

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 22, 2002—9:30 a.m.

The Senate was called to order by Vice-President Sandy Praeger.

The roll was called with thirty-five senators present.

Senators Allen, Brungardt, Jenkins, Schodorf and Wagle were excused.

Vice-President Praeger introduced as guest chaplain, Keith Sanderson, Lay Minister, Meade, who delivered the invocation:

Father, I come before you this morning on behalf of the people of the State of Kansas, and in particular the men and women of the Kansas Senate who shoulder the responsibility of overseeing the legislative directives and processes.

Father, I ask that You impart Your wisdom into the hearts of this Senate that has been elected by the people. . . . That they would be honoring to You and to Your Word in all that they do . . . and that their decisions, no matter how hard, would be in line with the wishes of those who elected them.

Father, I ask that You embolden this Senate to deal fairly and honestly with the rights of all Kansans', not considering "Political Correctness", so that no matter how young or old, no matter how healthy or ill, no matter how rich or poor, no matter what color, race, creed or religion . . . that all would find a fair hearing within these chambers . . . with caring, compassionate hearts disregarding their own agendas, in favor of that which is right . . . right in motivation, right in application, and right in completion . . . when dealing with all issues of life, liberty and the pursuit of happiness.

Father, I ask that You empower these public servants with Your Spirit to carry out their duties with a humble heart and the absence of malice, and without any thought of personal gain, either political or financial. That they may know when the day is done that they have not dishonored their constituents, their state, their position, themselves, or You.

I ask for a lot Father, but you are the Alpha and Omega, the Beginning and the End, the Creator of all....And I thank you for honoring and answering this simple prayer.

In the name of Jesus Christ, and by His shed Blood, I pray. . . . Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 652, An act concerning corrections; relating to inmate status and classification; amending K.S.A. 75-5210 and repealing the existing section, by Committee on Ways and Means.

SB 653, An act concerning crimes and punishment; relating to prisoners and offenders; cost of maintenance; amending K.S.A. 19-1930 and repealing the existing section, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1624—

By Senators Jackson, Hensley and Jenkins

A CONCURRENT RESOLUTION designating the former Union Pacific Railroad station in Topeka, which is being transformed into the Great Overland Station, as the state railroad museum of Kansas.

WHEREAS, The State of Kansas has a rich railroad heritage which includes the birth and growth of the Santa Fe Railway, participation in the Union Pacific's effort to build the first transcontinental railroad, and the site of important rail lines for the Missouri Pacific, Rock Island, Missouri Kansas Texas (KATY) and other railroad companies; and

WHEREAS, The railroads were instrumental in the development of our state, especially in recruiting many of the first settlers to Kansas. Those settlers established agriculture as a primary industry in Kansas and brought with them the red winter wheat which historically has been a mainstay of our economy. The railroads created thousands of jobs in Kansas, and they remain a major source of employment in our state. The story of the railroads' contributions to the development of our state has been largely untold, and many of today's generation have little knowledge or appreciation of the railroads importance in our history; and

WHEREAS, Topeka's Union Pacific Station opened on January 27, 1927, an historic and celebratory event for the community. Designed by renowned architect Gilbert Stanley Underwood, the beautiful Union Pacific passenger station was reported to be "one of the finest passenger stations on the line" when it opened. The Union Pacific Railroad Station in Topeka, now known as the Great Overland Station, is listed on the Register of Historic Kansas Places and has been nominated for listing on the National Historic Register. The station stands as a symbol of an extraordinary era in America's history, a period of great industrial and cultural expansion which mirrored the optimism and hope of the American people. It served as the hub for transportation and industry, and the activities of the community passed through this station; and

WHEREAS, Transformed into the Great Overland Station, the once-proud building will become the symbol of a new era of vitality and vision. The historic site contains stories of our early history, stories of the Kaw Indians, French-Canadian traders, Oregon Trail pioneers, Underground Railroad freedom seekers, rowdy frontier characters and hometown hero Charles Curtis. Connecting that history with railroad heritage represented at the station will provide visitors with a knowledge and appreciation of the deep and colorful roots of our state and validate the contributions of the many individuals from all ethnic and social backgrounds who came together to create our State; and

WHEREAS, The legacy of railroads in Kansas will be enhanced by the renovation of this historic station: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Great Overland Station in Topeka is hereby designated as the state railroad museum of Kansas; and

Be it further resolved: That the Secretary of State provide an enrolled copy of this resolution to Richard Davidson, Chairman, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebraska 68179; John Glassman, Executive Director, Great Overland Station, 701 North Kansas Avenue, Topeka, Kansas 66609; Harry "Butch" Felker, Mayor, City of Topeka, 215 Southeast 7th Street, Topeka, Kansas 66603; Ramon Powers, Executive Director, Kansas Historical Society, 6425 Southwest 6th Street, Topeka, Kansas 66615; and Beth Fager, Campaign Director, Great Overland Station, 3320 Southwest Spring Creek Place, Topeka, Kansas 66614.

