

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 9, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-nine senators present.

Senator Allen was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The projected shortfall provides one of the biggest challenges we've ever had. It resembles the irresistible force challenging the immovable object.

What seems like can't be done must be done.

So what do we do? We do what we've always done. We keep on trying!

We know some folks are fearful
Of the cuts which must be made;
If we were in their shoes,
We, too, would be afraid.

Unfortunately the shoes we wear
Result in people crying
It doesn't mean that we don't care,
But we have to keep on trying.

We know some bills were introduced
Which have wound up dying.
So we really don't have any choice:
We have to keep on trying.

So we could use Your help, O God;
There is no denying.
Until we get a bill that flies,
We have to keep on trying.

I pray in Jesus' Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 661, An act concerning school districts; relating to budgeting, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 660**; **HB 2706**, **HB 2714**.

Ways and Means: **SB 659**.

CHANGE OF REFERENCE

The President withdrew **Sub HB 2754** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Commerce.

REFERRAL OF APPOINTMENTS

The following appointment made by the Governor and submitted to the senate for confirmation, was referred to Committee as indicated:

Executive Director, Kansas State Historical Society, Mary R. Allman, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Commerce)

MESSAGE FROM THE GOVERNOR

SB 490 approved on April 8, 2002.

COMMUNICATIONS FROM STATE OFFICERS

SECRETARY OF STATE
STATE OF WYOMING

April 2, 2002

As directed by Wyoming's Fifty-Sixth Legislature—2002 Special Session, Joseph B. Meyer, Wyoming Secretary of State, submitted a copy of Senate Joint Resolution 3, Enrolled Joint Resolution 2, which requests Congress to propose and submit to the several states for ratification an amendment to the Constitution of the United States on the subject of judicial taxation.

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.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2575, HB 2770, HB 2991, HB 3010**.

Announcing passage of **SB 129**, as amended; **Substitute SB 508**, as amended; **SB 553**, as amended.

The House adopts the conference committee report on **SB 439**.

The House nonconcurrs in Senate amendments to **HB 2091** and requests a conference and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2613** and requests a conference and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2703** and requests a conference and has appointed Representatives Freeborn, Myers and Flora as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 296** and has appointed Representatives Holmes, Sloan and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 481** and has appointed Representatives Horst, Faber and Gatewood as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2770, HB 2991, HB 3010 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Corbin, the Senate acceded to the request of the House for a conference on **HB 2091**.

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

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HB 2613**.

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

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2703**.

The President appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Jordan as a member of the Conference Committee on **SB 467** to replace Senator Schmidt.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1836—

A RESOLUTION naming Chetopa the pecan capital of Kansas.

WHEREAS, Chetopa, which is located on the Neosho River in far southeastern Kansas, is surrounded by 8,500 acres of native pecan trees. These trees form the foundation for a small but thriving industry in Kansas that produces an average of three million pounds of pecans annually. Kansas grown pecans are recognized across the nation for their excellent bright-colored, sweet and oily kernels. Native Kansas pecans yield more perfect pecan halves than any other native pecans grown in the United States. Kansas State University recognizes and supports this local industry by operating a Pecan Research and Extension Center near Chetopa; and

WHEREAS, The streets of Chetopa are lined with pecan trees; in a recent survey, one out of four trees in town was a pecan tree. During the harvest season, every business in town sells locally grown pecans, and two businesses feature locally grown pecans during the entire year. Other businesses crack pecans mechanically or sell equipment for the pecan industry; and

WHEREAS, The community recently celebrated its first annual Pecan Fest. School children designed posters to advertise the event; vendors set up business in the city's Veterans Park; a pecan cookbook was compiled and sold; field trips were organized to show students the importance of the pecan industry; and a Pecan Prince and Princess were crowned by the mayor to cap the events of the day; and

WHEREAS, It is entirely appropriate that Chetopa be named the pecan capital of our state: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the city of Chetopa is named the pecan capital of Kansas; and

Be it further resolved: That the Secretary of the Senate provide four enrolled copies of this resolution to the Chetopa Community Task Force, P.O. Box 129, Chetopa, Kansas 67336-0129 plus one copy to Senator Umbarger.

