

Journal of the Senate

SIXTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 6, 2002—2:00 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Help me understand how others
Get away with rhetoric,
But when I try to do the same,
I'm "playing politics."

How can the other branches
Do things that contradict,
But let the legislature try it
And we're "playing politics."

When my colleagues change their minds,
They insist there are no tricks,
But if I decide to do the same,
I'm "playing politics."

Others seem to get away
With being mavericks,
But when I try to stand alone,
I'm "playing politics."

It should come as no surprise
To make the system click,
All of us from time to time
Play some politics.

But we resent the accusation
That we're all lunatics
And that everything we do
Is based on politics.

Our basic motivation
Is not based on politics
But to help our people
Whose problems we help fix.

I guess that when the trumpet sounds
And You return to take your pick;
The ones who are left behind will say,
"They're still 'playing politics'."

I pray in the Name of Christ,
AMEN

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2183**.

Announcing, the House adopts the conference committee report on **SB 400**.

The House adopts the conference committee report on **House Substitute for SB 430**.

The House adopts the conference committee report on **SB 444**.

The House adopts the conference committee report on **S Substitute for HB 2831**.

The House concurs in Senate amendments to **HB 3031** and requests the Senate to return the bill.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2183 was thereupon introduced and read by title.

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 Corbin in the chair.

On motion of Senator Corbin the following report was adopted:

Recommended **HB 3011** be amended by adoption of the committee amendments, and the bill be passed as amended.

The following amendments to **HB 3011** were rejected:

Senator Barone moved to amend the bill as amended by Senate Committee, on page 2, in line 29, by striking "102" and inserting "117"; in line 31, by striking "132" and inserting "152"; in line 33, by striking "197" and inserting "228"; in line 35, by striking "312" and inserting "363"; in line 37, by striking "312" and inserting "363"; in line 39, by striking "375" and inserting "433"; in line 41, by striking "475" and inserting "550"; in line 43, by striking "605" and inserting "702";

On page 3, in line 2, by striking "805" and inserting "936"; in line 4, by striking "1,010" and inserting "1,170"; in line 6, by striking "1,210" and inserting "1,400"; in line 8, by striking "1,535" and inserting "1,725"; in line 10, by striking "1,735" and inserting "1,925"; in line 12, by striking "1,935" and inserting "2,125";

On page 4, in line 27, by striking "\$62" and inserting "\$70"; in line 29, by striking "102" and inserting "117"; in line 31, by striking "132" and inserting "152"; in line 33, by striking "177" and inserting "205"; in line 35, by striking "177" and inserting "205"; in line 37, by striking "215" and inserting "246"; in line 39, by striking "245" and inserting "281"; in line 41, by striking "315" and inserting "363"; in line 43, by striking "415" and inserting "480";

On page 5, in line 2, by striking "480" and inserting "550"; in line 4, by striking "580" and inserting "667"; in line 6, by striking "760" and inserting "878"; in line 8, by striking "890" and inserting "1,030"; in line 10, by striking "1,010" and inserting "1,170"; in line 20, by striking "\$37" and inserting "\$41"; in line 22, by striking "42" and inserting "47"; in line 24, by striking "52" and inserting "59"; in line 26, by striking "72" and inserting "82"; in line 28, by striking "72" and inserting "82"; in line 30, by striking "75" and inserting "87"; in line 32, by striking "190" and inserting "211"; in line 34, by striking "370" and inserting "421"; in line 35, by striking "610" and inserting "702";

On page 11, in line 30, by striking "\$62" and inserting "\$70"; in line 32, by striking "102" and inserting "117"; in line 34, by striking "132" and inserting "152"; in line 36, by striking "177" and inserting "205"; in line 38, by striking "177" and inserting "205"; in line 40, by striking "215" and inserting "246"; in line 42, by striking "245" and inserting "281";

On page 12, in line 2, by striking "315" and inserting "363"; in line 4, by striking "415" and inserting "480"; in line 6, by striking "480" and inserting "550"; in line 8, by striking "580" and inserting "667"; in line 10, by striking "760" and inserting "878"; in line 12, by striking "890" and inserting "1,030"; in line 14, by striking "1,010" and inserting "1,170"

Senator Huelskamp moved to amend the bill, on page 19, line 38, by striking "June" and inserting "August"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16, Nays 24, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barone, Brownlee, Clark, Feleciano, Gilstrap, Gooch, Haley, Harrington, Hensley, Huelskamp, Jordan, Lyon, O'Connor, Pugh, Tyson, Wagle.

