

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 15, 2002—9:00 a.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty senators present.

Senators Allen, Barnett, Brungardt, Corbin, Downey, Harrington, Steineger, Umbarger, Vratil and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When forty people of different parties, different vocations, different locations, different genders, different races, different philosophies, and different denominations must have a majority agree before something can be done there is bound to be conflict.

And in any conflict people get hurt.

Some may be disappointed. Some may feel resentment. Some may feel betrayed. Some may be angry.

Some may need to ask for forgiveness. Some may need to forgive.

It sometimes helps to remember that even the family which has more people of like mind than any other entity has bitter quarrels at times.

Those of us who have been around this place for a long time have seen it happen again and again. And it will continue to happen as long as people disagree about the best solution to a major problem.

I pray that as all those who feel wounded journey home this weekend they will turn to You, O God, for solace, for understanding, and for patience, seeking guidance on how to respond to the source of their wounds.

I pray this in Jesus' Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 605, An act concerning certain reports to the legislature and committees thereof; amending K.S.A. 44-1408 and 66-117b and K.S.A. 2001 Supp. 74-5049, 74-50,151, 74-50,152, 74-8004 and 74-8204 and repealing the existing sections, by Committee on Commerce.

SB 606, An act concerning telecommunications; relating to regulation of local exchange carriers; amending K.S.A. 2001 Supp. 66-123, 66-1,187, 66-2008, 66-2009 and 66-2010 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 66-1,197, 66-2012, 66-2013 and 66-2016, by Committee on Commerce.

SB 607, An act concerning land and water recreational areas; relating to limited liability; agritourism and ecotourism; amending K.S.A. 58-3201 and 58-3202 and repealing the existing sections, by Committee on Agriculture.

SB 608, An act concerning juvenile offenders; relating to intake and assessment; custody and arrest; rights; amending K.S.A. 38-1606 and 38-1624 and K.S.A. 2001 Supp. 75-7023 and repealing the existing sections, by Committee on Judiciary.

SB 609, An act concerning crimes, criminal procedure and punishment; creating the crime of endangering a child by deadly weapon access; providing penalties therefor, by Committee on Judiciary.

SB 610, An act concerning naturopathy; providing for the licensure and regulation of practitioners thereof; providing for administration by the board of healing arts; amending K.S.A. 65-2872 and repealing the existing section; also repealing K.S.A. 65-2872a, by Committee on Public Health and Welfare.

SB 611, An act concerning Johnson county; relating to the redevelopment of the sunflower army ammunition plant; 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. 74-8905, 74-8921, 74-8922, 74-8923, 74-8924, 74-8925, 74-8927 and 74-8929 and repealing the existing sections, by Committee on Commerce.

SB 612, An act concerning controlled substances; relating to methamphetamine enforcement grants; forfeiture proceeds; Kansas criminal justice council, duties; amending K.S.A. 2001 Supp. 60-4117 and 74-9501 and repealing the existing sections, by Committee on Judiciary.

SB 613, An act concerning crimes, criminal procedure and punishments; relating to sex offenders; community notification of residence, by Committee on Judiciary.

SB 614, An act concerning the KAN-ED network; creating a funding mechanism therefor; amending K.S.A. 2001 Supp. 66-2008 and 66-2010 and repealing the existing sections, by Committee on Commerce.

SB 615, An act concerning state agencies; reorganizing certain economic development agencies; amending K.S.A. 74-8015, 74-8102, 74-8111, 74-9303, 74-9306, 75-2935b and 79-3614 and K.S.A. 2001 Supp. 74-5001a, 74-5007a, 74-5049, 74-5089, 74-50151, 74-8017, 74-8105, 74-8310, 74-8317, 74-8405, 75-2935 and 79-3234 and repealing the existing sections; also repealing K.S.A. 74-5099, 74-8013 and 74-8014 and K.S.A. 2001 Supp. 74-5093, 74-5094, 74-5095, 74-5096, 74-5097, 74-5098, 74-50100, 74-50101, 74-8001, 74-8002, 74-8003, 74-8004, 74-8005, 74-8006, 74-8007, 74-8009a, 74-8010, 74-8011, 74-8012 and 74-8016, by Committee on Commerce.

SB 616, An act concerning construction contracts, requiring prompt payment thereunder, by Committee on Commerce.

