

# Journal of the Senate

TWENTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 18, 2002—2:30 p.m.

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

The roll was called with thirty-eight senators present.

Senators Gilstrap and Tyson were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today we honor whom many believe to be our two greatest presidents: George Washington and Abraham Lincoln.

Many of us believe that their greatness is due to their faith in You, O God. There is much documentation to support our belief. I have time to mention only one for each man.

Washington, in response to a sermon, expressed his agreement that You, O God, expect people to live under civil authority;

That You established rulers over people;

That these rulers are entitled to respect;

That they are subject to You; will be judged by You; and may be removed by You.

Lincoln, when asked if God was on the side of the North, replied, "I am not at all concerned about that, for I know the Lord is always on the side of the right. But it is my constant anxiety and prayer that I and this nation should be on the Lord's side."

We are also aware, O God, that the Founders quoted the Bible more than any other book. So we are the beneficiaries of what one historian claims to be one of the greatest assemblage of able leadership in history.

So, today, as we express our gratitude for these two great men, we also ask that You protect our current President and give him wisdom and strength to carry out the awesome responsibilities of his office.

I pray this in the Name of Christ,

AMEN

## GUESTS

Senator Hensley rose on a point of personal privilege to introduce Jason Croucher, Osage High School Senior and recipient of the William Randolph Hearst Senate Scholarship.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 619**, An act concerning the state finance council; voting procedures; amending K.S.A. 75-3711 and repealing the existing section, by Committee on Ways and Means.

**SB 620**, An act repealing the Kansas performance review act; repealing K.S.A. 75-7101, 75-7102, 75-7103, 75-7104, 75-7105 and 75-7107, by Committee on Ways and Means.

**SB 621**, An act concerning racing and gaming; concerning electronic gaming machines; amending K.S.A. 2001 Supp. 19-101a and 74-8702 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 622.** An act concerning fire safety and prevention; relating to construction standards of school buildings; amending K.S.A. 2001 Supp. 31-150 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 623.** An act concerning firefighters; relating to qualifications thereof, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 607.**

Assessment and Taxation: **SB 611, SB 617.**

Commerce: **SB 605, SB 606, SB 614, SB 615, SB 616.**

Judiciary: **SB 608, SB 609, SB 612, SB 613.**

Public Health and Welfare: **SB 610.**

Ways and Means: **SB 618.**

#### CHANGE OF REFERENCE

The Vice-President withdrew **SB 607** from the Committee on Agriculture, and referred the bill to the Committee on Ways and Means.

#### MESSAGE FROM THE GOVERNOR

February 12, 2002

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Directive No. 02-319 for your information.

Sincerely,

BILL GRAVES

*Governor*

The Vice-President announced Executive Directive No. 02-319, Authorizing Personnel Transactions, is on file in the office of the Secretary of the Senate and is available for review at anytime.

#### COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF ADMINISTRATION

Division of Personnel Services

The Department of Administration, Division of Personnel Services, submitted the 2001 Workforce Report.

The Vice-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.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2607, HB 2624, HB 2679.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2607, HB 2624, HB 2679** were thereupon introduced and read by title.

#### REPORTS OF STANDING COMMITTEES

Committee on Commerce 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:

Kansas, Inc.: K.S.A. 2001 Supp. 74-8001

Rolland A. Vincent, term expires January 15, 2004

Committee on **Education** recommends **SB 483** be passed.

Also, **SB 403** be amended on page 2, by striking all in lines 14 through 19 and inserting:

“(f) (1) The provisions of this subsection shall apply to any proceeding which:

(A) Is filed on or after January 1, 2002; or

(B) was filed prior to January 1, 2002, and is pending on or on appeal after January 1, 2002.

(2) Except as provided by paragraphs (3) and (4) of this subsection, if the designated beneficiary of an account is a lineal descendant of the account owner, all moneys in the account shall be exempt from any claims of creditors of the account owner or designated beneficiary.

(3) The provisions of paragraph (2) of this subsection shall not apply to:

(A) Claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding the date of the filing of a bankruptcy petition under 11 USC section 101 *et seq.*; or

(B) claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding an execution on judgment for such claims against the account owner.

