

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 1, 2002—10:00 a.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-nine senators present.

Senator Teichman was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we begin this crucial wrap-up session, it occurred to me that we need to remind ourselves that prayer is not an habitual ritual, but that we are in reality communicating with almighty God.

Help us to beware of the subtle temptations that beset us when we engage in prayer:

Let us treat prayer not as something we are SUPPOSED to do, but as something we NEED to do and WANT to do.

Keep us from treating You as a parachute or a fire extinguisher to be used only in an emergency.

Don't let us ask you to rubber stamp our preconceived plans.

Don't let us restrict our praying to requests. Let us spend time praising You for Who You are and thanking you for what You do.

Help us to stop blaming You for the evil that people do, since one evidence of being created in Your image is our freedom to choose good or evil.

Let us not only be grateful for Your blessings, but also appreciate the lessons we learn from adversity.

I pray this in the Name of Jesus,

AMEN

REPORT ON ENGROSSED BILLS

SB 653 reported correctly engrossed April 13, 2002.

SB 395, SB 437, 470, SB 504, SB 564 correctly re-engrossed April 13, 2002.

SB 410, SB 457, SB 640; SCR 1624 reported correctly engrossed April 15, 2002.

SB 565 correctly re-engrossed April 15, 2002.

REPORT ON ENROLLED BILLS

SB 129, SB 439, SB 629 reported correctly enrolled, properly signed and presented to the Governor on April 16, 2002.

SB 372, SB 402, SB 627, SB 654, SB 663 reported correctly enrolled, properly signed and presented to the Governor on April 17, 2002.

SB 395, SB 410, SB 437, SB 470, SB 504, SB 564, SB 565 reported correctly enrolled, properly signed and presented to the Governor on April 19, 2002.

SR 1847 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 19, 2002.

SCR 1620, SCR 1624 reported correctly enrolled, properly signed and presented to the Secretary of State on April 19, 2002.

MESSAGE FROM THE GOVERNOR

SB 440, SB 443 approved on April 15, 2002.

Sub SB 116; SB 547 approved on April 18, 2002.

Senate Bill 547

April 18, 2002

Message to the Senate of the State of Kansas:

As production from the Hugoton gas field declines, a stable supply of natural gas for irrigation wells is becoming a critical challenge to sustaining agriculture production in Southwest Kansas. I am sympathetic to the need for immediate availability of natural gas for customers currently receiving service from production facilities. Therefore, I am signing this bill as a stop-gap measure to provide relief to the agricultural community in Southwest Kansas.

However, I remain convinced that in the long run, public interest is best served by having one distribution system serve an area rather than multiple systems. Once some experience is gained with this act, I would encourage legislators during the 2003 session to investigate the possibilities of developing long range incentives that will provide a fully developed infrastructure capable of delivering a stable supply of gas throughout the affected areas. Only by careful planning by the legislature, private industry and consumers, will we be able to take advantage of the traditional economies of scale that are prevalent throughout our public utility infrastructure.

BILL GRAVES

Governor

SB 402, SB 439, SB 627, SB 629, SB 654, SB 663 approved on April 23, 2002.

SB 129, SB 372, SB 395, SB 410, SB 437, SB 470, SB 504, SB 564, SB 565 approved on April 24, 2002.

April 18, 2002

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby veto Senate Bill Number 624.

Senate Bill 624 provides for official state issued "Choose Life" license plates. License plates are a method or tool for law enforcement to identify vehicles. License plates should not be used as moving billboards for editorial comment.

BILL GRAVES

Governor

April 19, 2002

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 02-323 for your information.

BILL GRAVES

Governor

The President announced Executive Directive No. 02-323, authorizing Personnel Transactions and a Transfer of Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

April 22, 2002

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 02-03 for your information.

BILL GRAVES

Governor

The President announced Executive Order No. 02-03, offering a reward of five thousand dollars (\$5,000.00) for information leading to the arrest and conviction of the individual or individuals responsible for the homicide of Alan Brent Thornburg, is on file in the office of the Secretary of the Senate and is available for review at anytime.

April 26, 2002

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 April 26, 2002, pursuant to law.

BILL GRAVES
Governor

Member, State Banking Board, Michael D. Stevens, 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 January 15, 2005.

Member, Board of Indigents' Defense Services, Mary L. Rubeck, 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, University of Kansas Hospital Authority, Edward J. Chapman, pursuant to the authority vested in me by KSA 76-3304 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a three-year term ending March 15, 2005.

