

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 14, 2005—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Wagle was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today we are honoring the memory of a man who was taken suddenly from this life last year.

Stan Clark was one of your most faithful servants. Those of us who knew him remember him fondly in many ways.

He was a devoted husband and father.

He was a Senator who did his homework while representing a district whose geographic area is larger than the combined states of Delaware, Rhode Island, Massachusetts, and three fourths of New Jersey.

When he stood to correct a colleague he was almost always right.

He would tackle assignments about which he knew little, but he would spend a great deal of time studying them and could be depended on to accomplish them with remarkable results.

He portrayed his devotion to You, O God, in many ways...one of which I confess to envying him at times...wishing my church would also forbid the wearing of neckties!

And without seeing him, we would know he was near by the sound of his distinctive laugh.

One evidence of the esteem in which he was held was the huge crowd who attended his funeral service, and the glowing testimonies shared by those who knew him well.

Much more could be said about the sterling character of this fine man, but knowing Stan I feel sure he would say to us, "Whatever I did right was the work of my Lord."

Thank You, O God, for the life of this devoted disciple, and for the assurance that he is spending eternity with You.

I pray in the Name of Jesus Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 262, An act enacting the efficiency in local government act; amending K.S.A. 2004 Supp. 19-205 and repealing the existing section, by Committee on Federal and State Affairs.

SB 263, An act concerning membership of the emergency medical services board; amending K.S.A. 65-6102 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 255, SB 256, SB 257.**

Commerce: **SB 259, SB 260 (Separately).**

Judiciary: **SB 258, SB 261.**

Public Health and Welfare: **SB 254.**

Ways and Means: **SB 260 (Separately).**

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF ADMINISTRATION

Division of Personnel Services

February 11, 2004

In accordance with KSA 75-3746, Jack Rickerson, Director, Division of Personnel Services, submitted the FY 2004 Annual Report.

KANSAS WATER OFFICE

February 11, 2005

Tracy Streeter, Director, submitted an amendment to Contract 99-5, a memorandum of agreement with the City of Spring Hill regarding Contracts No. 87-1 and No. 04-1, the nullification of Contract No. 99-2, and four water supply contracts negotiated under the provision of the State Water Plan Storage Act (K.S.A. 82a-1301 *et al.*) and approved by the Kansas Water Authority during calendar year 2004.

The amendment to Contract 99-5 reads:

Under the authority of Article 16 of Contract 99-5, we, the undersigned, mutually agree to assign Contract 99-5 to Coffeyville Resources Refining and Marketing, LLC (purchaser of the refinery) and to Coffeyville Resources Nitrogen Fertilizers, LLC (purchaser of the fertilizer plant). The purchasers acknowledge and accept all responsibilities and duties contained within Contract 99-5.

The Nullification of Contract 99-2 reads:

Under the authority of Article 15 of Contract 99-2, we, the undersigned, mutually agree to nullify Contract 99-2 upon signature of all parties.

The Memorandum of Agreement reads:

We, the undersigned, hereby agree that the provisions of contract 04-1 supersede and replace the provisions of contract 87-1 between the State of Kansas and the City of Spring Hill for water supply from Hillsdale Reservoir, except in the event the 2004 session of the Kansas Legislature revokes contract 04-1 within the first 90 days of the session. Should such revocation occur, the parties agree to reinstate provisions of contract 87-1 and any minimum annual payment made shall be adjusted to reflect the requirements of contract 87-1.

The four water supply contracts negotiated are:

For an Interim Irrigation Water Supply from Marion Lake (Surplus Water Purchase Contract Number 04-2); between the State of Kansas and Jost Farms for an Interim Irrigation Water Supply from Marion Lake (Surplus Water Purchase Contract Number 04-3); between the State of Kansas and D. Randall Heilman for an Interim Irrigation Water Supply from Council Grove Lake (Surplus Water Purchase Contract Number 04-4); between the State of Kansas and Tom J. Moxley for an Interim Irrigation Water Supply from Council Grove Lake (Water Purchase Contract Number 04-5).