SB 617, An act concerning tax incentives for Kansas businesses; amending K.S.A. 2001 Supp. 79-3606 and repealing the existing section, by Committee on Commerce.

SB 618, An act concerning the state institutions building fund; relating to debt service on revenue bonds for certain capital improvement projects; amending K.S.A. 2001 Supp. 76-6b05 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Agriculture: **SCR 1622**.

Education: **SB 600**, **SB 602**.

Federal and State Affairs: **SB 582**.

Judiciary: **SB 598**, **SB 599**, **SB 601**.

Reapportionment: **Sub HB 2625**.

Ways and Means: **SB 603**, **SB 604**.

CHANGE OF REFERENCE

The President withdrew **SB 436** from the Committee on Agriculture, and referred the bill to the Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1813—

A RESOLUTION congratulating and commending Antonio and Rachel Flores.

WHEREAS, It is appropriate during this annual Hispanic Day on the Hill to recognize the good deeds and community involvement of Antonio and Rachel Flores of Hutchinson; and

WHEREAS, Antonio and Rachel Flores own and operate a restaurant in Hutchinson, the Anchor Inn. In 1997 they were awarded the Greater Hutchinson Convention and Visitor's Bureau Tourism Award as Business of the Year. In addition to having been successful in their own business, they have been a catalyst for the redevelopment of downtown Hutchinson and in the establishment of antique dealers in the south Hutchinson business area; and

WHEREAS, Antonio and Rachel have worked as a team to operate their business. Antonio was a cofounder of the Hutchinson Cinco De Mayo Charitable Trust, a member of the Community Improvement Commission, served as a member of the Hutchinson Community Foundation, as cofounder of the Old Towne Merchants Association, as past president of the American G I Forum and as a member of the board of directors of the Bank of Kansas, south Hutchinson. In 1996 he was given the Buena Gente "El Patron" Community Service Award at the Hispanic Leadership Summit, and in 1999 received the Sam Walton Business Leader Award; and

WHEREAS, Antonio and Rachel were married in 1961 and started their restaurant in 1977. They are active members of Our Lady of Guadalupe Catholic Church in south Hutchinson. They are the parents of six children and have 19 grandchildren; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Antonio and Rachel Flores for the success they have had both in their marriage and business, for their promotion of business and civic activities in Hutchinson and for the example of excellence they have been to the Hispanic community; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mr. and Mrs. Antonio Flores at the Anchor Inn, 128 S. Main, Hutchinson, Kansas 67501.

On emergency motion of Senator Kerr **SR 1813** was adopted unanimously.

Senator Kerr introduced and congratulated Antonio and Rachel Flores for their promotion of business and community involvement. Accompanying Antonio and Rachel were Pat and Rita Fiero, Joe and Chris Palacios, John and Frances Garcia, David Martinez, Juan Gonzalez and Elias Gracia.

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

SENATE RESOLUTION No. 1814—

A RESOLUTION congratulating and commending Kansas City's Washington High School Air Force Junior Reserve Officers Training Corps unit on Armed Forces Day 2002.

WHEREAS, Armed Forces Day will be celebrated February 19, 2002, to honor the many men and women of our nation who serve in the armed forces of our country; and

WHEREAS, Kansas City's Washington High School Air Force Junior Reserve Officer Training Corps unit has 214 cadets enrolled this academic year, an increase from 132 members four years ago. The program provides the cadets an opportunity to learn the values of citizenship, service to community and nation, and a sense of accomplishment and personal responsibility; and

WHEREAS, Cadets have classes every day learning about military history, leadership, fundamentals of flight and space exploration. One day a week they wear their uniforms for a weekly inspection. Additionally, all cadets are required to complete service projects benefiting their school and community. They learn military drill, present the colors at the school's basketball games and participate in intracorp and regional drill competition; and

WHEREAS, The cadets enjoy new experiences through unit sponsored field trips. They have the opportunity to fly in United States Air Force aircraft, to visit the Air Force Academy in Colorado Springs, Colorado, and to participate in a week of summer camp; and

WHEREAS, The cadets in the Air Force Junior Reserve Officers Training Corps units have lower drop-out rates, higher attendance and better academic standing because of the disciplined life style the program provides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 19, 2002, as Armed Forces Day and congratulate and commend Kansas City's Washington High School Air Force Junior Reserve Officers Training Corps unit for the contributions they make to their school and community; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Dr. Ron Malcolm, Principal, Washington High School, 7340 Leavenworth Road, Kansas City, Kansas 66109-1226.

