

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 30, 2004—10:00 a.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-one senators present.

Senators Allen, Barnett, Brungardt, Corbin, Donovan, Emler, Lyon, Pugh and Wagle were excused.

President Kerr introduced as guest chaplain, Darrel Proffitt, Lead Pastor, St. Margaret's Episcopal Church, Lawrence, who delivered the invocation:

We thank you, Almighty God, for this day that we gather in this place where your people assemble for just deliberations and legislative actions. Direct, in our time, we pray, those who have been elected as the chosen leaders of the State of Kansas. Help these women and men engage in civil discussion and right actions for the benefit of all. Continue to call forth our leaders to be honest and able. Help all of them to seek just and fair ways to respond to the many and varied needs of the poor and the rich, those who live in rural areas and those in cities, the young and the aged, women and men and those from different cultures and differing abilities. Give our leaders wisdom, charity, and justice; that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people; also bless those who serve faithfully in the armed forces of this land and this state. We give you thanks for the faithful and graceful leadership of those who serve, especially thanking you for the leadership of General Greg Gardner. We make these prayers in Your most Holy Name. Amen

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 2, by Senator Stan Clark: A petition filed by taxpayers of Graham County protesting the closure of the Hill City SRS Office, signed by 576 taxpayers.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 399, An act concerning unclaimed property; relating to demutualization of insurance companies; amending K.S.A. 2003 Supp. 58-3935 and 58-3950 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 400, An act concerning law enforcement; pertaining to training of part time law enforcement officers; amending K.S.A. 2003 Supp. 74-5602 and repealing the existing section, by Committee on Elections and Local Government.

SB 401, An act relating to oil and gas; concerning information to be included with payment to interest owners from sales of oil and gas; amending K.S.A. 2003 Supp. 55-1620 and 55-1622 and repealing the existing sections, by Committee on Utilities.

SB 402, An act concerning intoxicating liquors; relating to farm wineries; amending K.S.A. 41-308a, 41-310 and 41-312 and repealing the existing sections, by Committee on Agriculture.

SB 403, An act concerning schools and school districts; relating to school finance; providing revenue through sales and use taxes and income tax surcharge; amending K.S.A. 72-

6405, 72-6410, 72-6412, 72-6413, 72-6414 and 72-6442 and K.S.A. 2003 Supp. 72-6407, 72-6431, 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 72-6433b and 72-6440 and K.S.A. 2003 Supp. 72-6431b, 72-6431c, 79-201y, 79-3603c, 79-3620c and 79-3710a, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 390**.

Commerce: **SB 393, SB 394, SB 395**.

Elections and Local Government: **SB 386, SB 387**.

Natural Resources: **SB 396**.

Financial Institutions & Insurance: **SB 391, SB 392**.

Judiciary: **SB 388, SB 389, SB 398**.

Public Health and Welfare: **SB 397**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Oleen, Buhler, Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1806—

A RESOLUTION congratulating and commanding Major General Gregory B. Gardner.

WHEREAS, Major General Gregory B. Gardner served as the Adjutant General of Kansas from February 10, 1999, to October 31, 2003. In this position he served also as the Director of Kansas Emergency Management and as the Director of Homeland Security for the state of Kansas; and

WHEREAS, General Gardner was responsible for the preparation of over 8,000 citizen soldiers and airmen to support the nation's involvement in Iraq, coordinated state and local government agencies when natural disasters occurred in the state and was responsible for leading our state's response to terrorist attack; and

WHEREAS, General Gardner's involvement with terrorism commenced before the tragic events of September 11, 2001; he participated nationally on panels and in exercises like Dark Winter, where he served as an advisor and representative of the state's perspective on bioterrorism; Crimson Sky, an agroterrorism exercise, and many more; and

WHEREAS, General Gardner entered the Air National Guard as a distinguished graduate of the University of Hawaii Air Force Reserve Officer Training Corps in 1976. He completed pilot training as a distinguished graduate, and in 1982 completed Squadron Officer's School as a distinguished graduate. After several increasingly responsible positions in the National Guard organization, he came to Kansas in 1994 as Vice-Commander of the 184th Bomb Wing, Kansas Air National Guard, at McConnell Air Force Base; subsequently he served as Commander of the 184th Bomb Wing at Wichita from 1997 to 1999 before coming to Topeka as the Adjutant General for the state of Kansas; and

WHEREAS, General Gardner is a graduate of the Air Command and Staff College, the Air War College and Capstone; as a command pilot he has over 4,000 flight hours and has flown over 20 military and civilian aircraft. His awards and decorations include the Legion of Merit, Meritorious Service Medal and the Air Force Commendation Medal; and

WHEREAS, General Gardner and his wife Kimberly are the proud parents of two children, Gary and Rachael; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Major General Gregory B. Gardner for the many years of meritorious service he has given the state as the commander of the state's military assets and as a national leader in the war against terrorism; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Major General (Retired) Gregory B. Gardner, 1516 Alvamar Drive,

Lawrence, KS 66047-1603 and to Jay Moser, Public Affairs Officer, Adjutant General's Department, 2800 SW Topeka Blvd., Topeka, KS 66611-1287.

