

# Journal of the Senate

## FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 10, 2005—2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and KSA 46-142(d), the 2005 Session of the Kansas Legislature was called to order by Secretary of State Ron Thornburgh.

Secretary Thornburgh introduced the Rev. Fred S. Holloman, Topeka, Kansas, who will again serve as the Senate Chaplain and delivered the following invocation:

Heavenly Father,

Forgive us if we should think we can effectively represent 60,000 people without Your knowledge, Your power, and Your presence.

You are omniscient; You know all things; We know relatively little.

You are omnipotent; You have all power; We are relatively weak.

You are omnipresent; You are always everywhere; We are limited to one place at a time.

So don't let us try to fly solo and forget that You are the Navigator.

I pray in the Name of Christ.

AMEN

Secretary Thornburgh appointed Pat Saville to serve as temporary Secretary of the Senate until such time as a permanent secretary is appointed.

Secretary Thornburgh requested the reader to call the roll of the Senate from the certified list of members-elect as submitted by the Secretary of State and recorded in the preorganizational meeting of December 6, 2004.

Forty members-elect were present.

Secretary Thornburgh introduced the Honorable Kay McFarland, Chief Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly elected senators.

### OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

We, and each of us, do solemnly swear or affirm that we will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of the office of the Senator of the state of Kansas, So help us God.

#### District

1 Dennis D. Pyle  
2 Marci Francisco  
3 Roger C. Pine  
4 David Haley  
5 Mark S. Gilstrap  
6 Chris Steineger  
7 David Wysong

#### District

21 Mark Taddiken  
22 Roger P. Reitz  
23 Karin Brownlee  
24 Pete Brungardt  
25 Jean Kurtis Schodorf  
26 Phillip B. Journey  
27 Leslie D. Donovan, Sr.

8	Barbara P. Allen	28	Mike Petersen
9	Kay O'Connor	29	Donald Betts, Jr.
10	Nick Jordan	30	Susan Wagle
11	John L. Vratil	31	Carolyn McGinn
12	Pat Apple	32	Greta Goodwin
13	Jim Barone	33	Ruth Teichman
14	Dwayne Umbarger	34	Terry Bruce
15	Derek Schmidt	35	Jay Emler
16	Peggy Palmer	36	Janis K. Lee
17	Jim Barnett	37	Dennis M. Wilson
18	Laura Kelly	38	Tim Huelskamp
19	Anthony Hensley	39	Stephen R. Morris
20	Vicki Schmidt	40	Ralph Ostmeyer

Subscribed and sworn to, or affirmed, before me this 10th day of January, 2005.

Kay McFarland  
*Chief Justice of the Supreme Court*

#### CAUCUS REPORTS

The majority and minority caucus reports were submitted and read:

Majority Party Caucus  
December 6, 2004

The members-elect of the majority party of the Senate have met and caucused as required by KSA 46-142, and:

- (a) Nominate as their candidates for the following offices for the next ensuing four years:
  - (1) President of the Senate, Stephen Morris
  - (2) Vice President of the Senate, John Vratil
- (b) Select the following caucus or party officers:
  - (1) Majority Leader, Derek Schmidt
  - (2) Assistant Majority Leader, Karin Brownlee
  - (3) Assistant Majority Leader/Whip, Jean Schodorf
- (c) Select the following named members of the Committee on Organization, Calendar and Rules:
  - Position No. 1, Dwayne Umbarger
  - Position No. 2, Pete Brungardt
  - Position No. 3, Les Donovan
  - Position No. 4, Ruth Teichman
  - Position No. 5, Susan Wagle
  - Position No. 6, Jim Barnett

Stephen Morris  
Chairperson  
*Majority Party Caucus*

Minority Party Caucus  
December 6, 2004

The members-elect of the minority party of the Senate have met and caucused as required by KSA 46-142, and have selected the following caucus or party officers:

- (a) Democratic Leader, Anthony Hensley
- (b) Assistant Democratic Leader, Janis Lee
- (c) Caucus Chair, Jim Barone
- (d) Democratic Whip, Chris Steineger

Marci Francisco  
Chairperson  
*Minority Party Caucus*

Secretary Thornburgh proceeded with the business of the election of officers of the Senate.

In compliance with the Majority Caucus Report, Senator Schmidt placed in nomination the name of Senator Stephen Morris for the office of President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator Morris was elected by acclamation.

Senator Schmidt then placed in nomination the name of Senator John Vratil for the office of Vice President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator Vratil was elected by acclamation.