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

REFERRAL OF WATER SUPPLY CONTRACTS

The President referred the Water Supply Contracts submitted by Tracy Streeter, Director, Kansas Water Office, to the Committee on Natural Resources.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2154, HB 2225.**

Announcing adoption of **SCR 1607.**

The House accedes to the request of the Senate for a conference on **SB 23** and has appointed Representative Wilk, Huff and Thull as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2154, HB 2225 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Ostmeyer, Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Palmer, Petersen, Pine, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steiniger, Taddiken, Teichman, Umbarger Vratil, Wagle, Wilson and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1819—

A RESOLUTION in memory of Stan W. Clark.

WHEREAS, Senator Stan W. Clark, 49, of Oakley, was killed May 29, 2004, while driving on Interstate 70 in western Kansas during a sudden dust storm; and

WHEREAS, Considered by many as the conscience of the senate, Stan Clark was appointed to represent the 40th senatorial district to fill the vacated seat of Sheila Frahm in 1994. He was elected to subsequent 4-year terms in 1996 and 2000. His senate appointments included the chair of the Utilities Committee and membership on the committees on Joint Administrative Rules and Regulations, Elections and Local Government, Federal and State Affairs and Organization, Calendar and Rules. He had also served on the committees on Agriculture, Financial Institutions and Insurance and Assessment and Taxation; and

WHEREAS, A member of the Dunkard Brethren Church, his simple life and plain dress marked him as a conservative in the political arena. His colleagues soon found him a model of fairness, a person who could create coalitions to advance the common good, and a person who was in favor of many actions if they promoted the welfare of the state. He could be truly described as an honest man with a pure heart. His gracious wife Ruth and stalwart son Will were familiar persons in the capitol building—and all of them are gravely missed; and

WHEREAS, Stan Clark was a native of Oakley, a graduate of Oakley High School and operated a premier photography business in Oakley. Active in community activities and local politics, he had been a township board treasurer, chairman of the Logan County Republican party, chairman of the Oakley board of zoning and appeals and vice-chairman of the Oakley Planning Commission. He was a member and past president of the Oakley Chamber of Commerce, a former president of Oakley Industries, Inc. and a member of the leadership council of the Kansas Agriculture Value-Added Center; and

WHEREAS, Stan Clark is survived by his wife Ruth, his son Will and his parents Bob and Edith Clark; and

WHEREAS, Stan Clark's funeral was attended by an overflow crowd of several hundred people. The event was particularly poignant as his casket was taken to the cemetery in the antique Hudson pickup he and his son had spent many hours restoring with his wife and son as passengers. He was laid to rest in the high plains country that he loved: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate speaks for the entire state of Kansas in the depth of loss it feels upon the death of our colleague and feel blessed for the time he was with us; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Mrs. Stan W. Clark, 205 U.S. 83, Oakley, KS 67748 and to Mr. and Mrs. Robert Clark, 414 W. 8th, Oakley, KS 67748.

On emergency motion of Senator Ostmeyer **SR 1819** was adopted unanimously.

Senator Morris along with members of the Senate offered their condolences to Ruth and son, Will, with stories and memories of Senator Clark's days in the Senate. Accompanying Ruth and Will were family and friends, Bob Clark, Edith Clark, Jay Ochs, Mary Ochs, Kelli Ochs, Jace Ochs, David Selenke, Dan Brabec, Ron Clark, Joe Brabec and Emily Hart.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Board of Tax Appeals: K.S.A. 2004 Supp. 74-2433

Rebecca W. Crotty, term expires January 15, 2009

Committee on **Commerce** recommends **SB 69** be amended on page 2, in line 8, after "amount" by inserting "not"; and the bill be passed as amended.

Also, **SB 122** be amended on page 1, in line 20, before the colon by inserting "at no cost to employees"; in line 21, by striking "(i)" and inserting "(1)"; in line 22, by striking "(ii)" and inserting "(2)"; in line 25, by striking "(iii)" and inserting "(3)"; in line 28, by striking "(iv)" and inserting "(4)"; also in line 28, before the period by inserting "upon agreement by the employer and the employee"; in line 29, by striking "An" and inserting "Except as provided in paragraph (4) of subsection (b), an"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 51** be passed.

Also, **SB 39** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENGROSSED BILLS

SB 12, SB 30, SB 36; SCR 1602, SCR 1604 reported correctly engrossed February 11, 2005.

SB 4, SB 19, SB 126 reported correctly engrossed February 14, 2005.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 15, 2005.

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

PAT SAVILLE, *Secretary of the Senate.*

