

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 18, 2005—9:30 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty senators present.
Senators Allen, Barnett, Betts, Brownlee, Brungardt, Donovan, Gilstrap, Haley, McGinn and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

These legislators who are standing with me today have to make important decisions. While they are pondering what their decisions will be...

Please reveal to them all of their options.

Give them insight into the consequences of each option.

Give them the wisdom to choose the best option.

Remind them to be grateful for those who support their choice.

Provide the grace to deal patiently with those who criticize their choice.

And perhaps most important, remind them to offer thanks to the Source of the revelation, the insight, the wisdom, the gratitude, and the grace.

I pray in the Name of Jesus Christ,

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 304**.

Federal and State Affairs: **HB 2309**.

Judiciary: **HB 2200**.

Utilities: **SB 303**.

Ways and Means: **HB 2105**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1833—

A RESOLUTION recognizing the outstanding work of the Galichia Heart Hospital.

WHEREAS, Joseph P. Galichia, a native Kansan and one of the originators of Galichia Heart Hospital, has practiced medicine in the State of Kansas since 1976, serving the health care needs of Kansans in his Wichita practice, Galichia Medical Group. For the past 30 years he has served the health care needs of Kansans in rural areas by taking cardiac and specialty care to them in their home communities through medical outreach clinics thus working closely with the patient, the patient's family and their primary care physicians; and

WHEREAS, Galichia Heart Hospital, a general hospital located in Wichita has served the health care needs of thousands of Kansans since it opened its doors in 2001. It employs more than 250 nurses and professional staff members and has approximately 150 physicians with hospital privileges; and

WHEREAS, Galichia Heart Hospital's mission is to provide the highest quality of cardiac and speciality health care services to patients, families and communities through the core values of responsiveness to needs, dignity of person and a commitment to excellence; and

WHEREAS, HealthGrades is the leading independent provider of healthcare outcomes information for consumers and businesses in the United States. It utilizes federal and state government data, including Medicare data, to assess the quality of care at nearly 5,000 hospitals nationally each year. Its ratings are objective and based strictly on clinical outcomes such as mortality and major complications taking into account the severity of the disease of patients being treated; and

WHEREAS, Galichia Heart Hospital is ranked the number 1 hospital in Kansas for overall cardiac care, for cardiology and for coronary interventions in HealthGrades' 2005 analysis; and

WHEREAS, Galichia Heart Hospital is the only hospital in Kansas to receive the HealthGrades 2005 Cardiac Care Excellence Award: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the body recognizes and is proud of the Galichia Heart Hospital in its delivery of premier, nationally acclaimed cardiac care; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Galichia Heart Hospital, 2610 N. Woodlawn, Wichita, KS 67220.

On emergency motion of Senator Barone **SR 1833** was adopted unanimously.

Vice President Vratil and members of the Senate recognized Dr. Joseph Galichia and his staff for their outstanding work with a standing ovation.

Accompanying Dr. Galichia were Tom Nestor, Mickey Whitney, Peggy Higgins and staff members seated in the gallery.

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1834—

A RESOLUTION congratulating and commending Carl Burgess on his 93rd birthday.

WHEREAS, Eugene Carl Burgess was born on March 10, 1912, at Coffeyville. He was one of 12 children born to Richard and Jeannette Burgess. He attended public schools in Iola through the eighth grade; and

WHEREAS, Mr. Burgess married Clara Dee Wilson on September 30, 1931, in Iola. During the depression years of the 1930s he worked at several Iola grocery stores and delivered block ice to area farmers. He purchased a rural delivery grocery route and delivered groceries to farmers in Allen and Bourbon counties; and

WHEREAS, During World War II Mr. and Mrs Burgess moved to Parsons where both worked at the Kansas Ammunition Plant; and

