

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 4, 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,

One of the many challenges we face during the session is having to change gears from one bill to another.

We move from marijuana taxation
To tax payer identification.

From standard of housing installation
To road and highway designation.

Then from workers compensation
To financing education.

From inmate death investigation
To benefits disqualification

Alcoholic beverage regulation
To Standards of housing installation.

From enterprise corporation
To credit service organization.

From private property limitation
To dead bodies examination.

All this results in perspiration
And a fair amount of aggravation.

From license expiration
To animal identification.

Help us, Lord, with concentration
And a minimum of irritation.

From public safety communication
To administering of sedation.

I pray in the Name of Jesus.

AMEN

GUESTS

Senator Brownlee introduced her son, Jeff, who was serving as Senate page.

Senator Oleen introduced her second cousin, Lane Coffelt and friends, Chase Stewart and Ashley Jones, who were serving as Senate pages.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 551, An act concerning diversion; amending K.S.A. 12-4112, 12-4412, 12-4416 and 22-2909 and repealing the existing sections, by Committee on Ways and Means.

SB 552, An act concerning the crime victims funds; amending K.S.A. 74-7336 and repealing the existing section, by Committee on Ways and Means.

SB 553, An act concerning cities; relating to quarterly reports of the treasurer; amending K.S.A. 12-1608 and repealing the existing section, by Committee on Federal and State Affairs.

SB 554, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirement date; amending K.S.A. 20-2608, 74-4914, 74-4914c, 74-4937 and 74-49,104 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:
Education: **SB 550**.

CHANGE OF REFERENCE

The President withdrew **SB 313** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Assessment and Taxation.

The President withdrew **SB 374** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Education.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2798**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2798 was thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Secretary of Revenue to the senate for confirmation, was considered.

Senator Oleen moved the following appointment be confirmed as recommended by the Standing Senate Committee:

On the appointment to the:

Division of Alcoholic Beverage Control, Director:

Thomas W. Groneman, to serve at the pleasure of the Secretary of Revenue.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, 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.

The appointment was confirmed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

Sub SB 275, An act concerning correctional facilities; relating to construction by private companies; amending K.S.A. 2003 Supp. 75-52,129 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 13, Present and Passing 1, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Buhler, Bunten, Clark, Donovan, Downey, Goodwin, Huelskamp, Jackson, Jordan, Journey, Lyon, Morris, O'Connor, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Wagle.

Nays: Barone, Betts, Brungardt, Corbin, Emler, Gilstrap, Haley, Helgerson, Hensley, Lee, Oleen, Pugh, Vratil.

Present and Passing: Kerr.

The substitute bill passed, as amended.

SB 408, An act concerning public improvements and buildings; relating to public works bonds; amending K.S.A. 2003 Supp. 60-1111 and repealing the existing section, was considered on final action..

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Brungardt, Emler, Helgerson.

The bill passed, as amended.

SB 523, An act concerning taxing subdivisions of the state; relating to budgets thereof; amending K.S.A. 79-2929a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 533** be amended on page 1, in line 15, by striking "(a)"; in line 16, by striking "three" and inserting "two"; in line 18, by striking "this act, the tribal gaming oversight" and inserting "the Kansas parimutuel racing"; in line 25, by striking all following "commission"; by striking all in lines 26 and 27; in line 28, by striking all preceding the period; by striking all in lines 29 through 38 and inserting new material to read as follows:

"Sec. 2. K.S.A. 74-9804 is hereby amended to read as follows: 74-9804. (a) (1) The governor shall appoint, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto, an executive director of the state gaming agency, to serve at the pleasure of the governor. Before appointing any person as executive director, the governor shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The executive director shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the executive director's assigned duties; (C) be a citizen of the United States and an actual resident of Kansas during employment as executive director; (D) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment; and (E) have familiarity with gaming industries sufficient to fulfill the duties of the office of executive director.

(3) The executive director shall: (A) Determine, subject to the approval of the Kansas racing and gaming commission, the number and qualifications of employees necessary to implement and enforce the provisions of tribal-state gaming compacts and the provisions of the tribal gaming oversight act; (B) employ persons for those positions; and (C) perform such other duties as required by tribal-state gaming compacts.

