

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 12, 2004—2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and by virtue of his office as president of the Senate, Senator Dave Kerr declared the 2004 Senate to be in session.

President Kerr welcomed the Rev. Fred S. Hollomon, who will again serve as the Senate Chaplain and delivered the following invocation:

Heavenly Father,

We undertake another journey during which we hope to represent our people well and to be found faithful to You.

One of the Bible characters from whom we can learn how to successfully complete this journey is a man called Enoch. In the book of Genesis we are told that he walked with God; then he was no more, because You took him. This account is elaborated on in the book of Hebrews, where we find that by faith Enoch was taken from this life, so that he did not experience death, and before he was taken he pleased God.

Whether or not any of us living today missed the experience of death is yet to be seen, but it seems that the key to Enoch's pleasing You, Lord, was that he walked with You.

We read that Enoch walked with God,
And not the other way around,
And that makes quite a difference...
A lot more than it sounds.

If we ask God to walk with us,
We're going at it wrong.
It's like we know where we are going,
And God can tag along.

But if success is what we want,
We will be much wiser
If we remember You're in charge,
And not just our advisor.

I ask You to help us believe that, and I pray in the Name of Jesus,

AMEN

President Kerr introduced the new reader, Cara Gates, Chanute, Kansas, a second year law student at Washburn University. Cara received her Bachelor of Arts Degree in Political Science from the University of Kansas.

COMMUNICATIONS FROM THE SECRETARY OF STATE

Official communications from the Secretary of State, Ron Thornburgh, were read:

State of Kansas
Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that Henry Helgerson, was appointed by the Governor effective October 30, 2003, for the unexpired term, Twenty Eighth Senate District, to fill the vacancy created by the resignation of Paul Feleciano, Jr.

IN TESTIMONY WHEREOF,

I have hereunto subscribed my name
and caused to be affixed my official seal
this 12th day of January, A.D. 2004.

Ron Thornburgh
Secretary of State

State of Kansas
Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that Phillip B. Journey, was appointed by the Governor effective December 8, 2003, for the unexpired term, Twenty Sixth Senate District, to fill the vacancy created by the resignation of Nancey Harrington.

IN TESTIMONY WHEREOF,

I have hereunto subscribed my name
and caused to be affixed my official seal
this 12th day of January, A.D. 2004.

Ron Thornburgh
Secretary of State

President Kerr welcomed Senators Helgerson and Journey.

The roll was called with thirty-seven senators present as follows:

District

01 Edward W. Pugh
02 Mark Buhler
03 Bob Lyon
04 David Haley
05 Mark Gilstrap
06 Chris Steineger
07 David Adkins
08 Barbara P. Allen
09 Kay O'Connor
10 Nick Jordan
11 John L. Vratil
12 Robert Tyson
13 Jim Barone
14 Dwayne Umbarger (excused)
15 Derek Schmidt
16 Dave R. Corbin
17 James A. Barnett
18 Dave Jackson (excused)
19 Anthony Hensley
20 Bill Bunten

District

21 Mark Taddiken
22 Lana Oleen
23 Karin Brownlee
24 Pete Brungardt
25 Jean Schodorf
26 Phillip B. Journey
27 Leslie D. Donovan, Sr.
28 Henry Helgerson
29 Unfilled
30 Susan Wagle
31 Christine Downey
32 Greta H. Goodwin
33 Ruth Teichman
34 Dave Kerr
35 Jay Emler
36 Janis K. Lee
37 Larry D. Salmans
38 Tim Huelskamp
39 Stephen R. Morris
40 Stan Clark

INTRODUCTIONS

President Kerr announced Dr. Carol Johnson, President of the Kansas Academy of Family Physicians, is the Doctor of the Day. Dr. Johnson works at Emergency Services of Kansas in the hospital emergency departments in Dodge City, El Dorado, Newton and Winfield. She is also working with the Center for Disease Control and Prevention in Atlanta and other

clinical research projects through Research Support Personnel in Wichita. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session.

Also introduced was Charles Nicolay, who is in his new position as Assistant Sergeant-At-Arms.

Second Lieutenant Don Cackler will again be representing the Kansas Highway Patrol in the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

On emergency motion of Senator Oleen, **SR 1801** by Senators Kerr, Oleen and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1801—

A RESOLUTION relating to the organization of the Senate.

