

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 4, 2002—2:30 p.m.

The Senate was called to order by Vice-President Sandy Preager.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Once again these legislators face a major challenge. The options are limited and debatable.

Should services be cut? If so, which ones and how much?

Should taxes be raised? If so, which ones and how much?

And once again they are hearing appeals from all sides:

They are hearing from agencies.

They are hearing from constituents.

They are hearing from lobbyists.

They are hearing from colleagues.

They are hearing from the second floor.

And regardless of what they decide, they will be criticized

If they raise taxes or cut services, they are insensitive.

If they don't raise taxes or don't cut services, they are irresponsible.

But these people, O God, are used to being criticized and challenged. Most, if not all, of them thrive on challenges or they would not be here.

They were challenged when they decided to run for office.

They were challenged while they were running for office.

They were challenged the first day they walked into their office.

And they have been challenged every session ever since.

Remind them, O God, that the God Who takes note of every sparrow that falls, surely is aware of almost a half billion dollar shortfall!

Drive them to prayer, O God, and reward their prayers with insight, sensitivity, and courage. So that, once again, they will rise to the challenge.

I pray in Jesus' Name,

AMEN

GUESTS

Senator Brungardt introduced guests visiting the Senate and Capitol for "Ad Astra" week. Guests included former Senator Ben Vidricksen, project finance chairman; Richard Bergen, the sculptor of the "Ad Astra" sculpture to be placed atop the state capitol dome and on the Capitol grounds; and Mr. Bergen's son, Rich Bergen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 490. An act amending the Kansas underground utility damage prevention act; concerning certain regulations thereof; amending K.S.A. 2001 Supp. 66-1802, 66-1804, 66-1805,

66-1806, 66-1807, 66-1809, 66-1810, 66-1811 and 66-1812 and repealing the existing sections, by Committee on Utilities.

SB 491, An act concerning the Kansas tort claims act; relating to definitions; amending K.S.A. 2001 Supp. 75-6102 and repealing the existing section; also repealing K.S.A. 2001 Supp. 75-6102a, by Committee on Judiciary.

SB 492, An act concerning probate; relating to rights of aliens to inherit or transmit real property or interests therein; amending K.S.A. 38-1507 and repealing the existing section; also repealing K.S.A. 59-511 and 59-512, by Committee on Judiciary.

SB 493, An act concerning certain railroad employees; relating to accidents; testing of train crew members to determine presence of alcohol or drugs, by Committee on Judiciary.

SB 494, An act concerning crimes, criminal procedure and punishment; relating to offenders sentenced to the department of corrections; notification by district court; amending K.S.A. 75-5218 and repealing the existing section, by Committee on Judiciary.

SB 495, An act concerning sexually violent predators; relating to persons in the sexual predator treatment program at the Larned state hospital; allowing certain extremely ill or physically or mentally incapacitated persons to be considered for transfer; annual review by the court; amending K.S.A. 2001 Supp. 59-29a08, 59-29a10 and 59-29a18 and repealing the existing sections, by Committee on Judiciary.

SB 496, An act concerning criminal procedure; relating to criminal history record information; adding the state security hospital to the definition of criminal justice agency; amending K.S.A. 2001 Supp. 22-4701 and repealing the existing section, by Committee on Judiciary.

SB 497, An act concerning medical assistance; concerning the repayment thereof; creating and imposing a lien on real property of certain recipients of medical assistance; making certain transfers of property voidable; amending K.S.A. 39-709 and repealing the existing section, by Committee on Judiciary.

SB 498, An act concerning crime victims; relating to compensation benefits for certain residents; violent crimes committed outside of United States; amending K.S.A. 2001 Supp. 74-7301 and repealing the existing section, by Committee on Judiciary.

SB 499, An act establishing the technology communication fee fund, by Committee on Ways and Means.

SB 500, An act concerning crimes, criminal procedure and punishment; relating to burglary; amending K.S.A. 21-3715 and repealing the existing section, by Senator Adkins.

SB 501, An act relating to income taxation; concerning the apportionment of business income of certain investment funds service companies; amending K.S.A. 79-3271 and 79-3279 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 502, An act concerning elections; relating to nominating petitions and advance voting; amending K.S.A. 25-2020, 25-2110, 25-2110a and 25-2706 and repealing the existing sections, by Committee on Elections and Local Government.

SB 503, An act concerning schools; relating to the capital outlay fund; amending K.S.A. 72-8804 and repealing the existing section, by Committee on Education.

SB 504, An act concerning hunter education; relating to controlled shooting areas; amending K.S.A. 32-920 and repealing the existing section, by Committee on Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 488**.

Judiciary: **SB 486, SB 487, SB 489**.

COMMUNICATIONS FROM STATE OFFICER

DEPARTMENT OF WILDLIFE AND PARKS

January 7, 2002

In accordance with K.S.A. 32-844 and 32-845, Mike Hayden, Secretary, submitted a report from the Kansas Department of Wildlife and Parks regarding land acquisitions and lease renewals.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

January 28, 2002

As required by new Section 9 of Chapter 208 of the 2001 Session Laws of Kansas, Janet Schalansky, Secretary, Kansas Department of Social and Rehabilitation Services, provided the report of the Task Force concerning Persons Non-Restorable to Competency.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

January 28, 2002

A report on plans to maximize federal financial participation and on the results of community capacity building plans, as required by Senate Substitute for HB 2067, was provided by Janet Schalansky, Secretary, Department of Social and Rehabilitation Services.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

January 28, 2002

The report on the completed work of a workgroup established to develop a plan for reducing the reliance of the state on Nursing Facilities/Mental Health (NF/MH) facilities and to determine the number of individuals currently in care who are candidates for community-based services, was submitted by Janet Schalansky, Secretary, Department of Social and Rehabilitation Services, as required by HB 2283.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

January 29, 2002

Glenn Deck, Executive Director, submitted the Annual Report of the Kansas Public Employees Retirement System for the fiscal year ending June 30, 2001.

KANSAS GUARDIANSHIP PROGRAM

January 31, 2002

Judge Frank J. Yeoman, Jr., Chairperson, Board of Directors, submitted on behalf of the Board of Directors and the Staff of the Kansas Guardianship Program, the 2001 Annual Report.

OFFICE OF THE ATTORNEY GENERAL

February 1, 2002

Carla J. Stovall, Attorney General, submitted for confirmation by the Senate the reappointment of Louis J. Johnson as a member of the Crime Victims Compensation Board, pursuant to K.S.A. 74-7303, such term to expire March 15, 2006.

KANSAS CORPORATION COMMISSION

Utilities Division

February 1, 2002

Pursuant to the provisions of K.S.A. 66-117b, John Wine, Chair, Kansas Corporation Commission, submitted a report to the 2002 Kansas Legislature.

KANSAS SENTENCING COMMISSION

February 2002

Pursuant to K.S.A. 74-9101(b)(15), the Kansas Sentencing Commission, submitted a report to the 2002 Kansas Legislature.

The Vice-President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2602**, **HB 2603**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2602, **HB 2603** were thereupon introduced and read by title.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 166, An act concerning school districts; conferring the power of local control on boards of education; amending K.S.A. 72-8205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Barone, Feleciano, Hensley.

The bill passed.

SB 397, An act concerning telecommunications providers; relating to the use of public rights-of-way; amending K.S.A. 12-2001 and 17-1902 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.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 472** be passed.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 5, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

