

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 14, 2002—2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and by virtue of his office as president of the Senate, Senator Dave Kerr declared the 2002 Senate to be in session.

President Kerr introduced as reader for the Senate, Gus Simmons, third year law student at Washburn University and Moot Court Council President this year. Gus received his Bachelor of Science Degree from Truman State University, Kirksville, MO.

The roll was called with forty senators present as follows:

District	District
01 Edward W. Pugh	21 Mark Taddiken
02 Sandy Praeger	22 Lana Oleen
03 Bob Lyon	23 Karin Brownlee
04 David Haley	24 Pete Brungardt
05 Mark Gilstrap	25 Jean Schodorf
06 Chris Steineger	26 Nancey Harrington
07 David Adkins	27 Leslie D. Donovan, Sr.
08 Barbara P. Allen	28 Paul Feleciano, Jr.
09 Kay O'Connor	29 U. L. Rip Gooch
10 Nick Jordan	30 Susan Wagle
11 John L. Vratil	31 Christine Downey
12 Robert Tyson	32 Greta H. Goodwin
13 Jim Barone	33 Ruth Teichman
14 Dwayne Umbarger	34 Dave Kerr
15 Derek Schmidt	35 Jay Emler
16 David R. Corbin	36 Janis K. Lee
17 James A. Barnett	37 Larry D. Salmans
18 Dave Jackson	38 Tim Huelskamp
19 Anthony Hensley	39 Stephen R. Morris
20 Lynn Jenkins	40 Stan Clark

President Kerr introduced Senator Larry Salmans, who delivered the invocation for Rev. Fred Hollomon, who is hospitalized in St. Francis Hospital. Chaplain Hollomon, pastor of Highland Park Southern Baptist Church, Topeka, Kansas, will again serve as the Senate Chaplain.

Heavenly Father,

We know that the Bible says that wisdom comes from God. Therefore it stands to reason that we must continually seek His guidance. A nation or State is led wisely only when its leaders rely on God's wisdom.

From time to time we find ourselves divided,

Republican against Democrat, rural against urban

Conservative against Liberal.

But there are times when we inevitably close ranks

And that is when the health of one of our own is threatened.
 So today we unite our hearts in asking for your watchcare over Chaplain Fred.
 May his recovery be swift and complete
 and may he return to us in record time.
 In the Name of Christ, Amen

OPENING CEREMONY

President Kerr asked senators and guests to remain standing for the presentation of the Colors by members of the Wichita Heights High School Air Force Junior ROTC Color Guard, Pledge of Allegiance and the singing of the National Anthem.

President Kerr introduced the Wichita Heights High School Air Force Junior ROTC Color Guard cadets—John Griner, Evan Ricker, Jared Smith and John Green. Accompanying the cadets was their instructor Lt. Col. Truman Tauer.

The National Anthem was sung by Jessica Heusinkveld of Wichita East High School. Accompanying Jessica were her parents Mindy and Louie Heusinkveld.

INTRODUCTIONS

President Kerr introduced Dr. Robert Moser, President of the Kansas Academy of Family Physicians. Dr. Moser currently practices in Tribune and Sharon Springs with the Greeley County Health Care Services and is the Greeley County Hospital Chief of Staff. The Academy sponsors the Doctor of the Day program and provides daily assistance for health concerns in the Capital during the session.

Also introduced were Gregg Svoboda, Sergeant At Arms; Jody Kirkwood, Assistant Sergeant At Arms; Ken Bauman, Assistant Sergeant At Arms; and new doormen—Glenn Allen, Larry Barker, Ed Michael, Gary Slimmer and Emerson Stamps, Jr. Sue Munoz was introduced as a new Journal Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

On emergency motion of Senator Oleen **SR 1801**, by Senators Kerr, Oleen and Hensley as follows, was introduced and adopted by voice vote.

SENATE RESOLUTION No. 1801—

A RESOLUTION relating to the organization of the Senate.

Be it resolved by the Senate of the State of Kansas: That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Dave Kerr, president,
 Sandy Praeger, vice president,
 Lana Oleen, majority leader,
 Anthony Hensley, minority leader,
 Pat Saville, secretary,
 Gregg Svoboda, sergeant at arms,

and awaits the pleasure of the House of Representatives.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

SB 368, An act making and concerning appropriations for the fiscal year ending June 30, 2002, for the department of corrections for local jail payments; authorizing certain transfers and imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Senator Jackson.

SB 369, An act designating part of United States highway 169 as the Robert V. Talkington highway, by Senator Schmidt.