On emergency motion of Senator Oleen **SR 1806** was adopted unanimously.

REMARKS BY MAJOR GENERAL GARDNER

President Kerr and members of the Senate, thank you for honoring me with the resolution and your kind words. I served Kansas in three roles: leader of the Kansas National Guard, Director of Emergency Management, and as our state's Homeland Security Advisor. I would like to take a few moments to thank you from each perspective.

First, as leader of the Kansas Army and Air National Guard, I would like to thank you for passing the "Aging Armories" Bond Bill. It is allowing us to renovate our 40-50 year old armories, bringing them up to code compliance and making them a place from which our soldiers effectively serve and train. Senator Kerr your leadership in 2000 as Chairman of Ways & Means was critical to the success of that effort.

Twice you all amended the statute affecting Guardsmen called to State Active Duty. You simplified and raised the compensation for the lowest ranking enlisted soldiers called to respond in times of disaster. In this post 9-11 world, should a catastrophic event require calling Guardsmen to state active duty over 30 days, the statute now provides reimbursement for health care. Although a very unlikely event, National Guard families are comforted knowing when their Guard member is called to duty, sacrificing family and employer time, they do not have to sacrifice the family's health care as well. Thank you Senator Atkins for your help writing that one.

Last year, led by Senator Morris, you passed the Veterans scratch lottery ticket to help fund the National Guard Tuition Assistance program. I bought my first lottery tickets last fall, and while I did not win, our citizen soldiers and airmen did; this provided a real boost for recruiting and retention.

As Director of Kansas Emergency Management, I would like to thank you for passing the Emergency Management Assistant Compact. The EMAC established the legal and financial requirements for mutual aid among the states in times of disaster. Senator Oleen, in addition to introducing the bill, your amendment that made EMAC effective upon publication of the register, allowed Nebraska to help in the April 2000 Parsons Tornado. Since then, EMAC allowed us to fight fires in Montana and Oklahoma with our Blackhawk helicopters and Angee Morgan, the Emergency Management Human Services officer went to help at the World Trade Center shortly after 9-11.

Senator Schmidt, you led the effort in 2001 prior to 9-11 that gave Kansas the capability to respond to agricultural terrorism by expanding the governor's disaster authority to animals; extending the duration period in 30 day increments until the situation is under control, and adding teeth to the penalties for the intentional introduction of agricultural agents like foot and mouth disease.

As the Director of Homeland Security after 9-11, I want to thank you for making the use of the Incident Management System (2002) mandatory in all disasters-this is the system that facilitates responders at all levels (federal, state, and local) working together in a common structure using common terminology. The system is likely to become the law of the land in the next couple of years. You all also approved the use of a regional approach to emergency management that is essential for homeland security preparedness across the whole state of Kansas. Senators Brungardt and Emmer your leadership on both was critical.

I could go one by one around this chamber and tell you how you helped us make this all happen. Although much of your business remains a mystery to me, I learned a little about your processes. For example, I learned passing bills often depends as much on what is not added to them as what is in them. For that I have many to thank, among whom are Senators Downey and Steineger - your leadership was pivotal not only supporting the bills but on several occasions precluding unfavorable amendments.

Over the last five years many in this chamber visited and thanked our citizen soldiers and airmen as they trained at Fort Riley, McConnell AFB, Forbes Field and in our local communities; when they responded across the state to tornadoes, floods, ice storms, gas explosions, and other emergencies; and as they kept the peace around the world in places like Bosnia, Turkey, Germany, France, and Italy. Your presence with those Kansans spoke volumes about your support of their service and sacrifice. I encourage you to continue to support Kansas citizen soldiers and airmen who so faithfully serve their fellow man. I would also ask you to support Tod Bunting as the new Adjutant General. He is an intelligent, hard working Kansas Guardsman who is committed to the needs of Kansas.

It was a distinct honor to serve and to work alongside professionals like you and our dedicated National Guard members and families. Thank you for helping make Kansas a safer place to live, work, and play. Goodbye and God bless you.

Accompanying General Gardner were his wife, Kimberly; a friend, Jefri Leonard and church pastor, Darrel Proffitt.

Senators Hensley, Allen, Bunten, Clark, Corbin, Donovan, Gilstrap, Haley, Helgerson, Jordan, Kerr, Lee, Morris, Oleen, Steineger and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION in memory of Bill Wisdom.