Senator Thornburgh requested Senators Schmidt and Hensley to escort the newly elected President and Vice President to the front of the Senate Chamber, where Chief Justice McFarland administered the Oath of Office.

#### OATH OF OFFICE

We, and each of us, do solemnly swear, or affirm, that we will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of our respective offices in the Kansas State Senate.

STEPHEN MORRIS, *President*

JOHN VRATIL, *Vice President*

Subscribed and sworn to, or affirmed, before me the 10th day of January, 2005

KAY MCFARLAND

*Chief Justice of the Supreme Court*

Secretary Thornburgh passed the gavel to President Morris.

#### REMARKS BY PRESIDENT MORRIS

I want to congratulate each of you for being a Kansas State Senator. Very few people in the State of Kansas ever have the honor and privilege to serve in this majestic building. The income you receive is modest; however, the intangible compensation is truly significant.

The great Albert Schweitzer once said,

“I don’t know what your destiny will be,  
but one thing I do know:  
the only ones among you  
who will be really happy  
are those who have sought  
and found  
how to serve....”

The opportunities to make a difference in the lives of your constituents, to help develop good public policy for this great state of ours, and to participate in this democratic process as the people’s trusted representatives is a wonderful experience. During this process, you will develop lifelong friendships with your colleagues and many others who are part of our legislative endeavors. These friendships are priceless.

As we start the 2005 Legislative Session, we have many challenges ahead of us, and make no mistake, we have a lot of work waiting for us. Working together, we can turn those challenges into opportunities.

Thank you very much for your confidence in me. I feel very honored - and humbled - to be your President, and I am looking forward to working with all of you to meet the challenges before us.

We have many family members from all parts of Kansas with us today. Without the support and dedication of you - our families - we could not be here today. The State of Kansas owes you a debt of gratitude for allowing us the privilege to serve. Please stand to be recognized and let us honor YOU.

#### REMARKS BY MINORITY LEADER HENSLEY

Thank you, Mr. President. Congratulations to you, the Vice-President, the majority Leader, and the other leadership of the majority party.

First, I want to use this occasion to remember one of our colleagues whose unfortunate and untimely death did not allow him to return this term.

The Senator from Thomas was a good and decent man who represented the people of the 40th district with integrity, common sense and compassion. More than that, Stan Clark was a loving husband and father. And, he was my friend and I will miss him very much.

Next, I want to thank my fellow Democrats for electing me to once again serve as their leader. This is a high honor you have bestowed upon me and I will continue to do my best to work hard and never let you down.

Mr. President, on behalf of the Minority Party, I want to say we look forward to working with you and your colleagues in the majority party. We pledge to you to be honest and straightforward in our dealings with you. We make this pledge also acknowledging that there will be those times in the process when we will, to use legislative vernacular, "agree to disagree."

We have a great responsibility. We have been entrusted by the people of our district to represent them in this great and historic legislative body.

I recall the first day of a previous term when our own chaplain Fred Hollomon, in his invocation gave us an important reminder as to how we should conduct ourselves:

"Help us to resolve now, we will not sacrifice what is right for what is expedient;  
That although we recognize that politics is the art of compromise, we will  
determine now what principles are not negotiable;  
That the truth hurts, but lies are fatal;  
That it's better to lose a battle than to lose credibility;  
And, that the only reason any of us have any authority is by God's permission."

Finally, Mr. President, I welcome the fourteen new Senators who were sworn in with us older-timers today. I also welcome their families.

I well remember the first time you, Mr. President, and I were sworn into the Senate. We belonged to a freshman class of twenty-one new Senators and we are the only two remaining from that class today.

To the freshman, I would like to share with you a quote from the history of the British Parliament - and if I may be so bold - some advice.

On the first day of a session of Parliament, the prime Minister said, "To the new members of Parliament who have just come, I would say that for the first six months after you are here you will wonder how you got here. Then after that you will wonder how the rest of us got here."

This quote is appropriate to say that while we take our job of representing the people seriously, we should never take ourselves too seriously.

Thank you Mr. President.

#### **INTRODUCTION OF GUESTS**

President Morris introduced Dr. Verlin Janzen, President of the Kansas Academy of Family Physicians. Dr. Janzen is a graduate of the University of Nebraska Medical Center, and completed his family practice residency at St. Joseph Medical Center in Wichita. Dr. Janzen works at the Hutchinson Clinic. He serves as director of the clinic's laboratory serving 60 plus physicians, two outreach clinics and local nursing homes. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session.

Also recognized were Jody Kirkwood, Sgt.-at-Arms; Pat Saville, Secretary of the Senate; and 2nd Lt. Don Cackler from the Highway Patrol.