SB 370, An act designating United States highway 83 as the veterans of foreign wars memorial highway, by Senators Clark and Huelskamp.

SB 371, An act concerning certain recreational trails; amending K.S.A. 2001 Supp. 58-3215 and repealing the existing section, by Senator Emler (By request).

SB 372, An act relating to sales taxation; concerning the sourcing of mobile telecommunications services; amending K.S.A. 2001 Supp. 79-3603 and repealing the existing section; also repealing K.S.A. 2001 Supp. 79-3603b, by Special Committee on Assessment and Taxation.

SB 373, An act relating to the arts; concerning the funding thereof; amending K.S.A. 2001 Supp. 79-4803 and 79-4804 and repealing the existing sections, by Joint Committee on Arts and Cultural Resources.

SB 374, An act authorizing the fixing and collecting of certain fees by state agencies and providing for the disposition thereof, by Legislative Budget Committee.

SB 375, An act concerning retirement; relating to schools; early retirement incentive programs; amending K.S.A. 2001 Supp. 72-5395 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

SB 376, An act concerning the state fire marshal; establishing a hazardous materials incident response program; amending K.S.A. 31-133 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

SB 377, An act concerning access to health care records by patients and authorized representatives, by Special Committee on Judiciary.

SB 378, An act concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 4-128, 4-133 and 4-135, by Special Committee on Redistricting.

SB 379, An act concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,201 through 4-4,243, by Special Committee on Redistricting.

SB 380, An act concerning reports, pamphlets, books and other printed materials of state agencies; amending K.S.A. 46-1212c and 75-3048 and repealing the existing sections, by Legislative Coordinating Council.

SB 381, An act concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 4-128, 4-133 and 4-135, by Senator Hensley.

SB 382, An act concerning the consumer protection act; relating to profiteering from disaster, by Senator Schmidt.

SB 383, An act amending the interlocal cooperation act; amending K.S.A. 12-2903 and 12-2904 and repealing the existing sections, by Joint Committee on State-Tribal Relations.

SB 384, An act concerning agreements with Native American Indian tribes, by Joint Committee on State-Tribal Relations.

SENATE CONCURRENT Resolution No. 1613—

By Legislative Budget Committee

A CONCURRENT RESOLUTION relating to the joint rules of the Senate and House of Representatives for the 2001-2002 biennium.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the following joint rules of the Senate and the House of Representatives for the 2001- 2002 biennium be amended by the addition of a new rule to read as follows:

Joint rule 6. Appropriation bills. An appropriation bill may contain only provisions which relate to the allocation and expenditure of moneys. Provisions which are not germane to the subject of the allocation and expenditure of moneys shall not be included in appropriation bills. Appropriation bills may not change or amend existing laws on subjects other than the allocation or expenditure of moneys.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

In accordance with Senate Rule 32, the following prefiled bills and resolution were referred to Committees as follows:

Assessment and Taxation: **SB 372**.

Federal and State Affairs: **SB 376**.

Judiciary: **SB 371, SB 377**.

Reapportionment: **SB 378, SB 379**.

Transportation: **SB 369, SB 370**.

Ways and Means: **SB 368, SB 373, SB 374, SB 375; SCR 1613**.

MESSAGE FROM THE GOVERNOR

June 1, 2001

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as Governor of the State of Kansas as of June 1, 2001, pursuant to law.

BILL GRAVES
Governor

Member, Board of Indigents' Defense Services, Nathaniel E. Terrell, pursuant to the authority vested in me by KSA 22-4519, effective upon the date of confirmation by the Senate to serve a three-year term ending January 15, 2004.

Member, Board of Indigents' Defense Services, T. Lynn Ward, pursuant to the authority vested in me by KSA 22-4519, effective upon the date of confirmation by the Senate to serve a three-year term ending January 15, 2004.

Member, State Banking Board, Steve A. McSpadden, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2004.

Member, State Banking Board, Richard D. Rucker, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2004.

Member, State Banking Board, Jane A. Bateman, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2004.

Member, Kansas Lottery Commission, William J. Falstad, pursuant to the authority vested in me by KSA 74-8709, effective upon the date of confirmation by the Senate to serve a four-year term ending March 15, 2005.

Member, Kansas Human Rights Commission, David A. Hanson, pursuant to the authority vested in me by KSA 44-1003, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2006.

Member, Kansas Human Rights Commission, L. Clay Thompson, pursuant to the authority vested in me by KSA 44-1003, effective upon the date of confirmation by the Senate to fulfill an unexpired term ending January 15, 2002 and to serve a succeeding four-year term ending January 15, 2006.