(b) (1) The executive director may appoint a director of enforcement and compliance to serve at the pleasure of the executive director. Before appointing any person as director of enforcement and compliance, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The director of enforcement and compliance shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the director's assigned duties; (C) receive such compensation as determined by the executive director, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment as director of enforcement and compliance; (E) not have been convicted of a felony under the laws of any state or of the United States prior to and during employment as director of compliance; and (F) have been a professional law enforcement officer with a minimum of five years' experience in the field of law enforcement and at least a bachelor's degree in law enforcement administration, law, criminology or a related science or, in lieu thereof, a minimum of 10 years' experience in the field of law enforcement.

(3) The director of enforcement and compliance shall: (A) Be vested with law enforcement authority;

(B) conduct investigations relating to compliance with the provisions of tribal-state gaming compacts and the provisions of the tribal gaming oversight act;

(C) recommend proper compliance measures to tribal gaming commissions;

(D) train and supervise such personnel as employed by the executive director to assist with such duties; and

(E) perform such other duties as directed by the executive director.

(c) (1) The executive director may appoint enforcement agents. Before appointing any person as a enforcement agent, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) Each enforcement agent shall: (A) Be vested with law enforcement authority;

(B) be in the classified service under the Kansas civil service act;

(C) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment as enforcement agent; and

(D) be a professional law enforcement officer with a minimum of two years' experience in the field of law enforcement or, in lieu thereof, a bachelor's degree from an accredited university or college.

(3) Enforcement agents shall: (A) Conduct investigations relating to compliance with the provisions of tribal-state gaming compacts or the provisions of the tribal gaming oversight act; and (B) perform such other duties as directed by the executive director or the director of enforcement and compliance.

(d) *The attorney general shall appoint, with the approval of the executive director, an assistant attorney general who shall be assigned to assist the executive director in all matters, including the enforcement of the tribal gaming oversight act. Such attorney shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the attorney general, with the approval of the executive director, subject to the limitations of appropriations therefor. Such salary and any subsistence, mileage and other travel expenses of such attorney general shall be paid from the tribal gaming fund created by K.S.A. 74-9808 and amendments thereto.*;

By renumbering the remaining sections accordingly;

Also on page 1, in line 39, by striking "is" and inserting "and 74-9804 are";

In the title, in line 9, preceding the semicolon, by inserting "and the state gaming agency"; in line 11, preceding "and" by inserting "and 74-8904"; also in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** 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 Attorney General:

Crime Victims Compensation Board, Chairperson: K.S.A. 74-7303

Rita L. Noll, term expires March 15, 2008

Also, **HB 2525** be amended on page 1, in line 21, by striking all after "include"; in line 23, by striking "and" where it appears for the first time and inserting a comma; also in line 23, by striking "and" where it appears before "commercially" and inserting a comma; in line 24, before the period, by inserting ", and class "c" 1.4 fireworks unless the class "c" 1.4 fireworks are used for a purpose not intended by manufacturers of class "c" 1.4 fireworks"; and the bill be passed as amended.

Committee on Ways and Means recommends **SB 487**; **HB 2670** be passed.

Also, **HB 2669** be amended on page 5, in line 15, following the semicolon by inserting "or"; in line 18, by striking "; or"; by striking all in line 19; in line 20, by striking all before the period; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

Sub SB 275; **SB 408**, **SB 523** reported correctly engrossed March 4, 2004.

REPORT ON ENROLLED BILLS

SR 1822 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 4, 2004.

CORRECTION OF THE JOURNAL

Correct the Journal of the Senate for Wednesday, March 3, 2004, page 1297, under the heading "Reports of Standing Committees" to show the Committee on Ways and Means, **SB 320** to read as follows:

Committee on **Ways and Means** recommends **SB 320** be amended on page 1, in line 15, by striking "5" and inserting "6"; in line 41, by striking "A" and inserting "Pursuant to meeting financial eligibility as developed by the secretary, a";

On page 2, in line 1, by striking all after "(2)"; in line 2, by striking all before "has"; in line 3, after "state" by inserting ", is the legal guardian of the grandchild"; in line 5, by striking "200%" and inserting "130%"; 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)"; in line 19, by striking "Subject" and inserting "By the last quarter of fiscal year 2005 and subject"; in line 39, by striking "shall" and inserting "may";

On page 3, after line 12, by inserting the following:

"Sec. 7. The secretary may adopt rules and regulations to implement the provisions of this act.";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 15, before the period by inserting "and under no circumstances shall the program exceed the amount appropriated each year"; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 9:00 a.m., Friday, March 5, 2004.

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

PAT SAVILLE, *Secretary of the Senate*.

