

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 12, 2003—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-nine senators present.
Senator Feleciano was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Since DISCERNMENT is the character trait of the month in Topeka, help us to discern:

The needy from the greedy;
The walk from the talk;
A fact from an act;
True grit from hypocrite;
Tough from bluff;
Insane from scatterbrain;
Tenacious from audacious;
Persuasive from abrasive.

In addition, help us to discern right from wrong, truth from error, good from bad, and most of all: Your voice, O God, from the voice of Satan.

I pray in the Name of Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 260, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contribution rates; issuance of revenue bonds by the Kansas development finance authority for funding certain liability of system; amending K.S.A. 74-4920 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:

Federal and State Affairs: **SR 1827**.

Ways and Means: **SB 259; HB 2397, HB 2399, HB 2400**.

GUESTS

Senator Brungardt introduced his wife, Rosie, and daughter and son-in-law, Kristin and Tim Suttle, who were guests of the Senate.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2329**.

Passage of **SB 31**.

Also, passage of **SB 4**, as amended, **SB 175**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2329 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1828—

A RESOLUTION encouraging state agencies to use the wild native sunflower in material they produce and distribute.

WHEREAS, On March 12, 1903, the Kansas Legislature designated the wild native sunflower as the official state flower; and

WHEREAS, Bernice C. Heisler wrote, "Standing upright and facing honestly a noonday sun's stern reality, the common sunflower conducts itself most uncommonly," making the wild native sunflower a great symbol for the people of a great state; and

WHEREAS, The Secretary of State has been loyal to history by printing only the wild native sunflower on material distributed through the years; and

WHEREAS, The wild native sunflower has delicate proportions that make it a classic work of art most pleasing to all who recognize its beauty and want historic honesty; and

WHEREAS, The domestic sunflower was developed to produce a large quantity of seeds which are greatly enjoyed by all who eat them; and

WHEREAS, Fields of green and gold domestic sunflowers produced by Kansas farmers are a joy to see; and

WHEREAS, To produce this large quantity of seeds the domestic sunflower has a large center not in harmony and balance with the short petals surrounding it; and

WHEREAS, It is easy to identify the tastefully proportioned wild native sunflower as the total diameter of the flower consists of $\frac{1}{3}$ left petal, $\frac{1}{3}$ center and $\frac{1}{3}$ right petal; and

WHEREAS, The Sons of the Pioneers sing HOME ON THE RANGE, but they add a verse with words "to the banks of the Red River" which makes their rendition of our state song a counterfeit, as do those who picture the domestic sunflower as our state flower; and

WHEREAS, All Kansans concerned for historic truth want the world to know the wild native sunflower is our official state flower: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we encourage state agencies to use the wild native sunflower in material they produce and distribute; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the Governor, the Secretary of the Department of Administration for appropriate distribution, and a copy to Rev. Richard E. Taylor, Jr., 4831 S.E. 61, Berryton, KS 66409.

On emergency motion of Senator Oleen **SR 1828** was adopted unanimously.

President Kerr introduced Rev. Richard E. Taylor, who was a guest of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Federal and State Affairs begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas Human Rights Commission: K.S.A. 44-1003

Beth M. Bradrick, Ph.D., term expires January 15, 2007

Committee on Public Health and Welfare begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary of Aging: K.S.A. 2002 Supp. 75-5903

Pamela Johnson Betts, serves at the pleasure of the Governor

Also **HB 2207** be amended on page 1, in line 23, by striking "license" and inserting "registration";

On page 2, in line 38, by striking all after "shall"; in line 39, by striking all before "not"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2221**, as amended by House Committee, be passed.

Committee on **Utilities** recommends **HB 2018**, as amended by House Committee, be amended on page 1, in line 26, by striking "2002"; in line 27, by striking "Supp.";

On page 11, in line 23, following "easement" by inserting "or lease"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2192**, **HB 2193**, as amended by House Committee of the Whole, be passed.

Also, **HB 2315** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENROLLED BILLS

SR 1825, **SR 1826** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 11, 2003.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

Recommended **SB 7**; **HB 2006**, **HB 2031**, **HB 2159**, **HB 2166**, **HB 2196** be passed. **HCR 5007** be adopted.

SB 123 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil as amended by Senate Committee, on page 22, after line 25, by inserting the following:

"New Sec. 10. If the funds appropriated for drug abuse treatment programs are insufficient to fund the drug abuse treatment programs for all eligible offenders, then when such funds are no longer available, the program will no longer be offered to eligible offenders.";

And by renumbering the remaining sections accordingly.

Senator Goodwin further amended the bill as amended by Senate Committee, on page 1, in line 17, before the period, by inserting "who are sentenced on or after the effective date of this act";

On page 4, by striking all of lines 1 through 43;

On page 5, by striking all of lines 1 through 42; and by renumbering the remaining sections accordingly;

On page 11, in line 1, by striking ". Upon" and inserting ", upon";

On page 21, by striking all in lines 7 and 8

Senator Goodwin further amended the bill as amended by Senate Committee, on page 22, in line 29, by striking "Kansas register" and inserting "statute book and shall be implemented on or before November 1, 2003"

Senator Oleen further amended the bill as amended by Senate Committee, on page 3, in line 8, after the period by inserting "Drug abuse treatment can include community based and/or faith based programs."

Senator Emler moved to amend the bill as amended by Senate Committee, on page 1, in line 16, by striking "There" and inserting: "Except as provided in subsection (h) of this section, there";

On page 2, after line 24, by inserting the following:

"(h) Offenders who are initially charged with drug severity levels 1, 2 or 3 and either plead to or are convicted of a felony violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, shall not qualify for the certified drug abuse treatment programs established by this section."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 17, Nays 21, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Barone, Brownlee, Clark, Emler, Gilstrap, Harrington, Huelskamp, Jackson, Jordan, Lyon, O'Connor, Pugh, Salmans, Schmidt, Taddiken, Tyson.

Nays: Adkins, Barnett, Brungardt, Buhler, Bunten, Corbin, Donovan, Downey, Gooch, Goodwin, Haley, Hensley, Kerr, Lee, Morris, Oleen, Steiniger, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Schodorf.

Absent or Not Voting: Feleciano.

The motion failed and the amendment was rejected.

The Committee recommended **SB 123** be passed as further amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, March 13, 2003.

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

PAT SAVILLE, *Secretary of the Senate*.