On emergency motion of Senator Umbarger **SR 1836** was adopted unanimously.

Senator Umbarger introduced and welcomed Colby Kabrey, Pecan Prince and Ashley Brown, Pecan Princess; Bailey Kabrey and Justin Gambill, poster winners; Ron Wood, Cynda Jarrett, Harold Canady, Doug Moses, George Davis and Bill Reid.

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

SENATE RESOLUTION No. 1837—

A RESOLUTION congratulating and commending Linda Richey Graves.

WHEREAS, Linda Richey Graves has served the citizens of Kansas with distinction as the First Lady of Kansas; and

WHEREAS, Linda Graves is congratulated and commended for her efforts in restoring Cedar Crest, the Kansas governor's residence. She led the efforts to raise \$2.2 million in private funds to restore the home, and she has been honored by the Kansas Preservation

Alliance with its Award for Excellence, an award given annually to recognize exemplary preservation projects in Kansas; and

WHEREAS, As our First Lady, Linda Graves has made the well-being of Kansas children the cornerstone of her work. She is the honorary chairperson of Operation Immunize, a nationally recognized, statewide effort to insure timely childhood immunizations, and the Kansas Breast and Cervical Cancer Initiative, a program designed to enhance the health of Kansas women. Earlier this year, President George W. Bush appointed her to the White House Commission on Presidential Scholars. She is a director of the Greater Kansas City Community Foundation, and has served as the chairperson of the Community Foundation of Johnson County; and

WHEREAS, Linda Graves was born in Topeka and is the daughter of Ronald and Florence Richey. She earned a degree in history, graduating magna cum laude from Oklahoma State University, and was awarded a law degree, cum laude, from the Washburn University School of Law in Topeka. Mrs. Graves joined the Kansas City law firm of Levy and Craig, P.C., an 80-year old firm specializing in business law. She was honored to be the first woman admitted to partnership in the firm. She holds an honorary Doctorate of Law degree from Baker University and was the recipient of the Distinguished Service Award from Washburn University in 2000; and

WHEREAS, Linda Graves has served as an admirable role model for Kansas girls through her accomplishments in academic, professional and public service pursuits. She has also served our state through her steadfast commitment to support Governor Bill Graves in his service as the state's chief executive. Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Linda Richey Graves for her work and accomplishments as Kansas' First Lady and for the example she has set for the women and girls of Kansas. We express our appreciation to her, on behalf of all Kansans, for her dedicated service to our state, and we wish her well in all her future endeavors; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mrs. Graves.

On emergency motion of Senator Adkins **SR 1837** was adopted unanimously.

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

SENATE RESOLUTION No. 1838—

A RESOLUTION congratulating and commending David A. Ambler.

WHEREAS, David A. Ambler of Lawrence will be retiring in August of 2002 after completing 25 years of service as the Vice Chancellor for Student Affairs at the University of Kansas; and

WHEREAS, At the University of Kansas, Dr. Ambler is responsible for the University's student services program including student housing, health services, the Kansas Unions, recreational services, financial aid, placement, counseling services, student activities, multicultural affairs, international student services and other programs to assist student development. Additionally, he holds the rank of Courtesy Associate Professor in the Department of Teaching and Leadership where he works with graduate students interested in pursuing careers in higher education; and

WHEREAS, Dr. Ambler has been active in national professional organizations and has been a member of two national journal editorial boards. He served a three-year term as President of the Foundation of the National Association of Student Personnel Administrators (NASPA), an organization that promotes research and development in student services. He was twice a regional nominee for the NASPA Scott Goodnight Award for outstanding performance as a personnel dean. In 1999, he was designated a "Pillar of the Profession" by the NASPA Foundation, and he received the Fred Turner Award for Outstanding Service to NASPA at the 2000 National Conference; and

