

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 21, 2002—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 Kerr was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

While the House and Senate committees discuss possible budget cuts which will result in a lid on spending, it occurs to me that we might appeal to You to impose some lids of your own.

Put a lid on suffering.

And a lid on need.

Put a lid on poverty

And a lid on greed.

Put a lid on lying

And a lid on fear.

Put a lid on cheating

And a lid on smear.

Put a lid on abuse

And a lid on neglect.

Put a lid on corruption

And on disrespect.

Put a lid on obscenity

And a lid on hate.

And a lid on bigotry

Would be just great!

Put a lid on terrorists

As tight as can be.

And when I talk too much,

Put a lid on me!!

I pray in the Name of Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 630, An act concerning the Kansas dental board; amending K.S.A. 65-1426 and K.S.A. 2001 Supp. 65-1428, 65-1431, 65-1432, 65-1434, 74-1405 and 74-1407 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 631, An act concerning children in need of care; enacting the child abuse and neglect central registry act; amending K.S.A. 38-1513, 38-1514, 38-1521, 38-1523a, 38-1525, 38-1526, 38-1542, 38-1543, 38-1544, 38-1557, 38-1558, 38-1563 and 38-1567 and K.S.A. 2001

Supp. 38-1502, 38-1522 and 38-1583 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2660, HB 2750, HB 2818.**

Committee of the Whole: **HCR 5048.**

Elections and Local Government: **HB 2781.**

Federal and State Affairs: **SB 628, SB 629.**

Judiciary: **HB 2697.**

Public Health and Welfare: **HB 2315, HB 2718.**

Transportation: **HB 2675.**

Utilities: **HB 2792.**

CHANGE OF REFERENCE

The Vice-President withdrew **SB 508** from the Committee on Public Health and Welfare, and referred the bill to the Committee on Ways and Means.

The Vice-President withdrew **SB 389, SB 525** from the Committee on Financial Institutions and Insurance, and referred the bills to the Committee on Ways and Means.

The Vice-President withdrew **SB 599** from the Committee on Judiciary, and referred the bill to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2623, HB 2639, HB 2658, HB 2662, HB 2677, HB 2704, HB 2733.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2623, HB 2639, HB 2658, HB 2662, HB 2677, HB 2704, HB 2733 were there-upon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Schodorf, Donovan, Gooch, Harrington and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1817—

A RESOLUTION congratulating and commending Tracy Callard for being named the 2002 Kansas Teacher of the Year.

WHEREAS, Tracy Callard, a fourth-grade teacher at Horace Mann Foreign Language Elementary Magnet School in Wichita, has been named the 2002 Kansas Teacher of the Year by the Kansas State Department of Education. She was named teacher of the year from a field of eight finalists selected from more than 100 nominations. Throughout the coming year, all of the finalists will work as a team as advocates for education and teaching; and

WHEREAS, As teacher of the year, Ms. Callard received cash grants from several sponsoring organizations, a computer and the use of an automobile plus travel expenses while fulfilling her duties as Kansas Teacher of the Year; and

WHEREAS, While many teachers have left their profession for better paying jobs, Ms. Callard left a career as a corporate attorney to pursue her dream of becoming an elementary school teacher, a decision she has never regretted. She attributes her success in the classroom to her teaching philosophy to: Let students know you care about them and believe in them; focus on what is right about each child and push every child to reach the child's maximum. Her success is evident as her students consistently score high academically although they consist primarily of students who live within federal poverty guidelines and come from homes where a language other than English is spoken; and

WHEREAS, Ms. Callard has been named also as one of four finalists of the year for selection as the 2002 National Teacher of the Year. In the past Kansas has had only three national finalists including the 1962 National Teacher of the Year. This activity is sponsored

by the Council of Chief State School Officers and Scholastic Inc. The National Teacher of the Year will be selected by educators representing 15 leading national education organizations: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Tracy Callard upon being named the 2002 Kansas Teacher of the Year and as a finalist for selection as National Teacher of the Year and express our gratitude for the devotion and success she gives to her profession; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Mr. Andy Thompkins, Commissioner of Education, Kansas State Department of Education, 120 S.E. 10th Ave., Topeka, Kansas 66612-1182; Mr. Winston Brooks, Superintendent, Wichita Public Schools, 201 N. Water, Wichita, Kansas 67202-1292; Ms. Janet Jump, Principal, Horace Mann Foreign Language Elementary Magnet School, and to Ms. Tracy Callard, Horace Mann Foreign Language Elementary Magnet School, both at 1243 N. Market, Wichita, Kansas 67214-2834.

On emergency motion of Senator Schodorf **SR 1817** was adopted unanimously.

Senator Schodorf introduced Tracy Callard congratulating her being named Kansas Teacher of the Year, and for being a national finalist.

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

SENATE RESOLUTION No. 1818—

A RESOLUTION congratulating and commending Gustavus McLeod.