Member, University of Kansas Hospital Authority, Clay D. Edmands, pursuant to the authority vested in me by KSA 76-3304 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a two-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 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

Member, University of Kansas Hospital Authority, Robert W. Honse, pursuant to the authority vested in me by KSA 76-3304 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

Member, University of Kansas Hospital Authority, Edward J. Nazar, pursuant to the authority vested in me by KSA 76-3304 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

April 29, 2002

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 April 29, 2002, pursuant to law.

BILL GRAVES
Governor

Member, University of Kansas Hospital Authority, Betty T. Keim, pursuant to the authority vested in me by KSA 76-3304 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a two-year term ending March 15, 2004.

Member, University of Kansas Hospital Authority, Mark V. Parkinson, pursuant to the authority vested in me by KSA 76-3304 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

Member, University of Kansas Hospital Authority, William D. Zollars, pursuant to the authority vested in me by KSA 76-3304 as amended by SB 642, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a one-year term ending March 15, 2003.

COMMUNICATIONS FROM STATE OFFICERS

April 22, 2002

Pat Saville
 Secretary of the Senate
 Statehouse
 Topeka, Kansas 66612

Dear Pat:

Due to the unfortunate circumstance of the death of Senator Paul Feleciano's mother in Puerto Rico, Senator Feleciano will be out of state when deliberations of the W&M/Appropriations Conference Committee on SB 517 begin on Tuesday, April 23, 2002. Therefore, in consultation with the Senate Minority Leader, I am replacing Senator Feleciano with Senator Jim Barone on the conference committee on SB 517 effective immediately.

With this official designation, Senator Barone is authorized to exercise the full powers and duties of any member of the Conference Committee on SB 517. In accordance with 2002 SCR 1626, I hereby approve reimbursement to Senator Barone for attendance at the conference committee meetings.

Sincerely,
 DAVE KERR
 Senate President

DEPARTMENT OF ADMINISTRATION
 Division of Accounts and Reports

April 23, 2002

Dale Brunton, Director, Division of Accounts and Reports, submitted a copy of the State of Kansas *Monthly Financial Perspective* for the month of March, 2002.

Enhanced monthly financial information is available on the internet under *Monthly Financial Perspective*. There is also a web-site available.

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.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Barone as a member of the Conference Committee on **SB 517** to replace Senator Feleciano.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1848—

A RESOLUTION congratulating and commending Maisie DeVore.

WHEREAS, Maisie DeVore, 83, of Eskridge has been called "Amazing Maisie" but "Unbelievable Maisie" might be more appropriate. For 30 years she has raised money to build a swimming pool for her town of 530 inhabitants. She collected aluminum cans and scrap metal to sell to recycling plants, sold homemade jam and knitted afghans for raffles. Over the years she has collected more than \$100,000. Her dream has become a reality with a state grant of \$73,000 permitting the town to construct the pool; and

WHEREAS, The local school board donated land for the pool adjacent to the town's elementary school, which location will allow Ms. DeVore to look out of her picture window to watch the activity at the pool. On March 20, 2001, Ms. DeVore broke ground for the pool by turning over the first two spadefuls of dirt—an action which caused her great-grandson to wonder why his great-grandmother did not dig the entire pool with her golden ceremonial shovel; and

WHEREAS, The pool was finished in time for the 2001 swimming season. Eight hundred people were present for the grand opening on July 14, which was declared Maisie DeVore Day in Eskridge. Following a parade through town, there was a dedication ceremony at the

pool. Ms. DeVore used gold-painted scissors to cut the dedicatory ribbon. Earlier local youth had proposed that Ms. DeVore be given a bikini to wear so she could be the first one in the water. While that did not transpire, she was the first to step into the water; and

WHEREAS, Maisie DeVore's vision of a swimming pool for her home town was supported with 30 years of dedicated effort on her part, a task which was not supported by her neighbors but such lack of support did not deter her from her vision; and

WHEREAS, On March 19, Maisie DeVore was one of five Kansans who received the Jefferson Award, given by the American Institute for Public Service, which honors people who work to improve their communities at local and national levels and has been selected by the American Institute for Public Service to represent northeast Kansas in the national Jefferson Awards ceremony June 17 to 19. She will compete with more than 80 other regional award winners for the Jacqueline Kennedy Onassis Award for Greatest Public Service Benefiting Local Communities. She will receive an all-expense paid trip to Washington, D.C., where the ceremony will be conducted. She also will receive a special invitation to the White House and will attend a ceremony and reception at the United States Supreme Court: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Maisie DeVore for 30 years of dedicated service to her community, which efforts have enabled Eskridge to have a swimming pool to be enjoyed by today's residents as well as those of tomorrow, and for the example of dedication and perseverance which she has set to be emulated by all citizens of the city of Eskridge and the state of Kansas; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Maisie DeVore, P.O. Box 393, Eskridge, Kansas 66423, and Rex Kraus, Mayor, City of Eskridge, 110 S. Main, Eskridge, Kansas 66423.

