

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 20, 2002—2:30 p.m.

The 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,

Some folks are quick to tell me

As Chaplain of the Senate,

Nobody needs more prayer

Than the people who are in it.

But the Senators maintain

That the people over there

Across the wide rotunda

Are the ones who need the prayer.

Both houses do agree

That on the second floor,

When it comes to praying,

Nobody needs it more.

While across the street the judges

Say it's only human nature

That the people I should pray for

Are in the legislature.

One thing they all agree on:

(It's too obvious to ignore)

It's O.K. to pray for them,

But others need it more!

But it seems that I remember,

When praying for redemption,

It's always been Your custom, Lord,

To provide for no exemptions.

I pray in the Name of Christ,

AMEN

GUESTS

Special guests of Senator Oleen who served as pages today were Jordan Spencer, her nephew and son of Ray and Patti Spencer and Kirill Tsukonov, a junior who attends Topeka West High School and lives with the Spencer family. Kirill is an exchange student from Krasnoyank, Siberia, Russia.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 650. An act concerning financing of certain postsecondary educational institutions; relating to out-district tuition; amending K.S.A. 13-13a25, 13-13a26, 13-13a27, 13-13a29,

13-13a31, 13-13a32, 13-13a33 and 13-13a34 and K.S.A. 2001 Supp. 19-101a, 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 649**.

Public Health and Welfare: **HB 2666**.

Transportation: **HB 2949**.

Ways and Means: **HB 2764**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2711**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2711 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 444** and requested a conference committee be appointed.

The President appointed Senators Vratil, Schmidt and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Praeger the Senate nonconcurred in the House amendments to **SB 470** and requested a conference committee be appointed.

The President appointed Senators Praeger, Teichman and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 502** and requested a conference committee be appointed.

The President appointed Senators Allen, O'Connor and Gilstrap as a conference committee on the part of the Senate.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Kerr determined **SB 445**, as amended by the House, to be materially changed.

President Kerr referred the bill to the Committee on Judiciary.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Barnett, Haley, Brungardt, Harrington, Jordan, Praeger, Salmans, Steiner, Adkins, Allen, Barone, Brownlee, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Hensley, Huelskamp, Jackson, Jenkins, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1826—

A RESOLUTION memorializing the Congress of the United States to adopt legislation requiring the Medicare program to pay for all oral cancer drugs.

WHEREAS, Cancer is a leading cause of morbidity and mortality in the State of Kansas and throughout the nation; and

WHEREAS, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, many of whom are dependent on the federal Medicare program for provision of cancer care; and

WHEREAS, Since treatment with drugs is the cornerstone of modern cancer care, elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version; and

WHEREAS, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral cancer drugs that are less toxic, more effective and more

cost-effective than existing therapies, but because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

WHEREAS, Noncoverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

WHEREAS, Medicare's failure to cover oral cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostate; and

WHEREAS, Certain members of the United States Congress have recognized the necessity of medicare coverage for all oral cancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913): Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate respectfully urges the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral cancer drugs; and

Be it further resolved: That the Secretary of the Senate transmit enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Health and Human Services and each member of the Kansas congressional delegation.

On emergency motion of Senator Barnett **SR 1826** was adopted unanimously.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor and Attorney General to the senate for confirmation, were considered.

Senator Oleen moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Board of Indigents' Defense Services:

Ruth E. Graham, term expires January 15, 2005.

On roll call, the vote was: Yeas 40, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Board of Indigent's Defense Services:

David L. Herndon, term expires January 15, 2005.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Credit Union Administrator:

Jerel L. Wright, term expires November 30, 2005.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh,

Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Department of Administration:

Joyce H. Glasscock, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Department of Wildlife and Parks, Secretary:

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

On roll call, the vote was: Yeas 30, Nays 0, Present and Passing 10, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Present and Passing: Brownlee, Clark, Donovan, Harrington, Hensley, Huelskamp, O'Connor, Pugh, Tyson, Wagle.

The appointment was confirmed.

On the appointment to the:

Employment Security Board of Review:

Dan C. McClenney, term expires March 15, 2006.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Export Loan Guarantee Review Committee:

LaVon G. Wenger, term expires January 15, 2006.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas, Inc., Member:

Rolland A. Vincent, term expires January 15, 2004.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh,

Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle

The appointment was confirmed.