Nays: Adkins, Allen, Barnett, Brungardt, Corbin, Donovan, Downey, Emler, Goodwin, Jackson, Jenkins, Kerr, Lee, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

The motion failed and the amendment was rejected.

Senator Hensley moved to amend the bill as amended by Senate Committee, on page 20, following line 26, by inserting the following:

"Sec. 7. On and after July 1, 2002, in addition to the other purposes for which expenditures may be made by the department of transportation from moneys appropriated from the state highway fund or any other special revenue fund for fiscal year 2003 for the department of transportation as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the department of transportation for fiscal year 2003 from the state highway fund and other appropriate special revenue funds for a four-lane expressway reconstruction project for Kansas highway 61 (K-61), as originally planned for K-61: *Provided*, That no expenditures shall be made by the department of transportation from moneys appropriated from the state highway fund or any other special revenue fund for fiscal year 2003 for a four-lane freeway project K-61 or for any highway reconstruction project for K-61, other than the originally planned four-lane expressway reconstruction project for K-61: *Provided further*, That expenditures shall be made from the state highway fund and other appropriate special revenue funds for continuation of all maintenance of the highway currently designated Kansas highway 14 (K-14).";

And by renumbering sections accordingly;

In the title, in line 16, by striking "providing for the financing for" and inserting "concerning"; in line 17, striking "program" by inserting "; providing for the financing thereof; relating to certain projects"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 3, Nays 26, Present and Passing 8, Absent or Not Voting 3.

Yeas: Brownlee, Hensley, Lyon.

Nays: Adkins, Allen, Barnett, Brungardt, Corbin, Donovan, Downey, Emler, Goodwin, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Present and Passing: Feleciano, Gilstrap, Gooch, Haley, Harrington, Lee, O'Connor, Steineger.

Absent or Not Voting: Barone, Clark, Pugh.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on this amendment as my community was one of many passed over by KDOT when they made their decisions on system enhancements. Be that as it is, the inflation rate of going from \$93 million to \$170 million over nine years cannot be justified by any standard.—KARIN BROWNLEE

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a ¾ constitutional majority, to advance **HB 3011** to Final Action and roll call.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 25, Nays 3, Present and Passing 12, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brungardt, Corbin, Donovan, Downey, Emler, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Hensley, Huelskamp, Lyon.

Present and Passing: Barone, Brownlee, Clark, Feleciano, Gilstrap, Gooch, Haley, Lee, O'Connor, Pugh, Steineger, Tyson.

A $\frac{2}{3}$ constitutional majority having failed to vote in favor of the motion, **HB 3011** is on the calendar under the heading of Final Action.

MESSAGE FROM THE HOUSE

Announcing, the House adopts the Conference Committee Report to agree to disagree on **Senate Substitute for HB 2621** and has appointed Representatives Wilk, Stone and Shriver as third conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2991** and requests a conference and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House adopts the conference committee report on **House Substitute for SB 364**.

The House concurs in Senate amendments to **HB 2666** and requests the Senate to return the bill.

ORIGINAL MOTION

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HB 2991**.

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

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2315**, as amended by House Committee, be amended on page 8, in line 28, by striking "(b)" and inserting "(c)";

And by relettering subsections accordingly;

Also on page 8, in line 39, by striking "the client" and inserting "an individual"; in line 40, by striking "client" and inserting "individual";

On page 9, in line 28, by striking "therapist" and inserting "therapy assistant"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 467 reported correctly engrossed May 6, 2002.

Also: **SB 541** correctly re-engrossed May 6, 2002.

REPORT ON ENROLLED BILLS

SR 1848, SR 1849, SR 1850, SR 1851, SR 1852, SR 1853, SR 1854, SR 1855, SR 1856 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 6, 2002.

On motion of Senator Oleen the Senate adjourned until 9:00 a.m., Tuesday, May 7, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

