

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 14, 2003—9:30 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-three senators present.
Senators Allen, Goodwin, Morris, Pugh, Schmidt, Schodorf and Umbarger were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

If it's been a year since someone said it,
(And I hope that isn't true)
This is the day the calendar says
That one should say, "I love you."

There are many ways to say it:
One way that's not too hard
Is to go to a drug or book store
And buy yourself a card.

All the florists tell us
For beauty that lasts for hours,
There's no better way to say it
Than, of course, with flowers.

Now if we talk to candy makers
I'm sure they'll all insist
Saying it with chocolates
Is the nearest thing to bliss.

But the truth of the matter is, Father,
When all is said and done,
Love was expressed by far the best
When you said it with Your Son! (John 3:16)

And as one of the recipients, I thank You, Lord,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 227, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, by Committee on Federal and State Affairs.

SB 228, An act concerning the open meetings law; relating to meetings exempt therefrom; amending K.S.A. 2002 Supp. 75-4318 and repealing the existing section, by Committee on Federal and State Affairs.

SB 229, An act concerning the real estate appraisal board; relating to the powers and duties thereof; amending K.S.A. 58-4105 and K.S.A. 2002 Supp. 58-4118 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 230, An act concerning lotteries; relating to issuance and display of retailers' certificates and transfer of Kansas lottery proceeds to the state gaming revenues fund; amending K.S.A. 74-8708 and 74-8711 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 231, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 21-3513 and 21-3608 and K.S.A. 2002 Supp. 21-3415, 21-3502, 21-4635, 21-4638 and 21-4706 and repealing the existing sections, by Committee on Judiciary.

SB 232, An act concerning the civil commitment of sexually violent predators; amending K.S.A. 2002 Supp. 59-29a01, 59-29a04, 59-29a06, 59-29a07, 59-29a08 and 59-29a10 and repealing the existing sections, by Committee on Judiciary.

SB 233, An act concerning taxation; relating to local retailers' sales tax authority in Shawnee county; amending K.S.A. 12-192 and K.S.A. 2002 Supp. 12-187 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 234, An act requiring the registration of pharmacy benefits management companies; prescribing powers and duties of the commissioner of insurance with respect thereto, by Committee on Public Health and Welfare.

SB 235, An act concerning tax increment financing and sales tax revenue bonds; relating to redevelopment of certain property located throughout the state; amending K.S.A. 12-1770a and 12-1774 and K.S.A. 2002 Supp. 79-3620 and repealing the existing sections, by Committee on Commerce.

SB 236, An act concerning agricultural production; relating to genetically modified organism crops, by Committee on Agriculture.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 222**, **SB 223**, **SB 224**.

Education: **HB 2006**.

Federal and State Affairs: **SB 226**.

Public Health and Welfare: **SB 225**.

Utilities: **HB 2018**, **HB 2037**, **HB 2130**.

REFERRAL OF APPOINTMENTS

The following appointment made by the Governor and submitted to the senate for confirmation, was referred to Committee as indicated:

State Fire Marshal:

Joseph P. Odle, effective upon date of confirmation by the Senate, to serve at the pleasure of the Governor.

(Federal and State Affairs)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1811—

A RESOLUTION congratulating and commending Kansas Wesleyan University upon the inauguration of its 17th president.

WHEREAS, Kansas Wesleyan University will inaugurate Philip P. Kerstetter, Ph.D., as its 17th president on February 22, 2003, in the Sams Chapel, Pioneer Hall, on campus. The theme of the ceremony is a celebration of community; and

WHEREAS, Kansas Wesleyan University has provided a strong, faith based education in the liberal arts tradition to students from Kansas, the United States and around the world for more than 117 years; and

WHEREAS, Kansas Wesleyan University prepares its students to be contributing members of the Kansas workforce and in commerce throughout the world; and

WHEREAS, Kansas Wesleyan University prepares its students for responsible leadership in their communities, for useful service in and to the world and for stewardship of the earth; and

WHEREAS, Dr. Kerstetter has more than 30 years' experience in higher education. His most recent position was as Executive Associate to the President at Thiel College in Pennsylvania. He served as Vice Chancellor for Academic and Student Affairs in the State System of Higher Education for the state of Pennsylvania, and after serving at Edinboro University for more than 15 years in various capacities has the status as *Administrator Emeritus* from Edinboro University. He has served on numerous state and national committees and is a recognized authority on assessment and strategic planning; and

WHEREAS, Dr. Kerstetter received his B.A. degree from Bucknell University, his M.Ed. from the University of Delaware and his Ph.D. from Gallaudet College. He is married to Mary Johnson Kerstetter; they have two adult children: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Kansas Wesleyan University upon its giving of 117 years of higher education to the citizens of this state and welcome Dr. Kerstetter as its 17th president; and

Be it further resolved: That the Secretary of the Senate provide two enrolled copies of this resolution to RaShelle Hindman, Director of Public Relations, Kansas Wesleyan University, 100 East Claflin, Salina, KS 67401.

On emergency motion of Senator Brungardt **SR 1811** was adopted unanimously.

President Kerr and members of the Senate welcomed and congratulated Dr. Kerstetter upon his inauguration as the 17th president of Kansas Wesleyan University.

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

SENATE RESOLUTION No. 1812—

A RESOLUTION congratulating and commending Coach Jeff Laha.

