

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 6, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

This is not a major problem
Which I bring to Your attention.
Perhaps it's much too trivial
For me to even mention.

I just get very tired
When almost everyone,
Because I am a Senator,
Thinks I'm in Washington!

My name gets in the paper,
And I'm on the radio;
And sometimes if I'm lucky
I make a TV show.

I mail out lots of letters
With Topeka letterhead.
I speak at Eggs and Issues
When I wish I were in bed.

How can they keep thinking
That I office in D.C.,
When "Topeka" is on everything
That they receive from me?

My prayer is very simple, Lord:
Help me be a diplomat
The next time someone tells me,
"Say 'Hello' to Sam and Pat!"

I pray in the Name of Christ,
AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 517, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

SB 518, An act relating to motor vehicles; providing for the issuance of the Autism Society of Johnson County Kansas license plate, by Committee on Education.

SB 519, An act concerning solid waste tonnage fees; amending K.S.A. 2001 Supp. 65-3415b and 65-3415f and repealing the existing sections, by Committee on Natural Resources.

SB 520, An act establishing the office of district attorney in the nineteenth judicial district; amending K.S.A. 2001 Supp. 22a-107 and repealing the existing section, by Committee on Judiciary.

SB 521, An act concerning crimes, criminal procedure and punishment; relating to departure sentencing, procedures; amending K.S.A. 21-4718 and K.S.A. 2001 Supp. 21-4716 and repealing the existing sections, by Committee on Judiciary.

SB 522, An act concerning municipal courts; relating to collection of fines and court costs, by Committee on Judiciary.

SB 523, An act concerning debts owed to the courts; relating to registration of motor vehicles; amending K.S.A. 8-173 and repealing the existing section, by Committee on Judiciary.

SB 524, An act concerning business entities; relating to annual report; filing of certain documents; franchise tax; business activities; amending K.S.A. 56-1a156 and K.S.A. 2001 Supp. 17-2036, 17-7678, 17-76,139, 56-1a606, 56-1a607, 56a-1201 and 56a-1202 and repealing the existing sections, by Committee on Judiciary.

SB 525, An act concerning the Kansas mortgage business act; relating to exemptions; amending K.S.A. 9-2202 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 526, An act concerning schools; relating to school finance; amending K.S.A. 2001 Supp. 72-6410 and repealing the existing section, by Committee on Education.

SB 527, An act concerning drainage districts; relating to the transfer of territory from one drainage district to another; amending K.S.A. 24-128, 24-129 and 24-130 and repealing the existing sections, by Committee on Elections and Local Government.

SB 528, An act repealing K.S.A. 12-763; concerning zoning regulations; relating to manufactured homes, by Committee on Elections and Local Government.

SB 529, An act concerning open meetings; relating to executive sessions; requiring recording thereof; amending K.S.A. 2001 Supp. 75-4319 and repealing the existing section, by Committee on Elections and Local Government.

SB 530, An act concerning employment after retirement; amending K.S.A. 2001 Supp. 74-4914 and repealing the existing section, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 512**.

Education: **SB 516**.

Federal and State Affairs: **SB 511**.

Financial Institutions & Insurance: **SB 510**.

Judiciary: **SB 514, SB 515**.

Public Health and Welfare: **SB 508**.

Transportation: **SB 505, SB 506, SB 507**.

Ways and Means: **SB 509, SB 513**.

CHANGE OF REFERENCE

The President withdrew **SB 501** from the Committee on Assessment and Taxation, and referred the bill to the Committee on Commerce.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS WATER OFFICE

February 5, 2002

Al LeDoux, Director, Kansas Water Office, submitted three water supply contracts negotiated under the provision of the State Water Plan Storage Act (K.S.A. 82a-1301 *et al*) and approved by the Kansas Water Authority during calendar year 2001.

They included the contract between the State of Kansas and Ellsworth County Rural Water District No. 1 (dba Post Rock Rural Water District) of Ellsworth County, Kansas for a Municipal and Industrial Water Supply (Water Purchase Contract No. 01-02); and a contract between the State of Kansas and Jost Farms for an Interim Irrigation Water Supply from Marion Lake (Surplus Water Purchase Contract Number 01-03); between the State of Kansas and Jost Farms for an Interim Irrigation Water Supply from Marion Lake (Surplus Water Purchase Contract Number 01-04).

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.

REFERRAL OF WATER SUPPLY CONTRACTS

The President referred the water supply contracts submitted by Al LeDoux, Director, Kansas Water Office, to the Committee on Natural Resources.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2621**, **HB 2622**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2621, **HB 2622** were thereupon introduced and read by title.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 386, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; unfunded obligations for certain benefits, was considered on final action.

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 bill passed.

SB 390, An act concerning insurance; relating to reinsurance matters; amending K.S.A. 40-221a and repealing the existing section, was considered on final action.

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 bill passed.

SB 395, An act concerning plant and animal diseases; relating to state of disaster emergency; unlawful acts and punishment therefor; amending K.S.A. 21-3419 and 21-3436 and K.S.A. 2001 Supp. 48-924 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 47-623, was considered on final action.

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 bill passed, as amended.

SB 396, An act concerning the director of accounts and reports; authorizing the processing and payment of certain claims from the secretary of corrections, was considered on final action.

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, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SCR 1613, A concurrent resolution relating to the joint rules of the Senate and House of Representatives for the 2001-2002 biennium, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Clark, Harrington, Hensley, Lee, O'Connor, Tyson, Wagle.

The resolution was adopted.

SCR 1614, A concurrent resolution encouraging decreased dependence on public monies to finance long-term care and education concerning long-term care insurance, was considered on final action.

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, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The resolution was adopted, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1809—

A RESOLUTION recognizing February 6 as "Ronald Reagan Day".

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, governor of California and president of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th president of the United States of America; in the second of which he earned the confidence of three-fifths of the electorate and was victorious in 49 of the 50 states in the general election—a record unsurpassed in the history of American presidential elections; and

WHEREAS, In 1981, when Ronald Reagan was inaugurated president, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the Free World, and prepared America's armed forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, On February 6, 2002, Ronald Reagan will have reached the age of 91 years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate hereby recognizes February 6, 2002, A.D. and subsequent yearly anniversaries thereafter, as "Ronald Reagan Day".

On emergency motion of Senator Donovan **SR 1809** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 376** be not passed.

Committee on **Financial Institutions and Insurance** recommends **SB 398**, be amended on page 16, in line 2, after "commissioner", by inserting ", by rule and regulation or order,"; in line 3 by striking all after "exemption"; in line 4 by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 116** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 116," as follows:

"Substitute for SENATE BILL No. 116

By Committee on Judiciary

"AN ACT concerning civil actions; relating to authority to bring certain actions; firearms manufacturers and dealers.";

and the substitute bill be passed.

Also, **SB 391** be amended on page 1, in line 34, after "furnished" by inserting "to"; in line 35, after the stricken material, by inserting "from the informing court"; and the bill be passed as amended.

SB 392 be amended on page 2, in line 21, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 395, SB 396; SCR 1614 reported correctly engrossed February 5, 2002.

REPORT ON ENROLLED BILLS

SR 1807, SR 1808 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 6, 2001.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, February 7, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