WHEREAS, After the war they returned to Iola where he purchased a Pet Milk route driving each day to pick up milk from area farmers. He also worked part time for the local Western Auto store. After selling the milk route he worked full time for Western Auto. In 1968 he started working for Merchants Supply where he remained until he retired at age 65; and

WHEREAS, Mr. Burgess is a "fixer". He doesn't like to throw away anything. Through the years he filled and serviced vending machines, repaired lawn mowers, operated a small metal locating business and had a passion for restoring old cars. He restored an old truck from bits and pieces over a period of six years. He had driven the truck as a young man and was very proud of it; and

WHEREAS, Mr Burgess has many interests. He is very fond of music; he collected and sold coins, and he used to love to go fishing; and

WHEREAS, Carl and Clara Dee had four children: Nancy Joan, Shirley Sue, Malala and Dennis; eight grand children, nine great-grand children and five great-great-grand children; Mrs. Burgess passed away in 1989; and

WHEREAS, Mr. Burgess currently resides at Tara Gardens, an assisted living facility. His mind and memory are as keen as ever although his body now is frail: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Carl Burgess upon his 93rd birthday and wish him many more; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Carl Burgess, 1110 E. Carpenter, Iola, KS 66749.

On emergency motion of Senator D. Schmidt **SR 1834** was adopted unanimously.
Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1835—

A RESOLUTION congratulating and commending Sheriff Jack Mendenhall.

WHEREAS, Jack Mendenhall of La Crosse has retired after 42½ years as Rush County Sheriff—the longest serving sheriff in state history. He was honored at a retirement reception on January 10; and

WHEREAS, Sheriff Mendenhall was appointed to fill in the last six months of his first term on June 1, 1962, and was elected for the following two-year term. Since under existing law at the time he could not run again, his wife, Sharon, was elected sheriff and he served as undersheriff. The law was changed permitting subsequent terms, and he has been reelected until he chose not to stand for election in the 2004 general election; and

WHEREAS, During his career he has investigated three murders, uncountable drug cases, airplane crashes and kidnappings. A girl that was kidnapped and released through Sheriff Mendenhall's efforts put her arms around him and would not let go until they arrived at the sheriff's office; and

WHEREAS, Sheriff Mendenhall says the biggest changes he has seen in law enforcement have been in technical developments. Records can be transmitted electronically to the Kansas Bureau of Investigation and the Federal Bureau of Investigation and information received in the same manner. He states that one of his greatest accomplishments was the establishment of the emergency 911 system for Rush County; and

WHEREAS, Sheriff Mendenhall has been described as a man who was fully dedicated to his work in law enforcement, a loving husband to his wife, a wonderful father to his children and the best possible grandfather; and

WHEREAS, Sheriff Mendenhall and his wife Sharon are the parents of two children, Cheryl Moeder and Jody Mendenhall, and two grandsons, Matthew and Marcus Moeder. Sharon, his wife for 45 years, died unexpectedly this past August 31 and is sorely missed by all: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Sheriff Mendenhall for his long and valiant career in the field of law enforcement and hope that he finds happiness and fulfillment in his retirement years; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1835** was adopted unanimously.

Senators Morris, Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D Schmidt, V Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1836—

A RESOLUTION congratulating and commending Russell Mills.

WHEREAS, Russell Mills retired on December 20, 2004, after serving the Kansas Legislature over 31 years in the Kansas Legislative Research Department; and

WHEREAS, Russell Mills commenced working for the Legislative Research Department in 1973 as a Research Assistant, and because of his outstanding analytical and research skills was promoted to Research Analyst in 1975 and to Principal Analyst in 1976; and

WHEREAS, Russell Mills, ever the consummate professional, was known throughout the legislature for his expertise in federal and state affairs, gaming, state-tribal relations, liquor and corrections; and in these areas he handled a wide variety of issues and became a valuable resource for the legislature; and

WHEREAS, Russell Mills also served the legislature as a Senior Fiscal Analyst from 1985 to 1998 and became knowledgeable in fiscal affairs of agencies and programs including

corrections, wildlife and parks, higher education, public safety, natural resources and judiciary; and

