

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 7, 2001—2:30 p.m.

The Senate was called to order by Vice-President Sandy Praeger.

The roll was called with thirty-nine senators present.

Senator Haley was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When I was first elected,
I came with super plans.
I came to make a difference,
That is why I ran!

There were things that needed fixing.
Folks who needed me.
Everyone who asked for help,
I had the recipe!

But not much time had passed
Before it was quite clear
Thirty-nine other people
Had the same idea!

And it soon occurred to me
That just across the way
A hundred and twenty five other folks
Had to have their say.

And then I soon encountered
The really nitty-gritty:
Almost every bill I sponsored
Died in some committee!

And if it happened to survive,
Right before my eyes
All of the amendments
Made it hard to recognize!

And then a colleague told me,
“If you think that wasn’t pretty,
Wait until it’s filtered through
A conference committee!”

And even if it’s still alive
After all those episodes,
A fellow on the second floor
May send it back vetoed!

Then seven folks across the street
 Can make their contribution
 By deciding that your precious bill
 Defies the constitution!

It's certainly no wonder, Lord,
 Lawmakers get depressed
 It almost takes a miracle
 To have a small success!

But in spite of all the obstacles
 I'll never cease to try
 To carry out your super plans
 With You as my ally.

Don't let me get discouraged, Lord,
 Nor succumb to fears.
 Even if I have to shed
 A lot of sweat and tears!

I pray in the Name of Christ,
 AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 352, An act concerning legal publications; amending K.S.A. 2000 Supp. 64-101 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 345**.

Ways and Means: **SB 346, SB 347, SB 348, SB 349, SB 350, SB 351**.

CHANGE OF REFERENCE

The Vice-President withdrew **HB 2301** from the Consent Calendar, and rereferred the bill to the Committee on Commerce.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 60, SB 242**.

Also, passage of **SB 5**, as amended.

Announcing adoption of **HCR 5014**.

The House not adopts the conference committee report on **HB 2038**, requests a conference and appoints Representatives Mays, Hutchins and Rehorn as third conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5014 was thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Harrington, the Senate acceded to the request of the House for a conference on **HB 2038**.

The Vice-President appointed Senators Harrington, Brungardt and Gooch as third conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2011**, as amended by House Committee, be passed.

Also **HB 2101**, as amended by House Committee, be amended on page 1, in line 30, by striking "shall" and inserting "may"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2004** 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 **Federal and State Affairs** recommends **HB 2127**, as amended by House Committee, be passed.

Also **HB 2105** be amended on page 1, by striking all in lines 13 through 20 and inserting: "Section 1. K.S.A. 72-5308 is hereby amended to read as follows: 72-5308. ~~It shall be the duty of~~ (a) The state board of education ~~to shall~~ prepare for the use of the public schools a program providing for patriotic exercises ~~as may be deemed by it~~ *the board deems* to be expedient, under such instructions as may best meet the varied requirements of the different grades in such schools. The program of patriotic observation of every school district shall include:

(1) A daily recitation of the pledge of allegiance to the flag of the United States of America. ~~It shall also make provision for;~~

(2) *instructions relating to flag etiquette, use and display; and*

(3) *provisions relating to the observance in public schools of Lincoln's birthday, Washington's birthday, Memorial day, and Flag day; and such other legal holidays of like character as may be designated by law.*

(b) *The state board of education shall adopt any rules and regulations necessary to implement the provisions of subsection (a).*

Sec. 2. K.S.A. 73-707 is hereby amended to read as follows: 73-707. ~~It shall be the duty of the district board or boards of education of every public, or~~ *The board of education of every school district and the proprietor of a private or parochial school, in this state to shall* provide a suitable flag of the United States of America with staff or flagpole for every schoolhouse ~~and cause the same to be displayed during every school day either from a flagstaff or, in inclement weather, within the school building under the control and supervision of such board or proprietor. The flag shall be displayed in conformance with the instructions relating to flag etiquette, use and display adopted by the state board of education under K.S.A. 72-5308, and amendments thereto.~~

Sec. 3. K.S.A. 72-5308 and 73-707 are hereby repealed.";

By renumbering section 2 as section 4;

In the title, in line 10, before the period, by inserting "; amending K.S.A. 72-5308 and 73-707 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2115**, as amended by House Committee of the Whole, be passed.

Committee on **Judiciary** recommends **HB 2082** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also **SB 291** be amended on page 1, in line 15, by striking "7" and inserting "10"; and the bill be passed as amended.

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 Brownlee in the chair.

On motion of Senator Brownlee the following report was adopted:

Recommended **SB 205; HB 2001, HB 2045, HB 2190, HB 2217** be passed.

SB 128 be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle on page 1, line 23, by striking line 23 through line 28, and renumber sections, and **SB 128** be passed as further amended.

HB 2050 as amended by adoption of the committee report in Committee of the Whole, Thursday, March 1, 2001, was further amended by motion of Senator Umbarger as amended by Senate Committee, on page 1, after the enacting clause, by inserting a new section as follows:

"Section 1. K.S.A. 72-7514b is hereby amended to read as follows: 72-7514b. (a) Every rule and regulation which is *issued or* adopted by the state board of education, *whether*

pursuant to statutory authority of the state board or pursuant to authority granted to the state board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board, shall be issued or adopted by the state board of education and filed as a rule and regulation by the state board as provided in this section the statutory sections contained in article 4 of chapter 77 of Kansas Statutes Annotated.

~~(b) Prior to the adoption of such rule and regulation, the state board of education shall give at least 30 days' notice of its intended action in the Kansas register and hold a public hearing thereon. The notice shall be published in the Kansas register and shall contain a summary of the substance of the proposed rule and regulation along with the full text of any such rule and regulation to be considered at the hearing. Such notice shall state the time and place of the public hearing to be held thereon and the manner in which interested parties may present their views thereon. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rule and regulation. On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing.~~

~~(c) The rule and regulation shall be adopted at a meeting which is open to the public and shall not be adopted unless it receives approval by roll call vote of a majority of the total membership of the state board of education.~~

~~(d) Each rule and regulation adopted by the state board of education shall be filed in triplicate with the secretary of state and shall indicate that such rule and regulation was adopted pursuant to authority granted to the state board of education under section 2 of article 6 of the constitution of the state of Kansas. The state board of education shall number each section with a distinguishing number. Upon filing, the secretary of state shall assign a distinguishing number to each section for purposes of publication in the annual supplement to the Kansas administrative regulations.~~

~~(e) All rules and regulations adopted and filed with the secretary of state in accordance with the provisions of this section on or before December 31 in any year shall be published in the annual supplement to the Kansas administrative regulations which is published during the next succeeding year after the year in which such rules and regulations were filed unless otherwise directed by the state rules and regulations board.~~

~~(f) (b) As used in this section, the term "rule and regulation" means a standard, statement of policy, procedure or practice or general order, including amendments or revocations thereof, of general application which is and having the effect of law, issued or adopted by the state board of education pursuant to authority granted to the board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board."~~

Also on page 1, in line 15, by striking "Section 1" and inserting "Sec. 2";

By renumbering section 2 as section 3;

In the title, in line 10, by striking "repealing K.S.A. 72-7514a and 72-7514b,"; in line 12, after "education", by inserting "; amending K.S.A. 72-7514b and repealing the existing section; also repealing K.S.A. 72-7514a", and **HB 2050** be passed as further amended.

GUESTS

Senator Barnett introduced two of his pages Elena Ilyushina of Russia and Sonja Dies-selhorst of Germany.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, March 8, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

