

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 31, 2003—9:30 a.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-one senators present.

Senators Allen, Barnett, Brungardt, Donovan, Huelskamp, Lyon, Pugh, Schmidt and Schodorf were excused.

President Kerr and members of the senate welcomed as guests Chaplain Hollomon's wife Pat, daughter Becky Morrison, granddaughter Ericka King and great grandson Harrison Lackey.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Our world is in turmoil.
So what else is new?
Since the world began
Trouble seems to brew.

There are a lot of people
Who think it is God's will
that people who are different
Are born for them to kill.

There have been a lot of lay offs,
And drought has plagued our land.
Many things are happening, Lord,
That folks don't understand.

All the states have short falls
Except for three or four.
Drugs and booze pollute our youth,
"When it rains, it pours."

Are we still not ready
To listen to Your Word?
You have given good advice,
But has Your Word been heard?

Please get our attention with what You have to say in II Chronicles 7:14.

"If my people who are called by my Name, will humble themselves and pray, and seek my face, and turn from their wicked ways, then will I hear from heaven and forgive their sin and heal their land."

Can any advice be more appropriate?

I pray in Jesus' Name,

AMEN

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 2, by Senator Lana Oleen: A petition to thank "Pack the Library Night", sponsored by Kansas State University Student Governing Association to call attention to the state budget crisis and to rally support for higher education funding.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 116, An act prohibiting smoking in restaurants; amending K.S.A. 21-4009 and repealing the existing section, by Senator Emler (By request).

SB 117, An act concerning school districts; relating to hearings provided for teachers upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 72-5438 and 72-5440 and repealing the existing sections, by Committee on Education.

SB 118, An act concerning the state board of education; relating to rules and regulations; amending K.S.A. 72-7514b and repealing the existing section; also repealing K.S.A. 72-7514a, by Committee on Education.

SB 119, An act concerning teachers employed at the state school for the blind or the state school for the deaf; relating to hearings provided upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 76-11a05, 76-11a06, 76-11a07, 76-11a08, 76-11a09, 76-11a10, 76-11a11, 76-11a12, 76-11a13 and 76-11a14 and repealing the existing sections, by Committee on Education.

SB 120, An act concerning school districts; relating to certain expenditures; amending K.S.A. 72-6760 and repealing the existing section, by Committee on Education.

SB 121, An act concerning school districts; enacting the school district budget law; amending K.S.A. 12-1765, 12-2615, 44-505e, 72-8415a, 75-4322, 75-4330, 75-4332, 75-6110, 79-1808, 79-2925, 79-2926 and 79-2927 and K.S.A. 2002 Supp. 75-37,125 and repealing the existing sections; also repealing K.S.A. 72-8204a, by Senator Bunten.

SB 122, An act concerning open meetings; amending K.S.A. 2002 Supp. 75-4318 and repealing the existing section, by Senator Hensley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 115**.

Commerce: **SB 105, SB 112, SB 113, SB 114**.

Committee of the Whole: **HCR 5001**.

Elections and Local Government: **SB 101, SB 102, SB 103, SB 109**.

Federal and State Affairs: **SB 108**.

Judiciary: **SB 110, SB 111**.

Public Health and Welfare: **SB 106, SB 107**.

Utilities: **SB 104**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS STATE HISTORICAL SOCIETY

January 29, 2003

Patricia Michaelis, State Archivist, Secretary, State Records Board, submitted the State Records Board Annual Report for fiscal year 2002.

KANSAS DEPARTMENT OF CORRECTIONS

January 30, 2003

In accordance with the provisions of K.S.A. 2001 Supp. 60-4117, Roger Werholtz, Secretary of Corrections, submitted the report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2001 through December 1, 2002.

KANSAS GUARDIANSHIP PROGRAM

January 31, 2003

On behalf of the Board and staff of the Kansas Guardianship Program, Judge Frank J. Yeoman, Jr., Board of Directors, submitted the 2002 Annual Report.

The 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.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1805—

A RESOLUTION relating to rules of the Senate for 2000-2004,
amending rule 38 and rule 41.

Be it resolved by the Senate of the State of Kansas: That Rule 38 be amended to read as follows:

Rule 38. Call of Senate—When Made—How Enforced. A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause, or indefinitely postpone any bill or resolution, or, *whether in committee of the whole or in the Senate, on a motion to amend a bill or resolution when a roll call vote is being or will be taken*, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed, and direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reproved by the President for the neglect of duty.

Be it further resolved: That Rule 41 be amended to read as follows:

Rule 41. Committee of the Whole. On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the Senate) shall not apply *except as otherwise authorized in Rule 38 on a motion to amend a bill or resolution*. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 51 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37, but no more than five roll calls shall be taken upon any bill under consideration in the Committee of the Whole.

REPORT ON ENGROSSED BILLS

SB 2, SB 16, SB 34 reported correctly engrossed January 30, 2003.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, February 3, 2003.

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

PAT SAVILLE, *Secretary of the Senate.*