On the appointment to the:

Kansas Parole Board:

Marilyn Scafe, term expires January 15, 2006.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Attorney General:

On the appointment to the:

Crime Victims Compensation Board:

Louis J. Johnson, term expires March 15, 2006.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 630; HB 2670, HB 2694, HB 2792, HB 2809 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

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.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2670, An act concerning townships; relating to officers and employees thereof.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2694, An act relating to trust companies; concerning name change; amending K.S.A. 9-2106 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2792, An act repealing K.S.A. 68-163; concerning approval of lighting plans for highways and bridges by state corporation commission.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2809, An act concerning public health departments; relating to tests and inoculations for pupils enrolling or enrolled in schools; amending K.S.A. 2001 Supp. 72-5210 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 297, An act enacting the Kansas uniform trust code; repealing K.S.A. 58-1201, 58-1202, 58-1203, 58-1205, 58-1206, 58-1207, 58-1208, 58-1209, 58-1210, 58-1211, 58-2404, 58-2405, 58-2409, 58-2410, 58-2411, 58-2412, 58-2413, 58-2415, 58-2417, 58-2420, 59-2295 and 59-2296 and K.S.A. 2001 Supp. 58-1204, 58-12a01, 58-12a02, 58-12a03, 58-12a04, 58-12a05 and 58-12a06, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 421, An act authorizing the fixing and collecting of certain fees by the secretary of social and rehabilitation services and providing for the disposition thereof, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Emler, Gilstrap, Goodwin, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Downey, Feleciano, Gooch, Haley, Hensley, Lee.

The bill passed, as amended.

SB 471, An act relating to sales taxation; concerning the local taxation of natural gas used for agricultural and residential purposes; amending K.S.A. 12-189a and 13-13a39 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Tyson.

The bill passed as amended.

SB 517, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 520, An act establishing the office of district attorney in the nineteenth judicial district; amending K.S.A. 2001 Supp. 22a-107 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 547, An act establishing the rural Kansas self-help gas act; amending K.S.A. 66-1,150 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 1, Absent or Not Voting 0.

Yeas: Barnett, Downey, Emler, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Praeger, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Wagle.

Nays: Adkins, Allen, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Feleciano, Gilstrap, Haley, O'Connor, Oleen, Salmans, Vratil.

Present and Passing: Gooch.

The bill passed, as amended.

SB 642, An act concerning the university of Kansas hospital authority act; amending K.S.A. 2001 Supp. 76-3303, 76-3304, 76-3321 and 76-3322 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2611, An act concerning crimes and punishment; relating to worthless checks; amending K.S.A. 2001 Supp. 21-3707 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2623, An act concerning crimes, criminal procedure and punishment; relating to forgery; sentencing; amending K.S.A. 2001 Supp. 21-4704 and repealing the existing section; also repealing K.S.A. 2001 Supp. 21-4704a, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2629, An act relating to the security of the department of administration computer and telecommunication infrastructure space; concerning fingerprinting of certain personnel, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2630, An act concerning counties; relating to medical expenses of prisoners; health insurance coverage; amending K.S.A. 19-1910 and 19-4444 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2675, An act relating to motor vehicles; concerning license plates; amending K.S.A. 8-132 and 8-133 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Tyson, Umbarger, Vratil, Wagle.

Nays: Corbin, Teichman.

The bill passed, as amended.

HB 2693, An act regulating traffic; concerning certain equipment; amending K.S.A. 8-1723 and 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp,

Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Corbin.

The bill passed, as amended.

HB 2695, An act relating to banks and banking; concerning the board of directors; amending K.S.A. 9-1114 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2807, An act relating to consumer protection; concerning method of payment; authorization; amending K.S.A. 2001 Supp. 50-6,105 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2768** be amended on page 1, in line 17, after "farms" by inserting "or occupying or leasing pastureland,"; also in line 17, before "tenancy" by inserting "or pastureland"; in line 19, after the period, by inserting "For purposes of this act, "pastureland" means land used for livestock grazing or hay production, or both, which includes perennial vegetation, including, but not limited to, native vegetation, grass-like plants, forbs, shrubs, savannas, shrublands, marshes and meadows."; by striking all in lines 36 through 43;

On page 2, by striking all in line 1; in line 2, by striking "(e)" and inserting "(d)"; by striking all in lines 11 through 25;

And by renumbering sections accordingly;

Also on page 2, in line 26, by striking "and 58-2506a are" and inserting "is";

On page 1, in the title, in line 10, by striking "and 58-2506a"; in line 11, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2639**, as amended by House Committee, be passed.