On emergency motion of Senator Jackson **SCR 1624** was adopted by voice vote.

Senator Jackson introduced guests John Glassman, Executive Director, Great Overland Station; Beth Fager, Campaign Director, Great Overland Station; Max Prosser, Vice Chairman of the Board; Kiersten Gale, Administrative Assistant; Karen Taylor, Special Events Director.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Public Health and Welfare: **HB 2905**.

Ways and Means: **SB 651**.

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the senate for confirmation, were referred to Committees as indicated:

Member, Board of Indigents' Defense Services, J. Roy Holliday, Jr., effective upon the date of confirmation by the Senate to serve a three-year term ending January 15, 2005.

(Judiciary)

Member, Kansas Technology Enterprise Corporation Board of Directors, Douglas C. Brush, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2006.

(Commerce)

Member, Kansas Technology Enterprise Corporation Board of Directors, David E. Shulenburg, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2006.

(Commerce)

Member, State Banking Board, Nancy A. Taylor, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2005.

(Financial Institutions and Insurance)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Jackson, Hensley and Jenkins introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION in memory of Carl G. Ossmann, a former member of the Kansas House of Representatives.

WHEREAS, Carl G. Ossmann, 90, Topeka, died Tuesday, January 15, 2002, at a Topeka hospital. He was born April 28, 1911, in Concordia, and attended Concordia public schools. He earned a bachelor's degree in architectural engineering at Kansas State College of Agriculture in 1933 and a master's degree in 1939. He was a registered architect in Kansas, Missouri and Nebraska; and

WHEREAS, Mr. Ossmann began teaching school in Greenleaf in 1933 and was superintendent of schools there from 1936 to 1942. He served in the Navy during World War II as a gunnery officer in the Armed Guard in the North Atlantic and South Pacific. He was discharged in 1945 at the rank of lieutenant commander; and

WHEREAS, Mr. Ossmann was associated with James O. Wolfe in the 1930's, was a designer and draftsman with Thomas W. Williamson and Co. from 1945 to 1947 and became a partner with Louis H. Spencer in January 1947. He operated Carl G. Ossmann and Associates until 1957 when he renamed the firm Ossmann and Associates. He also was a farmer and stockman, raising dairy cattle and later registered Angus cattle; and

WHEREAS, Mr. Ossmann served as a Republican in the Kansas House of Representatives from 1966 to 1972 and was selected in 1977 by former Governor Bennett to serve as acting State Architect; and

WHEREAS, Mr. Ossmann was a member of the Kansas and Topeka Chapters of the American Institute of Architects, the American Society of Landscape Architects and the Greater Topeka Chamber of Commerce. He was a member of the Commercial Arbitration Panel for the American Arbitration Association, an elder at First Presbyterian Church, a member of the Military Order of World Wars, the American Legion, Masonic Lodge No. 225, the Topeka Retired Officers Association and the Arab Shrine. Mr. Ossmann also was past adult leader of Boy Scout Troop No. 3. He was inducted into the Order of the Arrow and also received the Silver Beaver Award in February 1981; and

WHEREAS, Mr. Ossmann married Catherine S. Bender on September 12, 1944. She died May 23, 1955. He married Helen B. Ossmann on December 6, 1958. She survives. Other survivors include two sons, C. William "Bill" Ossmann, Topeka, and John B. Ossmann, Portland, Oregon, and two grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we extend our deepest sympathy to the family of Carl G. Ossmann; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mrs. Carl Ossmann, 1260 S.W. Randolph Street, Topeka, Kansas 66604 plus four copies to Senator Jackson.

On emergency motion of Senator Jackson **SR 1827** was adopted unanimously.

Senator Jackson introduced family members of Mr. Ossmann, his wife, Helen Ossmann, son, Bill Ossmann and daughter-in-law, Catherine Ossmann.

Senator Barnett introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1828—

A RESOLUTION congratulating and commending Kyla Scott for establishing the Chase County Youth Technology Center.