Be it resolved by the Senate of the State of Kansas: That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Dave Kerr, president,
John Vratil, vice president,
Lana Oleen, majority leader,
Anthony Hensley, minority leader,
Pat Saville, secretary,
Jody Kirkwood, sergeant at arms,

and awaits the pleasure of the House of Representatives.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

SB 286, An act concerning sales taxation; relating to destination sourcing rules; amending K.S.A. 2003 Supp. 12-191, 79-3603, 79-3667, 79-3668, 79-3669, 79-3670, 79-3671, 79-3672, 79-3673 and 79-3682 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 79-3603c, by Senators Schmidt, Vratil, Umbarger and Adkins, Allen, Barnett, Brungardt, Buhler, Bunten, Clark, Emler, Goodwin, Harrington, Jackson, Jordan, Lyon, Morris, O'Connor, Salmans, Schodorf, Taddiken and Teichman.

SB 287, An act concerning cities and counties; relating to zoning; amending K.S.A. 12-742 and 12-758 and repealing the existing sections, by Senator Lyon (By Request).

SB 288, An act making the Topeka convention and visitor's bureau, inc. subject to the open meetings act and open records act, by Senator Hensley.

SB 289, An act establishing the governors of Kansas hometown heritage act, by Senator Schmidt.

SB 290, An act concerning the membership of the capitol area plaza authority; amending K.S.A. 2003 Supp. 75-2237 and repealing the existing section, by Senator Jackson.

SB 291, An act amending the motor vehicle drivers' license act; pertaining to moving violations; amending K.S.A. 8-249, 8-2004 and 8-2118 and K.S.A. 2003 Supp. 28-172a and repealing the existing sections, by Joint Committee on Administrative Rules and Regulations.

SB 292, An act concerning fire protection; authorizing payment for acquisition, installation or maintenance of fire hydrants by fire districts and townships; amending K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-1921 and repealing the existing sections, by Senators Barnett and Schmidt.

SB 293, An act concerning schools; relating to the Kansas school safety and security act; amending K.S.A. 72-89a01 and repealing the existing section, by Senator Lyon (By Request).

SB 294, An act concerning land; relating to agritourism, by Senators Schmidt and Schodorf.

SB 295, An act concerning certain boards; relating to the terms of members thereof; amending K.S.A. 2-3709 and K.S.A. 2003 Supp. 76-3304 and repealing the existing sections, by Confirmation Oversight Committee.

SB 296, 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, by Special Committee on Agriculture.

SB 297, An act concerning civil procedure; relating to docket fees; amending K.S.A. 2003 Supp. 20-367 and repealing the existing section, by Special Committee on Judiciary.

SB 298, An act concerning civil procedure; relating to docket fees; amending K.S.A. 2003 Supp. 60-729 and repealing the existing section, by Special Committee on Judiciary.

SB 299, An act concerning surety agents, by Special Committee on Judiciary.

SB 300, An act authorizing the state board of regents to convey certain real estate in Riley county, Kansas, by Legislative Educational Planning Committee.

SB 301, An act concerning state educational institutions; relating to tuition, fees and other charges and the use of moneys derived therefrom; amending K.S.A. 76-719 and repealing the existing section, by Legislative Educational Planning Committee.

SB 302, An act concerning public postsecondary education; concerning certain persons deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions, by Legislative Educational Planning Committee.

SB 303, An act concerning the family postsecondary savings program; relating to accounts therein; relating to income tax exemptions; amending K.S.A. 2003 Supp. 75-646 and 79-32,117 and repealing the existing sections, by Legislative Educational Planning Committee.

SB 304, An act concerning school districts; relating to consolidation; relating to the computation of state aid, by Legislative Educational Planning Committee.

SB 305, An act concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 41-208, 41-301, 41-302, 41-303, 41-710, 41-712, 41-714 and 41-2704 and K.S.A. 2003 Supp. 19-101a, 41-347, 41-501 and 41-719 and repealing the existing sections; also repealing K.S.A. 41-1111, 41-1112, 41-1114 through 41-1121, by Special Committee on Judiciary.

SB 306, An Act repealing K.S.A. 74-8840; relating to certain audits of the accounts and transactions of the racing and gaming commission, by Legislative Post Audit Committee.