Introduced as the new reader was Allison Lee, a third year law student at Washburn University.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

On emergency motion of Senator Schmidt, **SR 1801** by Senators Morris, D. Schmidt 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:

Stephen Morris, president,  
 John Vratil, vice president,  
 Derek Schmidt, majority leader,  
 Anthony Hensley, minority leader,  
 Pat Saville, secretary,  
 Jody Kirkwood, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Schmidt, **SR 1802** by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1802—

A RESOLUTION relating to assignment of seats of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the permanent seats of the Senate are hereby assigned as follows: Allen 14, Apple 25, Barnett 7, Barone 35, Betts 28, Brownlee 20, Bruce 18, Brungardt 26, Donovan 5, Emler 13, Francisco 39, Gilstrap 34, Goodwin 40, Haley 27, Hensley 37, Huelskamp 31, Jordan 6, Journey 22, Kelly 36, Lee 38, McGinn 12, Morris 2, O'Connor 29, Ostneyer 16, Palmer 30, Peterson 32, Pine 9, Pyle 21, Reitz 11, D. Schmidt 1, V. Schmidt 24, Schodorf 8, Steineger 33, Taddiken 23, Teichman 10, Umbarger 3, Vratil 4, Wagle 19, Wilson 15 and Wysong 17.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 1**, An act concerning the Kansas bioscience authority; relating to the members of the board; amending K.S.A. 2004 Supp. 74-99b04 and repealing the existing section, by Committee on Confirmation Oversight.

**SB 2**, An act amending the Kansas consumer protection act; relating to certain vehicle dealer's required disclosures; amending K.S.A. 50-659 and repealing the existing section, by Senator Barnett.

**SB 3**, An act concerning racial profiling, by Senator Betts.

**SB 4**, An act concerning the Kansas manufactured housing act; prescribing installation standards; providing for manufactured home installers' licenses; providing for apprentice installers' licenses; authorizing certain fees and civil penalties; amending K.S.A. 58-4205 and K.S.A. 2004 Supp. 58-4202 and 74-8959 and repealing the existing sections, by Joint Committee on Economic Development.

**SB 5**, An act concerning the definition of trade secrets; amending K.S.A. 40-3805, 40-4205, 48-1614, 49-427, 65-170g, 65-657, 65-3015, 65-3447, 65-34,102, 66-1220a, 74-8104 and 74-8307 and repealing the existing sections, by Special Committee on Local Government.

**SB 6**, An act concerning abolition of the death penalty; amending K.S.A. 21-4634, 22-3705 and 22-4210 and K.S.A. 2004 Supp. 21-3105, 21-4619, 21-4635, 22-3405, 22-3717, 22-4505 and 22-4506 and repealing the existing sections; also repealing K.S.A. 21-3439, 21-4627, 21-4629, 21-4630, 22-3704, 22-4002, 22-4004, 22-4005 and 22-4016 and K.S.A. 2004 Supp. 21-4622, 21-4623, 21-4624, 22-4001, 22-4003, 22-4006, 22-4009, 22-4011, 22-4012, 22-4013 and 22-4014, by Senator Haley.

**SB 7**, An act concerning civil procedure; relating to child custody and residency; amending K.S.A. 2004 Supp. 60-1610 and repealing the existing section, by Senator Brownlee.

**SB 8**, An act concerning capital improvement projects for state educational institutions; amending K.S.A. 2004 Supp. 76-759 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 9**, An act repealing K.S.A. 71-202; concerning community colleges; relating to the powers and duties thereof, by Legislative Educational Planning Committee.

**SB 10**, An act concerning schools and school districts; relating to the self-administration of medication; amending K.S.A. 2004 Supp. 72-8252 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 11**, An act concerning teachers; relating to national board for professional teaching standards certification incentive program; amending K.S.A. 72-1398 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 12**, An act concerning taxation; relating to collection of delinquent taxes; tax liens; amending K.S.A. 2004 Supp. 79-3235 and 79-3617 and repealing the existing sections, by Special Committee on Assessment and Taxation.

**SB 13**, An act concerning taxation; relating to confidentiality of information; disclosure; amending K.S.A. 79-1119, 79-3392, 79-3614 and 79-4105 and K.S.A. 2004 Supp. 12-189, 75-5133, 79-3234 and 79-3657 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 74-8017, by Special Committee on Assessment and Taxation.

**SB 14**, An act concerning the death penalty; relating to mental retardation; amending K.S.A. 21-4634 and K.S.A. 2004 Supp. 21-3110 and 21-4624 and repealing the existing sections; also repealing K.S.A. 21-3110, as amended by section 10 of chapter 145 of the 2004 session laws of Kansas and K.S.A. 2004 Supp. 21-4623, by Special Committee on Judiciary.

