

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 30, 2003—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,

We can learn a lot from Old Testament characters. Both what to do and what not to do.

Noah is a case in point. In Genesis 6:8 we read that he found favor with God. The key to his finding favor with God seems to be found later in Chapter 6 where we read that Noah was righteous, blameless, obedient, and walked with God.

Noah's righteousness came by faith (Hebrews 11:9)
And Noah You forgave,
And favor's found when faith is placed
In the One who saves.

Noah was also blameless.
People found him so;
And we, too, should be blameless
In the eyes of folks we know.

When obeying Your commands
Noah did not waver.
We, too, should obey You, Lord,
In order to find favor.

Noah also walked with God,
Which proves that he was wise.
Help us, Lord, to walk with You
And find favor in Your eyes.

I pray this in the Name of Christ,
AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 101. An act concerning elections; relating to the presidential primary; amending K.S.A. 25-4501 and 25-4505 and repealing the existing sections, by Committee on Elections and Local Government.

SB 102. An act concerning elections; relating to ballots; amending K.S.A. 25-1122f, 25-2908 and 25-3002 and repealing the existing sections, by Committee on Elections and Local Government.

SB 103, An act concerning elections; relating to recalls; amending K.S.A. 25-4307, 25-4308, 25-4311, 25-4315, 25-4322, 25-4325 and 25-4329 and K.S.A. 2002 Supp. 25-4306 and repealing the existing sections, by Committee on Elections and Local Government.

SB 104, An act relating to public utilities; concerning prior determination of ratemaking principles and treatment by the corporation commission; authorizing the issuance of certain bonds by the Kansas development finance authority; amending K.S.A. 74-8905 and repealing the existing section, by Committee on Utilities.

SB 105, An act establishing a state occupational safety plan; repealing K.S.A. 44-636, by Committee on Commerce.

SB 106, An act relating to the public health and welfare of all Kansans; identifying major health care issues and establishing objectives and priorities, by Committee on Public Health and Welfare.

SB 107, An act relating to the state board of healing arts; providing for the granting of certain licenses; amending K.S.A. 65-2873a and repealing the existing section, by Committee on Ways and Means.

SB 108, An act concerning the Kansas lottery; authorizing the operation of video lottery machines; amending K.S.A. 74-8701, 74-8702, 74-8710, 74-8711 and 74-8721 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 109, An act concerning certain counties; relating to donation of land for cemetery purposes; amending K.S.A. 19-3101 and repealing the existing section, by Committee on Elections and Local Government.

SB 110, An act concerning securities; relating to certain unlawful acts and penalties therefor; investigation by commission; civil penalties; amending K.S.A. 17-1264 and 17-1265 and K.S.A. 2002 Supp. 17-1253, 17-1254, 17-1255, 17-1266a and 21-4704 and repealing the existing sections, by Committee on Judiciary.

SB 111, An act concerning crimes, criminal procedure and punishment; relating to sentencing for burglary; expansion or construction of minimum security facilities; amending K.S.A. 2002 Supp. 21-4704 and repealing the existing section, by Committee on Judiciary.

SB 112, An act concerning public works projects for state agencies; prescribing payment of minimum wages for work thereon and preferences for certain employees to work thereon, by Senators Hensley, Barone, Downey, Gilstrap, Gooch, Haley and Steineger.

SB 113, An act concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section, by Senators Hensley, Barone, Downey, Gilstrap, Gooch, Goodwin, Haley and Steineger.

SB 114, An act concerning the state minimum wage; amending K.S.A. 44-1203 and repealing the existing section, by Senators Hensley, Gilstrap, Haley and Steineger.

SB 115, An act concerning the state board of tax appeals; relating to membership thereof; amending K.S.A. 74-2433 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 94**, **SB 99**; **SCR 1603**.

Education: **SB 89**.

Elections and Local Government: **SB 95**, **SB 96**, **SB 97**.

Federal and State Affairs: **SB 92**.

Judiciary: **SB 91**, **SB 93**.

Public Health and Welfare: **SB 98**, **SB 100**.

Ways and Means: **SB 90**.

CHANGE OF REFERENCE

The President withdrew **SB 81** from the Committee on Ways and Means, and referred the bill to the Committee on Natural Resources.

MESSAGE FROM THE HOUSE

Announcing passage of **HCR 5001**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5001 was thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 2, An act concerning certain boards; relating to the terms of members thereof; amending K.S.A. 2-3709 and K.S.A. 2002 Supp. 76-3304 and repealing the existing sections, 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, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 8, An act concerning the legislative post audit act; relating to certain audits of the pooled money investment board; amending K.S.A. 46-1106 and repealing the existing section also repealing K.S.A. 2002 Supp. 75-4264, 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, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 16, An act concerning drivers' licenses and other identification cards; relating to application requirements; photograph fees; amending K.S.A. 8-240, 8-243 and 8-1324 and repealing the existing sections, 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, Buhler, Bunten, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jordan, Kerr, Lee, Morris, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Clark, Huelskamp, Jackson, Lyon, O'Connor, Pugh, Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT, **SB 16** is about strengthening the security and verifiability of State-issued identification, making it more difficult to obtain fraudulent Driver's Licenses and ID cards in Kansas. Passage of this bill will help enhance public safety, protect Kansans' financial privacy, and reduce fraud losses to our retail businesses.