SENATE CONCURRENT RESOLUTION No. 1615—

By Special Committee on Assessment and Taxation

A PROPOSITION to amend section 5 of article 12 of the constitution of the state of Kansas, relating to the establishment of classes of cities by the legislature for purposes of imposing limitations and prohibitions as to levying of taxes, fees or charges.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of article 12 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 5. Cities’ powers of home rule.** (a) The legislature shall provide by general law, applicable to all cities, for the incorporation of cities and the methods by which city boundaries may be altered, cities may be merged or consolidated and cities may be dissolved: *Provided*, That existing laws on such subjects not applicable to all cities on the effective date of this amendment shall remain in effect until superseded by general law and such existing laws shall not be subject to charter ordinance.

(b) Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: *Provided*, That the legislature may establish not to exceed ~~four~~ 10 classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class

limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to cities now in effect or hereafter enacted and as later amended and until repealed shall govern cities except as cities shall exempt themselves by charter ordinances as herein provided for in subsection (c).

(c) (1) Any city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and enactments prescribing limits of indebtedness, shall not apply to such city.

(2) A charter ordinance is an ordinance which exempts a city from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter ordinance shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such city by the adoption of such ordinance and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such city. Every charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper or, if there is none, in a newspaper of general circulation in the city.

(3) No charter ordinance shall take effect until sixty days after its final publication. If within sixty days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. An election, if called, shall be called within thirty days and held within ninety days after the filing of the petition. The governing body shall pass an ordinance calling the election and fixing the date, which ordinance shall be published once each week for three consecutive weeks in the official city newspaper or, if there be none, in a newspaper of general circulation in the city, and the election shall be conducted as elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter ordinance No. _____, entitled (title of ordinance) take effect?" The governing body may submit any charter ordinance to a referendum without petition by the same publication of the charter ordinance and the same publication of the ordinance calling the election as for ordinances upon petition and such charter ordinance shall then become effective when approved by a majority of the electors voting thereon. Each charter ordinance becoming effective shall be recorded by the clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

(4) Each charter ordinance enacted shall control and prevail over any prior or subsequent act of the governing body of the city and may be repealed or amended only by charter ordinance or by enactments of the legislature applicable to all cities.

(d) Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.

(e) This amendment shall be effective on and after July 1, ~~2004~~ 2005."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment would allow the legislature to establish up to 10 classes of cities for the purposes of imposing limitations and prohibitions as to the levying of taxes, excises, fees, charges and other exactions.

"A vote for this proposition would allow the legislature to establish up to 10 classes of cities for the purposes of imposing limitations and prohibitions as to the levying of taxes, excises, fees, charges and other exactions. The legislature may currently establish up to four classes of cities for such purposes.

"A vote against this proposition would maintain the current authority of the legislature."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with

the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election on November 2, 2004 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

In accordance with Senate Rule 32, the following prefiled bills were referred as follows:

Assessment and Taxation: **SB 286**.

Commerce: **SB 294**.

Education: **SB 293**.

Elections and Local Government: **SB 287, SB 288, SB 292**.

Federal and State Affairs: **SB 290, SB 295**.

Judiciary: **SB 291**.

Transportation: **SB 289**.

MESSAGE FROM THE GOVERNOR

May 28, 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 Revenue, Joan Wagnon, pursuant to the authority vested in me by K.S.A. 75-5101, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, State Banking Board, Mark C. Parman, pursuant to the authority vested in me by K.S.A. 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

Member, State Board of Indigents' Defense Services, Lawrence P. Daniels, 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.

June 17, 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

Commissioner, Kansas Securities Commission, Chris Biggs, pursuant to the authority vested in me by K.S.A. 75-6301, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Kansas Board of Regents, Janice B. DeBauge, pursuant to the authority vested in me by K.S.A. 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Board of Directors of the Kansas Technology Enterprise Corporation, Edmond (Ted) Q. Haggart, pursuant to the authority vested in me by K.S.A. 74-8101, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Board of Directors of the Kansas Technology Enterprise Corporation, Linda L. Reinhardt, pursuant to the authority vested in me by K.S.A. 74-8101, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Racing and Gaming Commission, Carol H. Sader, pursuant to the authority vested in me by K.S.A. 74-8803, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Racing and Gaming Commission, Stanley M. Teeter, pursuant to the authority vested in me by K.S.A. 74-8803, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

August 11, 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

Member, Kansas Parole Board, Paul Feleciano, Jr. Pursuant to the authority vested in me by K.S.A. 22-3707, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Board of Regents, Frank D. Gaines, pursuant to the authority vested in me by K.S.A. 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Secretary, Department of Human Resources, Jim D. Garner, pursuant to the authority vested in me by K.S.A. 75-5701, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

