

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 3, 2003—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-seven senators present.
Senators Adkins, Corbin and O'Connor were excused.
President Kerr introduced as guest chaplain, Father Harold Murphy, Pastor, St. Timothy's Catholic Church, Chicago, Ill., who delivered the invocation:

Heavenly Father,

God, the source of our most precious gift of life, hear our prayer. In the ever-changing tapestry of the history of humanity, our ancestors chose to give order to their lives by forming republics in which men and women were and still are elected to represent the people. Today, we gather in the Senate of those representatives of the people of Kansas.

As they exercise the awesome responsibility of governing, they need Your guidance. Give them knowledge so that they may find order in the midst of chaos. Give them humility so that they may hear others' insights rather than simply relying on their own. Give them wisdom so that they may choose what is best for the people they represent. Give them fortitude so that they may persevere on a course of righteousness even in the face of opposition. And in these troubling times when peace among men seems so elusive, may these servants of the people take to heart the prayer for peace given to the world by Blessed John XXIII in his letter *Peace on Earth*. John prayed: "This is the peace which we implore of Him with the ardent yearning of our prayer. . . . May (those who govern) overcome the barriers that divide, cherish the bonds of mutual charity, understand others, pardon those who have done them wrong, . . . , and may the most longed-for peace blossom forth and reign always among them."

We offer this prayer through Christ our Lord. Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 123, An act concerning crimes and punishment; relating to possession of drugs; mandatory treatment; amending K.S.A. 65-4160 and K.S.A. 2002 Supp. 21-4603d, 21-4705, 21-4714, 22-3716 and 75-5291 and repealing the existing sections, by Special Committee on Judiciary.

SB 124, An act relating to the department of agriculture; renaming the department of agriculture; transferring powers and duties of the secretary of the department of health and environment to the secretary of agriculture; transferring powers and duties of the state board of education to the secretary of agriculture, by Committee on Agriculture.

SB 125, An act relating to wildlife and parks; creating the big game animal depredation management fund; also creating the big game animal depredation management stamp; amending K.S.A. 32-992 and K.S.A. 2002 Supp. 20-2801, 32-988 and 32-1047 and repealing the existing sections, by Committee on Agriculture.

SB 126, An act concerning certain unsolicited telephone calls; amending K.S.A. 2002 Supp. 50-670 and repealing the existing section, by Committee on Commerce.

SB 127, An act concerning insurance; relating to exemption from jurisdiction of commissioner of insurance; amending K.S.A. 40-2222 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 128, An act concerning schools; relating to communications between pupils and school counselors or psychologists, by Committee on Education.

SB 129, An act establishing a statewide birth defects information system; providing for administration by the secretary of health and environment and for collection of data; authorizing the use of such data for certain purposes; providing for the appointment of a council to assist in the implementation and establishment of the system, by Committee on Public Health and Welfare.

SENATE CONCURRENT RESOLUTION No. 1604—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the United States President and Congress to approve federal energy legislation that promotes the use of ethanol and biodiesel fuel.

WHEREAS, The United States accounts for nearly 25% of the world's annual energy consumption; and

WHEREAS, The United States imports an ever increasing amount of crude oil, soon to approach 60%, from other nations; and

WHEREAS, The United States' market for liquid transportation fuels of gasoline and diesel is nearly two hundred billion gallons per year; and

WHEREAS, Domestic sources of renewable fuels, such as ethanol and biodiesel, made from agricultural feedstocks, can assist in meeting this ever-growing need for fuels in the United States; and

WHEREAS, Ethanol and biodiesel provide positive environmental benefits when used in conjunction with gasoline and diesel fuels; and

WHEREAS, The economic activity of processing agricultural products into ethanol and biodiesel can provide many positive benefits to the United States' economy during this time of economic stagnation, especially in rural and agriculturally-based communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That it expressly encourages the President and the United States Congress to approve federal energy legislation that promotes and expands the use of ethanol and biodiesel in the nation's fuel supply; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the President Pro Tempore of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas congressional delegation.

SENATE CONCURRENT RESOLUTION No. 1605—

By Senator Hensley
(By request)

A CONCURRENT RESOLUTION to assist the homeless.

