

# Journal of the Senate

FORTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 9, 2004—2:30 p.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with forty senators present.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Twenty-five years ago I prayed the following prayer on the twelfth day of my first session. It is the first rhyming prayer that I had prayed. After looking it over, I thought that it might still be appropriate today.

I get a lot of letters, Lord,  
That almost make me cry—  
Most of them complaining  
That their taxes are too high.

I've yet to get a letter, Lord,  
From someone who's content.  
It seems that everyone's unhappy  
With the way his money's spent.

And I know just what You're thinking,  
And I confess it's very true—  
That even while I'm praying  
I'm complaining, Lord, to You.

But as a point of personal privilege  
From one of Your lesser saints;  
Couldn't I get just one short letter  
From someone with no complaints?

I thank You, in Jesus' Name,

AMEN

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 559**.

Assessment and Taxation: **SCR 1620**.

Education: **SB 556**.

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

Judiciary: **HCR 5033**.

Ways and Means: **SB 555, SB 557**.

## CHANGE OF REFERENCE

The President withdrew **SB 556** from the Committee on Education, and referred the bill to the Committee on Ways and Means.

**COMMUNICATIONS FROM STATE OFFICERS**

## KANSAS HIGHWAY PATROL

January 31, 2004

Pursuant to K.S.A. 60-4117, Walter V. Darling, Director of Fiscal and Technical Services, submitted a report regarding state forfeiture funds.

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.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2599**, **HB 2732**.

Also, passage of **SB 352**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2599**, **HB 2732** were thereupon introduced and read by title.

**CONFIRMATION OF APPOINTMENTS**

In accordance with Senate Rule 56, the following appointment, submitted by the Attorney General to the senate for confirmation, was considered.

Senator Oleen moved the following appointment be confirmed as recommended by the Standing Senate Committee:

On the appointment to the:

*Crime Victims Compensation Board, Chairperson:*

Rita L. Noll, term expires March 15, 2008.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

**FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

**SB 293**, An act concerning schools; relating to the Kansas school safety and security act; amending K.S.A. 72-89a01 and repealing the existing section, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Journey.

The bill passed, as amended.

## EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 293**. Despite remarks made by my honorable colleagues, I do not want children bringing machine guns to school. My proposed amendment yesterday reinstating the words on line 36 and 37 of the first page of the bill "by the action of an explosive" was intended to resolve a vague section of the bill's definition of weapon. The language now in the bill would define a weapon as anything "Which will..expel a projectile." This would define a weapon as something as harmless as a straw which would propel a wad of paper by the pressure behind it, as a projectile. Two rules I use are first, we do no harm and second be wary of unintended consequences. I believe the unintended consequence of this bill in its current form would be mandatory suspensions for children involved in innocent horseplay. The ramifications on their personal and educational records of an expulsion affect their future. In many situations local control is a good and proper concept of this body to protect. I supported allowing school boards to define the weapon by their

own resolution. Had my amendment been adopted I would vote in support of **SB 293**.—  
PHILLIP B. JOURNEY

**SB 400**, An act concerning law enforcement; pertaining to training of part time law enforcement officers; amending K.S.A. 2003 Supp. 74-5602 and repealing the existing section, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**SB 533**, An act concerning the Kansas racing and gaming commission and the state gaming agency; relating to appointment of assistant attorneys general; amending K.S.A. 74-8809 and 74-9804 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 540**, An act concerning postsecondary educational institutions; relating to the use of social security numbers, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Corbin introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1826—

A RESOLUTION congratulating and commending Flossie Bishop Page.

WHEREAS, Flossie Bishop Page of Rosalia will celebrate her 111th birthday on June 12.

WHEREAS, She was born June 12, 1893, at Haven. At age 15 she taught one year in a country school near Lewis before going to Nickerson as a boarding student to attend Nickerson High School; and

WHEREAS, She and a friend, Nellie Cleaver, were early career women when they went to Washington, D.C. to work for the War Department processing claims for soldiers who had been injured, or in the event of death, for the soldiers' estates. Later they returned to Wichita and worked for the Revenue Department which became the Internal Revenue Service; and

WHEREAS, She married Fred Page, and the couple farmed nearly 50 years until his death in 1967. They had one son, Donald, and she now has seven grandchildren, 36 great-grandchildren and 15 great-great grandchildren: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Flossie Bishop Page upon enjoying 110 years of life and wish her a happy and joyous 111th birthday; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Mrs. Flossie Bishop Page, 8312 S.E. 20th Street, Rosalia, KS 67132.

On emergency motion of Senator Corbin **SR 1826** was adopted unanimously.

**REPORTS OF STANDING COMMITTEES**

Committee on **Financial Institutions and Insurance** recommends **SB 542** be amended on page 1, in line 14, by striking all following "1."; by striking all in lines 15 through 20 and inserting "On and after July 1, 2006: (a) No insurance company, including health maintenance organizations, offering any type of accident and sickness policy in this state shall print or encode an insured's social security number on or into the insured's policy card.

(b) Any distinguishing identifier assigned to the insured's policy card shall be a combination of numbers or letters or both, which is unique to the insured.

(c) An insured's distinguishing identifier shall not, in any way, be based on or depend on the insured's social security number.";

Also on page 1, in line 21, by striking all following "2."; by striking all in lines 22 through 28 and inserting "On and after July 1, 2006: (a) No insurance company, including health maintenance organizations, offering any type of coverage for prescription drugs or devices covering individuals residing in this state shall print or encode an insured's social security number on or into the insured's policy card.

(b) Any distinguishing identifier assigned to the insured's policy card shall be a combination of numbers or letters or both, which is unique to the insured.

(c) An insured's distinguishing identifier shall not, in any way, be based on or depend on the insured's social security number.

New Sec. 3. If a federal law takes effect requiring the United States department of health and human services to establish a national unique patient health identifier program, any person or entity that complies with such federal law shall be deemed to be in compliance with the provisions of sections 1 and 2, and amendments thereto, and K.S.A. 2003 Supp. 40-4623, and amendments thereto.";

By renumbering the remaining sections accordingly;

On page 2, in line 14, by striking all following "(d)"; by striking all in lines 15 through 19 and inserting "On and after July 1, 2006: (1) No cardholder's social security number shall be printed or encoded on or into any card issued under this section.

(2) Any cardholder identification number or other distinguishing identifier assigned to the card issued to a cardholder shall be a combination of numbers or letters or both, which is unique to the cardholder.

(3) A cardholder's identification number or other distinguishing identifier shall not, in any way, be based on or depend on the cardholder's social security number."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 529** be amended on page 2, in line 9, by striking the comma where it appears for the first time and inserting "or"; also in line 9, after "practitioner" by inserting "working pursuant to the order or direction of a person licensed to practice medicine and surgery";

On page 3, in line 9, by striking the comma where it appears for the last time and inserting "or"; in line 10, after "practitioner" by inserting "working pursuant to the order or direction of a person licensed to practice medicine and surgery"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2745**, as amended by House Committee; **HB 2871** be passed.

**REPORT ON ENGROSSED BILLS**

**SB 293, SB 533, SB 540** reported correctly engrossed March 9, 2004.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, March 10, 2004.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