**SB 15**, An act concerning taxation; relating to delinquent taxes; licenses; amending K.S.A. 77-512 and K.S.A. 2004 Supp. 41-311 and 41-2623 and repealing the existing sections, by Special Committee on Assessment and Taxation.

**SB 16**, An act concerning the Kansas agricultural remediation board; relating to the terms of members thereof; amending K.S.A. 2-3709 and repealing the existing section, by Confirmation Oversight Committee.

**SB 17**, An act concerning open meetings; amending K.S.A. 2004 Supp. 75-4318 and repealing the existing section, by Senator Hensley.

**SB 18**, An act requiring information regarding services for seniors and their families as part of budget estimates of state agencies and the governor's budget report; amending K.S.A. 2004 Supp. 75-3717 and 75-3721 and repealing the existing sections, by Senator Hensley.

**SB 19**, An act concerning the legislative post audit act; prescribing the confidentiality of surveys administered for audits; amending K.S.A. 46-1119 and repealing the existing section, by Legislative Post Audit Committee.

**SB 20**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer rate of contribution; amending K.S.A. 2004 Supp. 74-4920 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

**SB 21**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; certain payments for a claim on a canceled warrant; amending K.S.A. 10-813a and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

**SB 22**, An act concerning the Kansas public employees retirement system; relating to death and disability benefits; affiliation date of certain employers; amending K.S.A. 2004 Supp. 74-4927 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

**SB 23**, An act concerning sales tax on isolated or occasional sales of motor vehicles; relating to base of computation; verification; sales tax refunds; motor vehicle certificate of title; amending K.S.A. 2004 Supp. 8-135 and 79-3603 and repealing the existing sections, by Special Committee on Assessment and Taxation.

**SB 24**, An act relating to confidential security records or information; providing that certain records or information are not subject to subpoena or discovery; amending K.S.A. 2004 Supp. 45-221, 66-1236 and 75-4319 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 45-221g, 45-221h and 75-4319b, by Joint Committee on Kansas Security.

**SB 25**, An act concerning crimes, criminal procedure and punishment; relating to terrorism and illegal use of weapons of mass destruction; amending K.S.A. 21-3301 and 22-2515 and K.S.A. 2004 Supp. 21-3106, 21-4706, 22-3101 and 60-4104 and repealing the existing sections, by Joint Committee on Kansas Security.

**SB 26**, An act concerning legal holidays; amending K.S.A. 35-107 and repealing the existing section, by Senator Vratil.

**SB 27**, An act concerning controlled substances; relating to schedule V substances; unlawful acts; amending K.S.A. 65-1643, 65-4113 and 65-7006 and repealing the existing sections, by Senators D. Schmidt, Apple, Barnett, Barone, Bruce, Donovan, Emler, Gilstrap, Goodwin, Hensley, Jordan, Kelly, Lee, Morris, Pine, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson and Wysong.

**MESSAGE FROM THE GOVERNOR**

June 23, 2004

*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

*Director, Kansas Water Office*, Tracy D. Streeter, pursuant to the authority vested in me by KSA 74-2613, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*Member, State Banking Board*, Andrew L. Bias, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, State Banking Board*, James G. O'Sullivan, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, State Banking Board*, Richard D. Rucker, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, State Civil Service Board*, Patricia Kay Pressman, pursuant to the authority vested in me by KSA 75-2929a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

June 25, 2004

*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 Corporation Commission*, Michael C. Moffet, pursuant to the authority vested in me by KSA 74-601, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

September 13, 2004

*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 Bioscience Authority*, Dr. Victoria F. Haynes, pursuant to the authority vested in me by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

*Member, Kansas Bioscience Authority*, Sandra Lawrence, pursuant to the authority vested in me by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

September 13, 2004

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by authorities as follows, pursuant to law:

Senate President Dave Kerr:

*Member, Kansas Bioscience Authority*, Bill Sanford, pursuant to the authority vested in him by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, Kansas Bioscience Authority*, Dr. Clay Blair, pursuant to the authority vested in me by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

House Speaker Doug Mays:

*Member, Kansas Bioscience Authority*, Dr. David Franz, pursuant to the authority vested in him by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

*Member, Kansas Bioscience Authority*, Dolph C. Simons, Jr., pursuant to the authority vested in me by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 3 years.

Senate Minority Leader Anthony Hensley:

*Member, Kansas Bioscience Authority*, Senator Jim Barone, pursuant to the authority vested in him by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 2 years.