WHEREAS, There continue to be members of our society who are homeless, either by choice or circumstance, who need assistance in various ways, both while homeless and in returning to a conventional lifestyle; and

WHEREAS, Society, either through private organizations or taxpayer supported programs, provides assistance in feeding, housing and caring for these destitute individuals, but such activities do not provide them with a home; and

WHEREAS, The cost of providing social services to our citizens continues to grow and, at this time, the state faces enlarging budget deficits; and

WHEREAS, It is proposed that private families be considered as a collateral resource for homeless missions in assisting homeless individuals; and

WHEREAS, A family would provide stable housing and emotional support for one needing such and would provide a strong incentive for the homeless person to become an active member of society; and

WHEREAS, Contacting family members by homeless individuals might be facilitated by providing them with prepaid calling cards, voice mail or similar communication devices; and

WHEREAS, It is proposed that study be given as to the policies and procedures needed whereby homeless individuals could be assisted and the method by which private families could be compensated for providing assistance: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Department of Social and Rehabilitation Services consider the efficacy of this proposal and, if considered favorably, report to the Governor and Legislature prior to the commencement of the 2004 legislative session the department's proposal on this subject; and

Be it further resolved: That the Secretary of State provide one enrolled copy of this resolution to the Secretary of Social and Rehabilitation Services and four copies to David Owen, 2113 Wayne Street, Apartment No. 1, Topeka, Kansas 66611.

SENATE CONCURRENT RESOLUTION No. 1606—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the legislature of the state of Kansas to promote the use of ethanol and biodiesel fuels.

WHEREAS, The United States accounts for nearly 25% of the world's annual energy consumption; and

WHEREAS, The United States imports an ever increasing amount of crude oil, soon to approach 60%, from other nations; and

WHEREAS, The United States' market for liquid transportation fuels of gasoline and diesel is nearly two hundred billion gallons per year; and

WHEREAS, Domestic sources of renewable fuels, such as ethanol and biodiesel, made from agricultural feedstocks, can assist in meeting this ever-growing need for fuels in the United States; and

WHEREAS, Ethanol and biodiesel provide positive environmental benefits when used in conjunction with gasoline and diesel fuels; and

WHEREAS, The economic activity of processing agricultural products into ethanol and biodiesel can provide many positive benefits to the United States' economy during this time of economic stagnation, especially in rural and agriculturally-based communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That it expressly encourages the governor of the state of Kansas to promote the use of ethanol and biodiesel as a fuel supply; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the governor of the state of Kansas.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Education: **SB 117, SB 118, SB 119, SB 120, SB 121.**

Elections and Local Government: **SB 122.**

Organization, Calendar and Rules: **SR 1805.**

Public Health and Welfare: **SB 116.**

CHANGE OF REFERENCE

The President withdrew **SB 43** from the Committee on Federal and State Affairs, and referred the bill to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

February 3, 2003

Message to the Senate of the State of Kansas

Enclosed herewith is Executive Order No. 2003-01 for your information.

KATHLEEN SEBELIUS
Governor

The President announced Executive Order No. 03-01, in which Governor Sebelius directed all state agencies, institutions, and offices to fly the United States and Kansas flags at half-staff through Wednesday, February 5, 2003, in memory of the tragedy of the Space Shuttle Columbia, Saturday, February 1, 2003, is on file in the office of the Secretary of the Senate and available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS STATE TREASURER**

January 2003

The Honorable Lynn Jenkins, CPA, Kansas State Treasurer, submitted the State Treasurer's Annual Report to the Legislature for FY 2002.

KANSAS BUREAU OF INVESTIGATION

January 30, 2003

Dale Finger, Associate Director, Kansas Bureau of Investigation, in compliance with K.S.A. 60-4117, submitted a report to the Legislature regarding the status of the KBI State Forfeiture Fund.

KANSAS CORPORATION COMMISSION

January 31, 2003

John Wine, Chair, Kansas Corporation Commission, submitted pursuant to the provisions of K.S.A. 66-117b, the 2002 Report to the Legislature, which can be viewed on their website at http://www.kcc.state.ks.us/03_legis_rpt.pdf.

KANSAS SENTENCING COMMISSION

February 1, 2003

Barbara Tombs, Executive Director, Kansas Sentencing Commission, submitted the 2003 Report to the Legislature. The report is also on their Web Page: www.ink.org/public/kscl.

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.

MESSAGE FROM THE HOUSEAnnouncing passage of **HB 2026**.**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS****HB 2026** was thereupon introduced and read by title.**REFERENCE OF HOUSE BILLS**The President referred **HB 2026** 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. 1806—

A RESOLUTION congratulating and commending Russell Hilst.