Committee on **Public Health and Welfare** recommends **SB 584** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 584," as follows:

"Substitute for SENATE BILL No. 584

By Committee on Public Health and Welfare

"AN ACT concerning institutional licenses; relating to the granting of a license; amending K.S.A. 65-2873a and repealing the existing section.";

and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 421, SB 471, SB 517, SB 547, SB 642 reported correctly engrossed March 20, 2002.

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 Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

Recommended **SB 484; HB 2761, HB 2769** be passed.

The committee report on **SB 513** recommending a **Sub SB 513** be adopted, and the substitute bill be passed.

SCR 1620 be adopted.

HB 2658 be amended by adoption of the committee amendments, and the bill be passed as amended.

HB 2642 be amended by adoption of the committee amendments, be further amended by motion of Senator Oleen, as amended by Senate Committee, on page 3, following line 37, by inserting:

“Sec. 6. K.S.A. 2001 Supp. 74-32,102 is hereby amended to read as follows: 74-32,102.

(a) There is hereby established the teacher service scholarship program. A scholarship may be awarded under the teacher service scholarship program to any qualified student and may be renewed for each such student who remains qualified for the scholarship. ~~The number of new scholarships awarded under the program in each year shall not exceed 50.~~ Determination of the students qualified for such scholarships shall be made by the executive officer. Scholastic ability shall be determined on the basis of any one or more of the following: (1) High ACT or SAT score; (2) rank in high school graduation class; (3) cumulative high school or college grade point average; or (4) any other indicator of scholastic ability which the state board of regents determines to be demonstrative of potential for successful completion of a course of instruction leading to certification as a teacher. To the extent practicable and consistent with qualification factors, consideration shall be given to students who are members of ethnic minority groups.

(b) A scholarship awarded under the program shall provide for payment to a qualified student of (1) an amount not to exceed 70% of the cost of attendance for an academic year at the teacher education school in which the qualified student is enrolled if such teacher education school is maintained by a state educational institution or (2) an amount not to exceed 70% of the average amount of the cost of attendance for an academic year at the teacher education schools maintained by the state educational institutions if the teacher education school in which the qualified student is enrolled is not a state educational institution. A qualified student may be awarded a scholarship for not more than four academic years of undergraduate study, except that a qualified student who is enrolled full time in a course of instruction leading to certification in a teaching discipline for which graduate study is required may be awarded a scholarship for the duration of the course of instruction.”;

And by renumbering sections accordingly;

Also on page 3, in line 38, by striking “and 48-279” and inserting “, 48-279 and 74-32,102”;

In the title, in line 12, following “concerning” by inserting “financial assistance for higher education; relating to the teacher service scholarship program and”; in line 13, by striking “ and 48-”; in line 14, by striking “279” and inserting “, 48-279 and 74-32,102”, and **HB 2642** be passed as further amended.

HB 2704 be amended by adoption of the committee amendments, be further amended by motion of Senator Taddiken as amended by Senate Committee, on page 4, in line 2, before “A” by inserting:

“(g)”, and **HB 2704** be passed as further amended.

HB 2794 be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan as amended by Senate Committee, on page 1, in line 28, following “(a)” by inserting “who is a Kansas resident,”; in line 29, following “Kansas” by inserting “and only for the purpose of conducting auctions in Kansas”; in line 33, by striking “must be shown on the application” and inserting “of the vehicle at the auction shall be shown on the 72-hour permit issued”; in line 34, by striking “in multiples”; in line 40, by striking “48-hour” and inserting “72-hour”, and **HB 2794** be passed as further amended.

Sub SB 296 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Adkins on page 2, in line 41 before the period, by inserting “and when the telephone solicitor’s service or equipment is capable of allowing the display of such number”;

On page 3, in line 6, by striking “No” and inserting “On and after July 1, 2003, no”;

On page 4, in line 11 by striking “two” and inserting “five”; in line 13 by striking “two-year” and inserting “five-year”;

On page 5, in line 42 by striking "July"; in line 43 by striking "1, 2003, and", and **Sub SB 296** be passed over and retain a place on the calendar.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, March 21, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