On emergency motion of Senator Barnett **SR 1848** was adopted unanimously.

Senator Barnett and members of the Senate congratulated Maisie with a standing ovation on her many years of continued dedication to a much appreciated community project. Family members accompanying Maisie were Mike Parhomek, Linda Parhomek, Marilyn Allen, Rod Allen, Ladeen Allen, Dayton Allen and Tanner Allen.

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 664, An act reconciling amendments to certain statutes; amending K.S.A. 12-189 and K.S.A. 2001 Supp. 65-171d, 72-979, 74-3256, 74-3267a, 74-3298, 74-32,107, 74-32,138 and 74-4921 and repealing the existing sections; also repealing K.S.A. 12-189e and K.S.A. 2001 Supp. 19-2881c, 65-171z, 72-979a, 74-3256a, 74-3267b, 74-3298a, 74-32,107a, 74-32,138a and 74-4921b, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing, the House nonconcur in Senate amendments to **HB 2586** and requests a conference and has appointed Representatives Hayzlett, Vickrey and M. Long as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2878** and requests a conference and has appointed Representatives Edmonds, Merrick and Larkin as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 3012** and requests a conference and has appointed Representatives O'Neal, Mays and Findley as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 364** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 396** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 472** and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 501** and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 643** and has appointed Representatives Mays, Hutchins and Ruff as conferees on the part of the House.

The House adopts the Conference Committee Report to agree to disagree on **HB 2812** and has appointed Representatives Cox, Humerickhouse and Burroughs as second conferees on the part of the House.

The House adopts the conference committee report on **SB 458**.

The House adopts the conference committee report on **SCR 1614**.

The House announces the appointment of Representatives O'Neal, Loyd and Pauls to replace Representatives T. Powell, Powers and Alldritt as conferees on **House Substitute for SB 9**.

The House did not adopt the conference committee report to agree to disagree on **Senate Substitute for HB 2621** and the bill remains in conference.

ORIGINAL MOTION

On motion of Senator Corbin, the Senate acceded to the request of the House for a conference on **HB 2586**.

The President appointed Senators Corbin, Jenkins and Lee as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **HB 2878**.

The President appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

On motion of Senator Adkins, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 3012**.

The President appointed Senators Adkins, Pugh and Hensley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 3003** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Jenkins in the chair.

On motion of Senator Jenkins the following report was adopted:

Recommended **HB 2575** be amended by adoption of the committee amendments, and the bill be passed as amended.

HB 2020 be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt as amended by Senate Committee, on page 1, in line 42, preceding the period, by inserting "and shall have a level landing at the top and bottom of each run";

On page 2, in line 3, following the period, by inserting "The accessible route shall be no less than 36 inches wide with a slope not to exceed a ratio of one inch rise to every 20 inch horizontal run."; in line 6, by striking "The threshold of such" and inserting "Beveled edges of the threshold of accessible entrance"; in line 11, by striking "All" and inserting "Except for doors serving closets having less than 15 square feet in area, all"; in line 12, by striking all following "located"; in line 13, by striking all preceding "which"; in line 15, preceding

the period, by inserting “with the door open 90 degrees measured between the face of the door and the doorstep”; in line 16, by striking “within the dwelling”; in line 19, preceding the period, by inserting “with a slope not to exceed a ratio of one inch rise to every 20 inch horizontal run”; in line 22, following the period, by inserting “Beveled edges of such thresholds shall not exceed ½ inch or, in the case of a sliding door, ¾ inch.”; by striking all in lines 23 through 33, following line 33, by inserting:

“(d) In bathrooms located on the same floor on which the accessible entrance is located, the walls at the bathtub, shower and toilet shall be reinforced so that grab bars may be installed at a later date, if needed. Such reinforcement shall be sufficient enough to support a sheer force of 250 pounds.

(e) Light switches, electrical outlets, thermostat controls and other controls located on the same floor on which the accessible entrance is located shall be placed so that a person using a wheelchair can access the controls using either a forward or sideward approach. Such controls shall be placed no less than 15 inches nor more than 48 inches from the floor in the case of a forward approach. Such controls shall be placed no less than nine inches nor more than 54 inches from the floor in the case of a sideward approach. If multiple controls serve the same elements, only one need be accessible.”, and **HB 2020** be passed as further amended.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Thursday, May 2, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

