

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 1, 2001—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-eight senators present.

Senators Hensley and Praeger were excused.

President Kerr introduced as guest chaplain, Rev. Kasey Crosby, First United Methodist Church, Stafford, Kansas, who delivered the invocation:

Gracious Creator, I would pray that you bring your blessing upon the honored people gathered here on this day and grant that they be filled with your loving Spirit. Bless those gathered here with open minds and caring hearts that can transcend partisan politics and do good works for the people of Kansas. Help these leaders be mindful of the pledge they have made to their constituents and the ideals they first embraced upon taking their offices. Let them be a people of conscience. Let them be blessed with insight, tolerance, and graciousness. Let them be deserving of the honor bestowed upon them, as servants of both You, Lord, and the people who elected them. We pray in the name of the Creator God, Redeemer Jesus, and the Holy Spirit, Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 196, An act authorizing the state board of regents to sell and convey certain tracts of real estate located in Riley county and in Nemaha county, Kansas, for and on behalf of Kansas state university and prescribing the deposition of the proceeds thereof, by Senator Taddiken.

SB 197, An act concerning civil procedure; relating to liens; filing time; amending K.S.A. 60-1102 and 60-1103, as amended by section 7 of chapter 175 of the 2000 Session Laws of Kansas, and repealing the existing sections, by Senators Brownlee, Adkins, Allen, Barnett, Brungardt, Clark, Corbin, Emler, Gilstrap, Haley, Harrington, Jackson, Jordan, Lyon, O'Connor, Oleen, Praeger, Pugh, Schodorf, Steineger, Taddiken, Tyson, Umbarger, Vratil and Wagle.

SB 198, An act concerning teachers; providing for initial licensure upon completion of an alternate teacher preparation program, by Committee on Education.

SB 199, An act enacting the Kansas opportunity scholarship research experiment act, by Committee on Education.

SB 200, An act concerning the teacher service scholarship program; revising the definition of qualified student to include persons holding a teaching certificate; amending K.S.A. 74-32,100, 74-32,101, 74-32,102, 74-32,103, 74-32,105 and 74-32,106 and K.S.A. 2000 Supp. 74-32,104 and 74-32,107 and repealing the existing sections, by Committee on Education.

SB 201, An act concerning school district finance; revising the definition of enrollment; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Committee on Education.

SB 202, An act concerning school district finance; revising and effecting definitions; increasing base state aid per pupil; affecting determination of program weighting and at-risk pupil weighting; relating to school district ad valorem taxes; amending K.S.A. 72-6413 and K.S.A. 2000 Supp. 72-6407, 72-6410, 72-6414, 72-6431 and 79-201x and repealing the existing sections; also repealing K.S.A. 2000 Supp. 72-978, 72-979 and 72-983, by Committee on Education.

SB 203, An act concerning the expenditure of public moneys for certain drugs, by Committee on Federal and State Affairs.

SB 204, An act concerning the waters of the state; relating to classified streams; amending K.S.A. 2000 Supp. 65-171d and repealing the existing section, by Committee on Natural Resources.

SB 205, An act concerning crimes, criminal procedure and punishment; relating to appearance bonds; conditions; amending K.S.A. 22-2802 and K.S.A. 2000 Supp. 12-4301 and repealing the existing sections, by Committee on Judiciary.

SB 206, An act relating to driving under the influence of alcohol or drugs; concerning penalties; amending K.S.A. 2000 Supp. 8-1014 and 8-1015 and repealing the existing sections, by Committee on Judiciary.

SB 207, An act concerning diplomatic immunities and privileges; relating to reports by law enforcement officers, by Committee on Judiciary.

SB 208, An act concerning crimes, criminal procedure and penalties; relating to driving under the influence of inhalants; amending K.S.A. 2000 Supp. 8-1567 and repealing the existing section, by Committee on Judiciary.

SB 209, An act concerning crimes, criminal procedure and punishment; enacting the national crime prevention and privacy compact, by Committee on Judiciary.

SB 210, An act concerning counties; relating to public bids and purchases; amending K.S.A. 19-214 and repealing the existing section, by Committee on Elections and Local Government.

SB 211, An act concerning recreational districts; relating to the Blue Valley recreation system established by the Blue Valley unified school district No. 229; amending K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 and repealing the existing sections, by Committee on Elections and Local Government.

