

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 7, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-nine senators present.

Senator Morris was excused.

President Kerr introduced as guest chaplain, Rev. Rick Lamb, Pastor, West Haven Baptist Church, Tonganoxie, KS, who delivered the invocation:

Dear Heavenly Father,

I thank You for this day, this body, for these fine men and women who are assembled here. I pray that You will bless them; bless their families back home. Keep their families safe and protected while they are here doing the state's business.

I pray that you will give these men and women wisdom in all of their deliberations and decisions. Your Word says that "if anyone lacks wisdom he/she should ask God who gives generously and without reproach." Many important issues come before these folks that impact the citizens of the entire state of Kansas, so please give them clear direction and insight even beyond their ability.

I pray that You will help them to experience joy and meaning in all that they do. Help them to know Your presence and Your power in their lives and may all that is done this day serve to honor and glorify You.

In Your Name,

Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 531, An act concerning school districts; relating to the duration of the school term in case of the occurrence of a disaster; relating to enrollment, by Committee on Education.

SB 532, An act concerning schools; relating to school finance; relating to school facilities weighting; amending K.S.A. 2001 Supp. 72-6407 and repealing the existing section, by Committee on Education.

SB 533, An act concerning school finance; relating to state aid and certain weightings; amending K.S.A. 2001 Supp. 72-6407, 72-6410, 72-6412 and 72-6442 and repealing the existing sections, by Committee on Education.

SB 534, An act concerning crimes, criminal procedure and punishment; relating to moratorium of execution of death sentences; creating a death penalty study commission and prescribing certain duties thereon, by Committee on Judiciary.

SB 535, An act concerning civil actions and civil penalties; relating to false or fraudulent medicaid claims, by Committee on Judiciary.

SB 536, An act concerning crimes, criminal procedure and punishment; creating certain crimes involving use and possession of body armor and prescribing penalties therefor, by Committee on Judiciary.

SB 537, An act relating to the taxation of motor fuels; concerning the point of tax; amending K.S.A. 79-3401, 79-3403, 79-3405, 79-3406, 79-3410, 79-3411, 79-3413, 79-3414, 79-

3415, 79-3417, 79-3419, 79-3420, 79-3426, 79-3453, 79-3456, 79-3457, 79-3464e and 79-3464f and K.S.A. 2001 Supp. 79-3407, 79-3408, 79-3408c, 79-3409, 79-3412 and 79-3464c and repealing the existing sections, by Committee on Transportation.

SB 538, An act concerning consumer protection and privacy; relating to unsolicited consumer telephone calls; no-call database; prohibited acts; amending K.S.A. 2001 Supp. 50-670 and repealing the existing section, by Senators Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jackson, Lee, Oleen, Praeger, Salmans, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger and Vratil.

SB 539, An act relating to taxation; declaring a tax amnesty period for certain excise and income tax liability, by Committee on Assessment and Taxation.

SB 540, An act relating to sales taxation; concerning participation by the department of revenue in the streamlined sales tax project, by Committee on Assessment and Taxation.

SB 541, An act relating to the division of emergency management; developing a program for terrorism preparedness; establishing a plan for emergency medical response teams; amending K.S.A. 48-928 and K.S.A. 2001 Supp. 65-5722 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 542, An act concerning insurance; relating to utilization review committees; amending K.S.A. 40-22a04 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 543, An act concerning fire districts; relating to compensation of volunteer members, by Committee on Elections and Local Government.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 526**.

Elections and Local Government: **SB 527, SB 528, SB 529**.

Natural Resources: **SB 519**.

Financial Institutions & Insurance: **SB 525**.

Judiciary: **SB 521, SB 522, SB 523, SB 524**.

Transportation: **SB 518**.

Ways and Means: **SB 517, SB 520, SB 530; HB 2621, HB 2622**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

February 5, 2002

As directed by the Special Committee on Ways and Means/Appropriations, Janet Schallansky, Secretary, Department of Social and Rehabilitation Services, submitted a report on the process of improving access to food stamps.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2626, HB 2629, HB 2630**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2626, HB 2629, HB 2630 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 408** 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 **Education** recommends **SB 393** be passed.

Also, **SB 402** be amended on page 1, in line 13, by striking "shall" and inserting "may"; in line 30, by striking "school programs" and inserting "schools"; in line 31, by striking "school programs" and inserting "schools";

On page 2, following line 3, by inserting:

"Sec. 3. K.S.A. 2001 Supp. 72-1904 is hereby amended to read as follows: 72-1904. The board of education of any school district may authorize the establishment of a nonsecular, ~~outcomes-oriented educational program, hereinafter referred to as a charter school;~~ as a means of providing new opportunities for:

- (a) Improved pupil learning;
- (b) increased learning opportunities for pupils in special areas of emphasis in accord with themes established for charter schools;
- (c) creative and unconventional instructional techniques and structures;
- (d) new professional vistas for teachers who operate such schools or who choose to work in them; and
- (e) freedom from conventional program constraints and mandates."

By renumbering sections accordingly;

On page 4, by striking all in line 8; in line 9, by striking all before the comma; in line 10, by striking "30";

On page 5, in line 30, following "72-1903," by inserting "72-1904,";

In the title, in line 10, following "1903," by inserting "72-1904,"; and the bill be passed as amended.

SB 409 be amended on page 1, in line 16, by striking "sections 5 and 6,"; by striking all following line 38;

By striking all on pages 2 through 11;

On page 12, by striking all in lines 1 through 26, and inserting:

"Sec. 3. K.S.A. 72-6405 and K.S.A. 2001 Supp. 72-6426 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book,";

In the title, in line 10, by striking all following "72-6426"; in line 11, by striking "6433"; and the bill be passed as amended.

Committee on Financial Institutions and Insurance 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:

Credit Union Administrator: K.S.A. 17-2233

Jerel L. Wright, term expires November 30, 2005

Committee on Natural Resources 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:

Department of Wildlife and Parks, Secretary: K.S.A. 2001 Supp. 32-801

J. Michael Hayden, serves at the pleasure of the Governor

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, February 8, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

