

# Journal of the Senate

SIXTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, April 30, 2001—10:00 a.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,

We know we should not leave here  
Until we've done the best we can,  
But we're getting very tired  
And we hope You understand.

Practically everybody here  
Wants us to go home  
It's time we wrapped things up  
Beneath the old green dome.

Our families want us home,  
And our jobs want us, too.  
We're afraid our kids will greet us with  
"Who on earth are YOU?"

Secretaries are very tired,  
And all the aides and clerks.  
Leaders' staffs' exhausted,  
Fatigued from too much work.

Even lobbyists and reporters  
Wish we'd go on home.  
We're not sure of the buffalo,  
But WE would like to roam!

The doormen and the troopers  
Want us out of here.  
And legislative services  
Wish we'd disappear!

The reader's tired of reading,  
And the chaplain is not saying:  
But he should not be expected  
To confess he's tired of praying!

This is not to criticize  
For the committee's working hard  
I certainly hold all of them  
In the highest of regard.

Just give them what they need, O God,  
 To get our work all done;  
 For they, like us, I'm sure agree  
 We're not having too much fun!

I pray in Jesus' Name,  
 AMEN

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2569, HB 2592.**

Committee of the Whole: **HB 2591, HB 2594, HB 2595, HB 2597, HB 2599, HB 2600.**

Ways and Means: **Sub HB 2504; HB 2590, HB 2596.**

#### COMMUNICATIONS FROM STATE OFFICERS

##### COMMISSION ON JUDICIAL QUALIFICATIONS

April 19, 2001

Kathryn Carter, Chairman, Commission on Judicial Qualifications, submitted the 2000 Annual Report.

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

#### ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 364, SB 366; HB 2014, HB 2124, HB 2480.**

#### MESSAGE FROM THE HOUSE

Announcing, the House nonconcur in Senate amendments to **Senate Substitute for HB 2336**, requests a conference and has appointed Representatives Tanner, Lloyd and Reardon as conferees on the part of the House.

#### ORIGINAL MOTION

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **S Sub for HB 2336.**

The President appointed Senators Umbarger, Vratil and Hensley as conferees on the part of the Senate.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Allen moved the Senate concur on **Sub SB 171.**

**Sub SB 171.** An act concerning certain state officers and employees; relating to restrictions on certain political activity; relating to travel on state aircraft; amending K.S.A. 74-2105 and 74-2113 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Em-ler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Huelskamp, Lyon.

The Senate concurred.

On motion of Senator Morris the Senate nonconcurred in the House amendments to **H Sub for SB 52** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Morris the Senate nonconcurred in the House amendments to **SB 100** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Morris the Senate nonconcurred in the House amendments to **H Sub for SB 304** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Corbin the Senate nonconcurred in the House amendments to **H Sub for SB 332** and requested a conference committee be appointed.

The President appointed Senators Corbin, Jenkins and Lee as a conference committee on the part of the Senate.

#### **ORIGINAL MOTION**

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2178**, **HB 2505**.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2059**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 2, by striking all in lines 17 through 43;

On page 3, by striking all in lines 1 through 34;

On page 4, by striking all in line 23;

And by renumbering the remaining sections accordingly;

On page 1, in the title, by striking all in line 15; in line 16, by striking "ing arts;"; in line 17, by striking "; amending K.S.A. 2000 Supp."; in line 18, by striking all before the period;

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS  
DAVID ADKINS  
PAUL FELECIANO, JR.  
*Conferees on part of Senate*

GARRY BOSTON  
JIM MORRISON  
JUDY SHOWALTER  
*Conferees on part of House*

Senator Morris moved the Senate adopt the Conference Committee Report on **HB 2059**.

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

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

The Conference Committee report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2124**, submits the following report:

The Senate recedes from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

KARIN BROWNLEE  
NICK JORDAN  
JIM BARONE  
*Conferees on part of Senate*

GERRY RAY  
RUBY GILBERT  
LARRY L. CAMPBELL  
*Conferees on part of House*

Senator Brownlee moved the Senate adopt the Conference Committee Report on **HB 2124**.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2178**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

- On page 1, by striking all of lines 38 through 43;
- On page 2, by striking all in lines 1 through 43;
- On page 3, by striking all in lines 1 through 43;
- On page 4, by striking all in lines 1 through 43;
- On page 5, by striking all in lines 1 through 26 and inserting the following:

"Sec. 2. K.S.A. 2000 Supp. 65-4101 as amended by section 3 of 2001 House Bill No. 2457 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Board" means the state board of pharmacy.

