

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 3, 2004—2:30 p.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,

In His parable of the talents Jesus taught that we are placed on this earth to be productive by using the gifts He has bestowed upon us.

You have made it clear, O God,
That we are not all blessed
With the same amount of gifts,
But we all must do our best.

But You have also promised
That when from this earth we've parted,
That those who have been faithful
Will be equally rewarded.

So even though there're others
Who have more gifts than we,
You'll be pleased with all of us
To the same degree.

We thank You if our gifts are few
That we are not condemned;
It matters not how many,
But what we do with them!

I pray in the Name of the Christ,

AMEN

GUESTS

Senator Corbin introduced members of the Prairie Rose Wranglers Band, Orin Friesen, Jim Farrell, Stu Stuart, and Steve Crawford who performed today in the Capitol, and have played at Carnegie Hall.

Accompanying the band members were Thomas and Cheryl Etheredge and Kathleen Stuart.

Senator Pugh introduced longtime friend, artist and photographer, Tom Leopold, Zeandale, Kansas, who was visiting the Capitol.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 550. An act concerning schools and school districts; relating to school finance; providing revenue therefor; amending K.S.A. 72-6405, 72-6410, 72-6412, 72-6413, 72-6414 and

72-6442 and K.S.A. 2003 Supp. 72-6407, 72-6431, 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 72-6433b and 72-6440 and K.S.A. 2003 Supp. 72-6431b, 72-6431c, 79-201y, 79-3603c, 79-3620c and 79-3710a, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **Sub HB 2594**.

Commerce: **HB 2539, HB 2653**.

Elections and Local Government: **HB 2615, HB 2712, HB 2758, HB 2774, HB 2805**.

Natural Resources: **Sub HB 2583; HB 2668**.

Federal and State Affairs: **HB 2393, HB 2489, HB 2490, HB 2585; Sub HB 2713**.

Judiciary: **HB 2595, HB 2618, HB 2636, HB 2638, HB 2649, HB 2693; Sub HB 2697; HB 2714, HB 2727, HB 2742, HB 2764; Sub HB 2815; HB 2862, HB 2874, HB 2880, HB 2889**.

Public Health and Welfare: **HB 2577, HB 2735, HB 2760, HB 2813**.

Ways and Means: **SB 549**.

CHANGE OF REFERENCE

The President withdrew **HB 2653** from the Committee on Commerce, and referred the bill to the Committee on Natural Resources.

MESSAGE FROM THE GOVERNOR

SB 324 approved on February 27, 2004.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF COMMERCE AND HOUSING

May 2003

The Department of Commerce and Housing submitted the Kansas School to Careers Evaluation Final Report, prepared by MPR Associates, Inc., of Berkeley, California.

KANSAS CORPORATION COMMISSION

Kansas State Energy Program

Brian Moline, Chair, Kansas Corporation Commission, submitted the Kansas State Energy Program 2003 Annual Report.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1822—

A RESOLUTION congratulating and commending Teresa Walters.

WHEREAS, Teresa Walters, an Emporian, has been chosen to receive the KiKi Camarena Honorable Mention National Award from the National Family Partnership, a leading organization supporting America's families by promoting healthy, drug-free youth through prevention and education. She was chosen for this honor by the National Family Partnership Award Committee; and

WHEREAS, Since 1998 Mrs. Walters has served as the Executive Director of the Emporians for Drug Awareness, Inc. and is considered a leader in the field of drug prevention in the state of Kansas. As a result of her involvement, Emporians for Drug Awareness was the first recipient of a Drug-Free Communities Grant in the state of Kansas; and

WHEREAS, Mrs. Walters has worked to educate numerous individuals across Kansas about fetal alcohol syndrome and its relationship to mental retardation in children, and she applied and received funds to establish the first fetal alcohol syndrome diagnostic clinic in Emporia; and

WHEREAS, Mrs. Walters initiated P.R.O.U.D. (Public Officials Opposed to Underage Drinking) and as a result, alcohol use among youth has decreased. She also obtained a grant from the Kansas Department of Transportation and cooperated with the Emporia Police Department on underage drinking enforcement and DUI checkpoints. She also co-chaired the Kansas Leadership to Keep Children Alcohol Free; and

WHEREAS, Teresa Walters has achieved numerous "firsts" in her community, not only by developing new programs but also being able to find the funds to support them. She is a positive role model in her community and for the great state of Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Teresa Walters for her involvement in reducing drug and alcohol abuse in her community; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Mrs. Teresa Walters, 2850 Rio Vista Drive, Emporia, KS 66801.

On emergency motion of Senator Barnett **SR 1822** was adopted unanimously.

Senator Barnett and members of the Senate congratulated Teresa Walters on her many accomplishments with a standing ovation. Accompanying Teresa were her husband, Francis Walters; Margi Grimwood; Michelle Voth; Dan Mauer; Marie Torrez-Anderson and Pete Bodyk.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 293**, as amended by Senate Committee, be amended as recommended by the Committee on Education and the bill be passed as amended.

Also, **SB 540** be amended on page 1, in line 13, by striking "July 1, 2005" and inserting "January 1, 2006"; by striking all in lines 15 through 20 and inserting:

"(1) Print on a person's identification card, such person's social security number or an identification number or code which contains three or more of the same digits, in the same sequence, in such person's social security number.

(2) Make available by the reading of the magnetic strip or other encoded information on a person's identification card, such person's social security number or an identification number or code which contains three or more of the same digits, in the same sequence, in such person's social security number.

