

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 2, 2003—10:00 a.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,

At this point in the session  
The pressure starts to rise;  
Things we hoped would happen  
Die before our eyes.

Things we hoped would never happen  
Happen anyway.  
It seems that no one's mind is changed  
No matter what we say.

Our smoldering frustration  
Reaches the boiling point,  
Because people we were counting on  
Managed to disappoint.

Then we start to speak and hear  
Some not so pleasant words.  
Words we wish we had not spoken  
And hoped to have never heard.

There was supposed to have been a guy  
Who once said this to himself:  
"Stones break bones, but words don't hurt"  
He must have been stone deaf!

Words DO hurt, and in Your Book  
Many proverbs seek to teach  
That we should pay attention  
For there's danger in our speech.

I quote four of them, Lord.

A fool shows his annoyance at once,  
But a prudent man overlooks an insult. (Prov.12:16)

Reckless words pierce like a sword,  
But the tongue of the wise brings healing. (Prov. 12:18)

A gentle answer turns away wrath,  
But a harsh word stirs up anger. (Prov. 15:1)

A hot-tempered man stirs up dissension,  
But a patient man calms a quarrel (Prov. 15:18)

I pray in Jesus' Name,  
AMEN

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 279; HB 2287, HB 2416.**  
Ways and Means: **HB 2418, HB 2456.**

#### CHANGE OF REFERENCE

The President withdrew **SB 257** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Ways and Means.

#### MESSAGE FROM THE GOVERNOR

April 2, 2003

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Kathleen Sebelius  
Governor

*Secretary, Department of Agriculture*, Adrian J. Polansky, pursuant to the authority vested in me by K.S.A. 74-560, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*Member, State Board of Indigents' Defense Services*, Denise E. Tomasic, pursuant to the authority vested in me by K.S.A. 22-4519, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

#### COMMUNICATIONS FROM STATE OFFICERS

##### DEPARTMENT OF COMMERCE AND HOUSING

March 27, 2003

Lt. Governor/Secretary on the Department of Commerce and Housing, John Moore, submitted the Annual Report of the Kansas Enterprise Zone Program as required by K.S.A. 74-50,118(b), due on or before April 1.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brownlee moved the Senate concur in house amendments to **SB 134**.

**SB 134**, 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.

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 Senate concurred.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2106**, submits the following report:

The Senate recedes from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

KARIN BROWNLEE

NICK JORDAN

JIM BARONE

*Conferees on part of Senate*

BECKY HUTCHINS

JUDY MORRISON

ETHEL M. PETERSON

*Conferees on part of House*

Senator Brownlee moved the Senate adopt the Conference Committee Report on **HB 2106**.

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 Conference Committee report was adopted.

**CHANGE OF CONFERENCE**

The President announced the appointment of Senator Vratil as a member of the Conference Committee on **HB 2121** to replace Senator Morris.

The President announced the appointment of Senator Allen as a member of the Conference Committee on **HB 2121** to replace Senator Adkins.

The President announced the appointment of Senator Goodwin as a member of the Conference Committee on **HB 2121** to replace Senator Feleciano.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1839—

A RESOLUTION congratulating and commending the Norton High School boys basketball team and Coach Reusink for winning the 2003 Class 3A State Basketball Championship.

WHEREAS, The Norton High School boys basketball team won the 2003 Kansas State High School Activities Association Class 3A State Basketball Championship with a thrilling 60 to 58 victory over Medicine Lodge High School in the state championship game at the Hutchinson Sports Arena on March 15; and

WHEREAS, The Norton High School "Blue Jays" basketball team finished the season with a record of 22 wins and five losses; and

WHEREAS, The Norton High School team had a long and tough schedule to get to the championship game. They defeated Belleville and Minneapolis, ranked numbers four and five, respectively, in the state in sub-state games. At the state tournament they defeated Cherokee-SE 62 to 53 and number one ranked Riley County 64 to 61 in a double overtime battle; and

WHEREAS, The team members were: Charlie Foley, Kyle Kats, Dan Roeder, Aaron Overlease, Brian Luft, Ryan Maddy, Marc Brooks, Andrew Walter, Terry Petrie, Marc Thiele, Jered Sloan and Michael Newell; the head coach was Doug Reusink and the assistant coaches were Todd Fulton and David Stover; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Norton High School boys basketball team and Coach Reusink be congratulated and commended for winning the 2003 Kansas State High School Activities Association Class 3A State Basketball Championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to send 15 enrolled copies of this resolution to Larry Stull, Principal, Norton High School, 513 W. Wilberforce Street, Norton, Kansas 67654-1298.

On emergency motion of Senator Clark **SR 1839** was adopted unanimously.

Senator Clark introduced the entire senior class, along with the members of the boys basketball team.

#### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 272** be amended on page 8, in line 30, by striking "one-year" and inserting "six-month"; in line 40, by striking "one year" and inserting "six months";

On page 11, following line 8, by inserting:

"New Sec. 2. On or before the first day of each regular session of the legislature, the secretary shall prepare and submit to the president of the senate and the speaker of the house of representatives a report of the total amount of moneys expended by the department for medical assistance, the amount of moneys recovered pursuant to subsection (g) of K.S.A. 39-709, and amendments thereto, and any recommendations for legislation necessary to insure that the factors or methods used to determine eligibility for medical assistance more accurately represent the resources of an applicant for, or recipient of, medical assistance.";

By renumbering sections 2 and 3 as sections 3 and 4, respectively; and the bill be passed as amended.

#### REPORT ON ENGROSSED BILLS

**SB 159** reported correctly re-engrossed March 28, 2003.

**SB 55, SB 119, SB 263** reported correctly engrossed March 31, 2003

Also: **SB 120** correctly re-engrossed March 31, 2003.

**SB 12, SB 13, SB 49, SB 222, SB 254, SB 265, SB 268** reported correctly engrossed April 1, 2003

Also: **SB 205** correctly re-engrossed April 1, 2003.

#### REPORT ON ENROLLED BILLS

**SB 11, SB 37, SB 57, SB 70, SB 74, SB 132, SB 151, SB 199; Sub for SB 204; SB 240** reported correctly enrolled, properly signed and presented to the Governor on April 1, 2003.

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

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#### AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 280**, An act concerning the Kansas lottery; establishing a veterans benefit lottery game, by Committee on Ways and Means.

**MESSAGE FROM THE HOUSE**

Announcing, the House concurs in Senate amendments to **HB 2015** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2035** and requests the Senate to return the bill.

The House concurs in Senate amendments to **Substitute HB 2036** and requests the Senate to return the bill.

The House announces the appointment of Representatives O'Neal, Patterson and Pauls to replace Representatives Loyd, Owens and Ward as conferees on **HB 2308**.

The House announces the appointment of Representatives O'Neal, Patterson and Pauls to replace Representatives Loyd, Owens and Ward as conferees on **SB 64**.

The House announces the appointment of Representative Sawyer to replace Representative Wilson as a conferee on **SB 102**.

The House announces the appointment of Representative Sawyer to replace Representative Wilson as a conferee on **SB 103**.

The House announces the appointment of Representative Sawyer to replace Representative Wilson as a conferee on **HB 2288**.

Announcing rejection of **SB 79, SB 155**.

The House announces the appointment of Representative Toelkes to replace Representative Gilbert as a conferee on **SB 109**.

**CHANGE OF CONFERENCE**

The President announced the appointment of Senator Feleciano as a member of the Conference Committee on **SB 6** to replace Senator Barone.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

**SENATE RESOLUTION No. 1840**

A RESOLUTION congratulating and commending Dr. Richard Rajewski.

WHEREAS, Dr. Richard Rajewski has been named the 2003 Kansas Family Physician of the Year by the Kansas Academy of Family Physicians and will be so honored at the academy's annual meeting in Wichita on June 19; and

WHEREAS, Dr. Rajewski practices medicine in Hays having been reared in Ellis and graduated from Victoria High School before attending the University of Kansas School of Medicine; and

WHEREAS, Dr. Rajewski loves family practice because the physician is involved in the life of the patient and the patient's family. Dr. Rajewski still makes house calls occasionally but says the most significant change in his 24 years in the field of medicine is change itself; and

WHEREAS, Dr. Rajewski has always wanted to be involved in rural medicine. He participates in a preceptor program established to give medical students an opportunity to experience rural practice and has a few medical students work with him each year; and

WHEREAS, Dr. Rajewski states the worst part of the practice of medicine is the paperwork and strives to maintain patient relationships while lessening the paperwork load. An ongoing project is to integrate computer systems between the physician's office and the hospital: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Dr. Rajewski for being named the 2003 Kansas Family Physician of the Year and commend his devotion to the care of Kansas families; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Dr. Richard Rajewski, Hays Family Practice Center, 2509 Canterbury Dr., Hays, Kansas 67601.

On emergency motion of Senator Lee **SR 1840** was adopted unanimously.

Senator Lee introduced Dr. Rajewski, who was serving as the "Doctor of the Day".

**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 Donovan in the chair.

Recommended that **HB 2367** be passed.

**HB 2101, HB 2397** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SB 94** be passed over and retain a place on the calendar.

On motion of Senator Oleen, the Senate recessed until 3:45 p.m.

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The Senate met pursuant to recess with President Kerr in the chair.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**SB 281**, An act enacting the economic revitalization and reinvestment act; relating to the secretary of commerce and Kansas development finance authority; authorizing the issuance of bonds for certain economic development purposes, by Committee on Ways and Means.