(d) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(e) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sections.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(h) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(i) "Dispenser" means a practitioner or pharmacist who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.

(m) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance: (1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(o) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(p) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated

as controlled under K.S.A. 65-4102 and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the species *Papaver somniferum L.* except its seeds.

(s) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(v) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(w) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(x) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto.

(aa) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(bb) (1) "Controlled substance analog" means a substance *that is intended for human consumption, and:*

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107 and amendments thereto; ~~and:~~

~~(B)~~ (B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107 and amendments thereto; or

~~(C)~~ (C) with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107 and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act (21 U.S.C. 355) to the extent conduct with respect to the substance is permitted by the exemption; or

~~(D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.~~

(cc) "Mid-level practitioner" means an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131 and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 2000 Supp. 65-28a08 and amendments thereto.";

On page 20, in line 12, after "65-4101," by inserting "as amended by Section 3 of 2001 House Bill No. 2457,";

On page 1, in the title, in line 11, after "65-4101," by inserting "as amended by Section 3 of 2001 House Bill No. 2457,";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
DEREK SCHMIDT  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL O'NEAL  
WARD LOYD  
JANICE L. PAULS  
*Conferees on part of House*

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2178**.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2480**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 8, after line 41 by inserting the following:

"Sec. 3. (a) Commencing in plan year 2002, within the limits of appropriations thereof, the Kansas state employees health care commission shall establish a pilot program which provides that, if an active employee of the state of Kansas is enrolled in a health care benefits plan administered by the Kansas state employees health care commission, pursuant to K.S.A. 75-6501 *et seq.*, and amendments thereto, the commission shall provide that a percentage determined by the commission, within the limits of appropriations for the pilot program, of the cost to cover an eligible child or children shall be paid as an employer contribution for the participation of any eligible child or children in the state health benefits program.

(b) As used in this section, "eligible child" means any child who is an eligible dependent pursuant to K.A.R. 108-1-1 and who is otherwise eligible for insurance coverage under the insurance plan authorized by K.S.A. 38-2001 and amendments thereto and under the guidelines for eligibility developed by the commission within the limits of appropriations for the pilot program but is not eligible solely because the child is a member of a family that is eligible for health benefits coverage under a state health benefits plan administered by the Kansas state employees health care commission.

(c) The Kansas state employees health care commission shall report its findings and any recommendations which the commission may have concerning the pilot program established under this section to the governor and to the legislature annually.

(d) The secretary of administration is hereby authorized to receive grants, gifts or donations from the United States government, or its agencies, the Sunflower Foundation: Healthcare for Kansas, or any other source whatsoever for the purposes of the pilot program established under this section and amendments thereto, and any moneys so received shall be deposited in the state treasury and credited to the cafeteria benefits fund established by K.S.A. 75-6513 and amendments thereto. All funds received pursuant to this section shall be placed in a separate account within the cafeteria benefits fund. All expenditures made from such fund for the purposes of this section shall be made in accordance with appro-

priation acts upon warrants of the director of accounts and reports issued by the secretary of administration or a person designated by the secretary of administration.”;

By renumbering the remaining sections accordingly;

Also, in the title in line 12 by striking all after “concerning”; in line 13 by striking all before the semicolon and inserting “health; relating to the state employees health benefit program; relating to privacy of health information”;

And your committee on conference recommends the adoption of this report.

SANDY PRAEGER  
RUTH TEICHMAN  
PAUL FELECIANO, JR.

*Conferees on part of Senate*

ROBERT TOMLINSON  
STANLEY DREHER  
NANCY KIRK

*Conferees on part of House*

Senator Praeger moved the Senate adopt the Conference Committee Report on **HB 2480**.

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

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

The Conference Committee report was adopted.

#### **CHANGE OF CONFERENCE**

The President announced the appointment of Senator Hensley as a member of the Conference Committee on **HB 2050** to replace Senator Downey.

The President announced the appointment of Senator Steineger as a member of the Conference Committee on **S Sub for HB 2143** to replace Senator Barone.

#### **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 Committee:

On the appointment to the:

*State Civil Service Board:*

James E. Lowther, term expires March 15, 2005.

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

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

The appointment was confirmed.

On the appointment to the:

*State Civil Service Board:*

Thomas J. Corcoran, term expires March 15, 2005.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-



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

The appointment was confirmed.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Clark and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1851—

A RESOLUTION congratulating and commending Lt. j.g. Jeffrey Vignery.

