

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 17, 2003—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-eight senators present.
Senators Brungardt and Downey were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

It is my understanding that we observe Presidents' Day in February because two of our most famous presidents, Washington and Lincoln, were born in this month.

Since World War II, beginning with President Franklin Roosevelt, our presidents have served as Chief Executive Officer of the most powerful nation in the world. This means, O God, that these presidents have been the most powerful men in the world with all of the awesome responsibilities that go with that authority.

We are told in I Timothy 2:1-2 "that requests, prayers, intercession, and thanksgiving be made for everyone—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness."

In this year of our Lord, 2003, George W. Bush occupies the White House, so we pray for him and his advisors as they deliberate over how to deal with Iraq, North Korea, the terrorists, and the economy, as well as the most critical social issues which demand attention.

We pray that You will give them godly wisdom and may no decision be made which does not conform to Your will.

And continue to remind us, O God, that although we have the freedom to criticize our political leadership, we also have the responsibility to accompany every criticism with a prayer.

I pray in Jesus' Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 237, An act relating to the redevelopment of property located within a federal enclave in Johnson and Labette counties; authorizing certain powers, including tax increment financing and sales tax revenue bonds; relating to projects of the Kansas development finance authority; amending K.S.A. 74-8902, 74-8905, 74-8921, 74-8922, 74-8923, 74-8924, 74-8925, 74-8927 and 74-8929 and repealing the existing sections, by Committee on Ways and Means.

SB 238, An act enacting the efficiency in local government act; amending K.S.A. 12-301 and 12-3909 and K.S.A. 2002 Supp. 19-205 and repealing the existing sections, by Committee on Ways and Means.

SB 239, An act concerning the secretary of state; relating to fees for certain services and publications provided by the secretary of state; amending K.S.A. 2002 Supp. 45-107, 53-104, 75-436, 75-438 and 77-430 and repealing the existing sections, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1611—

By Committee on Education

A PROPOSITION to amend sections 3 and 7 of article 6 of the constitution of the state of Kansas, relating to the state board of education.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Sections 3 and 7 of article 6 of the constitution of the state of Kansas are hereby amended to read as follows:

“**§ 3. Members of state board of education and state board of regents.** (a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The ~~electors of each~~ *members of the boards of education of the school districts located within each state board of education member district* shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

(b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

(c) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.

§ 7. **Savings clause.** ~~(a)~~ All laws in force at the time of the ~~adoption~~ *approval* of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, ~~1969~~ *2005*.

~~(b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.~~

~~(c) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and income, to the support of the public schools supervised by the state board of education.”~~

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“Explanatory statement. The constitution of this state provides for a ten-member state board of education. Members are selected by election by the qualified electors of the member districts. The constitution further provides for selection of members of the state board of regents by gubernatorial appointment.”

“A vote for this proposition would provide that members of the state board of education would be elected by the members of the boards of education of school districts located within the state board of education member districts.”

“A vote against this proposition would continue in effect the requirement that the members of the state board of education be elected by the qualified electors of the state board of education member districts.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2004 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 236**.

Assessment and Taxation: **SB 227, SB 233**.

Commerce: **SB 235**.

Elections and Local Government: **SB 228**.

Federal and State Affairs: **SB 230**.

Financial Institutions & Insurance: **SB 234**.

Judiciary: **SB 229, SB 231, SB 232**.

CHANGE OF REFERENCE

The President withdrew **Sub SB 30** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Ways and Means.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS BOARD OF REGENTS

January 31, 2003

Pursuant to K.S.A. 75-7226, Reginald L. Robinson, President and CEO, Kansas Board of Regents, submitted the annual report to the Governor, Legislature and Kansas Department of Education as an annual update on the status and progress of the KAN-ED Project at the Kansas Board of Regents.

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 2038, HB 2118**

Also, adoption of **HCR 5005**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2038, HB 2118, HCR 5005 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 55** be passed.

Committee on **Judiciary** recommends **SB 25** be amended on page 2, in line 15, before “any” by inserting “was in compliance with”;

On page 3, in line 6, by striking “gradual”; in line 7, by striking all before the period and inserting: “elimination of a sport shooting range which does not comply with the provisions of section 2, and amendments thereto”; and the bill be passed as amended.

Also **SB 27** be amended on page 2, in line 8, after the period, by inserting: “The secretary of social and rehabilitation services is authorized to require a surcharge on all alcohol and drug safety action education programs required under this act. The cost of such surcharge shall be paid by the person completing the program and shall be collected by the approved program provider and remitted to the state treasury for deposit in the other fees fund of

the department of social and rehabilitation services on a quarterly basis. Such surcharge shall be set at a level to equal the cost to administer the approval process.”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 132** be amended on page 2, in line 13, by striking “state-owned” and inserting “state owned or occupied”; in line 15, by striking “state-owned” and inserting “state owned or occupied”; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 18, 2003.

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

PAT SAVILLE, *Secretary of the Senate*.