Superintendent, Kansas Highway Patrol, William R. Seck, pursuant to the authority vested in me by K.S.A. 74-2113, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, State Banking Board, Joseph A. Smith, pursuant to the authority vested in me by K.S.A. 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

August 15, 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

Member, Employment Security Board of Review, Harry D. Helsler, pursuant to the authority vested in me by K.S.A. 44-709, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Board of Directors of Kansas Technology Enterprise Corporation, Gerald D. Loper, pursuant to the authority vested in me by K.S.A. 74-8101, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

September 16, 2003

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

Kathleen Sebelius
Governor

Member, State Board of Regents, Nelson Galle, pursuant to the authority vested in me by K.S.A. 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

October 3, 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

Member, Kansas Development Finance Authority, Audrey H. Langworthy, pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate, to fulfill an unexpired term ending January 15, 2005.

Member, State Banking Board, Jane S. Schnellbacher, pursuant to the authority vested in me by K.S.A. 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

Member, State Board of Tax Appeals, Thomas H. Slack, pursuant to the authority vested in me by K.S.A. 74-2433, effective upon the date of confirmation by the Senate, to fulfill an unexpired term ending January 15, 2004.

Member, Kansas Public Employees' Retirement System Board of Trustees, Douglas Wolff, pursuant to the authority vested in me by K.S.A. 74-4905, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

November 21, 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

Member, Public Employee Relations Board, Kenneth W. Gorman, pursuant to the authority vested in me by K.S.A. 75-4323, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Public Employee Relations Board, H. Wayne Maichel, pursuant to the authority vested in me by K.S.A. 75-4323, effective upon the date of confirmation by the Senate, to fulfill an unexpired term, ending March 15, 2005.

Member, Kansas Agriculture Remediation Board, Kamyar Nikoomanesh P.E., pursuant to the authority vested in me by K.S.A. 2-3709, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Agriculture Remediation Board, Timothy A. Peterson, pursuant to the authority vested in me by K.S.A. 2-3709, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Chairperson, Kansas Water Authority, Steve Irsik, pursuant to the authority vested in me by K.S.A. 74-2622, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

COMMUNICATIONS FROM STATE OFFICERS

January 12, 2004

The Honorable Dave Kerr
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Kerr:

As provided in K.S.A. 75-105, I have received from the Honorable Kathleen Sebelius, Governor of the State of Kansas, since the adjournment of the 2003 session of the legislature the following communications:

Executive Directives Nos. 03-340, 03-341, 03-342, 03-343, 03-344, 03-345, 03-346 03-347 all relating to Authorizing Fund Transfers, Personnel Transactions, and Expenditure of Federal Funds.

Also, Executive Order No. 2003-12, placing a moratorium on employee bonuses for Fiscal Year 2004.

Executive Order No. 2003-13, commitment of state government to eliminate sexual harassment in the workplace.

Executive Order No. 2003-14, offering a reward of five thousand dollars (\$5,000.00) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Mary Sue Taylor, whose body was discovered in rural Crawford County on June 29, 2002.

Executive Order No. 2003-15, declaring a Drought Warning; and authorizing and implementing Drought Warning-level response actions for the counties identified below:

Northwest: Cheyenne, Decatur, Graham Norton, Rawlins, Sheridan, Sherman, Thomas

West Central: Gove, Greeley, Lane, Logan, Ness, Scott, Trego, Wallace and Wichita

Southwest: Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton, Stevens

North Central: Clay, Cloud, Jewell, Mitchell, Osborne, Ottawa, Philips, Republic, Rooks, Smith, Washington

Northeast: Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Riley, Wyandotte

Executive Order No. 2003-16, assembling the Drought Response Team; declaring a Drought Watch; and authorizing and implementing Drought Watch-level response actions for the counties identified below:

Central: Barton, Dickinson, Ellis, Ellsworth, Lincoln, McPherson, Marion, Rice, Rush, Russell, Saline

South Central: Barber, Comanche, Edwards, Harper, Harvey, Kingman, Kiowa, Pawnee, Pratt, Reno, Sedgwick, Stafford, Sumner

East Central: Anderson, Chase, Coffey, Douglas, Franklin, Geary, Johnson, Linn, Lyon, Miami, Morris, Osage, Shawnee, Wabaunsee

Southeast: Allen, Bourbon, Butler, Chautauqua, Cherokee, Cowley, Crawford, Elk, Greenwood, Labette, Montgomery, Neosho, Wilson, Woodson

Executive Order No. 2003-17, Approving and ordering implementation of the Operations Plan for the Governor's Drought Response Team.