WHEREAS, Jeff Laha, the Clearwater High School cross country coach, has been named the Class 4A Cross Country Coach of the Year; and

WHEREAS, Jeff Laha has coached cross country at Clearwater High School for 19 years and has one of the top cross country programs in the state. His boys teams have qualified for the state meet nine times, and his girls teams have qualified 11 times and were the state champions in 1987. Twenty-seven of his runners have been selected to All-State, 77 to All-Region and 105 to All-League teams. Several of his runners have received scholarships to run cross country in college. During the 2002 season, both boys and girls teams qualified for the state meet; the boys finished second and the girls finished fourth; and

WHEREAS, Jeff Laha has initiated a middle school cross country program. During the past season he had 50 high school runners and 22 middle school runners; and

WHEREAS, Jeff Laha has been ably assisted by Sherys Mellen and has generated ardent parent and fan support for the sport. His coaching philosophy is to make sure every athlete feels important and to keep his runners involved in the sport throughout the year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Jeff Laha for being named the Class 4A Cross Country Coach of the Year; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mr. Tom Ostrander, Superintendent, Clearwater USD 264, 150 South Prospect, Clearwater, KS 67026 for presentation to Mr. Laha.

On emergency motion of Senator Harrington **SR 1812** was adopted unanimously.

President Kerr congratulated Coach Jeff Laha on his remarkable career. Accompanying Coach Laha were his wife, La Dena; children, Jacob and Kacie; mother, June and brother, Pat.

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

SENATE RESOLUTION No. 1813—

A RESOLUTION in celebration of St. Valentine's Day.

WHEREAS, February 14 is traditionally celebrated in the United States as St. Valentine's

Day, an occasion on which we remember those we hold dear, including the family and friends for whom we share an affection, admiration and adoration; and

WHEREAS, The members of the Kansas Senate are deeply indebted to our families and friends whose support makes possible the opportunity to seek public office and to serve the citizens of Kansas; and

WHEREAS, Valentine's Day is the ideal occasion for the members of the Kansas Senate to collectively and formally express our appreciation to our Senate spouses and family members, whose support and encouragement enriches our lives and sustains us through the challenges of service in an elective office; and

WHEREAS, With this holiday as the perfect opportunity to acknowledge those who mean so much to the members of the Kansas Senate, we pause to recognize the sacrifices made by our spouses, children, family and friends to accommodate and support our legislative service; and

WHEREAS, St. Valentine's Day gives the Senate the opportunity to recognize the many Kansans whose countless daily acts of concern and expressions of love for each other greatly enrich our communities and enhance the quality of life for those who call this great state home; and

WHEREAS, In addition to the sentiments of the holiday, Kansans should be mindful that the traditional celebration of St. Valentine's Day has a significant positive economic impact on Kansas. For example, Leavenworth, Douglas and Shawnee Counties are home to major manufacturing facilities for Hallmark Cards, Inc., the world's leading producer of St. Valentine's Day greetings and a valued Kansas employer and generous corporate citizen, and Russell Stover, born in Alton, Kansas, and later a resident of Mission Hills, Kansas, founded with his wife, Clara, the Russell Stover Candy Company which continues to craft in Kansas the world's finest boxed chocolates, a popular gift for Valentines around the world: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That in celebration of St. Valentine's Day, we gratefully acknowledge the sacrifices made by our spouses, family and friends in support of our public service and we hereby express our deepest appreciation for all of their selfless acts of support and love that sustain us in times of challenge; and

Be it further resolved: That we encourage all Kansans to continue to reach out to one another with love and charity in furtherance of the spirit of St. Valentine and in keeping with the rich traditions of Kansas in which families are valued, strong communities are built by neighbors helping neighbors and a life shared with our loved ones is cherished; and

Be it further resolved: That every American on this occasion is encouraged to send a Valentine, preferably one printed in Kansas, and a box of chocolates, preferably one made in Kansas, to someone they love; and

Be it further resolved: That the Secretary of the Kansas Senate be directed to send enrolled copies of this resolution to the spouse or family of each member of the Kansas Senate in celebration of St. Valentine's Day as an expression of our love and appreciation for all they do for us and our state.

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

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

SENATE RESOLUTION No. 1814—

A RESOLUTION congratulating and commending Curtis Lamont.

WHEREAS, Curtis Lamont, a school bus driver for the Kensington school district, is the originator of the "Starfish" program for the protection of school children; and

WHEREAS, The "Starfish" program involves the placement of a highly visible sign on the rear of school buses stating "STOP WHEN RED LIGHTS FLASH—YOU PASS—YOU PAY" The name "Starfish" has been used as it refers to the boy throwing starfish from the beach into the ocean so they would not die. When told by a passing man he could not possibly make a difference as there were thousands of starfish littering miles and miles of beach the boy replied, as he threw another starfish into the ocean, "It made a difference to that one"; and

WHEREAS, Phil Amato, a boyhood friend of Curtis Lamont and a councilman for the city of Arnold, Missouri, has picked up and expanded the "Starfish" idea of Mr. Lamont. He has had signs prepared with different background colors which would be changed every few months to make them more noticeable to motorists. With the financial assistance of the Arnold Jaycees, and the approval of state officials, "Starfish" signs are being made available throughout the state of Missouri; and

WHEREAS, The safety of school children entering and exiting school buses on the public roads of our state are a prime safety concern for parents, school bus drivers, school teachers and administrators and the driving public. The initiative of Mr. Lamont in his efforts to protect our school children is highly commended and is appropriate to be emulated elsewhere in Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Curtis Lamont for initiating the "Starfish" program for the protection of our school children; and

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

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

REPORT ON ENGROSSED BILLS

SB 74 reported correctly engrossed February 13, 2003.

SB 36, SB 38 reported correctly engrossed February 14, 2003.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, February 17, 2003.

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

PAT SAVILLE, *Secretary of the Senate.*