WHEREAS, Lt. j.g. Jeffrey Vignery, of Goodland, was one of the 24 crew members of the EP-3E surveillance aircraft that was damaged in a collision with a Chinese F-8 fighter and spent 11 days in Chinese custody; and

WHEREAS, The Chinese aircraft fell into the sea killing the pilot. The American plane fell several thousand feet before the pilot and crew were able to regain control and make an emergency landing at China's Hainan Island; and

WHEREAS, Lt. j.g. Vignery, who was in the left seat helping the aircraft commander, Lt. Osborn, pilot the plane, frantically stomped on the aileron and rudder pedals to pull the plane out of the dive. "I didn't think we were going to make it. . . . I said another prayer at that time, just in case I didn't get it right the first time," Vignery said; and

WHEREAS, The crew was returned to its home station, NAS Whidbey Island at Oak Harbor, Washington, on April 14, 2001, to a rousing welcome by fellow squadron members of VQ1, other station members and family and friends; and

WHEREAS, Lt. j.g. Vignery was met by his wife, Julie; his parents, Ron and Judi Vignery, his sisters, Jennifer and Jessica, and brother, Josh, of Goodland; and

WHEREAS, It is only through the brave efforts of the men and women of VQ1 and the vigilance of the valiant members of our military services that America remains strong and the leading power of our planet; Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Lt. j.g. Jeffrey Vignery upon his safe return to his home and family and salute his calm response in an emergency and gallantry in America's defense; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Lt. j.g. Vignery; his parents, Mr. and Mrs. Ron Vignery, his sisters, Jennifer and Jessica, and brother, Josh; his grandmother, Mrs. Florence Vignery, and to Senator Haley.

On emergency motion of Senator Haley **SR 1851** was adopted unanimously.

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

SENATE RESOLUTION No. 1852—

A RESOLUTION congratulating and commending Kansas Peace Officers.

WHEREAS, Kansans benefit each day from the service of Kansas Peace Officers and Kansans rely on the members of the Kansas law enforcement community to provide protection and safety; and

WHEREAS, Kansas law enforcement officers stand committed each day to place themselves in harm's way to enforce the laws of our state and bring criminals to justice; and

WHEREAS, Members of the Kansas law enforcement community consistently demonstrate heroism above and beyond normal law enforcement responsibilities and duties, take action which significantly prolongs or save lives and demonstrate uncommon valor during adversarial confrontations; and

WHEREAS, Unfortunately and tragically, too many Kansas law enforcement officers have made the supreme sacrifice by losing their lives in the line of duty as a direct result of adversarial action, and we recognize specifically the lives of Topeka police Officers Charles "Joey" Bohlender and Jeff Howey and Wichita Police Officer Jack Galvin lost in the line of duty during the year 2000. Their sacrifice will not be forgotten; and

WHEREAS, The dedicated professionals of Kansas' federal, state and local public safety agencies and their families have earned our gratitude and respect; and

WHEREAS, The 2001 Joint Kansas Law Enforcement Conference Banquet will be held May 11 at Olathe bringing together members of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association and the Kansas Peace Officers' Association; and

WHEREAS, A total of 170 distinguished Kansas public safety officers, municipal, county, state and federal, were nominated for recognition based on exceptional law enforcement performance during calendar year 2000. Of this outstanding group, 72 officers, a new record, have been selected for recognition at the conference, including three officers who were killed in the line of duty: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the peace officers of Kansas for their valiant efforts on our behalf and join with the sponsoring organizations in recognizing these officers and their actions which were beyond the normal call of duty; and

*Be it further resolved:* That we commend all Kansas law enforcement officers for their professionalism and for their challenging and brave service to the citizens of our state, and we commend the families of these officers for their continued support of Kansas law enforcement; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Larry Welch, Director, Kansas Bureau of Investigation, 1620 Tyler, Topeka, Kansas 66612-1837; Col. Don Brownlee, Superintendent, Kansas Highway Patrol, 122 SW 7th St., Topeka, KS 66603-3847; Chief Dick Heitschmidt, President, Kansas Association of Chiefs of Police, P.O. Box 780603, Wichita, Kansas 67278-0603; Sheriff Roy Dunnaway, President, Kansas Sheriff's Association, 1360 Walnut Avenue, Oskaloosa, Kansas 66066; and to Chief Charles Rummery, President, Kansas Peace Officer's Association, P.O. Box 3, Wichita, Kansas 67260-0003 and Master Trooper Eric Haskin, President, Kansas State Trooper's Association, 200 E. Wisconsin, Greensburg, Kansas 67054.

On emergency motion of Senator Adkins **SR 1852** was adopted unanimously.

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

SENATE RESOLUTION No. 1853—

A RESOLUTION congratulating and commending the Kansas Bureau of Investigation's Kansas' Most Wanted program.