Executive Order No. 2003-18, continuing Drought Warning declared by Executive Order 2003-15 and declaring a new Drought Warning for the counties identified below:

Central: Barton, Dickinson, Ellis, Ellsworth, Lincoln, McPherson, Marion, Rice, Rush, Russell, Saline

South Central: Barber, Comanche, Edwards, Harper, Harvey, Kingman, Kiowa, Pawnee, Pratt, Reno, Sedgwick, Stafford, Sumner

East Central: Anderson, Chase, Coffey, Douglas, Franklin, Geary, Johnson, Linn, Lyon, Miami, Morris, Osage, Shawnee, Wabaunsee

Southeast: Allen, Bourbon, Butler, Chautauqua, Cherokee, Cowley, Crawford, Elk, Greenwood, Labette, Montgomery, Neosho, Wilson, Woodson

Executive Order No. 2003-19, declaring a Drought Emergency; and authorizing and implementing Drought Emergency-level response actions for the counties identified below:

Northeast: Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Riley, Wyandotte

Executive Order No. 2003-20, pursuant to K.S.A. 75-3711c, providing the executive branch agencies with copies of the cellular phone policies to be utilized in the operations of such state agencies; and hereby rescinding Executive Order No. 03-08.

Executive Order No. 2003-21, establishing the Governor's Office of Health Planning and Finance.

Executive Order No. 2003-22, declaring a Drought Emergency; and authorizing and implementing Drought Emergency-level response actions for the counties identified below:

Northwest: Cheyenne, Decatur, Graham, Norton, Rawlins, Sheridan, Sherman and Thomas

West Central: Gove, Greeley, Lane, Logan, Ness, Scott, Trego, Wallace and Wichita.
These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

Sincerely,
Pat Saville
Secretary of the Senate

January 12, 2004

The Honorable Dave Kerr
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Kerr:

This letter is to advise you that the Office of the Secretary of the Senate has received the following communications during the interim since adjournment of the 2003 Regular Session of the Legislature:

Department of Administration, Division of Accounts and Reports, submitting the fiftieth Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2003. This Comprehensive Report (CAFR) has been prepared for the first time in CD format and will not be distributed in bound book form. The document is available on line at <http://da.state.ks.us/ar/finrpt>.

Department of Human Resources, submitting the 2003 Kansas Employment Security Advisory Council Annual Report.

Department of Wildlife and Parks, submitting notification of compliance with 2003 Session Laws of Kansas, Chapter 138, Section 83 (b).

Kansas Parole Board, submitting the FY 2003, Annual Report.

Kansas Public Employees Retirement System, submitting the Annual Report for the fiscal year ending June 30, 2003.

Kansas Sentencing Commission, submitting the FY 2004 Adult Inmate Prison Population Projections.

Kansas State Treasure, Lynn Jenkins, submitting the Annual Report for FY 2003.

Senate President Dave Kerr

January 12, 2004

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Pooled Money Investment Board, submitting in compliance with K.S.A. 75-4222(h), the Annual Report for Fiscal Year 2003.

University of Kansas Hospital Authority, submitting the Annual Report for 2003.

These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

Sincerely,
Pat Saville
Secretary of the Senate

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Committee on Confirmation Oversight begs leave to submit the following report:

The following appointments were referred to and considered by the committee. Your committee has authorized each appointee to exercise the powers, duties and functions of office until the appointment is confirmed by the Senate in the manner provided by K.S.A. 75-4315b during the 2004 regular legislative session:

By the Governor:

