

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 29, 2004—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-eight senators present.
Senators Corbin and Goodwin were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Twelve years ago I prayed this prayer of gratitude to You for the beauty of the state we call home. On this 143rd anniversary of her admission to the Union, I would like to repeat to You this love letter for Kansas (slightly amended).

We have not the beaches of Florida
Nor Colorado's majestic peaks,
But You, O God, have touched Kansas with
a beauty all her own.

You have delivered definitive seasons
With scorching Julys and bone-numbing Januaries—
Punctuated by gloriously delightful Springtimes with
the temperature of heaven,
And autumns with stunning mosaics of brazen colors.

Her skyline is studded with islands of elevators
like Castles on the Plains.
Her Flint Hills sooth us with their undulating lines
Like a gigantic golf course without the distractions of
flags and sand traps.

Fascinating formations of chalk
rise from the Gove County landscape,
While wind-blown wheat flows like a Golden Ocean
as far as the human eye can see.

Other states are infatuating like a surprisingly
beautiful blind date,
But You, O God, have made Kansas like a True Love—
The longer we live with her, the more devoted we are.

And for that we bow our heads in praise.

I dedicate this love letter to You in the Name of Christ.

AMEN

SPECIAL GUESTS

Senator Pugh rose on a Point of Personal Privilege to introduce five-year-old Abby Julo and her parents, Mark and Amy Julo of Atchison, Kansas. Since the age of 18 months, Abby

has had the unusual talent of remembering the names of our nation's leaders. Abby has the ability to recite the governors of every state, past presidents and all the first ladies and vice president in US history. In her short life she has learned more about the people who have helped shape our country than most people learn in a lifetime. Abby demonstrated her talent for the Senate by reciting the Presidential Oath of Office. She has appeared on Oprah Winfrey and Jay Leno and has visited the White House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 386, An act concerning county appraisers; pertaining to the term of office; amending K.S.A. 2003 Supp. 19-430 and repealing the existing section, by Senator Emler.

SB 387, An act concerning the interlocal agreement act; relating to the powers and duties of public agencies; amending K.S.A. 2003 Supp. 12-2904 and repealing the existing section, by Senator Emler.

SB 388, An act relating to the capitol area security patrol; concerning authority thereof; amending K.S.A. 2003 Supp. 75-4503 and repealing the existing section, by Senator Emler.

SB 389, An act relating to law enforcement; concerning special deputies; relating to multijurisdictional law enforcement groups; amending K.S.A. 22-2404 and 74-5608a and K.S.A. 2003 Supp. 19-805a, 19-805b, 19-828 and 21-4201 and repealing the existing sections, by Senator Emler.

SB 390, An act concerning taxation; relating to amount of refunds of homestead property tax; amending K.S.A. 79-4508 and repealing the existing section, by Senator Vratil.

SB 391, An act amending the uniform consumer credit code; relating to additional charges; amending K.S.A. 2003 Supp. 16a-2-501 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 392, An act relating to the committee on surety bonds and insurance; authorizing competitive negotiation for certain contracts, by Committee on Financial Institutions and Insurance.

SB 393, An act establishing the Kansas center for entrepreneurship within the department of commerce; providing for the membership and organization thereof; prescribing powers, duties and functions therefor; providing tax credits for investment in Kansas community entrepreneurship fund, by Committee on Commerce.

SB 394, An act concerning the department of commerce; relating to IMPACT; amending K.S.A. 2003 Supp. 74-50,103, 74-50,104, 74-50,107 and 74-50,108 and repealing the existing sections, by Committee on Commerce.

SB 395, An act concerning special obligation bonds; relating to sales tax revenue bonds; payment sources; amending K.S.A. 2003 Supp. 12-1774 and repealing the existing section, by Committee on Commerce.

SB 396, An act concerning the nuclear energy development and control act; relating to fees; amending K.S.A. 48-1606 and K.S.A. 2003 Supp. 48-1613 and repealing the existing sections, by Committee on Natural Resources.

SB 397, An act concerning the secretary of health and environment; providing for the establishment of an electronic communicable disease reporting system; establishing criteria for the system, by Committee on Public Health and Welfare.

SB 398, An act enacting the unborn victims of violence act, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 378**.

Elections and Local Government: **SB 377**.

Financial Institutions & Insurance: **SB 379**, **SB 380**.

Judiciary: **Sub HB 2049**.

Transportation: **SB 383**, **SB 384**, **SB 385**.

Utilities: **SB 382**.

Ways and Means: **SB 381**.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Oleen moved the following appointments be confirmed as recommended by the Standing Senate Committees:

On the appointment to the:

Department of Human Resources, Secretary:

Jim D. Garner, to serve at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schoendorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Department of Revenue, Secretary:

Joan Wagnon, to serve at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schoendorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Employment Security Board of Review:

Harry D. Helser, to serve a term of 4 years.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schoendorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Kansas Agriculture Remediation Board:

Kamyar Nikoomanesh P.E., to serve a term of 4 years.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schoendorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Kansas Agriculture Remediation Board:

Timothy A. Peterson, to serve a term of 4 years.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jor-

dan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Kansas Development Finance Authority:

Audrey H. Langworthy, to fulfill and unexpired term ending January 15, 2005.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Kansas Highway Patrol, Superintendent:

William R. Seck, to serve at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Kansas Parole Board:

Paul Feleciano, Jr., to serve a term of 4 years.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

On the appointment to the:

Kansas Public Employes' Retirement System Board of Trustees:

Douglas Wolff, to serve a term of 4 years.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The appointment was confirmed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 297, An act concerning civil procedure; relating to docket fees; amending K.S.A. 2003 Supp. 20-367, 28-172a, 59-104, 60-1621 and 60-2001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Jackson, Jordan, Journey,

Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp.

Absent or Not Voting: Corbin, Goodwin.

The bill passed, as amended.

SB 312, An act concerning the emergency medical services board and the state fire marshal; relating to financial support thereof; amending K.S.A. 2003 Supp. 75-1508 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Corbin, Goodwin.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 307** be passed.

Committee on **Federal and State Affairs** recommends **SB 295** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 311** be passed.

Committee on **Judiciary** recommends **SB 324** be passed.

REPORT ON ENGROSSED BILLS

SB 297, **SB 312** reported correctly engrossed January 28, 2004.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Friday, January 30, 2004.

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

PAT SAVILLE, *Secretary of the Senate*.