Today, under current law, Kansas is one of the easiest states in the nation in which to obtain false identification. There are no security measures in place to protect Kansans, to ensure the person applying for a Driver's License or ID card really is that person. A simple photograph yields an instant, permanent piece of government issued identification.

Driver's licenses are much more than a license to drive - they allow us to open bank accounts, cash checks, write merchants checks, and step onto airplanes. They are the most widely used domestic document to verify a person's identify.

Kansas is far too lax about ensuring our Driver's License's and ID cards are verifiable and secure. This bill is a strong step toward preserving and protecting Kansans' safety and security. I vote YES.—BARBARA ALLEN

Senator Harrington requests the record to show she concurs with the "Explanation of Vote" offered by Senator Allen on **SB 16**.

MR. PRESIDENT, I vote No on **SB 16** because this bill is another attack by the federal government on the separate states' rights of government as delineated by the Constitution of the United States Government. This attack occurs through economic extortion by the threat of withholding the return of the tax dollars paid in by the citizens of Kansas.—DAVID D. JACKSON

SB 34, An act relating to the Kansas tort claims act; defining charitable health care provider; amending K.S.A. 2002 Supp. 75-6102 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, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Organization, Calendar and Rules** begs leave to submit the following report concerning committee membership of the 2003 regular session:

All committee assignments for 2003 shall remain the same as at the close of the 2002 session with the following exceptions:

Senator Bill Bunten replaced Senator Lynn Jenkins who resigned as a member of the Committee on Commerce and the Committee on Education.

Senator Mark Buhler replaced Senator Sandy Praeger who resigned as a member of the Committee on Assessment and Taxation and the Committee on Financial Institutions and Insurance. Also, he replaced Senator Brownlee as a member of the Committee on Elections and Local Government.

Senator Karin Brownlee replaced Senator Sandy Praeger who resigned as a member of the Committee on Public Health and Welfare.

Senator John Vratil replaced Senator Sandy Praeger who resigned as a member of the Committee on Confirmation Oversight and Committee on Interstate Cooperation.

Senator Barbara Allen replaced Senator David Adkins as a member of the Committee on Judiciary.

Senator Ruth Teichman replaced Senator Sandy Praeger who resigned as Chairperson of the Committee on Financial Institutions and Insurance and Senator Jim Barnett replaced Senator Ruth Teichman as Vice Chairperson of the Committee on Financial Institutions and Insurance.

Senator David Adkins replaced Senator Barbara Allen as a member of the Committee on Financial Institutions and Insurance and replaced Senator Lana Oleen as a member of the Committee on Natural Resources.

Senator Les Donovan replaced Senator Lynn Jenkins who resigned as Vice Chairperson of the Committee on Assessment and Taxation.

Senator Lana Oleen replaced Senator Donovan as a member of the Committee on Assessment and Taxation.

Senator Pete Brungardt was elected as a member of the Committee on Organization, Calendar and Rules.

Senator Jay Emler replaced Senator Sandy Praeger who resigned as a member of the Joint Committee on Arts and Cultural Resources.

Senator Bill Bunten replaced Senator Tim Huelskamp as a member of the Committee on Ways and Means.

ADDITIONAL COMMITTEE ASSIGNMENTS

Other committee assignments made by Legislative Coordinating Council, Senate President, Senate Minority Leader, or Ways and Means Chairperson:

Children's Issues

Jordan, Vice Chairperson; Corbin, Feleciano, Jackson, Lee.

Corrections and Juvenile Justice Oversight

Brungardt, Goodwin, Haley, Harrington, O'Connor, Oleen, Schodorf.

Economic Development

Jordan, Vice Chairperson; Barone, Brownlee, Brungardt, Gooch.

Information Technology

Huelskamp, Vice Chairperson; Feleciano, Salmans, Schmidt, Steineger.

Legislative Post Audit

Schmidt, Vice Chairperson; Bunten, Hensley, Kerr, Steineger.

Pensions, Investments and Benefits

Kerr, Vice Chairperson; Barone, Hensley, Morris, Teichman.

State Building Construction

Morris, Vice Chairperson; Barone, Buhler, Goodwin, Jordan.

State-Tribal Relations

Oleen, Chairperson; Adkins, Gilstrap, Haley, Harrington.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, January 31, 2003.

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

PAT SAVILLE, *Secretary of the Senate.*

