

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 12, 2002—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, Chaplain Dale Pracht, Newman Regional Health, Emporia, who delivered the invocation:

I greet you on behalf of all chaplains who serve in specialized settings. Grace and peace to you.

Let us pray.

For a moment be silent. Let your hurried spirits stand still.

Remember again the path that brought you to this place.

God of life, we pray thanks for the grace of life. Teach us to use the hours of this day as though we were investing them in the projects that You value most.

God of peace, guide us to be peace makers, and thus to fulfill the inauguration pledge to serve rather than rule the people.

Bring peace to our individual lives then guide us into policies that build rather than tear down, that heal rather than wound, that enable rather than obstruct, that nourish rather than starve the souls of people.

God of love, teach us the power of sacrifice. Remind us that setting aside self-gain to obtain the common good, that giving up the greedy goal to obtain fair opportunity and that erasing lines of power and division—are all possible with Your help.

As an ordained minister of the good news of the Christ, I pray this.

So may it be.

Grace and peace to you.

Amen.

POINT OF PERSONAL PRIVILEGE

Senator Barnett rose on a Point of Personal Privilege with these remarks:

The Reverend Dale Pracht has been the chaplain of Newman Regional Health in Emporia since June 1991. He was the first full time staff chaplain at the hospital. The creation of the role was one of many steps taken by the hospital to creatively fulfill its commitment to caring for the whole person.

Chaplain Pracht is an American Baptist ordained and endorsed clergyman. He holds professional membership in the Association of Professional Chaplains (serving as the state level continuing education chair) and the Kansas Association of Chaplains (serving as their president elect and representative chaplain of the year).

His visit to the legislature today reminds us that professional and volunteer chaplains serve in many specialized settings throughout Kansas—including hospitals, nursing homes, mental health providers, prisons and jails, and police, fire, and military services, and to us—elected state legislators.

As each day brings us to points of choice, as we seek the highest and best, as we cope with the brokenness of lives, chaplains stand near ready to care.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 568, An act concerning private employment agencies and temporary help services; relating to employment in adult care homes, by Committee on Public Health and Welfare.

SB 569, An act concerning emergency medical technicians; relating to the administration of epinephrine; amending K.S.A. 2001 Supp. 65-6121 and repealing the existing section, by Committee on Public Health and Welfare.

SB 570, An act concerning ethics; relating to disclosure requirements for certain consulting contracts, by Committee on Elections and Local Government.

SB 571, An act concerning school districts; relating to school finance and the parent education program; amending K.S.A. 72-3604, 72-3605, 72-3607, 72-3608 and 72-6405 and K.S.A. 2001 Supp. 72-6407 and 72-6409 and repealing the existing sections; also repealing K.S.A. 72-3606, by Committee on Education.

SB 572, An act concerning school finance; relating to special education and related services for exceptional children; amending K.S.A. 72-6413 and K.S.A. 2001 Supp. 72-6407 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 72-978, 72-979, 72-979a, 72-983 and 72-6446, by Committee on Education.

SB 573, An act concerning sale of motor fuel; relating to certain prohibited acts; civil penalties; duties of division of weights and measures and attorney general; private remedy, by Committee on Judiciary.

SB 574, An act concerning crimes, criminal procedure and punishment; relating to sentencing; postrelease supervision; amending K.S.A. 21-4608 and K.S.A. 2001 Supp. 22-3717 and repealing the existing sections, by Committee on Judiciary.

SB 575, An act relating to income taxation; concerning the withholding against certain distributions and awards; amending K.S.A. 2001 Supp. 79-3295 and 79-32,100a and repealing the existing sections, by Committee on Assessment and Taxation.

SB 576, An act relating to all-terrain vehicles; providing for an all-terrain permit; exempting sales of all-terrain vehicles from sales tax; amending K.S.A. 8-145d and K.S.A. 2001 Supp. 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 577, An act relating to the division of vehicles; concerning the issuance of drivers' licenses and identification cards; amending K.S.A. 8-237, 8-240 and 8-1324 and repealing the existing sections, by Senator Hensley.

