

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 1, 2002—9:00 a.m.

The Senate was called to order by President Dave Kerr.

The roll was called with twenty-two senators present.

Senators Adkins, Allen, Barnett, Brungardt, Corbin, Gilstrap, Gooch, Goodwin, Haley, Harrington, Huelskamp, Jenkins, Oleen, Praeger, Schodorf, Steineger, Tyson and Wagle were excused.

President Kerr introduced as guest chaplain, Rev. Gene Spear, Retired, Reformed Presbyterian Church, Topeka, Kansas, who delivered the invocation:

Our Father who art in heaven. You are full of glory, majesty, dominion, and power. You are light and in You is no darkness at all. Hallowed be thy name. From You proceeds all truth, goodness, justice and mercy. You fill both heaven and earth; and wherever we are, You are there also. Thy kingdom come and thy will be done. You are the Sovereign Creator of all things. From the smallest atom to the largest galaxy You have made them all. It is You who made our hearts unlike the beasts, to reflect your own image in knowledge, righteousness and true holiness. But it is we who have polluted ourselves with the greed for riches, for power, and for self-gratification. It is we who have sought to build not your kingdom, but our own kingdom, like the tower of Babel.

Give us today your forgiving mercy through your gracious Son who gave Himself to renew our hearts, to save us from all the curse and ravages of sin, and to build His glorious kingdom on earth. For His mercy fills the earth, and is sufficient to solve all the perplexing and distressing problems of life.

This august assembly of leaders has such great responsibility, Lord. All of the little children and young people of this State, all of the mothers and fathers, and the elderly people, depend on this assembly to use good judgement and make just decisions for their welfare. The farmers, the employed workers, the teachers, the businessmen, and the churches depend on this assembly to use good judgement and do what is right for all.

We all face such difficult and heart-rending problems in today's society. Every day we hear of divorces. The father and mother are torn apart, the children are heart-broken, the fragmented family becomes poor and often has to depend on government financial assistance.

The television and the web spew out their pornographic and violent scenes, so many young people grow up consuming what could not possibly help them grow up to be good fathers and mothers, and good citizens.

The controversy rages as to whether or not a fetus is a human being, and in the meantime a large percentage of them are eliminated.

The families of our country are deeply troubled in the midst of the controversy as to what a family is. But these same families must produce citizens who will develop much needed skills, work reliably, live honestly, pay their taxes, and work together to build a harmonious society. How can we preserve wholesome families? Lord, be merciful to the families.

Lord, help this responsible assembly to solve these and other difficult problems. Grant that they may have the wisdom from above, so that your will may be done on earth as it is in Heaven. We thank you for their dedication and the hard work they do. Help them to

hold the reigns of government firmly in their hands, restraining the evil and promoting only what is good and just for our society.

Through the mediation of Jesus Christ, I pray. AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 486, An act concerning marriage; relating to invalidity of common law marriages, by Committee on Judiciary.

SB 487, An act concerning crimes, criminal procedure and punishment; relating to burglary; sentencing; amending K.S.A. 2001 Supp. 21-4704 and repealing the existing section; also repealing K.S.A. 2001 Supp. 21-4704a, by Committee on Judiciary.

SB 488, An act concerning schools; relating to the closure of school buildings; amending K.S.A. 72-8213 and K.S.A. 2001 Supp. 72-8233 and repealing the existing sections, by Committee on Education.

SB 489, An act concerning civil actions and civil penalties; relating to certain fertilizers; owners of anhydrous ammonia, immunity from liability; civil penalty for certain persons or custom blenders of fertilizer; amending K.S.A. 2-1201b and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to Committees as indicated:

Assessment and Taxation: **SB 478, SB 479**.

Commerce: **SB 481**.

Education: **SB 483**.

Judiciary: **SB 474, SB 475, SB 476, SB 477, SB 485**.

Public Health and Welfare: **SB 482**.

Utilities: **SB 480; SCR 1617, SCR 1618**.

Ways and Means: **SB 484**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HIGHWAY PATROL

January 17, 2002

Pursuant to K.S.A. 60-4117, Walter V. Darling, Director of Fiscal and Technical Services, provided the Senate with a report regarding state forfeiture funds.

KANSAS DEVELOPMENT FINANCE AUTHORITY

January 25, 2002

Jack H. Brier, President, on behalf of the Board of Directors and staff of the Kansas Development Finance Authority, submitted the audited Annual Report for the fiscal year ending June 30, 2001.

DEPARTMENT OF CORRECTIONS

January 28, 2002

In accordance with the provisions of K.S.A. 60-4117, Charles E. Simmons, Secretary of Corrections, submitted a report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2000 through December 1, 2001.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1807—

A RESOLUTION designating February 4-8, 2002, as "Ad Astra" week.

WHEREAS, The Kansas legislature has authorized the placement of a sculpture of a native Kansa warrior, named the "Ad Astra" sculpture, atop the state capitol and has au-

thorized the placement on the capitol grounds of a life-size version of this sculpture. It has been determined that the life-size sculpture will be placed in a newly designated plaza on the south side of the capitol grounds between two major walkways; and

WHEREAS, The life-size sculpture that will be placed on the capitol grounds will be on display on the first floor of the capitol during the period February 4-8, 2002, prior to its permanent placement on the capitol grounds. A reception hosted by Governor Graves, Topeka Mayor Felker, the sculptor, Richard Bergen, and the project's finance chairperson, Ben Vidricksen, will be held from 5 to 7:30 p.m. Wednesday, February 6, 2002, by the sculpture. Donations for this project continue to be accepted. Interested parties who make a tax deductible donation in the amount of \$250 or more can have a brick inscribed with the donor's name or company name, or sentiment, for placement in the plaza area. Contributions may also be made by sending a check or money order to the Capitol Dome Sculpture Project, Box 1192, Salina, Kansas 67402-1192: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate of the state of Kansas hereby designates February 4-8, 2002, as "Ad Astra" week and encourages support of this ongoing project.

