

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 1:36 p.m. on February 23, 2004 in Room 123-S of the Capitol.

All members were present except:

Senator Anthony Hensley (excused)

Committee staff present:

Carolyn Rampey, Legislative Research
Theresa Kiernan, Office of the Revisor of Statutes
Judy Steinlicht, Committee Secretary

Conferees appearing before the committee:

Theresa Kiernan, Revisor of Statutes
Neal Shelley, Concerned Patron
Mark Desetti, Kansas National Teachers Association
Jeff Wagaman, State Treasurer's Office
Melissa Hunsicker Walburn, State Treasurer's Office

Others attending:

See Attached List

SB 293--School safety and security act; weapon, defined

Senator Lyon told the committee that he introduced **SB293** on behalf of a constituent. He introduced Mr. Neal Shelley who did a considerable amount of research to determine a refined description of a weapon and what is and isn't prohibited from being carried into the schools.

Theresa Kiernan described the current law defining a weapon as "any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive." The concern is with the language on page 1, lines 42 & 43 regarding the restriction of the size of the bore.

Mr. Neal Shelley, a concerned patron believes the current law has some loopholes that need to be addressed. The purpose of **SB293** is to make school children safer. He believes there is room for further improvement in the language and he has proposed language for further amendments. ([Attachment 1](#))

Mark Desetti, KNEA, spoke in favor of **SB293**. Mark stated that he does not know what the amendments are that Mr. Shelly is proposing so he is speaking on behalf of KNEA as the bill reads now. He believes the amendment to change some of the definition in the weapons in the school safety and security act is both simple and a matter of common sense. The size of the bore of a barrel is irrelevant to a child who might be struck by a projectile propelled from that barrel. ([Attachment 2](#))

In discussion, the committee talked about a whole new generation of "weapons" on the market today. Mark Desetti, reading the new amendments for the first time, believes the new proposed language by Mr. Shelley defining "weapons" would cover most of what is on the market today. The committee discussed items that could be used as a weapon that would never be conceived as a weapon, such as, any object that could be used to cause harm or injury. Most "weapons" brought in to a school are not actual weapons, but toys that look like real guns. Regarding the zero tolerance policy, it is felt that you would need to examine a number of other issues using a little common sense and good judgement in determining how you deal with students.

Chairman Umbarger requested that staff research the proposed amendments to see how they correspond to federal legislation and what Kansas already has in current law that might resolve some of the issues. Chairman Umbarger said he would have the bill blessed so that it can be worked at a later date.

SB 303--Learning Quest; family postsecondary education savings account; maximum account balance; tax exemption

Jeff Wagaman, Secretary Treasurer's office, quickly reviewed the Learning Quest program and the

CONTINUATION SHEET

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provisions of **SB303**. Melissa Hunsicker Walburn, Director of Learning Quest, addressed questions the committee asked at the February 4th hearing on **SB303**. A printout was provided with fee information for various states, information on states having incentive programs to attend in-state schools, information relating to matching grants or other savings incentives, and information regarding the tax deduction treatment in the Georgia plan. (Attachment 3)

After discussion, Senator Lee made a motion to change the income tax deduction from the original amount of \$2000 for individuals and \$4000 for married couples to \$3000 for individuals and \$6000 for married couples beginning with the tax year 2005, and to delete a change that would have allowed a maximum contribution of an amount equal to five years of undergraduate study at the highest-cost institution eligible to participate in the program. Seconded by Senator Downey. Delaying the effective date was discussed, but the proposed amendment was not changed. The motion carried.

Senator Downey made a motion to recommend **SB303** as amended favorably for passage. Seconded by Senator Emler. Motion carried.

Senator Corbin made a motion to approve the minutes for February 16, February 17 and the February 17 meeting at the rail. Seconded by Senator Schodorf. Motion carried.

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for February 24, 2004.