WHEREAS, Kyla Scott, 18, of Strong City and a senior at Chase County High School, was concerned when the teen center in her community closed that teens would have no place to gather; she also knew that many members of her community had no access to a computer. After making several requests, she received a \$9,000 one-year enrichment grant from Southwestern Bell telephone. With the grant she established a computer center in the teen center premises. The Chase County commissioners agreed to pay the rent and utilities for the center, the Wolf Creek nuclear plant donated computer tables, the local school board donated internet access and other business and organizations chipped in money and computer equipment. Her parents, Elizabeth and Richard Scott, have been active in supervising the facility and assisting with computer-oriented questions; and

WHEREAS, The technical center is not just for teens. Area residents come to the center to learn about computers and access its wonders. An outgrowth of the success of the technical center has been to use part of the grant money to acquire videotaping equipment which is used by high school students to tape local school and community events. These tapes are now being broadcast on the county's local cable channel which had been largely unused: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Kyla Scott for her innovative action to establish the Chase County Youth Technology Center; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Ms. Kyla Scott, 230 E. 10th, Strong City, Kansas 66869.

On emergency motion of Senator Barnett **SR 1828** was adopted unanimously.

Senator Barnett introduced and congratulated Kyla Scott. Accompanying Kyla were her parents, Elizabeth and Richard Scott; Roxanne Rogers, Ryan Jensen, Mary Powell and Tyler Swank.

Senator Harrington introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1829—

A RESOLUTION congratulating and commending the Andale High School girls basketball team and coaches Mark Kerschen and Tammy Kerschen for winning the 2002 Class 4A State Basketball Championship.

WHEREAS, The Andale High School girls basketball team won the 2002 Kansas State High School Activities Association Class 4A State Basketball Championship with a thrilling 47 to 43 victory over Hayden High School in the state championship game at Wichita's Bicentennial Center on Saturday, March 8, 2002; and

WHEREAS, The Andale High School girls basketball team finished the season with a record of 24 wins and two losses joining Hayden and Chaparral as the only three-time champions in Class 4A; and

WHEREAS, After a shakey start, with eight turnovers in the first six minutes of play, the Andale defense stiffened resulting in a 15 to 15 tie at halftime. Tracey Patry, the team center, finished the game with 19 points and 13 rebounds. The team made 18 or 26 of their free throws, with 14 of them coming in the final quarter; and

WHEREAS, The members of this championship team are Shelly Lies, Dani Eck, Heidi Hein, Kristin Faber, Andrea Sigg, Morgan Liebe, Paige Stump, Tracey Patry, Julie Weber, Ali Steven, Kristina Winter and Amber Hoheisel; the managers are Sara Sigg and Ashley

Horsch; and the coaches are Mark Kerschen, head coach, and Tammy Kerschen, assistant coach; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team is due to its excellent teamwork, strong competitive spirit and determination to win plus the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Andale High School girls basketball team and coaches Mark Kerschen and Tammy Kerschen be congratulated and commended for winning the 2002 Kansas State High School Activities Association Class 4A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate be directed to send 17 enrolled copies of this resolution to Cara Ledy, Principal, Andale High School, 600 West Rush, Andale, Kansas 67001 for presentation to the above players, managers and coaches plus one for the school.

On emergency motion of Senator Harrington **SR 1829** was adopted unanimously.

Senators Haley, Gilstrap and Steineger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1830—

A RESOLUTION congratulating and commending Wyandotte High School.

WHEREAS, Wyandotte High School has been recognized by the National Education Association as an urban school which has engineered a remarkable revival; and

WHEREAS, In 1997, under a new principal, the school launched a reform program called "First Things First." The program stressed seven requirements for improvement including high standards, stable adult relationships and autonomy for teachers. The school was divided into eight minischools called "Small Learning Communities," each with a different theme. Teams of eight to 10 teachers stay with about 150 students throughout their high school years. Initially the focus was on discipline: A system which began with peer counseling, then meeting with the entire teaching team before the sanction of suspension was imposed. Gradually the small learning communities caused a traditional high school to become more like a large family; and

WHEREAS, Each teaching team meets for two hours on Wednesdays. Initially it was to determine which problems need to be addressed and whether to seek outside assistance. Now the planning sessions are able to focus on the instruction of the students; and

WHEREAS, The success of this program is shown by the following statistics: From 1998 to 2001 the average attendance at Wyandotte High School has increased from 72 percent to 80 percent and the graduation rate during the same period has increased from 50 percent to 70 percent: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Wyandotte High School for the great improvements they have made during the past five years with the "First Things First" program of instruction; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Dr. Ray Daniels, Superintendent, Kansas City USD 500, 625 Minnesota Avenue, Kansas City, Kansas 66101-2805 and to Mr. Walter Thompson, Principal, Wyandotte High School, 2501 Minnesota Avenue, Kansas City, Kansas 66102-4021 plus three copies to Senator Haley.

On emergency motion of Senator Haley **SR 1830** was adopted unanimously.