SB 578, An act concerning state educational institutions; relating to tuition and increases in the rate thereof, by Senators Hensley, Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Lee and Steineger.

SB 579, An act providing for funding of the Kansas silver haired legislature; prescribing annual transfers from the state general fund, by Senator Hensley.

SENATE CONCURRENT RESOLUTION No. 1620—

By Senator Hensley

A CONCURRENT RESOLUTION memorializing the Congress of the United States to designate a national holiday in honor of Cesar Chavez.

WHEREAS, Cesar Chavez, founder of the United Farm Workers of America, AFL-CIO, dedicated his life to the cause of justice for farm workers. Through his dedication, Cesar Chavez built not only a union but a movement of all races to continue the endless struggle to fight for workers' rights, civil rights and human rights; and

WHEREAS, Cesar Chavez was a role model for all workers, especially for Latinos and their children; and

WHEREAS, Cesar Chavez taught us to use power in a nonviolent manner and to employ this principle to secure justice for all workers in the labor movement; and

WHEREAS, His death on April 23, 1993 brought the Latino community together to continue his struggle to obtain justice and to secure a better life by organizing unions at the workplace; and

WHEREAS, A resolution is pending in the United States Congress to establish a national holiday in memory of Cesar Chavez: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the adoption of the United States House of Representatives Concurrent Resolution No. 3 providing for a national holiday honoring Cesar Chavez and that this holiday be celebrated on Cesar Chavez's birthday, March 31; and

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SCR 1619**.

Assessment and Taxation: **SB 553, SB 554**.

Commerce: **SB 565, SB 566**.

Elections and Local Government: **SB 564**.

Natural Resources: **SB 556**.

Financial Institutions & Insurance: **SB 555, SB 558**.

Judiciary: **SB 552, SB 559, SB 560, SB 561, SB 562, SB 563**.

Transportation: **SB 567**.

Ways and Means: **SB 557**.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF ADMINISTRATION

Division of Accounts and Reports

February 11, 2002

Dale Brunton, Director, Division of Accounts and Reports, submitted a copy of the State of Kansas *Monthly Financial Perspective* for the month of December, 2001.

Enhanced monthly financial information is available on the internet under *Monthly Financial Perspective*. There is also a web-site available.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 437** be amended on page 5, in line 31, by striking "\$100" and inserting "\$30"; in line 34, by striking "\$100" and inserting "\$50";

On page 6, in line 17, by striking "\$150" and inserting "\$60, and shall not apply to live plant dealers whose total annual retail live plant sales are less than \$10,000"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2586**, as amended by House Committee, be amended in line 14, before "For" by inserting "(a)"; in line 17, by striking "bonds"; in line 18, by striking "issued" and inserting "indebtedness authorized"; also, in line 18, before the period by inserting "established before January 1, 2002"; also, in line 18, by striking all after the period; by striking all in lines 19 and 20; after line 22, by inserting:

"(b) Upon certification by the secretary of revenue of the amount of any such credit, the director of accounts and reports shall issue to such taxpayer a warrant for such amount which shall be deemed to be a capital contribution."; and the bill be passed as amended.

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Department of Administration: K.S.A. 75-3702a

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

Also, **SB 407** be amended on page 1, in line 24, by striking "criminal prosecution or proceeding or"; in line 30, by striking "prosecution, proceeding or"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 470** be amended on page 1, in line 28, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 444** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Reapportionment** recommends **SB 379** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 379," as follows:

"Substitute for SENATE BILL No. 379

By Committee on Reapportionment

"AN ACT concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,201 through 4-4,243."; and the substitute bill be passed.

Committee on **Transportation** recommends **SB 449** be passed.

Also, **HB 2603**, as amended by House Committee of the Whole, be amended on page 1, in line 21, following "highway" by inserting ", except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs"; in line 29, following "highway" by inserting ", except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs" and the bill be passed as amended.

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 **SB 95, SB 383, SB 393, SB 410, SB 429, SB 472** be passed.

The committee report on **SB 394** recommending a **Sub SB 394** be adopted, and the substitute bill be passed.

SB 377, SB 392, SB 398 be amended by adoption of the committee amendments, and the bills be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, February 13, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

