

# Journal of the Senate

SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 23, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with forty senators present.

President Kerr introduced as guest chaplain, Father Pat Riley, St. Matthews Catholic Church, Topeka, Kansas, who delivered the invocation:

Good and gracious God,

To you belong all realms, all power, all glory. You delegate the power of leadership to your creatures. In this nation you have given us the freedom to establish our own government, to oversee the welfare of our land and the many people it supports. Today, we pray for those whom we have chosen to lead our great State.

Assist our elected leaders in this Senate and those who assist them and help them. Bless them with the stamina, the toughness, and the integrity to fight for what is right and honorable in your sight. Help them to do justice, to respect the dignity of every person, to love mercy and to walk humbly before you.

We ask you to bless their families who generously allow them to leave home to come here to serve us and our State. Bless those families for their understanding and goodness.

Send your divine grace upon this Senate today and every day of this session. Guide their discussions, grace their decisions, and give them your protection and love.

This we pray through Christ our Lord. Amen.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 410.** An act relating to the division of vehicles; concerning certain records; amending K.S.A. 2001 Supp. 74-2012 and repealing the existing section, by Committee on Transportation.

**SB 411.** An act relating to motor vehicles; concerning child passenger safety; relating to safety belts; amending K.S.A. 8-1343a, 8-1344, 8-1345, 8-2503 and 8-2504 and repealing the existing sections, by Committee on Transportation.

**SB 412.** An act concerning crimes, criminal procedure and punishment; relating to aid to indigent defendants; application fee; amending K.S.A. 2001 Supp. 22-4529 and repealing the existing section, by Committee on Judiciary.

**SB 413.** An act relating to taxation; concerning the setoff of taxpayer refunds against liabilities; amending K.S.A. 79-2015 and 79-32,104 and K.S.A. 2001 Supp. 79-32,105 and repealing existing sections, by Committee on Assessment and Taxation .

**SB 414.** An act relating to sand and gravel; concerning penalties relating to the taking thereof, by Committee on Assessment and Taxation.

**SB 415**, An act relating to taxation; concerning the payment of liability by electronic funds transfer; amending K.S.A. 75-5151 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 416**, An act relating to driving under the influence; concerning the driving under the influence equipment fund; amending K.S.A. 75-5660 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 417**, An act relating to critical access hospitals; concerning the length of stay for inpatient hospitalizations; amending K.S.A. 2001 Supp. 65-468 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 418**, An act concerning adult care home administrators; relating to the board of adult care home administrators; also relating to licensure; amending K.S.A. 65-3508 and K.S.A. 2001 Supp. 65-3503, 65-3504 and 65-3506 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 419**, An act concerning retail food stores and food processing plants; relating to the enforcement authority of the secretary of the department of health and environment, by Committee on Public Health and Welfare.

**SB 420**, An act concerning health care provider insurance; amending K.S.A. 2001 Supp. 40-3414 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 421**, An act authorizing the fixing and collecting of certain fees by the secretary of social and rehabilitation services and providing for the disposition thereof, by Committee on Ways and Means.

**SB 422**, An act concerning reimbursement by the department of social and rehabilitation services for certain drugs; relating to the medicaid pharmacy programs; changing certain rules and regulations requirements; amending K.S.A. 39-7,120 and repealing the existing section, by Committee on Ways and Means.

**SB 423**, An act concerning counties; relating to certain roads and highways, by Senator Emler.

**SB 424**, An act relating to taxation; concerning the abatement of drug taxes; amending K.S.A. 2001 Supp. 75-5154 and repealing the existing section, by Committee on Assessment and Taxation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 404**, **SB 408**.

Education: **SB 401**, **SB 402**, **SB 403**, **SB 409**.

Federal and State Affairs: **SB 405**, **SB 406**, **SB 407**.

#### CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor and Secretary of Revenue to the senate for confirmation, were considered.

Senator Oleen moved the following appointments be confirmed as recommended by the Confirmation Oversight Committee:

By the Governor:

On the appointment to the:

*Board of Indigents' Defense Services:*

Nathaniel E. Terrell, term expires January 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Board of Indigents' Defense Services:*

T. Lynn Ward, term expires January 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*State Banking Board:*

Steve A. McSpadden, term expires March 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*State Banking Board:*

Richard D. Rucker, term expires March 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*State Banking Board:*

Jane A. Bateman, term expires March 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Kansas Lottery Commission:*

William J. Falstad, term expires March 15, 2005.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Kansas Human Rights Commission:*

David A. Hanson, term expires March 15, 2006.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Export Loan Guarantee Review Committee:*

Richard L. Held, term expires January 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Export Loan Guarantee Review Committee:*

Linda L. Salem, term expires January 15, 2006.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Kansas Board of Regents:*

Deryl W. Wynn, term expires June 30, 2005.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Kansas Board of Regents:*

Lewis L. Ferguson, term expires June 30, 2005.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Kansas Board of Regents:*

Clay C. Blair III, term expires June 30, 2002.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Kansas Board of Regents:*

William R. Docking, term expires June 30, 2005.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*University of Kansas Hospital Authority:*

Edward J. Chapman, term expires March 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*University of Kansas Hospital Authority:*

George J. Farha, term expires March 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*University of Kansas Hospital Authority:*

Edward J. Nazar, term expires March 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Secretary of Revenue:

On the appointment to the:

*Department of Revenue, Director, Alcoholic Beverage Control:*

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

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS BUREAU OF INVESTIGATION

January 7, 2002

Larry Welch, Director, Kansas Bureau of Investigation, in compliance with K.S.A. 60-4117, submitted a report to the Legislature regarding the status of the KBI State Forfeiture Fund.

##### KANSAS STATE UNIVERSITY AGRICULTURAL EXPERIMENT STATION AND COOPERATIVE EXTENSION SERVICE

K-State Research and Extension

Marc A. Johnson, Director of Kansas State University Agricultural Experiment Station and Cooperative Extension Service, submitted the 2001 Annual Report.

##### KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

January 2002

William M. Mercer, Incorporated, as requested by the Legislative Coordinating Council, submitted a copy of the Actuarial Audit of the Kansas Public Employees Retirement System.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

#### REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 21**, **SB 72**, **SB 243** be not passed.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, January 24, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