House Minority Leader Dennis McKinney:

*Member, Kansas Bioscience Authority*, Dan Glickman, pursuant to the authority vested in him by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 2 years.

Kansas Technology Enterprise Corporation:

*Member, Kansas Bioscience Authority*, Dr. Stephen O'Connor, pursuant to the authority vested in him by L. 2004, Ch. 112, Sec. 4, effective upon the date of confirmation by the Senate, to serve a term of 1 years.

September 13, 2004

*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, State Board of Tax Appeals*, Rebecca W. Crotty, pursuant to the authority vested in me by KSA 74-2433 et. seq., effective upon the date of confirmation by the Senate, to fulfill a term of 4 years.

*Member, Public Employee Relations Board*, Keith A. Lawing pursuant to the authority vested in me by KSA 75-4323, effective upon the date of confirmation by the Senate, to fulfill a term of 4 years.

*Member, Kansas Parole Board*, Robert Sanders, pursuant to the authority vested in me by KSA 22-3707, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

October 12, 2004

*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 Administration*, Duane A. Goossen, pursuant to the authority vested in me by KSA 75-3702a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*Secretary, Department of Commerce*, Howard Fricke, pursuant to the authority vested in me by KSA 74-5002a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*Commissioner, Central Interstate Low-Level Radioactive Waste Commission*, Joseph F. Harkins, pursuant to the authority vested in me by KSA 65-34a02, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

*Alternate Commissioner, Central Interstate Low-Level Radioactive Waste Commission*, Ronald F. Hammerschmidt, pursuant to the authority vested in me by KSA 65-34a02, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*Executive Director, Kansas State Historical Society*, Jennie A. Chinn, pursuant to the authority vested in me by KSA 75-2701, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*State long-Term Care Ombudsman*, Kathy J. Greenlee, pursuant to the authority vested in me by KSA 75-7304, effective upon the date of confirmation by the Senate, to serve a term of four years.

*Member, Kansas Racing and Gaming Commission*, Glenn R. Braun, pursuant to the authority vested in me by KSA 74-8803, effective upon the date of confirmation by the Senate, to serve a term of four years.

*Member, Kansas Lottery Commission*, Joni J. Franklin Breitenbach, pursuant to the authority vested in me by KSA 74-8709, effective upon the date of confirmation by the Senate, to serve a term of four years.

*Member, Board of Indigents' Defense Services*, John Val Wachtel, pursuant to the authority vested in me by KSA 22-4519 et. seq., effective upon the date of confirmation by the Senate, to serve a term of three years.

*Member, Board of Indigents' Defense Services*, Mary L. Rubeck, pursuant to the authority vested in me by KSA 22-4519 et seq., effective upon the date of confirmation by the Senate, to serve a term of three years.

*Member, Board of Indigents' Defense Services*, Nathaniel E. Terrell, pursuant to the authority vested in me by KSA 22-4519, et seq., effective upon the date of confirmation by the Senate, to serve a term of three years.

*Member, Pooled Money Investment Board*, Eric "Rick" J. Worner, pursuant to the authority vested in me by KSA 75-4221a, effective upon the date of confirmation by the Senate, to serve a term of four years.

*Member, Pooled Money Investment Board*, Norman B. Dawson, pursuant to the authority vested in me by KSA 75-4221a, effective upon the date of confirmation by the Senate to serve a term of four years.

*Member, University of Kansas Hospital Authority*, Betty T. Keim, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of four years.

*Member, University of Kansas Hospital Authority*, John B. Payne, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of four years.

November 8, 2004

*To the Senate of the State of Kansas:*

Withdrawn herewith from 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, Kansas Racing and Gaming Commission*, Glenn R. Braun, pursuant to the authority vested in me by KSA 74-8803, effective upon the date of confirmation by the Senate, to serve a term of four years.

December 22, 2004

*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.

*State Librarian*, Christie Pearson Brandau, pursuant to the authority vested in me by KSA 75-2535, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

*Member, Kansas Agricultural Remediation Board*, Larry S. Shivers, pursuant to the authority vested in me by KSA 2-3709, effective upon the date off confirmation by the Senate, to serve a term of four years.

*Member, State Board of Indigents' Defense Services*, Cynthia A. Neighbor, pursuant to the authority vested in me by KSA 22-4519 et seq., effective upon the date of confirmation by the Senate, to fulfill a term of three years.

**COMMUNICATIONS FROM THE STATE OFFICERS**

January 10, 2005

The Honorable Stephen Morris  
President, Kansas State Senate  
State Capitol  
Topeka, KS 66612

Dear President Morris:

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 2004 Regular Session of the Legislature:

Kansas Energy Council, submitting the 2005 Kansas Energy Report.