WHEREAS, Bill Wisdom, 71, of Kansas City died January 21, 2004. A former Kansas legislator, he served the 31st district in the House of Representatives from 1975-1992 and the 6th district in the Senate from 1993-1996; and

WHEREAS, Senator Wisdom was born April 11, 1932, in Cottonwood, Oklahoma, where he was affectionately known as "Billie Joe" Wisdom. He graduated from Limestone Gap High School and earned an Associate Degree from Kansas City Community College; and

WHEREAS, Senator Wisdom was employed for 35 years in the automobile manufacturing industry, first at Ford and later at General Motors, where he became a Process Engineer Supervisor. He was a proud member of the United Auto Workers Union even after he went into management; and

WHEREAS, Senator Wisdom is remembered for his unwavering support for the working men and women of Kansas, and for their right to organize and collectively bargain, and for their right to a safe workplace and fair wages; and

WHEREAS, Senator Wisdom is also remembered for his unyielding commitment to improving the quality of public education in Kansas, particularly for children and youth with special needs. He was a champion for our fellow Kansans with mental and physical disabilities; and

WHEREAS, Senator Wisdom was an environmentalist and avid outdoors man who always enjoyed the companionship of his friends on hunting trips to various areas of Kansas; and

WHEREAS, Senator Wisdom was recognized by his many legislative colleagues both in the House and Senate, and on both sides of the aisle, as a capable and caring legislator who served on numerous legislative committees throughout his tenure, most notably as vice-chairman of the House Committee on Appropriations. He was also known by his colleagues as a man of his word; and

WHEREAS, Senator Wisdom was actively involved in many community-based organizations in Wyandotte County, including the Wyandotte County Parks and Recreation Board, Citizen's Advisory Commission of Kansas City, Kansas, and Argentine Community Action; and

WHEREAS, Senator Wisdom was also active in numerous civic and service organizations, including the Shrine, Argentine Activity Association, Maple Hill Optimist Club and the Turner Lions Club; and

WHEREAS, Senator Wisdom was a longtime member of the United Church of the Good Shepherd; and

WHEREAS, Senator Wisdom was proud of his upbringing as a lifelong member of the Democratic Party, and belonged to the South Side Democratic Club of Wyandotte County. He was also proud of his electoral success as one of the most popular elected officials in the history of Wyandotte County; and

WHEREAS, Bill Wisdom was a loving husband and father. He is survived by his wife, Joann; a daughter, Joni Riley; a son, Lieutenant Colonel Billie J. Wisdom, Jr.; two granddaughters, Joyce and Anne Wisdom and a grandson, Kelly Riley. Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we extend our deepest sympathy to the family and friends of Bill Wisdom and thank him for the years of public service he gave to his state and community; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Joann Wisdom, 1915 South 29th Street Court, Kansas City, Kansas 66106.

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

Senators paid tribute to Senator Wisdom and shared memories with the family. Guests were Senator Wisdom's wife, Joann; daughter, Joni Riley; son, Lieutenant Colonel Billie J. Wisdom, Jr.; and two granddaughters, Joyce and Anne Wisdom.

Senator Jackson (By request) introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1808—

A RESOLUTION to assist the homeless.

WHEREAS, There continue to be members of our society who are homeless, either by choice or circumstance, who need assistance in various ways, both while homeless and in returning to a conventional lifestyle; and

WHEREAS, Society, either through private organizations or taxpayer supported programs, provides assistance in feeding, housing and caring for these destitute individuals, but such activities do not provide them with a home; and

WHEREAS, The cost of providing social services for our citizens continues to increase and the state faces continuing budget challenges; and

WHEREAS, It is proposed that private families be considered as a collateral resource for homeless missions in assisting homeless individuals; and

WHEREAS, A family could provide stable housing and emotional support for one needing such and could provide a strong incentive for the homeless person to become an active member of society; and

WHEREAS, Contacting family members by homeless individuals might be facilitated by providing them access to electronic communication devices; and

WHEREAS, The Kansas Senate acknowledges the study "Dreams Deferred—the families and friends of homeless and vulnerable people," by Gerald Lemos and Stefan Durkacz of Lemos & Crane, 64 Highgate High Street, London N6 5HX, which supports the idea of family, friends and relationships as a collateral resource for those who are presently homeless, and that service providers support use of the methodologies described therein: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Department of Social and Rehabilitation Services is requested to consider the efficacy of this proposal and, if considered favorably, report to the Governor and Legislature prior to the commencement of the 2005 legislative session the department's proposal on this subject; and

Be it further resolved: That the Secretary of the Senate provide one enrolled copy of this resolution to the Secretary of the Department of Social and Rehabilitation Services, one copy to David Owen, 1300 Van Buren, Suite 16, Topeka, Kansas 66612-1353 and one copy to Gerald Lemos and Stefan Durkacz, of Lemos & Crane, 64 Highgate High Street, London N6 5HX, England.

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

REPORT ON ENROLLED BILLS

SR 1805, SR 1806 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 30, 2004.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, February 2, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*



On adjournment, Senators joined members of the House of Representatives to commemorate Kansas Day and the 150th year anniversary of Kansas becoming a territory of the United States.

In observance, John Brown spoke at the joint meeting from his jail cell at Charleston, Virginia, the night before his public hanging Dec. 2, 1859.

David Matheny, who is Professor Emeritus of Communications at Emporia State University, portrayed John Brown, who one hundred forty-five years after his ill-fated raid on Harper's Ferry to free the slaves, still remains one of the most controversial figures in American history.