State Banking Board: K.S.A. 74-3004
 Mark C. Parman, term expires March 15, 2006
 Joseph A. Smith, term expires March 15, 2006
 Jane S. Schnellbacher, term expires March 15, 2006
 Kansas Technology Enterprise Corporation: K.S.A. 2003 Supp. 74-8101
 Linda L. Reinhardt, term expires January 15, 2007
 Edmond (Ted) Q. Haggart, term expires January 15, 2007
 Gerald D. Loper, term expires January 15, 2007
 Kansas Racing and Gaming Commission: K.S.A. 74-8803
 Carol H. Sader, term expires January 15, 2007
 Stanley M. Teeter, term expires January 15, 2007
 State Board of Indigents' Defense Services: K.S.A. 22-4519
 Lawrence P. Daniels, term expires January 15, 2006
 State Board of Regents: K.S.A. 74-3202a
 Janice B. DeBauge, term expires June 30, 2007
 Franklin D. Gaines, term expires June 30, 2007
 Nelson Galle, term expires June 30, 2007
 Kansas Parole Board: K.S.A. 2003 Supp. 22-3707
 Paul Feleciano, Jr., term expires January 15, 2007
 Employment Security Board of Review: K.S.A. 2003 Supp. 44-709
 Harry D. Helsler, term expires March 15, 2007
 Kansas Development Finance Authority: K.S.A. 74-8903
 Audrey H. Langworthy, term expires January 15, 2005
 State Board of Tax Appeals: K.S.A. 2003 Supp. 74-2433
 Thomas H. Slack, term expires January 15, 2004
 Kansas Public Employees' Retirement System: K.S.A. 74-4905
 Douglas Wolff, term expires January 15, 2007
 Public Employee Relations Board: K.S.A. 75-4323
 Kenneth W. Gorman, term expires March 15, 2007
 H. Wayne Maichel, term expires March 15, 2005
 Kansas Agricultural Remediation Board: K.S.A. 2-3709
 Kamyar Nikoomanesh, term expires June 30, 2007
 Timothy A. Peterson, term expires June 30, 2007
 Kansas Water Authority, Chairperson: K.S.A. 2003 Supp. 74-2622
 Steve Irsik, serves at the pleasure of the Governor
 Also at the invitation of the chairperson of the committee, the following appointees appeared before and were considered by the committee. The committee recommends that the Senate consent to such appointments:
 By the Governor:
 Department of Human Resources, Secretary: K.S.A. 2003 Supp. 75-5701
 Jim D. Garner, serves at the pleasure of the Governor
 Kansas Highway Patrol, Superintendent: K.S.A. 74-2113
 William R. Seck, serves at the pleasure of the Governor
 Department of Revenue, Secretary: K.S.A. 2003 Supp. 75-5101
 Joan Wagon, serves at the pleasure of the Governor
 Kansas Securities Commission, Commissioner: K.S.A. 2003 Supp. 75-6301
 Chris Biggs, serves at the pleasure of the Governor

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6002**, a resolution relating to the organization of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas:

That the chief clerk of the House of Representatives notify the senate that the House is organized with the following officers.

Doug Mays, speaker

John Ballou, speaker pro tem

Clay Aurand, majority leader
 Dennis McKinney, minority leader
 Janet E. Jones, chief clerk
 Wayne Owen, sergeant-at-arms,
 and awaits the pleasure of the Senate.

Announcing adoption of **HCR 5025**, a concurrent resolution relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications, and the appointment of Representatives Holmes, Pottorff and Henderson as members of the committee to wait upon the governor.

Announcing adoption of **HCR 5026**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, and the appointment of Representatives Neufeld, Jim Morrison and Minor to escort the Governor.

Also, Representatives Wilk, Hayzlett and Thimesch to escort the Lieutenant Governor.

Also, Representatives O'Neal, Freeborn and Ruff to escort the Supreme Court.

Also, Representatives Beggs, Cox and Burroughs to escort the Senate.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5025, a concurrent resolution relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications, was introduced and read by title.

On emergency motion of Senator Oleen, **HCR 5025** was adopted by voice vote.

In compliance with **HCR 5025**, President Kerr appointed Senator Taddiken and Senator Goodwin as Senate members of the committee to notify the Governor the Senate is organized.

HCR 5026, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, was introduced and read by title.

On emergency motion of Senator Oleen, **HCR 5026** was adopted by voice vote.

In compliance with **HCR 5026**, the President appointed Senator Adkins and Senator Downey to escort the Governor; Senator Wagle and Senator Helgerson to escort the Lt. Governor; and Senator O'Connor and Senator Haley to escort the Supreme Court.

The President announced the Senate would recess until 6:15 p.m., for the purpose of a joint meeting with the House of Representatives to hear the State of the State Address by Governor Sebelius.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, January 13, 2004.

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

PAT SAVILLE, *Secretary of the Senate*.