Kansas Human Rights Commission, submitting the Annual Report for FY 2004.

Kansas and Missouri Metropolitan Culture District Commission submitting the Annual Report and Comprehensive Annual Financial Report for period ended December 31, 2003.

Kansas Public Employees Retirement System, submitting the Annual Report for the fiscal year ending June 30, 2004.

Kansas State Treasurer, Lynn Jenkins, submitting the Annual Report for FY 2004.

Pooled Money Investment Board, submitting in compliance with KSA 74-4222(h) the Annual Report for Fiscal Year 2004.

University of Kansas Hospital Authority, submitting the Annual Report for FY 2004.

Sincerely,

Pat Saville  
Secretary of the Senate

January 10, 2005

The Honorable Steve Morris  
President, Kansas State Senate  
State Capitol  
Topeka, KS 66612

Dear President Morris:

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 2004 session of the legislature the following communications:

Executive Directives Nos. 04-351, 04-352, 04-353, 04-354, 04-355 all relating to Authorizing Personnel Transactions, Expenditure of Federal Funds and a Fund Transfer.

Also, Executive Order No. 2004-04, continuing the moratorium on employee bonuses for Fiscal Year 2005.

Executive Order No. 2004-05, reformulating the composition and mission of the State Energy Resources Coordination Council, hereafter to be known as the Kansas Energy Council.

Executive Order No. 2004-06, enhancing agencies' ability to hire unclassified positions, critical to their mission, by including up to thirty (30) days' sick leave and up to twelve (12) days' vacation leave in offers to hire in accordance with guidelines issued by the Secretary of Administration.

Executive Order No. 2004-07, directing state offices be closed on Friday, June 11, 2004, as a legal holiday in observance of the National Day of Mourning for President Ronald Reagan.

Executive Order No. 2004-08, declaring a Drought Emergency, Drought Warning or Drought Watch for the counties identified below; and authorizing and implementing the appropriate Watch, Warning or Emergency-level drought response actions assigned in the Operations Plan of the Governor's Drought Response Team.

Drought Emergency

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

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

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

Drought Warning

North Central: Osborne, Phillips, Rooks, Smith.

Central: Ellis, Rush, Russell.

South Central: Comanche, Edwards, Kiowa, Pawnee, Pratt.

Drought Watch

North Central: Jewell, Mitchell, Republic.

Central: Barton, Ellsworth, Lincoln.

South Central: Barber, Harper, Kingman, Stafford, Sumner.

Northeast: Atchison, Brown, Doniphan

Executive Order No. 2004-09, recinding all county drought stage declarations made on June 15, 2004; and declaring a Drought Warning or Drought Watch for the counties identified below; and authorizing and implementing the appropriate Watch, or Warning-level drought response actions assigned in the Operations Plan of the Governor's Drought Response Team

Drought Warning

Northwest: Cheyenne, Decatur, Rawlins, Sheridan, Sherman, Thomas.

Drought Watch

Northwest: Graham, Norton.

North Central: Phillips, Rooks, Smith.

West Central: Gove, Logan, Trego, Wallace

Executive Order No. 2004-10, designating the Governor's Mental Health Services Planning Council to be the coordinating body in Kansas for stakeholder efforts in utilization of the President's New Freedom Commission's recommendations.

Executive Order No. 2004-11, creating the Governor's Domestic Violence Fatality Review Board.

Executive Order No. 2004-12, naming and designating the Harrison Center located at 700 S.W. Harrison, Topeka, Kansas as "The Dwight D. Eisenhower State Office Building" in honor of the former President of the United States, and may be designated for directory, routing and mailing purposes as "ESOB."

Executive Order No. 2004-13, adopting and extending the application of the Kansas Administrative Regulations of the Secretary of Administration to unclassified employees under the Kansas Civil Service Act whose salaries are established or approved by the Governor.

Executive Order No 2004-14, creating the Governor's Commission on Healthcare Cost Containment.

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

#### MESSAGES FROM THE HOUSE

Announcing adoption of **HR 6001**, 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  
Ray Merrick, 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.

Also, announcing adoption of **HCR 5002**, a concurrent resolution relating to a committee to wait upon the Governor and advise her the 2005 session of the legislature is organized and ready to receive communications.

Adoption of **HCR 5003**, a concurrent resolution for a joint session of the Senate and House for the purpose of hearing a message from the governor.

