

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 8, 2001—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.

President Kerr introduced as guest chaplain, Rev. William Templeton, Mount Carmel Missionary Baptist Church, Topeka, Ks., who delivered the invocation:

Almighty and eternal God, who has made known to us through Thy Son, Jesus Christ, your concern for the government and for human relationships: Grant, as we pause in this hallowed moment, that the spirit of prayer and reverence for Thy Name may prevail in this place.

We thank you for enlightened and concerned leaders whom Thou hast raised up to guide the affairs of our State. We pray that you would grant those whom we have entrusted with the authority of government to be responsible, courageous, and strong. And guide us, the people, to expect of them and to support them in all wise legislation, and a faithful administration that we may all prosper under an equal law.

Now, Lord, who art the Maker of us all, as we focus on the brotherhood of man this month, we plead for the will and the power to serve Thee as Thy children and to behave toward each other as brothers and sisters. Teach us to regard each other's dignity and worth, each other's individual differences, and lawful interests. Save us from intolerance and bigotry, ill-will and disrespect of a fellow human being. Teach us to understand each other as children of one Heavenly Father and fellow creatures whose times are appointed and whose boundaries are set. May we grant to each fellow brother and sister the understanding, patience, and esteem we desire for ourselves—through Jesus Christ Our Lord. Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 292. An act relating to the state health care benefits system; concerning eligibility for participation therein; amending K.S.A. 75-6501 and repealing the existing section, by Committee on Ways and Means.

SB 293. An act concerning tourism; establishing a state tourism advertising fund, by Committee on Ways and Means.

SB 294. An act concerning the Kansas chemical control act; relating to the chemical control fund; amending K.S.A. 2000 Supp. 65-7012 and repealing the existing section, by Committee on Judiciary.

SB 295. An act concerning crimes, criminal procedure and punishment; relating to aggravated escape from custody; amending K.S.A. 2000 Supp. 21-3810 and repealing the existing section, by Committee on Judiciary.

SB 296. An act relating to consumer protection; concerning unsolicited consumer telephone calls, by Committee on Judiciary.

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. 2000 Supp. 58-1204, by Committee on Judiciary.

SB 298, An act concerning telecommunications; relating to enhanced wireless 911 service, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 260, SB 266.**

Commerce: **SB 278, SB 288.**

Education: **SB 259, SB 281, SB 282.**

Elections and Local Government: **SB 277, SB 283, SB 284, SB 285, SB 286, SB 287, SB 290.**

Natural Resources: **SB 264.**

Financial Institutions & Insurance: **SB 274; HB 2169.**

Judiciary: **SB 262, SB 263, SB 265, SB 269, SB 272, SB 291; HB 2074.**

Public Health and Welfare: **SB 273, SB 275, SB 276.**

Transportation: **SB 280.**

Utilities: **SB 261.**

Ways and Means: **SB 258, SB 267, SB 268, SB 270, SB 271, SB 279, SB 289; HB 2056.**

CHANGE OF REFERENCE

The President withdrew **SB 255** from the Committee on Ways and Means, and referred the bill to the Committee on Agriculture.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2045, HB 2144.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2045, HB 2144 were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 9, SB 24 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 9, An act concerning school districts; relating to review of curriculum standards in certain core academic areas; amending K.S.A. 2000 Supp. 72-6439 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, Huelkamp, 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 24, An act concerning teachers employed at the state school for the blind or the state school for the deaf; relating to hearings provided upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 76-11a05, 76-11a06, 76-11a07, 76-11a08, 76-11a09, 76-11a10, 76-11a11, 76-11a12, 76-11a13 and 76-11a14 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, Huelkamp, 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 **Judiciary** recommends **SB 74, SB 98** be passed.