WHEREAS, Russell "Rusty" Hilst has taught mathematics at Hutchinson High School for 37 years, has chaired the mathematics department for 25 years and is a past recipient of the Davis Foundation Educator of the Year Award; and

WHEREAS, Russell Hilst teaches calculus, honors trigonometry and honors college algebra and, when Hutchinson High School begins offering the international baccalaureate program in 2004-05 school year, will teach the higher level strand international baccalaureate mathematics courses; and

WHEREAS, Through Russell Hilst's efforts, Hutchinson High School graduates are well prepared for higher level mathematics courses in college; and

WHEREAS, Russell Hilst coached the Hutchinson High School boys golf team for 31 years; during that time his teams won two state championships, were runner-up seven years and won 22 Arkansas Valley League Titles. He is recognized for his honest and calm approach in dealing with students; and

WHEREAS, Russell Hilst, Hutchinson's ambassador of golf, has been a champion of the game for 45 years, first as a player, then as a coach and later as a fair and even-handed advisor; and

WHEREAS, Russell Hilst teed up for his first rounds of golf at age 14, swinging a set of used clubs. In 1960, he sank the winning putt for Hutchinson High School to win the state golf championship; and

WHEREAS, Russell Hilst later won seven Prairie Dunes Country Club championships and five Hutchinson city match-play championships. He holds the unofficial course record at Carey Park Golf Course with a score of 60; and

WHEREAS, Russell Hilst holds a record 26 years' association with the Kansas Golf Association. He has composed score boards and score cards, marked the course, located pin placements and answered rules questions. He has been engaged in a host of United States Golf Association and other national events across the country; he was cochair of the scoring services committee of the 2002 United States Women's Open; and

WHEREAS, Russell "Rusty" Hilst of Hutchinson has been honored as one of two Kansans inducted into the Kansas Golf Hall of Fame in 2002: Now, therefore

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Russell Hilst for his dedication to his profession of teaching and his community and for the contributions he has made to the game of golf; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mr. Russell Hilst, 59 Meadowlark Lane, Hutchinson, KS 67566 and to Dr. Wynona Winn, Superintendent, USD 308, 1520 North Plum, Hutchinson, KS 67504.

On emergency motion of Senator Kerr **SR 1806** was adopted unanimously.

President Kerr introduced and congratulated Rusty on his many accomplishments. Accompanying Rusty were Dr. Wynona Winn, Superintendent, USD 308, Hutchinson; Richard Hemman, Lori Blackeslay and Patty Kerr.

The Committee on Judiciary introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION urging the United States Department of Labor to award Senior Community Service Employment Program grants to Experience Works in Kansas and throughout the country.

WHEREAS, The United States Department of Labor announced an open, competitive process for all national, private sector grants under the Senior Community Service Employment Program (SCSEP); and

WHEREAS, Experience Works founded the program in 1965 as a small demonstration project to help older, low income farmers supplement their income and provide community service training and employment while providing important services to their local communities; and

WHEREAS, In 2002, Experience Works placed 38% of its SCSEP participants into good jobs through its program which is 190% of the 20% goal established by the United States Congress; and

WHEREAS, Experience Works has significantly improved the quality of life of its senior participants despite significant barriers to employment and has provided employment op-

portunities and resources in rural counties wherein such opportunities are frequently limited; and

WHEREAS, Experience Works operates in a very efficient manner by providing one of the lowest cost per participant rates and providing that \$.89 of every dollar goes directly to participants in the form of wages for community service assignments, benefits, training, support services and direct employment assistance; and

WHEREAS, Participants placed by Experience Works through this program have their earnings increased by 357% and participants provided 16 million hours of community service to over 10,000 organizations and agencies; and

WHEREAS, Every tax dollar invested in Experience Works returns roughly \$1.53 in the first year alone; and

WHEREAS, Experience Works is an organization with a proven, nationwide delivery service system, a state of the art information technology capability, a dedicated and knowledgeable staff, significant experience, an outstanding record of performance and fiscal accountability and an extensive delivery service system that demonstrates the benefits of employing the talents of our older citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge the United States Department of Labor to award Senior Community Service Employment Grants to Experience Works in Kansas and throughout the country; and

Be it further resolved: That the Secretary of Senate be directed to send enrolled copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor and each member of the Kansas Congressional Delegation.

On motion of Senator Oleen, the Senate recessed.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2026**, 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. 2026," as follows:

"SENATE Substitute for HOUSE BILL No. 2026

"AN ACT making and concerning appropriations for the fiscal year ending June 30, 2003, for the insurance department, state board of indigents' defense services, Kansas public employees retirement system, department of health and environment, department on aging, department of social and rehabilitation services, department of education and department of transportation; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending K.S.A. 2002 Supp. 79-2959, 79-2964 and 79-3425i and repealing the existing sections."; and the substitute bill be passed.

Also **SB 73** be amended on page 4, by striking all in line 43;

On page 5, by striking all in lines 1 through 6; by striking all in lines 14 through 21;

And by renumbering sections accordingly;

Also on page 5, in line 27, by striking "996001" and inserting "99600"; in line 34, by striking "996001" and inserting "99600"; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 4, 2003.

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

PAT SAVILLE, *Secretary of the Senate.*