WHEREAS, In 1983, the University of Kansas Student Senate selected him to receive their Higher Education Distinguished Service Award and in 1987 he was the first recipient of the CLASS Award, established by the Senior Class at the University of Kansas to honor staff members in the Division of Student Affairs. That same year, he was recognized by his

alma mater, Indiana University, when he received the Robert H. Shaffer Distinguished Alumni Award; and

WHEREAS, Significant accomplishments of Dr. Ambler while at the University of Kansas include consolidation of the offices of Dean of Men and Dean of Women into the Dean of Students office, renovations of the Kansas Union and the Watkins Health Center and construction of a new child care center and a student recreation center. Additionally he and his wife, Mary Kate, the parents of two daughters, have served in a myriad of civic and religious organizations in the Lawrence community; and

WHEREAS, Dr. Ambler has been a leader in training other student affairs officers who now provide services to students at colleges and universities throughout the nation; and

WHEREAS, Dr. Ambler has consistently sought to empower students to become active participants in the governance of the University of Kansas. He has served as a positive role model and a valued mentor to many thousands of students; and

WHEREAS, Dr. Ambler leaves a legacy of service reflected in the professionalism and passion of his staff and those with whom he has worked, a legacy of teaching reflected in the lives and intellects he has helped to mold and a legacy of friendship reflected in the many people whose lives have been improved as a result of knowing him: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dr. David A. Ambler for 25 years of selfless service to the University of Kansas, the Lawrence community and the State of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Dr. David A. Ambler, 213 Strong Hall, University of Kansas, Lawrence, Kansas 66045.

On emergency motion of Senator Adkins **SR 1838** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 652** be passed.

Also **HB 2933**, as amended by House Committee be amended on page 1, in line 34, by striking “and” the second time it appears;

On page 2, in line 32, after the semicolon by inserting “and”; in line 36, by striking “; and” and inserting a period; by striking all in lines 37 and 38; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 3031**, as amended by House Committee, be amended on page 2, in line 5, by striking “statute”; in line 6, by striking “book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 656, SB 658** be passed.

REPORT ON ENGROSSED BILLS

SB 438, SB 648, SB 651 reported correctly engrossed April 9, 2002.

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 Vratil in the chair.

On motion of Senator Vratil the following report was adopted:

Recommended **HB 2947, HB 2982, HB 3021** be passed.

SB 641; HB 2949 be amended by adoption of the committee amendments, and the bills be passed as amended.

Sub HB 2653 be amended by adoption of the committee amendments.

Senator Huelskamp moved to amend the bill as amended by Senate Committee, on page 3, preceding line 13, by inserting the following:

“Section 1. K.S.A. 8-166 is hereby amended to read as follows: 8-166. The following words and phrases when used in this act shall for the purpose of this act have the following meaning:

(a) ~~“Antique.”~~ “Antique” means any vehicle more than ~~thirty-five (35)~~ 25 years old, propelled by a motor using petroleum fuel, steam or electricity or any combination thereof.

(b) ~~“Person.”~~ “Person” means every natural person, firm, copartnership, association, corporation, club or organization.

(c) The words and phrases defined in K.S.A. 8-126 and 8-126a, *and amendments thereto*, when used in this act shall have the meanings respectively ascribed to them by said sections.”;

Also on page 3, in line 13, by striking “Section 1.” and inserting “Sec. 2.”;

By renumbering the remaining sections accordingly;

On page 4, in line 31, by striking “8-170 is” and inserting “8-166 and 8-170 are”;

In the title, in line 11, preceding “8-170” by inserting “8-166 and”; in line 12, by striking “section” and inserting “sections”

The motion failed and the amendment was rejected.

The Committee recommended **Sub HB 2653** be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:00 p.m., Wednesday, April 10, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

