

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 8, 2002—9:30 a.m.

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

The roll was called with thirty-four senators present.

Senators Adkins, Allen, Barone, Brungardt, Schmidt and Wagle were excused.

Vice-President Praeger introduced as guest chaplain, Rabbi Lawrence P. Karol, Temple Beth Shalom, Topeka, who delivered the invocation:

Eternal One, Source of wisdom and insight,

Guide us as we seek to fulfill our responsibilities to
our communities and our state.

Enable us to see the possibility for success on paths
that some say will lead only to failure.

Keep our minds open to fresh ideas, new approaches,
and innovative solutions that can help us overcome
the challenges we face.

Remind us that some disagreements may be fleeting
while shared commitment to the well-being of others
can be ongoing.

Give us a sense of partnership that will lead us
towards compromise and understanding.

Make us ever mindful that we are all part of the
family of humanity, stewards of all that You have
created.

O Merciful Protector and Sustainer of us all, grant us
security in our journeys to our homes after days of
hard work and bless us with peace and goodness
along our way.

And let us say Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 643. An act concerning the secretary of health and environment; permanent color technology, tattooing and body piercing; concerning the transfer of certain powers, duties and functions to the secretary of health and environment; amending K.S.A. 2001 Supp. 65-1940, 65-1941, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1954, 65-1955 and 74-2701 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1940, as amended by section 6 of chapter 193 of the 2001 Session Laws of Kansas, 65-1941, as amended by section 7 of chapter 193 of the 2001 Session Laws of Kansas, 65-1943, as amended by section 8 of chapter 193 of the 2001 Session Laws of Kansas, 65-1944, as amended by section 9 of chapter 193 of the 2001 Session Laws of Kansas, 65-1945, as amended by section 10 of chapter 193 of the 2001 Session Laws of Kansas, 65-1946, as amended by section 11 of chapter 193 of the 2001 Session Laws of Kansas, 65-1947, as amended by section 12 of chapter 193 of the 2001 Session Laws of Kansas, 65-

1948, as amended by section 13 of chapter 193 of the 2001 Session Laws of Kansas, 65-1949, as amended by section 14 of chapter 193 of the 2001 Session Laws of Kansas, 65-1950, as amended by section 15 of chapter 193 of the 2001 Session Laws of Kansas, 65-1951, as amended by section 16 of chapter 193 of the 2001 Session Laws of Kansas, 65-1954, as amended by section 17 of chapter 193 of the 2001 Session Laws of Kansas, 74-2701, as amended by section 19 of chapter 193 of the 2001 Session Laws of Kansas and section 21 of chapter 193 of the 2001 Session Laws of Kansas, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Judiciary: **HB 2399**, **HB 2735**, **HB 2752**, **HB 2880**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1821—

A RESOLUTION congratulating and commending Ashley Wright upon being named the state's top high school volunteer by the Prudential Spirit of Community Awards.

WHEREAS, Ashley Wright, a 17 year old junior at Blue Valley North High School, has been named as the state's top high school volunteer in the seventh Prudential Spirit of Community Awards, a nationwide program recognizing young people for outstanding community service. This award is presented by Prudential Financial in partnership with the National Association of Secondary School Principals. She will receive a \$1,000 award, an engraved silver medallion and an all-expense-paid trip to Washington, D.C., May 4 to 7 for a series of national recognition events. There she will join honorees from the other states, 12 of whom will be named America's top volunteers for 2002; and

WHEREAS, As a community service project, Ms. Wright formed a vocal music performance class for challenged adults in her community. Working with the local parks and recreation department, she designed a brochure which was sent out with a community newsletter. Twenty special needs adults enrolled in her six-week class. She determined the musical selections, created song books and planned a class format. After four weeks of intense rehearsals the group performed at several area nursing homes. Their performances were greatly appreciated, and each nursing home asked them to return and perform longer. She plans to teach a second class in the spring; and

WHEREAS, The success of our state, the strength of our communities and the vitality of our society depend, in great measure, upon the dedication of young people like Ashley Wright who use their considerable talents to serve others: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Ashley Wright upon being named as the state's top high school volunteer and commend her actions to be emulated by her peers;

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Ms. Ashley Wright, 12704 Woodson Street, Overland Park, Kansas 66209-3672.

On emergency motion of Senator Vratil **SR 1821** was adopted unanimously.

Senator Vratil introduced and congratulated Ashley, for her outstanding community service. Accompanying Ashley were her parents Sheryl and Gardner Wright.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 521** be amended on page 1, in line 15, by striking "The" and inserting "Except as provided in subsection (b), the"; in line 18, by striking all after the period; by striking all in lines 19 and 20; in line 21, by striking all before "If"; after line 24, by inserting:

"(b) Subject to the provisions of subsection (b)(1) of K.S.A. 21-4718, and amendments thereto, any fact that would increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, must be submitted to a jury and proved beyond a reasonable doubt.";

Also on page 1, in line 25, by striking “(b)(1)” and inserting “(c)(1)”;

On page 2, in line 9, after “victim” by inserting “or the offense was motivated by the defendant’s belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant’s belief or perception was correct”;

On page 4, in line 10, after “court” by inserting “not less than 30 days prior to the date of trial or if the trial date is to take place in less than 30 days then”; in line 16, before “within” by inserting “not less than 30 days prior to the date of trial or if the trial date is to take place in less than 30 days then”;

On page 5, in line 22, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 557** be amended on page 1, in line 43, after “clusively” by inserting “(1)”;

On page 2, in line 8, preceding the period, by inserting: “; or (2) for other medicaid reimbursable services for persons with developmental disabilities based upon an agreement entered into by the secretary and community developmental disability organizations by written contract”; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, March 11, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

