contract for the sale of the bonds shall be made except on bids submitted as provided in this section. No bonds shall be delivered to any purchaser until the amount of the bid is placed in the hands of the officer in charge of the sale. The provisions of this section relating to ~~the~~ public *notice* sale of bonds shall not apply to bonds secured solely and only by revenues, bonds sold, pursuant to written agreement, to the government of the United States of America or any bureau, department, instrumentality or agency thereof, bonds issued pursuant to K.S.A. 10-427 *et seq.*, and

amendments thereto, and all bonds of the same series or which are issued simultaneously with such bonds and bond sales where the total amount of the issue does not exceed \$100,000. In such cases, the bonds may be sold at public *notice* or private sale as the officers having charge of the sale of such bonds determine. The practice of providing more than one issue within a twelve-month period for any one project is prohibited unless the project engineer or architect certifies that it is necessary to do so for the orderly construction progress of the project.

(b) As an alternative to providing notice of the date, time and place of public *notice* auction or receipt of bids provided by subsection (a)(1), the officers having charge of a bond sale may establish a time period of not less than seven nor more than 30 days during which such bonds would be sold. Notice of such sale period shall be published one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register and shall be published not less than six days nor more than 30 days before the beginning date of the sale period. The notice shall contain the information specified in subsection (a) except that in place of the time and date of sale, the notice shall specify the time period during which the bonds would be sold and the manner in which persons interested in submitting a bid may register for notice of the bond sale. At least three business days prior to the time and date of the bond sale, the officers having charge of the sale shall give notice to all persons having registered for notice of the bond sale, and bids shall be submitted and received and the sale made in the manner provided in subsection (a).

Sec. 6. K.S.A. 2000 Supp. 10-106 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, before the period, by inserting “; amending K.S.A. 2000 Supp. 10-106 and repealing the existing section”; and the bill be passed as amended.

Committee on **Education** recommends **HB 2050** be amended on page 1, in line 13, after “K.S.A.”, by inserting “72-7514a and”; also in line 13, by striking “is” and inserting “are”;

In the title, in line 9, after “K.S.A.”, by inserting “72-7514a and”; also in line 9, by striking all after “to”; in line 10, by striking “for”; also in line 10, after “adoption”, by inserting “, amendment or revocation”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2144**, as amended by House Committee, be passed.

Also **HB 2184** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 321** be passed.

#### REPORT ON ENGROSSED BILLS

**SB 27, SB 58, SB 67, SB 75, SB 83, SB 92, SB 99, SB 108, SB 126, SB 138, SB 142, 172, SB 176, SB 186, SB 214, SB 237, SB 283** reported correctly engrossed February 27, 2001.

#### REPORT ON ENROLLED BILLS

**SR 1822, SR 1823** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 28, 2001.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, March 1, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