#### INTRODUCTIONS OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HCR 5002**, A concurrent resolution relating to a committee to wait upon the Governor and advise her the 2005 session of the legislature is organized and ready to receive communications, was introduced and read by title.

On motion of Senator Schmidt, an emergency was declared, the rules suspended and **HCR 5002**, was adopted by voice vote.

In compliance with **HCR 5002**, President Morris appointed Senators Umbarger and Kelly to wait upon the Governor.

**HCR 5003**, 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, was introduced and read by title.

On motion of Senator Schmidt, an emergency was declared, the rules suspended and **HCR 5003**, was adopted by voice vote.

In compliance with **HCR 5003**, President Morris appointed Senators Jordan and Francisco to escort the Governor; Senators Brownlee and Barone to escort the Lieutenant Governor; and Senators Huelskamp and Betts to escort the Supreme Court.

#### REPORTS OF STANDING COMMITTEES

**Committee on Organization, Calendar and Rules** begs leave to submit the following report concerning committee membership of the 2005 regular session:

**Agriculture:** Taddiken, Chairperson; Pine, Vice Chairperson; Bruce, Huelskamp, Morris, Ostmeyer, D. Schmidt. Francisco, Ranking Minority; Lee.

**Assessment and Taxation:** Allen, Chairperson; Donovan, Vice Chairperson; D. Schmidt, Vice Chairperson; Apple, Bruce, Jordan, Pine. Lee, Ranking Minority; Goodwin.

**Commerce:** Brownlee, Co-Chairperson; Jordan, Co-Chairperson; Emler, Reitz, Schodorf, Wagle, Wysong, Kelly, Ranking Minority; Barone.

**Confirmation Oversight:** D. Schmidt, Chairperson; Hensley, Vice Chairperson; Donovan, Goodwin, Jordan, Schodorf.

**Education:** Schodorf, Chairperson; Vratil, Vice Chairperson; Allen, Apple, McGinn, Pine, Teichman, Wilson. Lee, Ranking Minority; Goodwin, Steineger.

**Elections and Local Government:** Huelskamp, Chairperson; O'Connor, Vice Chairperson; Donovan, Ostmeyer, Petersen, Pyle, Reitz, Betts, Ranking Minority; Francisco.

**Federal and State Affairs:** Brungardt, Chairperson; Reitz, Vice Chairperson; Barnett, Brownlee, O'Connor, Ostmeyer, Vratil. Gilstrap, Ranking Minority; Hensley.

**Financial Institutions and Insurance:** Teichman, Chairperson; Wysong, Vice Chairperson; Barnett, Brownlee, Brungardt, V. Schmidt, Wilson. Steineger, Ranking Minority; Barone.

**Health Care Strategies:** Wagle, Chairperson; Brungardt, Vice Chairperson; Barnett, Jordan, Journey, Palmer, V. Schmidt. Haley, Ranking Minority; Gilstrap.

**Interstate Cooperation:** Morris, Chairperson; Brownlee, Schodorf, D. Schmidt, Vratil. Hensley, Ranking Minority; Gilstrap.

**Judiciary:** Vratil, Chairperson; Bruce, Vice Chairperson; Allen, Donovan, Journey, O'Connor, D. Schmidt, Umbarger. Goodwin, Ranking Minority; Betts, Haley.

**Natural Resources:** McGinn, Chairperson; Ostmeyer, Vice Chairperson; Bruce, Huelskamp, Pyle, Taddiken, Teichman. Francisco, Ranking Minority; Lee.

**Organization, Calendar and Rules:** Morris, Chairperson; D. Schmidt, Vice Chairperson; Barnett, Brungardt, Donovan, Teichman, Umbarger, Vratil, Wagle.

**Public Health and Welfare:** Barnett, Chairperson; V. Schmidt, Vice Chairperson; Brungardt, Jordan, Journey, Palmer, Wagle. Haley, Ranking Minority; Gilstrap.

**Transportation:** Donovan, Chairperson; Wilson, Vice Chairperson; Journey, O'Connor, Palmer, Petersen, V. Schmidt. Gilstrap, Ranking Minority; Hensley.

**Utilities:** Emler, Chairperson; Apple, Vice Chairperson; Petersen, Pine, Pyle, Reitz, Taddiken. Lee, Ranking Minority; Francisco.

**Ways and Means:** Umbarger, Chairperson; Emler, Vice Chairperson; McGinn, Morris, V. Schmidt, Schodorf, Taddiken, Teichman, Wysong. Barone, Ranking Minority; Betts, Kelly, Steineger.