Also **SB 66** 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 97 be amended on page 1, in line 17, by striking “, by” and inserting “or in the absence of the governor, the lieutenant governor, or in the absence of both,”; in line 18, by striking all after “governor” the first time it appears; in line 19, by striking “electronic signature” and inserting “in writing”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 107** be amended on page 1, in line 37, by striking “providing” and inserting: “proving in the district court”; in line 39, after “ordinance” by inserting a comma; also in line 39, after “resolution” by inserting a comma;

On page 2, in line 2, after “ordinance” by inserting a comma; also in line 2, after “resolution” by inserting a comma; after line 11, by inserting the following:

“(e) Any action challenging the validity of the form of a question in a petition shall be filed in the district court within 20 days after such petition has been filed.”; and the bill be passed as amended.

Also **SB 114** be amended on page 1, in line 22, by striking “governor’s” and inserting “office holder’s”; in line 23, by striking “governor” and inserting “office holder”; also in line 23, by striking “governor’s” and inserting “office holder’s”;

In the title, in line 10, by striking “governor’s” and inserting “office holder’s”; also in line 10, after “expenses”, by striking the period; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 118** be amended on page 1, in line 21, by striking “Emporia and in other locations”; by striking all in line 22; in line 23, by striking “ronment” and inserting: “communities which indicate availability of local funding, in kind services, or other resources for a fetal alcohol syndrome diagnostic and prevention pilot program”; in line 32, by striking all after the period; by striking all in lines 33 through 35; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 242** be amended on page 4, in line 35, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 10, SB 39, SB 64, SB 70, SB 71 reported correctly engrossed February 8, 2001.

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 Goodwin in the chair.

On motion of Senator Goodwin the following report was adopted:

Recommended that **SB 25, SB 31, SB 86** be passed.

Senator Lee moved to amend **SB 50** on page 2, in line 40, preceding the semicolon, by inserting: “and such procedure is performed prior to July 1, 2003. The provisions of this part (ii) of subsection (8)(E) shall expire on July 1, 2003”

The motion failed and the amendment was rejected.

The committee recommended **SB 50** be passed.

SB 3, SB 4, SB 57, SB 78, SB 133 be amended by adoption of the committee amendments, and the bills be passed as amended.

SCR 1605 be amended by adoption of the committee amendments, and the concurrent resolution be adopted as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 3, SB 4, SB 25, SB 31, SB 50, SB 57, SB 78, SB 86, SB 133; SCR 1605** were advanced to Final Action and roll call.

SB 3, An act establishing certain requirements for certain purchases of motor-vehicle fuels for state motor vehicles.

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, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: O'Connor.

The bill passed, as amended.

SB 4, An act establishing certain requirements for certain purchases of diesel fuels for state motor vehicles.

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 25, An act concerning school districts; relating to hearings provided for teachers upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 72-5438 and 72-5440 and repealing the existing sections.

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, 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, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Schodorf.

The bill passed.

SB 31, An act concerning the SRS transition oversight committee; redesignating such committee as the SRS oversight committee; amending K.S.A. 46-2701 and 75-4375 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, 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, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lyon, O'Connor.

The bill passed.

SB 50, An act concerning the dental practices act; amending K.S.A. 2000 Supp. 65-1423 and repealing the existing section.

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

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

Nays: Donovan, Gilstrap, Gooch, Jackson, Jenkins, Lee, Tyson.

The bill passed.

SB 57, 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.

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

Yeas: 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, Wagle.

Nays: Adkins, Vratil.

The bill passed, as amended.

SB 78, An act concerning school district finance; relating to the contingency reserve fund; amending K.S.A. 2000 Supp. 72-6426 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, 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 86, An act concerning wildlife and parks; relating to certain late payment fees; amending K.S.A. 32-1001 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, 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 133, An act concerning Arbor day; relating to the observance thereof; amending K.S.A. 35-204 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, 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.

SCR 1605, A concurrent resolution urging the Bush administration to withdraw certain environmental protection agency regulations.

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 resolution was adopted, as amended.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, February 9, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