(b) As used in this section:

(1) "Person" means an employee of or a student enrolled at a postsecondary educational institution.

(2) "Postsecondary educational institution";

In the title, in line 10, by striking "student or employee's" and inserting "the use of"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 400** be passed.

Also, 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 Secretary of Revenue:

Director of Division of Alcoholic Beverage Control: K.S.A. 75-5117

Thomas W. Groneman, serves at the pleasure of the Secretary of Revenue

Committee on **Judiciary** recommends **HB 2154** be amended on page 1, in line 14, by striking "a contract or" and inserting "an"; in line 16, by striking "railroad right of"; in line 17, by striking "entry,"; also in line 17, by striking ", appliance"; in line 19, by striking "under a construction contract"; and inserting ", except that no deed, lease, easement, license or other instrument granting an interest in or the right to possess property shall be deemed to be a construction contract even if the instrument includes the right to design, construct, alter, renovate, repair or maintain improvements on such real property"; in line 26, after "or" by inserting "other agreement, including, but not limited to, a right of entry,"; in line 27, after "contract" by inserting a comma; after line 29, by inserting the following:

"(c) This act shall not be construed to affect or impair the contractual obligation of a contractor or owner to provide railroad protective insurance or general liability insurance.";

And by relettering the remaining subsection accordingly; and the bill be passed as amended;

Committee on **Ways and Means** recommends **SB 320** be amended on page 2, after line 8, by inserting the following:

“(b) A grandparent shall not be eligible to participate in the grandparents as foster parents program if the parent or parents of the grandchild reside with the grandparents.”;

Also on page 2, in line 9, by striking “(b)” and inserting “(c)”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 299, SB 303, SB 310, SB 321, SB 354, SB 367, SB 388, SB 390, SB 392, SB 394, SB 425, SB 430, SB 437, SB 441, SB 452, SB 453, SB 461, SB 466, SB 469, SB 480, SB 483, SB 509, SB 511, SB 520, SB 521 reported correctly engrossed March 2, 2004.

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 Taddiken in the chair.

On motion of Senator Taddiken the following report was adopted:

Recommended **SB 408, SB 523** be amended by adoption of the committee amendments, and the bills be passed as amended.

Sub SB 275 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Huelskamp on page 1, in line 13, before “Section” by inserting “New”; in line 15, before “Sec.” by inserting “New”; in line 43, before “Sec.” by inserting “New”;

On page 2, in line 5, before “Sec.” by inserting “New”; in line 9, before “Sec.” by inserting “New”; in line 24, before “Sec.” by inserting “New”;

On page 4, in line 7, before “Sec.” by inserting “New”; in line 38, before “Sec.” by inserting “New”;

On page 5, in line 24, before “Sec.” by inserting “New”; in line 29, before “Sec.” by inserting “New”; in line 39, before “Sec.” by inserting “New”;

On page 6, in line 4, before “Sec.” by inserting “New”; in line 14, before “Sec.” by inserting “New”; in line 18, before “Sec.” by inserting “New”; in line 23, before “Sec.” by inserting “New”;

On page 7, in line 5, before “Sec.” by inserting “New”; in line 14, before “Sec.” by inserting “New”; in line 17, before “Sec.” by inserting “New”; in line 23, before “Sec.” by inserting “New”; in line 30, before “Sec.” by inserting “New”; in line 36, before “Sec.” by inserting “New”;

On page 8, after line 2, by inserting the following:

“Sec. 22. K.S.A. 2003 Supp. 75-52,129 is hereby amended to read as follows: 75-52,129.

(a) The secretary of corrections is hereby authorized to negotiate and enter into contracts with Kansas cities and counties for the placement of inmates, who are classified as medium custody or any higher custody or security classification, in facilities owned and operated by the cities and counties. If the secretary of corrections proposes to place any inmates classified as medium custody or any higher custody classification for confinement in facilities other than correctional or other institutions or facilities owned and operated by the department of corrections or any other state agency, the secretary of corrections shall give first consideration to entering into contracts with Kansas cities and counties under this section before attempting to place any such inmate for confinement at any *private contract prison, as defined in section 2, and amendments thereto, or any location outside the state of Kansas if the facilities to be provided under such contracts are substantially equal to private contract prisons or facilities at locations outside the state of Kansas and if arrangements can be made in a timely manner.* Except as provided in subsection (b), the provisions of this section and any contract or preliminary letter of commitment entered into pursuant to this section shall not apply to any minimum custody or community custody status inmates, or any other custody or security classification lower than medium custody, or to any inmate who may be placed in a work release or prerelease program, center or facility by the secretary of corrections, who is eligible for parole or who is placed pursuant to the interstate corrections

compact. Contracts entered into pursuant to this section shall not be subject to competitive bid requirements under K.S.A. 75-3739 and amendments thereto.

(b) The secretary shall not enter into any contract as provided in subsection (a) with any city or county of this state for the placement of inmates that does not provide that such city or county shall provide and maintain appropriate and recognized standards of safety, health and security.

Sec. 23. K.S.A. 2003 Supp. 75-52,129 is hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 1, in the title, in line 10, before the period by inserting “; amending K.S.A. 2003 Supp. 75-52,129 and repealing the existing section” , and **Sub SB 275** be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, March 4, 2004.

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

PAT SAVILLE, *Secretary of the Senate*.