WHEREAS, The Kansas Bureau of Investigation's "Kansas' Most Wanted" program has reached the milestone of 1,000 captures. The statewide apprehension program started eight years ago. Law enforcement personnel across Kansas submit photographs and warrant information for fugitives to the KBI for review and dissemination through television, radio and newspapers statewide. The information is also posted on the KBI's internet website; and

WHEREAS, The Kansas' Most Wanted program has far exceeded all expectations by aiding in the capture of fugitives all across the nation, some within hours of their being placed in the program. Many Kansas' Most Wanted fugitives pose a danger to public safety. With total cooperation from the media, quick and safe captures have resulted; and

WHEREAS, This program is a perfect example of the media and law enforcement working together to enhance public safety in Kansas. We owe all participating program partners a great deal of gratitude for their assistance in making our state a safer place to live and work; and

WHEREAS, Television stations participating in this program are KSNT TV27, Topeka; KSAS TV12, Wichita; KSNC TV2, Great Bend; KSNG TV11, Garden City; KSNK TV8, Oberlin; also participating are KFDI AM and FM radio, Wichita, and The Topeka Capital-Journal newspaper; and

WHEREAS, The citizens of Kansas are to be commended for their attention to the program and their willingness to respond with useful information that has resulted in the capture of 1,000 most wanted criminals: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the KBI upon the success of its Most Wanted program and express our appreciation to those

public media organizations who participate in the program and thereby have played a valued role in enhancing public safety; and

*Be it further resolved:* That we commend Kansans for responding to information made available by local law enforcement agencies and the KBI through media outlets which has resulted in the capture of over 1,000 most wanted criminals; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Larry Welch, Director, Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, Kansas 66612-1837; Harriet Lange, President and Executive Director, Kansas Association of Broadcasting, 1916 SW Sieben Court, Topeka, Kansas 66611; and to Doug Anstaett, President, Kansas Press Association, 5423 SW 7th, Topeka, Kansas 66606.

On emergency motion of Senator Adkins **SR 1853** was adopted unanimously.

#### REPORT ON ENGROSSED BILLS

**SB 237** reported correctly re-engrossed April 30, 2001.

#### 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 Brungardt in the chair.

On motion of Senator Brungardt the following report was adopted:

Recommended **SB 364; HB 2014** be passed.

**SB 366** be amended by adoption of the committee amendments, and the bill be passed as amended.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 364, SB 366; HB 2014** were advanced to Final Action and roll call.

**SB 364.** An act concerning fees for certificate of title fees; amending K.S.A. 2000 Supp. 8-135, 8-135a, 8-139, 8-145, as amended by section 27 of 2001 Senate Bill No. 15, 8-170, 8-171, 8-198 and 74-2013 and repealing the existing sections, 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, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley, Huelskamp, O'Connor.

The bill passed.

**SB 366.** An act concerning health care provider insurance; amending K.S.A. 40-3401, 40-3403, 40-3404 and 40-3414 and repealing the existing sections, 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, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2014.** An act concerning higher education; relating to professional service scholarships for prospective osteopaths, optometrists, nurses, teachers and national guard officers; amending K.S.A. 74-3267a, 74-3268, 74-3268a, 74-3271, 74-3272, 74-3273, 74-3291, 74-3293, 74-3294, 74-3297, 74-3299, 74-32,100, 74-32,101, 74-32,102, 74-32,103, 74-32,105 and 74-32,106 and K.S.A. 2000 Supp. 74-3256, 74-3257, 74-3258, 74-3259, 74-3260, 74-3265, 74-3266, 74-3267, 74-3292, 74-3295, 74-3296, 74-3298, 74-32,104, 74-32,107, 74-32,112, 74-32,113, 74-32,114, 74-32,115, 74-32,116, 74-32,117, 74-32,118, 74-32,131, 74-

32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and repealing the existing sections; also repealing K.S.A. 74-3223, 74-3224, 74-3225, 74-3226, 74-3227, 74-3228, 74-3246, 74-3247, 74-3248 and 74-3269, 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, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

On motion of Senator Oleen, the Senate recessed until 3:00 p.m.

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## AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2586**.

The House adopts the conference committee report on **SB 214**.

The House adopts the conference committee report on **SB 343**.

The House adopts the conference committee report on **HB 2313**.

The House adopts the conference committee report on **HB 2406**.

The House adopts the conference committee report on **Substitute HB 2532**.

The House accedes to the request of the Senate for a conference on **SB 100** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 304** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2586** was thereupon introduced and read by title.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Tuesday, May 1, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