Senator Gilstrap introduced Walter Thompson, Principal, Wyandotte High School. Others Representing the school were: David Oland, Sarah Oland, Brian Dolezal, Robert Bayer, Mary Stewart, Jennifer Stewart, Mark Dolezal, Debbie Dolezal, Fern Dolezal, Lloyd Dolezal and Gloria Willis.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 611** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 611," as follows:

“Substitute for SENATE BILL No. 611
By Committee on Commerce

“AN ACT relating to the redevelopment of property located within a federal enclave in Johnson and Labette counties; authorizing certain powers, including tax increment financing and sales tax revenue bonds; relating to projects of the Kansas development finance authority; amending K.S.A. 2001 Supp. 74-8902, 74-8905, 74-8921, 74-8922, 74-8923, 74-8924, 74-8925, 74-8927 and 74-8929 and repealing the existing sections.”; and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **SCR 1623** be amended on page 1, in line 36, by striking all after “include”; by striking all of lines 37 through 39; in line 40, by striking all before the semicolon and inserting the following:

“one member appointed by the president of the senate; one member appointed by the minority leader of the senate; one member appointed by the speaker of the house of representatives; one member appointed by the minority leader of the house of representatives”;

On page 2, in line 8, by striking all after the period; by striking all of line 9 and inserting “No”; in line 10, by striking “members shall not” and inserting “member shall”; and the concurrent resolution be adopted as amended.

Committee on **Judiciary** recommends **HB 2230**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “Senate Substitute for HOUSE BILL No. 2230,” as follows:

“SENATE Substitute for HOUSE BILL No. 2230
By Committee on Judiciary

“AN ACT concerning the Kansas code for care of children; relating to children not attending school; dispositions; amending K.S.A. 38-1501 and 38-1563 and K.S.A. 2001 Supp. 38-1502 and repealing the existing sections.”; and the substitute bill be passed.

Also **HB 2771**, as amended by House Committee, be amended on page 3, in line 35, by striking “shall” and inserting “may”; in line 36, by striking “shall” and inserting “may”; in line 41, by striking “shall” and inserting “may”; in line 42, by striking “shall” and inserting “may”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2372**, as amended by House Committee, be passed.

Committee on **Ways and Means** recommends **HB 2690**, as amended by House Committee of the Whole, be amended on page 1, in line 17, by striking “12” and inserting “11”;

On page 3, in line 42, after the period by inserting “Each member of the board of directors shall be appointed on or before 60 days following the effective date of this act. After all members have been appointed, the executive director of the state board of regents shall call an organizational meeting of the board of directors. The executive director of the state board of regents shall serve as temporary chairperson until a chairperson is elected as provided by this section. The members of the board of directors shall organize by electing from its membership a chairperson and a vice-chairperson. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. Any vacancy occurring in the chairperson or vice-chairperson positions shall be filled in the same manner as the original election.”

On page 5, in line 2, by striking all after “act”; in line 3, by striking “formed”; in line 4, by striking “\$110,000,000” and inserting “\$130,000,000”; in line 38, by striking “economic development initiatives” and inserting “general”;

On page 6, in line 1, by striking “economic development initiatives” and inserting “general”; in line 3, by striking “economic devel-”; in line 4, by striking “opment initiatives” and inserting “general”; in line 11, by striking “economic de-”; in line 12, by striking “velopment initiatives” and inserting “general”;

On page 10, in line 31, by striking “\$110,000,000” and inserting “\$130,000,000”;

On page 14, in line 8, after the period by inserting “Each firm submitting a bid proposal shall be bonded in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bond to the construction manager at risk prior to submitting a bid

proposal. If a firm submitting a bid proposal fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection.”;

On page 16, in line 23, by striking all after “11.”; by striking all of lines 24 through 43;

On page 17 by striking all of lines 1 through 8; in line 9, by striking “Sec. 12.”; after line 12, by inserting the following:

“Sec. 1.2 The state board of regents is hereby authorized to initiate and complete capital improvement projects for the acquisition and installation of laboratories and equipment for icing and wind tunnels, crash testing and advanced manufacturing, including associated construction, remodeling or renovation, and such capital improvement projects are hereby approved for the National Institute for Aviation Research for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute. In accordance with the provisions of appropriation acts, the board of regents is hereby authorized to make expenditures from the aviation research facility fund which is hereby established in the state treasury for the acquisition, construction, installation and equipment of the capital improvement projects authorized by this section. In accordance with the provisions of appropriation acts, the board of regents may make expenditures from the aviation research facility fund for the payment of debt service on any revenue bonds issued to finance such project. The aggregate amount of all such revenue bonds issued for such capital improvement project shall not exceed \$13,000,000, plus all amounts required for costs of bond issuance, costs of interest on any bonds issued for such capital improvement project during the period of acquisition, installation and construction, remodeling or renovation for such project and any required reserve for the payment of principal and interest on the bonds. All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. Debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds, and shall be in addition to any other amounts authorized within this act.”; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, March 25, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