Member, Export Loan Guarantee Review Committee, Richard L. Held, pursuant to the authority vested in me by KSA 74-5073, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2004.

Member, Export Loan Guarantee Review Committee, Linda L. Salem, pursuant to the authority vested in me by KSA 74-5073, effective upon the date of confirmation by the Senate to fulfill an unexpired term ending January 15, 2002 and to serve a succeeding four-year term ending January 15, 2006.

Member, Kansas Board of Regents, Deryl W. Wynn, pursuant to the authority vested in me by KSA 74-3202, effective upon the date of confirmation by the Senate to serve a four-year term ending June 30, 2005.

Member, Kansas Board of Regents, Lewis L. Ferguson, pursuant to the authority vested in me by KSA 74-3202, effective upon the date of confirmation by the Senate to serve a four-year term ending June 30, 2005.

Member, Kansas Board of Regents, Clay C. Blair III, pursuant to the authority vested in me by KSA 74-3202, effective upon the date of confirmation by the Senate to fulfill an unexpired term ending June 30, 2002.

Member, Kansas Board of Regents, William R. Docking, pursuant to the authority vested in me by KSA 74-3202, effective upon the date of confirmation by the Senate to serve a four-year term ending June 30, 2005.

Member, University of Kansas Hospital Authority, Edward J. Chapman, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2004.

Member, University of Kansas Hospital Authority, George J. Farha, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2004.

Member, University of Kansas Hospital Authority, Edward J. Nazar, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2004.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF REVENUE

May 7, 2001

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as Secretary of the Department of Revenue as of May 7, 2001, pursuant to law.

STEVE RICHARDS

Secretary of Revenue

Director of Alcoholic Beverage Control, Department of Revenue, Robert G. Longino, pursuant to the authority vested in me by KSA 75-5117, effective upon the date of confirmation by the Senate to serve at the pleasure of the Secretary of Revenue.

January 14, 2002

The Honorable Dave Kerr
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Kerr:

This letter is to advise you that the Office of the Secretary of the Senate has received the following communications during the interim since adjournment of the 2001 Regular Session of the Legislature:

West Virginia House Resolution 1, adopted during a recent Extraordinary Session of the West Virginia Legislature, expressing the sense of the House of Delegates and decrying the outrageous terrorist attacks launched against the United States on Tuesday, September 11, 2001, expressing sympathy to the families and friends of those killed or injured, and urging the President of the United States and other federal officials to deal swiftly with those who threaten our freedom.

Senate Bill 85, Interstate Compact for Adult Offender Supervision, was passed by the Maryland General Assembly and signed on April 20, 2001. The bill relates to the supervision of adult offenders and provides the framework for the promotion of public safety and protection of victims' rights through the control and regulation of the interstate movement of offenders by providing effective tracking, supervision, and rehabilitation as well as to equitably distribute the costs, benefits and obligations among compacting states.

Department of Administration, Division of Accounts and Reports, submitting Monthly Financial Reports for the months of April through June 2001.

Department of Health and Environment, submitting in compliance with Substitute Senate Bill 204, Section 4(a), a listing of currently classified stream segments which identifies: (a) stream segments that have had use attainability analyses conducted to assign recreational uses; (b) stream segments which have not had use attainability analyses conducted to assign recreational uses; and (c) stream segments which primary contact recreational use is not attainable.

Department of Human Resources, submitting the 2001 Kansas Employment Security Advisory Council Annual Report.

Ewing Marion Kauffman Foundation, submitting the 2001 Annual Report.

Kansas Human Rights Commission, submitting the FY 2001 Annual Report.

Kansas and Missouri Metropolitan Culture District Commission, submitting the Fourth Annual Report for 2000 and the Comprehensive Annual Financial Report for period ended December 31, 2000 and 1999.

Kansas Public Employees Retirement System, submitting the Annual Report for the fiscal year ending June 30, 2001.

Kansas Water Office, submitting the FY 2003 Kansas Water Plan Update and the Kansas Water Authority's Recommendations to Implement the Kansas Water Plan for FY 2003.

Secretary of State, Ron Thornburgh, submitting the Adjustment to the 2000 U.S. Decennial Census, July 31, 2001.

Pooled Money Investment Board, in compliance with K.S.A. 75-4222(h), submitting the Annual Report of the Pooled Money Investment Board for Fiscal Year 2001.

University of Kansas Hospital Authority, submitting the Annual Report for 2001. Also, submitting the Combined Financial Statements and Other Financial Information of the University of Kansas Hospital Authority for years ended June 30, 2001 and 2000.