WHEREAS, Gustavus McLeod, a motivational speaker, is a true adventurer. Being both an aviator and diver, in 1999 he flew the first open cockpit aircraft over the magnetic north pole, and in 2000 flew the first open cockpit aircraft over the geographic north pole; and

WHEREAS, Gustavus McLeod was born and reared in the state of Mississippi where his father was a Methodist minister and his mother a school teacher. He learned to fly at age 14. At age 16 he moved with his parents to Washington, D.C. and while there accepted a scholarship as an exchange student thereby causing him to graduate from high school in Bonn, Germany. He went on to earn bachelor and master degrees in chemical engineering; and

WHEREAS, After college he was recruited by the Central Intelligence Agency and worked undercover for the organization for eight years. Subsequently he worked as an engineer and contract manager for firms with federal contracts to develop sonar, torpedo and missile programs. Currently he is the owner of a medical supply company in Gaithersburg, Maryland; and

WHEREAS, Mr. McLeod has received many honors and awards including a Distinguished Achievement Award from the Tuskegee Airmen, the Medal of Distinction by the Air Force Association, a Citation by the Maryland House of Delegates, the Spirit of Courage Award by the Rotary Club, a Congressional Recognition by the United States House of Representatives and the Conqueror of the Pole Award by the Smithsonian Institute; and

WHEREAS, Gustavus McLeod married Mary Alice Lockmuller, whom he met while in college. They have three children: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Gustavus McLeod for the achievements he has enjoyed during an adventurous lifetime; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Gooch.

On emergency motion of Senator Gooch **SR 1818** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 548** be amended on page 1, in line 21, by striking all after the period; by striking all in lines 22 through 27; in line 28, by striking all before "The"; in line 37, by striking all after "The"; by striking all in line 38; in line 39, by striking all before "consult" and by inserting "secretary may"; also in line 39, by striking the second comma and inserting "or"; in line 41, by striking "and" the third time it appears; by striking all in lines 42 and 43;

On page 2, by striking all in lines 1 through 8; in line 9, by striking "weeds division"; in line 11, by striking all after the period; by striking all in lines 12 and 13; in line 14, by striking all before "The"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 471**, **SB 575** be passed.

Committee on **Elections and Local Government** recommends **SB 502** be amended on page 1, in the title, in line 9, by striking "ad-"; in line 10, by striking "vance"; also in line 10, before the semicolon by inserting "information"; and the bill be passed as amended.

Also, **SB 543** be amended on page 1, in line 13, after the comma, by inserting "the governing body of"; in line 16, by striking "and salaries"; in line 17, before the period, by inserting "for fighting fires or attending meetings"; and the bill be passed as amended.

SB 564 be amended on page 3, after line 1, by inserting the following:

(3) *In the event that the fund shall have a balance after two calendar years which exceeds an amount of \$100,000 and the register of deeds indicates that such excess shall not be needed and is not designated for technology, then the county commission may authorize the transfer and use of such excess moneys for technology equipment or services in other county offices related to the land or property records filed or maintained by the county.*;

Also on page 3, in line 4, after "of", by inserting "up to"; after line 11, by inserting the following:

(d) *Upon the adoption and implementation of a charter form of government, as authorized pursuant to K.S.A. 19-2681 et seq., and amendments thereto, the provisions of this section shall apply to the official, department or office which performs the duties and functions prescribed for the office of the register of deeds.*; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 492** be passed.

Also, **SB 491** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 265 be amended on page 2, after line 19, by inserting the following:

"Sec. 2. K.S.A. 2001 Supp. 61-3803 is hereby amended to read as follows: 61-3803. Before a lawsuit to evict a person pursuant to K.S.A. 2001 Supp. 61-3801 through 61-3808, and amendments thereto, is filed, the party desiring to file such lawsuit shall deliver to the other party a notice to leave the premises for which possession is sought. The notice shall be delivered at least three days before commencing the lawsuit, by leaving a written copy with the other party or by leaving a copy thereof with any person over the age of 12 years residing on the premises described in such notice, or if no such person is found upon the premises, by posting a copy of such notice in a conspicuous place thereon, or by mailing a copy of the notice to the other party at the address of the premises described in the notice. The three day notice period provided for in this section shall be computed as three consecutive 24-hour periods to commence at the time the notice is delivered, posted or mailed. If the notice is mailed, an additional two days from the date of mailing shall be allowed for the person to leave the premises before the lawsuit is filed. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the notice period. *If the law suit to be brought is to evict a person for the nonpayment of rent, a combined notice to terminate the tenancy and of intent to file suit may be given to the person and only one such notice to the person shall be required in this event.* The form of ~~the notice~~ of all notices required or allowed under this section shall be substantially in the form set forth in the rules or by order or orders of the supreme court of this state.";

And by renumbering sections accordingly;

Also on page 2, in line 20, by striking "is" and inserting "and K.S.A. 2001 Supp. 61-2803 are";

On page 1, in the title, in line 10, by striking "the residential landlord and tenant act" and inserting "landlords and tenants"; in line 11, after the semicolon, by inserting "notice to file suit to evict;" also in line 11, after "58-2570" by inserting "and K.S.A. 2001 Supp. 61-2803"; in line 12, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 432 be amended on page 1, in line 20, after "activities" by inserting ", to such passenger's church for the purpose of church attendance or for the purposes of participation in church sponsored activities, or while going to or from or in connection with such passenger's job, employment or farm-related work"; and the bill be passed as amended.

SB 464 be amended on page 1, in line 22, after "41-102" by inserting ", 41-2601"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 417** be passed.

SB 482 be amended on page 1, in line 39, by striking "licensure" and inserting "a new license"; in line 40, by striking "an"; also in line 40, by striking "application" and inserting "a license"; and the bill be passed as amended.

Committee on **Utilities** recommends **SCR 1618** be adopted.

Committee on **Ways and Means** recommends **SB 604** be passed.

On motion of Senator Oleen the Senate adjourned until 12:00 Noon, Friday, February 22, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

