

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 18, 2002—9:00 a.m.

The Senate was called to order by President Dave Kerr.

President Kerr introduced as guest chaplain, Senator Greta Goodwin, who delivered the invocation:

Heavenly Father,

As we complete this first week of the 2002 legislative session with our minds on all that has happened, it is easy to forget some things which need to be remembered and to hang onto the things which need to be forgotten.

Let us remember those who love us, those who help us and want nothing in return, as well as those who cannot help us. Dear God, we ask that you grant us understanding when we hear from the hurting families from our communities.

Let us remember to listen and be slow to condemn.

Let us forget the past defeats and the disappointments, and let us all move forward during this legislative session towards providing good public policy for those who sent us to this chamber to represent them.

We seek your help as we face our duties as legislators. We pray for your continual guidance and strength through these challenges.

As we leave this Chamber today, let us also remember the Rev. Dr. Martin Luther King, Jr., a crusader for social justice, freedom, peace and good will. I quote an excerpt by Dr. King in "A Christmas Sermon on Peace", delivered November 6, 1956, in which he stated, "The Judgment of God is upon us, and we must either learn to live together as brothers or we will all perish as fools." Let us all learn from his wisdom as we celebrate his life.

We ask these things in your name. Amen

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 1, by Senator Lana Oleen: A petition urging the Kansas Legislature to protect the Geary and Riley County Community of Interest when drawing new congressional boundaries, signed by James Keene and 423 other citizens of Junction City, Manhattan, Ft. Riley, Dwight and Milford.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were introduced and read by title:

SB 398, An act concerning securities; relating to the regulation thereof; concerning the powers of the securities commissioner; amending K.S.A. 17-1257, 17-1258 and 17-1266a and K.S.A. 2001 Supp. 17-1252, 17-1254, 17-1261, 17-1263 and 17-1270 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 399, An act concerning the Kansas code for care of children; relating to appointment of counsel; amending K.S.A. 38-1505 and repealing the existing section, by Committee on Judiciary.

SB 400, An act concerning the Kansas probate code; relating to residence of administrator; resident agent, written acceptance; amending K.S.A. 59-706 and 59-1706 and repealing the existing sections, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1615—

By Special Committee on Agriculture

A CONCURRENT RESOLUTION urging the United States Congress to enact country of origin labeling requirements.

WHEREAS, The Agriculture, Conservation, and Rural Enhancement Act of 2001, currently pending before Congress, contains provisions providing for country of origin labeling; and

WHEREAS, The Kansas legislature supports provisions of the Act which provide that:

“A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity—

‘(A) in the case of beef, lamb, and pork, is exclusively from an animal that is exclusively born, raised, and slaughtered in the United States; and

‘(B) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

‘(C) in the case of a perishable agricultural commodities or peanut, is exclusively produced in the United States’; and

WHEREAS, If another product is added to the covered commodity, the commodity could not be designated as a United States country of origin; and

WHEREAS, The American public is interested in and has the right to know where food is produced; and

WHEREAS, The United States Congress should amend the current farm bill to include the country of origin labeling provisions: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the United States Congress to enact country of origin labeling requirements; and

Be it further resolved: That we further urge Congress to amend the current farm bill to include county of origin labeling requirements; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas Congressional delegation.

SENATE CONCURRENT RESOLUTION No. 1616—

By Special Committee on Agriculture

A CONCURRENT RESOLUTION requesting the Kansas Department of Health and Environment, the Kansas Geological Survey, the Department of Agriculture and the Division of Water Resources to work closely with each other to have the most current information relating to water in regard to developing a nutrient utilization plan and issuing water pollution control permits for confined animal feeding operations.

WHEREAS, The Kansas Legislature has passed legislation to address the disposal of animal waste in confined animal feeding facilities by requiring the Kansas Department of Health and Environment to issue water pollution control permits to facilities meeting certain criteria; and

WHEREAS, The Kansas Department of Health and Environment and the Department of Agriculture work together to administer the nutrient management program; and

WHEREAS, The nutrient management program works with the producer to develop a nutrient utilization plan; and

WHEREAS, The plan provides guidance to producers when implementing waste application to land as a means of waste disposal; and

WHEREAS, The plan is a compilation of data that many times is not the most current data available in other state governmental agencies; and

WHEREAS, The plan should also include information relating to the amount of water needed to dispose of the waste, the amount of water the producer has available, and the amount of natural participation needed to dispose of the waste; and

WHEREAS, The plan should be based on the most current data available; and

WHEREAS, The Division of Water Resources and the Kansas Geological Survey should work more closely with the Kansas Department of Health and Environment and the Department of Agriculture in regard to the water information needed for the plan: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas Department of Health and Environment, the Kansas Geological Survey, the Department of Agriculture and the Division of Water Resources are hereby requested to work closely with each other to have the most current information relating to water in regard to developing a nutrient utilization plan and issuing water pollution control permits for confined animal feeding operations; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the Secretary of Agriculture, the Secretary of Health and Environment, the Director of the Kansas Geological Survey and the Chief Engineer of the Division of Water Resources in the Kansas Department of Agriculture.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 397.**

Ways and Means: **SB 396.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Oleen, Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1802—

A RESOLUTION honoring James E. Butler for his many years of dedicated service to the Manhattan community and the state of Kansas.

WHEREAS, James E. Butler of Manhattan, who at age 88 continues serving as chairperson of the Kansas Human Rights Commission, will be awarded the Martin Luther King, Jr. "Spirit of Giving Award" at a ceremony in Topeka on Friday, January 18, 2002; and

WHEREAS, James E. Butler was graduated from Sumner High School in Kansas City in 1931. He enlisted in the United States Army and served in the Far East during World War II. After the war he enrolled at Kansas State University but returned to the military where he completed a career of 26 years and attained the rank of Warrant Officer IV. While in the Army he received training in race relations and worked to improve racial relations and mediate racial incidents. He retired from the Army at age 62 and returned to Kansas State University where he received a Bachelor of Arts degree in social sciences; and

WHEREAS, After graduating from Kansas State University, James E. Butler became active in the National Association for the Advancement of Colored People. Upon his request, he was appointed to the Kansas Commission on Civil Rights in 1979 and continues to this day in this public service by serving on the Kansas Human Rights Commission. The commission receives and investigates civil rights violations in housing, employment and public accommodations; and

WHEREAS, in 1999 James E. Butler was honored by the Manhattan community and Kansas State University when September 21-26 was declared the "James E. Butler Celebration Week", and in conjunction with these activities, a scholarship in his name was created at Kansas State University; and

WHEREAS, James E. Butler was married in July 1948 to Margaret Hickman; she died August 1994. Their son, Marvin, now lives in New Orleans, Louisiana; and

WHEREAS, James E. Butler, a giant of a man in Kansas civil rights and race relations, and a true gentleman, is a humble man best characterized by his statement, "When you do good, you feel good": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor this citizen upon being awarded the Martin Luther King, Jr. "Spirit of Giving Award"; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to James E. Butler.

On emergency motion of Senator Oleen **SR 1802** was adopted unanimously.

REPORT ON ENROLLED BILLS

SR 1802 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 18, 2002.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, January 22, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

