

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 23, 2001—2:30 p.m.

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

Heavenly Father,

You know that exactly twenty years ago today I stood in this place and prayed for President Ronald Reagan who had just been inaugurated.

I would like to pray a portion of that same prayer for President George W. Bush.

Concerning our new president there are things we know and there are things we ask for.

We know he's not perfect; but we pray he will do his best.

We know he will make mistakes; we pray he will confess he made them.

We know he's not God; we pray he knows it, too.

We know he's a Republican; we pray he cares about Democrats and Independents, too.

We know the eyes of Texas are upon him, we pray that he knows that now the eyes of America are upon him.

Even more important, we pray that he knows Your eyes, O God, are upon him.

I pray all this in Jesus' Name,

AMEN

GUESTS

President Kerr and members of the Senate welcomed former Senator Lillian Papay, Great Bend, Kansas.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 91, An act relating to cities and counties; enacting the city and county development activity excise tax act, by Committee on Assessment and Taxation.

SB 92, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, by Committee on Assessment and Taxation.

SB 93, An act relating to sales taxation; exempting grain storage facility construction materials and services; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 94, An act concerning governmental ethics; relating to gifts to legislators; amending K.S.A. 46-237 and 46-237a and repealing the existing sections, by Senator Adkins.

SB 95, An act enacting the interstate compact for adult offenders supervision; repealing K.S.A. 22-4101, 22-4102 and 22-4103, by Senators Adkins and Goodwin.

SB 96, An act concerning the department of corrections; relating to unclassified employees; amending K.S.A. 75-5205 and repealing the existing section, by Committee on Ways and Means.

SB 97. An act concerning the signing of certain documents issued or made by the governor; amending K.S.A. 75-106 and repealing the existing section, by Committee on Judiciary.

SB 98. An act concerning publication of proclamations issued by the governor; amending K.S.A. 64-103 and repealing the existing section, by Committee on Judiciary.

SB 99. An act concerning crimes, criminal procedure and punishment; relating to the offender registration act; amending K.S.A. 2000 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the existing sections, by Committee on Judiciary.

SB 100. An act relating to food service establishments; concerning renewal fees for licenses; amending K.S.A. 36-503 and repealing the existing section, by Committee on Public Health and Welfare.

SB 101. An act concerning health insurance; relating to extension of payment of benefits; amending K.S.A. 40-2254 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 102. An act concerning elections; relating to election crimes; relating to the intimidation of voters; amending K.S.A. 25-2415 and repealing the existing section, by Senators Praeger, Jenkins and Allen.

SB 103. An act relating to home health agencies; concerning employment of persons by such providers; amending K.S.A. 2000 Supp. 65-5117 and repealing the existing section, by Committee on Public Health and Welfare.

SB 104. An act relating to adult care homes; concerning employment of persons by such providers; amending K.S.A. 39-970 and repealing the existing section, by Committee on Public Health and Welfare.

SB 105. An act relating to sales taxation; exempting sales of precision farming equipment; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 106. An act relating to sales taxation; exempting certain sales of clothing and computers; amending K.S.A. 12-189a and K.S.A. 2000 Supp. 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SENATE CONCURRENT RESOLUTION No. 1605—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the Bush administration to withdraw certain environmental protection agency regulations.

WHEREAS, The first official act of President George W. Bush on January 20, 2001, was to order a moratorium on all new federal regulations not yet published in the Federal Register; and

WHEREAS, One regulation subject to the moratorium is a proposed new requirement for the Environmental Protection Agency to further regulate confined animal feeding operations within the State of Kansas; and

WHEREAS, The regulation of confined animal feeding operations within Kansas is properly the responsibility of the State of Kansas, not of the federal government; and

WHEREAS, The President's order also imposed a 60-day stay on implementation of new federal regulations that have already been published in the Federal Register but have not yet entered into force; and

WHEREAS, The purpose of the regulatory moratorium and stay ordered by President George W. Bush is to permit officials in his administration time to review proposed regulations and determine, on a case-by-case basis, whether each such regulation should be implemented; and

WHEREAS, One regulation that should be reviewed is a proposed new requirement for the federal Environmental Protection Agency to regulate farm ponds; and

WHEREAS, Another regulation that should be reviewed relates to default low flows; and

WHEREAS, Another regulation that should be reviewed relates to antidegradation requirements; and

WHEREAS, Another regulation that should be reviewed relates to effluent created flow; and

WHEREAS, Another regulation that should be reviewed relates to primary versus secondary contact recreation; and

WHEREAS, Neither the Federal Water Pollution Control Act of 1972 (Clean Water Act) nor any other act of Congress grants the federal government authority to regulate nonpoint source pollution, farming practices or issues involving water quantity in Kansas; and

WHEREAS, The regulations described in this Concurrent Resolution, if implemented, would have the effect of indirectly requiring regulation of nonpoint source pollution in Kansas waters in a manner inconsistent with the 10th Amendment to the United States Constitution by federally regulating matters traditionally and statutorily reserved to the states; and

WHEREAS, The United States Supreme Court in *Solid Waste Agency of Northern Cook County v. United States Corps of Engineers* recently held that the federal government exceeded its authority under the Clean Water Act in attempting to regulate isolated bodies of water, such as farm ponds; and

WHEREAS, Each regulation described in this Concurrent Resolution would, if fully implemented, impose substantial new financial and regulatory burdens on Kansas farmers, ranchers and other landowners; and

WHEREAS, Each regulation described in this Concurrent Resolution already has hindered and delayed ongoing efforts to protect and improve water quality in Kansas by diverting the time, attention and resources of farmers, ranchers and other landowners away from the planning and implementing of effective conservation and water-quality programs; and

WHEREAS, The full implementation of any of the regulations described in this Concurrent Resolution would impose unacceptable financial and regulatory burdens on Kansas farmers, ranchers and other landowners; would further hinder the ongoing voluntary, incentive-based efforts by the State of Kansas to protect and improve water quality in our state; and would constitute an unjustified and excessive intrusion by the federal government upon the proper authority of the State of Kansas to regulate the state's waters and protect the state's environment for the benefit of all Kansans; and

WHEREAS, All Kansans want clean water and the State of Kansas is committed to protecting water quality in Kansas without the need for further federal mandates: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas Legislature hereby urges and requests the administration of President George W. Bush to permanently withdraw each of the regulations described in this Concurrent Resolution; and

Be it further resolved: That the Secretary of State is authorized and directed to send copies of this Concurrent Resolution to the President of the United States, to the White House Chief of Staff, to the Director of the federal Office of Management and Budget, to the administrator of the United States Environmental Protection Agency and to each member of the Kansas congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 84.**

Elections and Local Government: **SB 89, SB 90.**

Natural Resources: **SB 87.**

Judiciary: **SB 88.**

Transportation: **SB 83.**

Ways and Means: **SB 85, SB 86.**

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF COMMERCE & HOUSING

January 19, 2001

Gary Sherrer, Lt. Governor/Secretary, submitted a copy of the Kansas Department of Commerce & Housing's Annual Report for Fiscal Year 2000.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

January 22, 2001

Janet Schalansky, Secretary, Kansas Department of Social and Rehabilitation Services, submitted a study regarding asset and income rules and their enforcement in the medical eligibility process as required by House Substitute for Senate Bill 326.

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.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 52** be passed.

REPORT ON ENROLLED BILLS

SR 1805 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 22, 2001.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, January 24, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