Sincerely,

PAT SAVILLE
Secretary of the Senate

January 14, 2002

The Honorable Dave Kerr
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Kerr:

As provided in K.S.A. 75-105, I have received from the Honorable Bill Graves, Governor of the State of Kansas, since the adjournment of the 2001 session of the legislature the following communications:

Executive Directives Nos. 01-310, 01-311, 01-312, 01-313, 01-314, 01-315, 01-316, 01-317, 01-318 all relating to Authorizing Certain Expenditures, Certain Personnel Transactions and Transfer of Funds.

Also, Executive Order No. 2001-04, establishing the Governor's Council on Work Force Training and Investment to be known as the IMPACT Review Panel.

Executive Order No. 2001-05, assisting State Employees Reporting for Military Duty.

Executive Order No. 2001-06, designation of the Workforce Network of Kansas Board as the State Workforce Investment Board.

Executive Order No. 2001-07, offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals responsible for the disappearance of Star Boomer.

Executive Order No. 2001-08, providing disaster leave for State Employees Reporting for American Red Cross Duty.

Sincerely,

PAT SAVILLE
Secretary of the Senate

These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Confirmations begs leave to submit the following report:

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

By the Governor:

Board of Indigents' Defense Services: K.S.A. 22-4519
 Nathaniel E. Terrell, term expires January 15, 2004
 T. Lynn Ward, term expires January 15, 2004

State Banking Board: K.S.A. 74-3004

Steve A. McSpadden, term expires March 15, 2004
 Richard D. Rucker, term expires March 15, 2004
 Jane A. Bateman, term expires March 15, 2004

Kansas Lottery Commission: K.S.A. 74-8709

William J. Falstad, term expires March 15, 2005

Kansas Human Rights Commission: K.S.A. 44-1003

David A. Hanson, term expires January 15, 2006
 L. Clay Thompson, term expires January 15, 2006

Export Loan Guarantee Review Committee: K.S.A. 74-5073

Richard L. Held, term expires January 15, 2004
 Linda L. Salem, term expires January 15, 2006

Kansas Board of Regents: K.S.A. 2001 Supp. 74-3202a

Deryl W. Wynn, term expires June 30, 2005
 Lewis L. Ferguson, term expires June 30, 2005

Clay C. Blair III, term expires June 30, 2002
 William R. Docking, term expires June 30, 2005

University of Kansas Hospital Authority: K.S.A. 2001 Supp. 76-3304

Edward J. Chapman, term expires March 15, 2004
 George J. Farha, term expires March 15, 2004
 Edward J. Nazar, term expires March 15, 2004

By the Secretary of Revenue:

Department of Revenue, Director, Alcoholic Beverage Control: K.S.A. 75-5117

Robert G. Longino, serves at the pleasure of the Secretary of Revenue

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas:

That the chief clerk of the House of Representatives notify the senate that the House is organized with the following officers.

Kent Glasscock, Speaker
 Clay Aurand, Speaker pro tem
 Shari Weber, Majority Leader
 Jim Garner, Minority Leader
 Janet E. Jones, Chief Clerk

Larry Henning, Sergeant-at-Arms, and awaits the pleasure of the Senate.

Announcing adoption of **HCR 5034**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2002 session of the legislature is organized and ready to receive communications, and the appointment of Representatives Neufeld, Boston and Shriver as members of the committee to wait upon the governor.

Also, announcing adoption of **HCR 5035**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, and the appointment of Representatives Lane, Freeborn and Grant to escort the Governor.

Also, Representatives Holmes, Benlon and Ballard to escort the Lieutenant Governor.

Also, Representatives O'Neal, Hayzlett and Flaharty to escort the Supreme Court.

Also, Representatives Pottorff, Mays and Thimesch to escort the Senate.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5034, a concurrent resolution relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications, was introduced and read by title.

On emergency motion of Senator Oleen, **HCR 5034** was adopted by voice vote.

In compliance with **HCR 5034**, President Kerr appointed Senator Brownlee and Senator Gilstrap as Senate members of the committee to notify the Governor the Senate is organized.

HCR 5035, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, was introduced and read by title.

On emergency motion of Senator Oleen, **HCR 5035** was adopted by voice vote.

In compliance with **HCR 5035**, the President appointed Senator Salmans and Senator Lee to escort the Governor; Senator Tyson and Senator Haley to escort the Lt. Governor; and Senator Huelskamp and Senator Goodwin to escort the Supreme Court.

The President announced the Senate would recess until 6:30 p.m., for the purpose of a joint meeting with the House of Representatives to hear the State of the State Address by Governor Graves.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, January 15, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