(4) The provisions of paragraph (2) of this subsection shall not apply to:

(A) Claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding the date of the filing of a bankruptcy petition under 11 USC section 101 *et seq.*; or

(B) claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding an execution on judgment for such claims against the account owner.”;

Also on page 2, in line 40, by striking “Only the account owner or owners” and inserting “From and after January 1, 2002, any person”;

On page 3, in line 2, by striking “Such rules and”; by striking all in lines 3 through 15;

On page 4, in line 8, by striking “No account owner or designated beneficiary” and inserting “Subject to the provisions of section 529 of the internal revenue code of 1986, in effect on January 1, 2002, or later versions as established in rules and regulations adopted by the treasurer, an account owner”; following line 13, by inserting:

“(j) An account shall be open under a qualified tuition program as defined in section 529 of the internal revenue code of 1986 at least one year before a qualified withdrawal may be made.”;

By relettering subsections accordingly;

On page 5, following line 40, by inserting:

“(r) The amendments to this section by this act shall apply to any action or transaction taken or occurring from and after January 1, 2002.”;

Also on page 5, in line 43, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 486** be passed.

Also, **SB 433** be amended on page 3, in line 10, before “journal” by inserting “judgment form or”; also in line 10, by striking “of conviction and sentence” and inserting “as required by K.S.A. 21-4620 or 22-3426, and amendments thereto”; in line 11, by striking “secretary of corrections” and inserting “officer having the offender in charge”; in line 13, after “shall” by inserting “cause a certified copy of the judgment form or journal entry to be sent to the secretary of corrections within three business days of receipt of the judgment form or journal entry from the court and”; in line 26, after “abuse” by inserting “, including, but not limited to, an approved aftercare plan or mental health counseling.”;

On page 6, after line 6, by inserting the following:

“Sec. 2. K.S.A. 75-5218 is hereby amended to read as follows: 75-5218. (a) When any person is sentenced to the custody of the secretary of corrections pursuant to the provisions of K.S.A. 21-4609 and amendments thereto, the clerk of the court which imposed such sentence shall within three days following the order of the commitment to the secretary notify the secretary of corrections. The clerk shall not notify the secretary if the sentence is suspended or the defendant placed on probation or any other disposition which will not result in transfer of the defendant to the secretary of corrections.

—(b) Together with the order of commitment to the custody of the secretary of corrections as required by K.S.A. 21-4621 and amendments thereto, the clerk shall deliver to the officer having the offender in charge the judgment form or journal entry as required by K.S.A. 21-4620 or 22-3426, and amendments thereto together with the order of commitment to the

custody of the secretary of corrections as required by K.S.A. 21-4621, and amendments thereto. Within three business days of receipt of the order of commitment and the judgment form or journal entry, the officer having the offender in charge shall forward certified copies to the secretary of corrections. Copies of these materials shall also be delivered to the officers conveying the offender to the Topeka correctional facility, department of corrections reception and diagnostic unit or such other correctional institution prescribed by K.S.A. 75-5220 and amendments thereto, or by the secretary of corrections in accordance with such statute.

(b) When an offender's sentence has been modified in accordance with the provisions of K.S.A. 21-4609, and amendments thereto, the clerk of the court which imposed such modified sentence shall within three business days notify the secretary of corrections by sending a certified copy of the court's order modifying the offender's sentence to the secretary or the secretary's designee.”;

And by renumbering sections accordingly;

Also on page 6, in line 7, by striking “is” and inserting “ and 75-5218 are”;

On page 1, in the title, in line 9, by striking “motor vehicles” and by inserting “crimes, criminal procedure and punishment”; in line 11, after the second semicolon by inserting “offenders sentenced to department of corrections, notification by court;”; in line 12, after “8-1567” by inserting “and 75-5218”; also in line 12, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Reapportionment** recommends **SB 378** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 378,” as follows:

“Substitute for SENATE BILL No. 378

By Committee on Reapportionment

“AN ACT concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 4-128, 4-133 and 4-135.”;

and the substitute bill be passed.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 19, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