#### **JOINT COMMITTEES OF THE SENATE AND HOUSE:**

**Administrative Rules and Regulations:** Wilson, Vice Chairperson; Betts, Brownlee, Ostmeyer, Steineger.

**Arts and Cultural Resources:** Palmer, Vice Chairperson; Francisco, Schodorf, V. Schmidt, Steineger.

**Special Claims Against the State:** Journey, Chairperson; Bruce, Gilstrap, Taddiken, Pyle.

MR. PRESIDENT: Your 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 2005 regular legislative session:

By the Governor:  
 State Banking Board: K.S.A. 74-3004  
 Andrew L. Bias, term expires March 15, 2007  
 James G. O'Sullivan, term expires March 15, 2007  
 Richard D. Rucker, term expires March 15, 2007

Board of Indigents' Defense Services: K.S.A. 22-4519  
   Mary L. Rubeck, term expires January 15, 2007  
   Nathaniel E. Terrell, term expires January 15, 2007  
   John Val Wachtel, term expires January 15, 2007  
   Cynthia A. Neighbor, term expires January 15, 2006  
 State Civil Service Board: K.S.A. 75-2929a  
   Patricia Kay Pressman, term expires March 15, 2007  
 State Corporation Commission: K.S.A. 74-601  
   Michael C. Moffet, term expires March 15, 2008  
 State Board of Tax Appeals: K.S.A. 2004 Supp. 74-2433  
   Rebecca W. Crotty, term expires January 15, 2005  
 Kansas Agricultural Remediation Board: K.S.A. 2-3709  
   Larry S. Shivers, term expires June 30, 2008  
 Kansas Parole Board: K.S.A. 2004 Supp. 22-3707  
   Robert Sanders, term expires January 15, 2008  
 Public Employee Relations Board: K.S.A. 2004 Supp. 75-4323  
   Keith A. Lawing, term expires March 15, 2006  
 Kansas Lottery Commission: K.S.A. 74-8709  
   Joni J. Franklin Breitenbach, term expires March 15, 2007  
 Pooled Money Investment Board: K.S.A. 75-4221a  
   Eric "Rick" J. Worner, term expires March 15, 2008  
   Norman B. Dawson, term expires March 15, 2008  
 University of Kansas Hospital Authority: K.S.A. 2004 Supp. 76-3304  
   Betty T. Keim, term expires March 15, 2008  
   John B. Payne, term expires March 15, 2008  
 Kansas Bioscience Authority: K.S.A. 2004 Supp. 74-99b04  
   By the Governor:  
     Dr. Victoria F. Haynes, term expires March 15, 2008  
     Sandra Lawrence, term expires March 15, 2008  
   By the President of the Senate:  
     Bill Sanford, term expires March 15, 2007  
     Dr. Clay Blair, term expires March 15, 2007  
   By the Minority Leader of the Senate:  
     Jim Barone, term expires March 15, 2006  
   By the Speaker of the House of Representatives:  
     Dr. David Franz, term expires March 15, 2007  
     Dolph C. Simons, Jr., term expires March 15, 2007  
   By the Minority Leader of the House of Representatives:  
     Dan Glickman, term expires March 15, 2006  
   By the Kansas Technology Enterprise Corporation:  
     Dr. Stephen O'Connor, term expires March 15, 2005

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:  
 Kansas Water Office, Director: K.S.A. 74-2613  
   Tracy D. Streeter, serves at the pleasure of the Governor  
 Kansas State Historical Society, Executive Director: K.S.A. 2004 Supp. 75-2701  
   Jennie A. Chinn, serves at the pleasure of the Governor  
 Department of Commerce, Secretary: K.S.A. 74-5002a  
   Howard Fricke, serves at the pleasure of the Governor  
 Department of Administration, Secretary: K.S.A. 2004 Supp. 75-3702a  
   Duane A. Goossen, serves at the pleasure of the Governor  
 State Long-Term Care Ombudsman: K.S.A. 2004 Supp. 75-7304  
   Kathy J. Greenlee, term expires January 15, 2008

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Central Interstate Low-Level Radioactive Waste Commission: K.S.A. 65-34a02

Joseph F. Harkins, Commissioner, serves at the pleasure of the governor

Ronald F. Hammerschmidt, Alternate Commissioner, serves at the pleasure of the Governor

State Librarian: K.S.A. 75-2535

Christie Pearson Brandau, serves at the pleasure of the Governor

The President announced the Senate would recess until 6:30 p.m., for the purpose of a joint meeting with the House of Representatives to hear the State of State Address by Governor Sebelius.

On motion of Senator Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 11, 2005.

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

PAT SAVILLE, *Secretary of the Senate*.