SB 212, An act relating to dentists; concerning the use of certain names; amending K.S.A. 2000 Supp. 65-1435 and repealing the existing section, by Committee on Public Health and Welfare.

SB 213, An act relating to the state board of regents; concerning seats in the university of Nebraska and Creighton university dental schools, by Committee on Public Health and Welfare.

SB 214, An act concerning the Kansas state board of mortuary arts; regulating crematories; amending K.S.A. 65-1723 and 65-1732 and K.S.A. 2000 Supp. 65-1727 and repealing the existing sections, by Committee on Public Health and Welfare.

SENATE CONCURRENT RESOLUTION No. 1608—

By Committee on Public Health and Welfare

A CONCURRENT RESOLUTION urging the Secretary of the Kansas Department of Health and Environment to review the effect of obesity in both adults and children on costly health complications such as diabetes, hypertension, heart disease and stroke, and health complications in children, and to report on current programs of the state designed to improve awareness of the problem of obesity and its treatment and to make recommendations to the Legislature for additions and improvements to the state programs prior to the convening of the 2002 session of the Legislature.

WHEREAS, The Kansas Department of Health and Environment maintains several multi-agency programs to improve the health of Kansans, young and old; and

WHEREAS, The Kansas Department of Health and Environment's Healthy Kansans 2000 1996 report recognized obesity among the known risk factors contributing to serious health consequences; and

WHEREAS, A casual relationship exists between obesity and a number of serious disorders, including hypertension, dyclopedemia, cardiovascular disease, diabetes (Type II), gallbladder disease, respiratory dysfunction, gout, and osteoarthritis; and

WHEREAS, Nearly seventy percent of diagnosed cases of cardiovascular diseases are related to obesity, and obesity more than doubles a person's chances of developing high blood pressure, and almost half of breast cancer cases are diagnosed among obese women, and forty-two percent of colon cancer cases are among obese individuals; and

WHEREAS, Obesity ranks second only to smoking as a preventable cause of death and results in some three hundred thousand deaths annually; and

WHEREAS, It is estimated that thirty-five percent of the adult population is obese and the prevalence of obesity grew a staggering thirty-four percent during the past ten years; and

WHEREAS, There is also great concern regarding what effect obesity in children may have on overall health in children, health care costs for children, and treatment to address the problem of obesity in children; and

WHEREAS, Insurance industry studies indicate that the total direct costs of obesity-related diseases in the United States is as much as \$45.8 billion; and

WHEREAS, There is a significant potential for a reduction in health care expenditures through obesity prevention efforts; and

WHEREAS, There is an urgent need for state health care agencies and medical professionals to place obesity at the top of Kansas' health care agenda; and

WHEREAS, The National Institute of Health, the American Society for Bariatric Surgery, and the American Obesity Association recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity; and

WHEREAS, The recent breakthroughs in drug therapy can treat obesity successfully; and

WHEREAS, A review by the Secretary of Health and Environment is critical to raise the awareness of the public and private sectors that obesity is a disease of epidemic proportions, that is treatable and that proper treatment will reduce health care costs and improve the quality of life for a large number of our citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the Secretary of the Department of Health and Environment to review the effect of obesity in both adults and children on costly health complications such as diabetes, hypertension, heart disease and stroke, and health complications in children, and to report on current programs of the state designed to improve awareness of the problem of obesity and its treatment and to make recommendations to the Legislature for additions and improvements to the state programs prior to the convening of the 2002 session of the Legislature; and

Be it further resolved: That the Secretary of State be directed to send a copy of this resolution to the Secretary of the Kansas Department of Health and Environment.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 179.**

Commerce: **SB 176, SB 180.**

Education: **SB 188, SB 189, SB 191; HB 2001.**

Elections and Local Government: **SB 171, SB 192.**

Natural Resources: **SB 183.**

Federal and State Affairs: **SB 178; HB 2036.**

Financial Institutions & Insurance: **SB 181, SB 182, SB 185, SB 193; HB 2033.**

Judiciary: **SB 172, SB 173, SB 174, SB 175.**

Public Health and Welfare: **SB 186, SB 187, SB 194, SB 195.**

Utilities: **SB 177, SB 190; SCR 1606, SCR 1607.**

Ways and Means: **SB 184.**

MESSAGE FROM THE GOVERNOR

January 30, 2001

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 2001-01 for your information.