On emergency motion of Senator Haley **SR 1814** was adopted unanimously.

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

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating and commending Shawnee County Junior Reserve Officer Training Corps programs on Armed Forces Day 2002.

WHEREAS, Armed Forces Day will be celebrated February 19, 2002, to honor the many men and women of our nation who serve in the armed forces of our country; and

WHEREAS, The Junior Reserve Officer Training Corps program, which was founded in 1916, has over 2,900 programs in the 50 states and overseas locations; and

WHEREAS, The purpose of the Junior Reserve Officer Training Corps program is to improve the awareness of young men and women in our high schools of their responsibilities as citizens of this nation. They receive instruction in citizenship, our constitution, selected sciences, physical wellness and a variety of social issues. Instruction is provided by military retirees. The focus is on mentoring each cadet to live up to the cadet's potential as a student and citizen; the Junior Reserve Officer Training Corps program has been called the premier character education program in secondary schools in the United States; and

WHEREAS, Shawnee County has four programs: The Air Force program established at Highland Park High School in 1988, the Marine program established at Topeka High School in 1995, the Navy program established at Shawnee Heights High School in 2000 and the Army program established at Topeka West High School in 2001. There are 16 programs throughout the state of Kansas. The Junior Reserve Officer Training Corps programs have proved to be very popular and enjoy support from a variety of active military installations, veteran's organizations and state educational and political leaders; and

WHEREAS, Cadets in the Junior Reserve Officer Training Corps programs have a 13% lower drop-out rate, on average a .5 higher grade point average and 23% less disciplinary problems than other high school students: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 19, 2002, as Armed Forces Day 2002 and congratulate and commend the Junior Reserve Officer Training Corps programs in Shawnee County for the excellent training and guidance they provide to our cadets; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mr. Dale Cushinberry, Principal, Highland Park High School, 2424 S.E. California Avenue, Topeka, Kansas 66605; Dr. Patricia Pressman, Principal, Topeka High School, 800 S.W. 10th Street, Topeka, Kansas 66612; Mr. Matthew J. Hirsch, Principal, Shawnee Heights High School, 4141 S.E. Shawnee Heights Road, Tecumseh, Kansas 66542; and Dr. Stan Wagstaff, Principal, Topeka West High School, 2001 S.W. Fairlawn Road, Topeka, Kansas 66604.

On emergency motion of Senator Hensley **SR 1815** was adopted unanimously.

Senator Hensley introduced and welcomed to the Senate, Major Charles Wright, Brandon Uhrig, Chris McKee, Matthew Ortega, Sean Gibbons and Ryan Soldan, who were representing the Shawnee County Junior ROTC.

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

SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating and commending Wayne Comer for his many years of service to the Moscow community and the state of Kansas.

WHEREAS, Wayne Comer has been a teacher in the Moscow public schools for 40 years with 34 of these years as superintendent of schools. Assignments with the school system included teaching sixth grade, elementary music teacher, elementary principal, secondary principal and chairperson of the music department. In 1999 the board of education honored him by naming the new gymnasium the “Wayne Comer Gymnasium”; and

WHEREAS, During Wayne Comer’s tenure as superintendent he established the school district’s first computer laboratory, provided closed circuit television instruction so students could enroll in advanced mathematics and science courses, art classes, music appreciation and enrichment programs in language arts and social studies and established a foreign student exchange program; and

WHEREAS, Wayne Comer has been active in the Kansas Silver Haired Legislature having served as treasurer and speaker pro tem, and he is currently the president of the organization; and

WHEREAS, Wayne Comer has served his community in many ways. For many years he has been the organist and chancel choir director of the Moscow United Methodist Church where he also is the teacher of the older adult Sunday school class. He has served as the chairperson of the Stevens County United Fund and is currently president of the Stevens County chapter of the American Association of Retired Persons and as vice-president of the Stevens County library board: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Wayne Comer for his many years of service to the Moscow Community and the state of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Wayne Comer; to Tom Lahey, President, Board of Education, U.S.D. No. 209; and to Larry Philippi, Superintendent of Schools, U.S.D. No. 209, all at P.O. Box 158, Moscow, Kansas 67952.

On emergency motion of Senator Salmans **SR 1816** was adopted unanimously.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, February 18, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