**MESSAGE FROM THE HOUSE**

Announcing, the House nonconcur in Senate amendments to **HB 2205**, requests a conference and the has appointed Representatives O'Neal, Patterson and Pauls as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2003** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2009** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2071** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2122** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2135** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2150** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2233** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2426** and requests the Senate to return the bill.

The House announces the appointment of Representative Swaty to replace Representative Flora as a conferee on **HB 2247**.

Announcing rejection of **SB 95; Substitute SB 144; SB 167**.

**ORIGINAL MOTION**

On motion of Senator Corbin, the Senate acceded to the request of the House for a conference on **HB 2205**.

The President appointed Senators Corbin, Donovan and Lee as conferees on the part of the Senate.

**REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** recommends **SB 226** be amended on page 2, in line 41, before the period, by inserting "electronic gaming machine operated in accordance with the Kansas gaming act";

On page 3, in line 29, by striking "or" and inserting "of"; in line 35, by striking "net" and inserting "Net"; in line 39, by striking all after "licensee"; in line 40, by striking all before the period; in line 43, by striking all after "authorized";

On page 4, by striking all in lines 1 and 2; in line 3, by striking all before the semicolon; in line 23, by striking "25" and inserting "28"; in line 36, by striking all after "act"; in line 37, by striking all before the period;

On page 5, in line 31, by striking "lottery gaming machine operator, at its own expense," and inserting "Kansas lottery"; in line 32, by striking "for the Kansas lottery"; in line 34, by striking all following the period; by striking all in lines 35 through 40; in line 41, by striking all before "for" and inserting "The Kansas lottery shall be the owner or licensee of all computer software and electronic gaming placed at the licensee location. The Kansas lottery shall be reimbursed"; in line 43, by striking all after "lottery";

On page 6, in line 1, by striking "pense";

On page 8, in line 5, by striking all after "act"; in line 6, by striking all before the period; in line 36, before the period, by inserting "and if the qualified voters of any county located in Kansas which is contiguous to the county in which the parimutuel licensee location is located have voted in favor of permitting the operation of electronic gaming machines at such parimutuel licensee location"; in line 38, by striking "may submit by resolution, and"; in line 42, after the period, by inserting "Upon presentation of a sufficient petition, the county election officer shall notify the county election officer of each contiguous county that such petition has been filed.";

On page 9, in line 14, by striking "upon" and inserting "Upon"; in line 19, after "locations" by inserting "?"; in line 20, by striking "if" and inserting "If"; in line 21, before the comma, by inserting "in all counties required to conduct an election pursuant to this section"; in line 24, after "section" by inserting "in any of the counties required to conduct an election pursuant to this section"; in line 37, by striking "two" and inserting "six";

On page 11, in line 14, by striking "dog" and inserting "greyhound";

On page 12, in line 13, by striking "20%" and inserting "30%"; by striking all in lines 14 through 16;

And by renumbering the remaining subsections accordingly;

Also on page 12, in line 21, by striking "dog" and inserting "greyhound"; also in line 21, by striking "3.5%" and inserting "1.5%"; in line 22, by striking "3.5%" and inserting "1.5%";

On page 14, in line 3, by striking "16" and inserting "21"; in line 20, by striking "pay-off" and inserting "pay out"; in line 21, by striking "pay-off" and inserting "pay out";

On page 18, after line 20, by inserting the following:

New Sec. 22. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, operation or machine tax or taxes or fees shall be imposed, levied or assessed exclusively upon gaming by a political subdivision.

New Sec. 23. No tax credit, tax abatement, enterprise zone or tax increment financing shall be available to any lottery gaming machine operator licensed pursuant to this act, nor shall any governmental entity or subdivision transfer or make available any real or personal property to a lottery gaming machine operator at less than fair market value.

New Sec. 24. On or before the first day of each regular session of the legislature, the executive director shall prepare and submit to the president of the senate and the speaker of the house of representatives a report containing player statistical information, by county, including the frequency of player activity and the amount of winnings and losses.

New Sec. 25. (a) Electronic gaming machines shall be designed so that a machine will not operate unless a player identification card is inserted into the machine and remains in the machine during player operation.

(b) The executive director shall provide for the issuance of player identification cards at locations where Kansas drivers' licenses are obtained. There shall be no charge for such identification card. Any cost incurred in the issuance of such identification cards shall be paid by the Kansas lottery.

(c) The executive director may authorize lottery retailers to issue player identification cards. There shall be no charge for such identification cards and the cost of issuance shall be borne by the retailer.;

And by renumbering the remaining sections accordingly;

On page 24, by striking all in lines 15 through 25; and the bill as amended be reported without recommendation.

**REPORT ON ENGROSSED BILLS**

**SB 134** reported correctly re-engrossed April 2, 2003.

**REPORT ON ENROLLED BILLS**

**SR 1827, SR 1834, SR 1836, SR 1837** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 2, 2003.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Thursday, April 3, 2003.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.  
PAT SAVILLE, *Secretary of the Senate*.