Bill Graves
Governor

The President announced Executive Order No. 2001-01, an offer of reward leading to the arrest and conviction of the murderer of Jodie L. Bordeaux, is on file in the Office of the Secretary of the Senate and available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF ADMINISTRATION

Division of Accounts and Reports

January 30, 2001

Dale Brunton, Director, Division of Accounts and Reports, submitted a copy of the State of Kansas *Monthly Financial Perspective* for the month of October, 2000.

Enhanced monthly financial information is available on the internet under *Monthly Financial Perspective*. There is also a web-site available.

KANSAS JUVENILE JUSTICE AUTHORITY

The Power of Partnerships

Albert Murray, Commissioner, submitted the annual report for Fiscal Year 2000.

KANSAS CORPORATION COMMISSION

Utilities Division

February 1, 2001

John Wine, Chair, Kansas Corporation Commission, pursuant to the provisions of K.S.A. 66-117b, submitted the 2000 report to the legislature.

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.

MESSAGE FROM THE HOUSEAnnouncing passage of **HB 2004, HB 2017, HB 2048, HB 2146, HB 2147, HB 2148.**Also, adoption of **SCR 1603.****INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

HB 2004, HB 2017, HB 2048, HB 2146, HB 2147, HB 2148 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1814—

A RESOLUTION in recognition of volunteer dentists in Kansas.

WHEREAS, The members of the Kansas Dental Association, through the Kansas Donated Dental Services Program, have been providing donated dental treatment to disabled and aged Kansans since its inception on July 1, 1997; and

WHEREAS, The Kansas Donated Dental Services Program has recently surpassed a landmark goal of supplying \$1 million in donated dental services through the generosity of dentists and dental laboratories throughout the state of Kansas; and

WHEREAS, Two hundred seventy volunteer dentists and 72 volunteer dental laboratories have generously donated treatment for seriously neglected dental problems for disabled and aged individuals throughout the state; and

WHEREAS, The strength, success, vitality and effectiveness of the state of Kansas and its communities depend in great measure upon concerned and devoted programs such as Kansas Donated Dental Services Program: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Kansas Donated Dental Services Program and its volunteers be recognized and congratulated for providing more than \$1 million in dental care to the citizens of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the Kansas Dental Association and the Kansas Donated Dental Services Program, both at 5200 SW Huntoon, Topeka, Kansas 66604.

On emergency motion of Senator Wagle **SR 1814** was adopted unanimously.

Senator Wagle introduced and welcomed Dr. Wayne Thompson, Shawnee, Kansas and Dr. Nevin Waters, Olathe, Kansas.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 68, SB 69**, be passed.

Also **SB 39** be amended on page 2, in line 8, before the period by inserting "in an amount or value of \$250 or more"; after line 39, by inserting the following:

"Sec. 2. K.S.A. 2000 Supp. 79-32,197a is hereby amended to read as follows: 79-32,197a. Any *for-profit* business firm or *for-profit* business entity not subject to Kansas income, privilege or premiums tax, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to K.S.A. 79-32,196, and amendments thereto. Such credits shall be deemed to be allowed and earned by any such business entity which is only disqualified therefrom by reason of not being subject to such Kansas taxes. The business firm acquiring earned credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of its income, privilege or premiums tax liability for the taxable year in which such acquisition was made. Only the full credit amount for any one contribution may be transferred and such credit may be transferred one time. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the contribution was made. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the director of community development of the department of commerce and housing in writing within 30 calendar days following the effective date of the transfer and shall provide any information as may be required by the director of community development of the department of commerce and housing to administer and carry out the provisions of this section. The amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee.";

By renumbering existing sections accordingly;

Also, on page 2, in line 42, by striking "is" and inserting "and 79-32,197a are";

In the title, in line 10, before "and" by inserting "and 79-32,197a"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Education** recommends **SB 6, SB 7** be passed.

Also **SB 5** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 130** be passed.

Committee on **Natural Resources** recommends **SB 87** be passed.

REPORT ON ENGROSSED BILLS

SB 1, 19, 20, 29, 44 reported correctly engrossed February 1, 2001.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, February 2, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