WHEREAS, Russell Mills provided significant editorial assistance to the Legislative Research Department in the publication of the annual Summary of Legislation, Interim Committee Reports and Legislative Highlights, and the periodic publication of the legislative process reference manual, Legislative Procedure in Kansas; and

WHEREAS, Russell Mills served with distinction and honor as an Intelligence Specialist in the United States Air Force obtaining the rank of Sergeant, including a tour of duty in Vietnam; and

WHEREAS, Russell Mills earned a bachelor's degree in political science from the University of Kansas, a master's degree in political science and soviet area studies from the University of Kansas and did additional graduate work in political science at the University of Chicago. He also attended the Russian language program at Leningrad State University, Union of Soviet Socialist Republics; and

WHEREAS, Russell Mills is the proud father of Adam R. Mills and Aaron R. Mills, and brother to Bill Mills of Lawrence; and

WHEREAS, Russell Mills has served the legislative branch with distinction and now is embarking on a new chapter in his life: Now, therefore,

Be it resolved by the Senate of the State of Kansas: We congratulate and commend Russell Mills for his 31 years of devoted, conscientious service to the state of Kansas and for his legacy of excellence, established during his tenure as a Research and Fiscal Analyst of the Kansas Legislative Research Department; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Russell Mills, Adam R. Mills, Aaron R. Mills, and Bill Mills, all in care of Russell Mills, 3010 S.W. Quail Creek Drive, Topeka, KS 66614.

On emergency motion of Senator Umbarger **SR 1836** was adopted unanimously.

Vice President Vratil along with members of the Senate congratulated and honored Russell with a standing ovation.

Accompanying Russell were his son, Aaron Mills, and brother, Bill Mills, Lawrence, Kansas.

REPORT ON ENROLLED BILLS

SB 9, SB 57, SB 101, SB 105, SB 115 reported correctly enrolled, properly signed and presented to the Governor on March 18, 2005.

REPORTS OF STANDING COMMITTEES

Committee on **Natural Resources** recommends **HB 2466**, as amended by House Committee, be amended on page 7, after line 4, by inserting:

"Sec. 2. K.S.A. 2004 Supp. 32-920 is hereby amended to read as follows: 32-920. (a) Except as provided by subsection (e), no person who is born on or after July 1, 1957, and is 16 or more years of age shall hunt in this state on land other than such person's own land unless the person has been issued a certificate of completion of an approved hunter education course. If such person is required by law to obtain a hunting license, the person shall attest to or exhibit proof of completion of such course to the person issuing the license at the time of purchasing the license. If such person is not required by law to obtain a hunting license, is less than 27 years of age but 16 or more years of age or is less than 16 but 12 or more years of age and hunting without adult supervision, the person shall be in possession of the person's certificate of completion of such course while hunting. A person may purchase for another person, under rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, a lifetime hunting or combination hunting and fishing license without the license recipient's first having been issued a certificate of completion of an approved hunter education course.

(b) A person less than 12 years of age shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

(c) A person who is 12 or more years of age but less than 16 years of age and who has not been issued a certificate of completion of an approved hunter education course shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

(d) A person less than 14 years of age shall not be issued a permit to take big game using a bow unless the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course.

(e) ~~Prior to July 1, 2005~~, Completion of an approved hunter education course shall not be required to obtain a special controlled shooting area hunting license valid only for licensed controlled shooting areas.”;

By renumbering sections accordingly;

Also on page 7, in line 5, after “2004 Supp.”, by inserting “32-920.”

On page 1, in the title, in line 11, after “permits;” by inserting “concerning hunter’s education requirements;” also in line 11, after “21-4619” by inserting “and 32-920”; in line 12, by striking “section” and inserting “sections”; in line 14, after “the” by inserting “2004”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, March 21, 2005.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