On emergency motion of Senator Emler **SR 1807** was adopted unanimously.

Senators Clark, Barone, Donovan, Emler, Feleciano, Huelskamp, Salmans and Steineger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1808—

A RESOLUTION congratulating and commending Don Heiman, chief information architect, chief information technology officer and director of the Division of Information Systems and Communications for the state of Kansas.

WHEREAS, Upon his retirement from state service February 1, 2002, the state of Kansas recognizes the continued commitment and excellence of Mr. Heiman in providing invaluable services in the field of information technology to the citizens of this state; and

WHEREAS, With Don Heiman's leadership a model of statewide technology architecture was codified into Kansas law; and

WHEREAS, The Kansas statutes regarding technology may well be among the most important legislation of the 20th century, such architecture having become a model for the rest of the United States and many nations of the world; and

WHEREAS, As a result of this leadership Kansas was ranked first in the country in the use of electronic technology according to the 2001 fourth annual digital state survey sponsored by Government Technology magazine; moreover, Kansas has continued to climb each year since the survey was conducted. There are eight specific categories each state government is judged on: Kansas placed first in the Social Services Category, first in GIS Transportation, third in Taxation/Revenue, fourth in Digital Democracy, seventh in Education, ninth in Law Enforcement/Courts, tenth in Management/Administration, and 15th in Electronic Commerce/Business Regulation; and

WHEREAS, Kansas has accomplished its number 1 ranking while spending less than 2% of its budget on information technology projects while the average state spends in excess of 6.4% of its budget on similar information technology projects; and

WHEREAS, The citizens of Kansas benefit greatly from such technological innovation. Among other things, Mr. Heiman's commitment to information technology allows citizens in all corners of the state to have the tools that they need to be successful in the 21st century; and

WHEREAS, The state of Kansas is the leader among the states in the use of information technology largely due to Mr. Heiman's hard work and commitment: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Don Heiman upon his retirement from state service and for Kansas being ranked first among the states in the use of technology; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Don Heiman, 3004 Rimrock Drive, Lawrence, Kansas 66047.

On emergency motion of Senator Clark **SR 1808** was adopted unanimously.

Senator Clark introduced and congratulated Don Heiman upon his retirement. Accompanying Don were his wife, Ginny Heiman; his replacement, Bruce Roberts; Doug Quinn and Morey Sullivan.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 395** be amended on page 1, by striking all in lines 15 through 22, and by inserting the following:

“New Section 1. (a) Endangering the food supply is knowingly:

(1) Bringing into this state any domestic animal which is affected with any contagious or infectious disease or any animal which has been exposed to any contagious or infectious disease;

(2) exposing any animal in this state to any contagious or infectious disease;

(3) except as permitted under K.S.A. 2-2112 *et seq.*, and amendments thereto, bringing or releasing into this state any plant pest as defined in K.S.A. 2-2113, and amendments thereto, or exposing any plant to a plant pest; or

(4) exposing any raw agricultural commodity, animal feed or processed food to any contagious or infectious disease.

(b) As used in this section: (1) “Animal feed” means an article which is intended for use for food for animals other than humans and which is intended for use as a substantial source of nutrients in the diet of the animal, and is not limited to a mixture intended to be the sole ration of the animal;

(2) “contagious or infectious disease” means any disease which can be spread from one subject to another by direct or indirect contact or by an intermediate agent, including, but not limited to, anthrax, all species of brucellosis, equine infectious anemia, hog cholera, pseudorabies, psoroptic mange, rabies, tuberculosis, vesicular stomatitis, avian influenza, pullorum, fowl typhoid, psittacosis, viscerotropic velogenic Newcastle disease, foot and mouth disease, rinderpest, African swine fever, piroplasmosis, vesicular exanthema, Johne’s disease, scabies, scrapies, bovine leukosis and bovine spongiform encephalopathy;

(3) “processed food” means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration or milling; and

(4) “raw agricultural commodity” means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

(c) Endangering the food supply is a severity level 9, nonperson felony. Endangering the food supply is a severity level 3, nonperson felony, if done with the intent to cause damage to plants or animals or to cause economic harm or social unrest. Endangering the food supply is a severity level 3, person felony, if done with the intent to cause illness, injury or death to a human being or beings.”;

On page 2, in line 12, after the semicolon, by inserting “and”; in line 13, by striking all after “(16)”; by striking all in line 14; in line 15, by striking “(17) any offense as provided” and inserting “endangering the food supply as defined”; by striking all in lines 37 through 43;

On page 3, by striking all in lines 1 through 4;

And by renumbering sections accordingly;

Also on page 3, in line 15, by striking “plants or”; in line 16, after the period, by inserting “In addition, the governor, upon a finding that a quarantine or other regulations are necessary to prevent the spread among plants, raw agricultural commodities, animal feed or processed food of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency.”;

On page 1, in the title, in line 11, by striking “47-623 and”; in line 12, after “sections” by inserting “; also repealing K.S.A. 2001 Supp. 47-623”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 397 reported correctly engrossed January 30, 2002.

On motion of Senator Donovan the Senate adjourned until 2:30 p.m., Monday, February 4, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

