

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 5, 2002—2:30 p.m.

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,
Sometimes you let things happen
Which give a different view
Of the world we are exposed to
And the things we normally do.
You put things in perspective
and help us realize
That stuff we thought pre-eminent
Is trivia in disguise.
It may be a child who's suffering
With uninterrupted pain,
Or a sudden brush with death
In disease or storm or plane.
It may be when we're slandered
and our reputation is robbed,
Or where we work is downsized
and we find we have no job.
It doesn't mean we minimize
The job we have to do;
Perspective helps us do our job
And do it better, too!
Help us to examine, Lord,
that which make us curse;
Sometimes perspective helps us see
things could be much worse!
I pray in the Name of Christ,
AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 505, An act relating to vehicle registration; concerning notification of renewal, by Committee on Transportation.

SB 506, An act relating to motor vehicles; concerning certain distinctive license plates; amending K.S.A. 8-147 and 8-1,142 and repealing the existing sections, by Committee on Transportation.

SB 507, An act relating to certificates of title; concerning certain boat trailers; amending K.S.A. 8-135 and repealing the existing section, by Committee on Transportation.

SB 508. An act concerning the emergency medical services board; providing financial support therefor; imposing a levy on certain home and automobile insurance business, by Committee on Ways and Means.

SB 509. An act relating to public officers and employees; concerning civil service; establishing that advance registered nurse practitioners, physician assistants and other designated health care professionals shall be considered as unclassified state employees; amending K.S.A. 2001 Supp. 75-2935 and repealing the existing section, by Committee on Ways and Means.

SB 510. An act concerning the secretary of social and rehabilitation services; authorizing financial organizations to provide information relating to applicants for or recipients of public assistance to certain persons, by Committee on Financial Institutions and Insurance.

SB 511. An act concerning the state civil service; relating to persons in the unclassified service; amending K.S.A. 2001 Supp. 75-2935 and repealing the existing section, by Committee on Federal and State Affairs.

SB 512. An act relating to property taxation; concerning the definition of fair market value; amending K.S.A. 79-503a and repealing the existing section, by Committee on Assessment and Taxation.

SB 513. An act concerning recipients of medicaid; after death requiring certain moneys to be recouped and repaid to the secretary of social and rehabilitation services; amending K.S.A. 16-301 and repealing the existing section, by Committee on Public Health and Welfare.

SB 514. An act concerning crimes, criminal procedure and punishment; relating to endangering a child; amending K.S.A. 21-3608 and repealing the existing section, by Committee on Judiciary.

SB 515. An act concerning controlled substances; relating to methamphetamine and other substances; prohibited acts and penalties therefor; amending K.S.A. 2001 Supp. 21-3718, 65-4152 and 65-7006 and repealing the existing sections, by Committee on Judiciary.

SB 516. An act concerning schools; relating to the special education for exceptional children act; amending K.S.A. 2001 Supp. 72-988, 72-990 and 72-992 and repealing the existing sections, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2602.**

Assessment and Taxation: **SB 501.**

Education: **SB 503.**

Elections and Local Government: **SB 502.**

Natural Resources: **SB 504.**

Judiciary: **SB 491, SB 492, SB 493, SB 494, SB 495, SB 496, SB 497, SB 498, SB 500.**

Transportation: **HB 2603.**

Utilities: **SB 490.**

Ways and Means: **SB 499.**

REFERRAL OF APPOINTMENTS

The following appointment made by the Attorney General and submitted to the senate for confirmation, was referred to Committee as indicated:

Member, Crime Victims Compensation Board, Louis J. Johnson, reappointed for a term to expire March 15, 2006.

(Judiciary)

COMMUNICATIONS FROM STATE OFFICERS

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

December 15, 2001

The 2001 Annual Report of KTEC was submitted by Jim Dahmen, Chairman of the Board, and Rich Bendis, President & CEO.

KANSAS ADVISORY GROUP
ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

February 4, 2002

Rochelle Chronister, Chair, Kansas Advisory Group on Juvenile Justice and Delinquency Prevention, submitted a copy of the 2001 Executive Summary to the annual report.

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.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 95**, **SB 383** be passed.

Also, **SB 173** be amended on page 1, in line 19, by striking all after "spouses" the first time it appears; by striking all in lines 20 and 21; in line 22, by striking "be preserved" and inserting ": (A) Incompatibility; (B) failure to perform a material marital duty or obligation; or (C) incompatibility by reason of mental illness or mental incapacity of one or both spouses"; in line 23, by striking "or one"; in line 24, by striking all before the semicolon; and the bill be passed as amended.

SB 377 be amended on page 1, in line 32, by striking "(a)";

On page 2, by striking all in lines 1 through 3; after line 9, by inserting the following:

"Sec. 4. Nothing in this act shall be construed to prohibit the state board of healing arts from adopting and enforcing rules and regulations that require licensees of the board to furnish health care records to patients or to their authorized representative. To the extent that the board determines that an administrative disciplinary remedy is appropriate for violation of such rules and regulations, that remedy is separate from and in addition to the provisions of this act.";

And by renumbering sections accordingly; and the bill be passed as amended.

SB 384 be amended on page 1, in line 23, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 410** be passed.

Committee on **Ways and Means** recommends **SB 416**, **SB 429** be passed.

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 Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended **SB 386**, **SB 390** be passed.

Also **SCR 1613** be adopted.

SB 396 be amended by adoption of the committee amendments, and the bill be passed as amended.

SCR 1614 be amended by adoption of the committee amendments, and the resolution be adopted as amended.

SB 395 be amended by adoption of the committee amendments, be further amended by motion of Senator Schmidt, as amended by Senate Committee, on page 2, after line 21, by inserting the following:

"Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation; ~~or~~

(2) adulterate or contaminate any food, *raw agricultural commodity*, beverage, drug, *animal feed, plant* or public water supply; or

(3) *expose any animal in this state to any contagious or infectious disease.*

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).";

And by renumbering sections accordingly;

On page 6, in line 10, after "K.S.A." where it appears for the first time by inserting "21-3419 and";

On page 1, in the title, in line 12, after "K.S.A." where it appears for the first time by inserting "21-3419 and", and **SB 395** be passed as further amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, February 6, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

