

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 26, 2001—9:30 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-four senators present.
Senators Adkins, Gooch, Harrington, Jackson, Steineger and Wagle were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Sometimes if we're not careful
We will overlook
Some people standing near us,
Important, in my book.

They just stand there quiet and still,
But if anything goes wrong,
They'll be taking care of it,
And it won't take them long.

People in the public eye,
Who are always on the go
Forget that we make enemies
Of people we don't know.

And sometimes we forget, O God,
That those who wear the blue
Put their safety on the line;
It's just the job they do!

So we thank You for them, Lord,
Don Cackler and Larry Fox.
If danger ever comes our way,
They're more valuable than Fort Knox!

I pray in Christ's Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 135, An Act making and concerning appropriations for the fiscal year ending June 30, 2002, for the department of education; authorizing certain transfers and imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Committee on Education.

SB 136, An act concerning civil procedure; relating to wage garnishment; assignment of account; amending K.S.A. 2000 Supp. 60-2310 and repealing the existing section, by Committee on Judiciary.

SB 137, An act enacting the Kansas estate tax apportionment act; repealing K.S.A. 2000 Supp. 79-15,120, 79-15,121, 79-15,122, 79-15,123 and 79-15,124, by Committee on Judiciary.

SB 138, An act relating to property taxation; concerning the exemption for farm storage and drying equipment; amending K.S.A. 79-201d and repealing the existing section, by Committee on Assessment and Taxation.

SB 139, An act concerning civil procedure; relating to liability for domestic animal activities; amending K.S.A. 60-4001 and repealing the existing section, by Senators Jordan, Schmidt and Schodorf.

SB 140, An act concerning salaries and compensation for state officers and employees; providing for modification of pay plan; amending K.S.A. 75-2938 and repealing the existing section, by Senators Jenkins, Barnett, Barone, Brungardt, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jackson, Lee, Oleen, Praeger, Salmans and Steineger.

SB 141, An act concerning insurance; relating to the fraudulent insurance act; amending K.S.A. 40-2,118 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 142, An act concerning the bank commissioner; relating to the authority to issue special orders; amending K.S.A. 2000 Supp. 9-1715 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 143, An act relating to title insurance; requiring certain disclosures and prohibiting certain practices; amending K.S.A. 40-2404 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 144, An act concerning home energy assistance programs; establishing the Kanhelp home energy assistance program and the Kanhelp home weatherization assistance program; providing for the funding thereof; amending K.S.A. 79-4227 and repealing the existing section, by Senators Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee, and Steineger.

SB 145, An act concerning school district finance; relating to local option budgets; revising the definition of state prescribed percentage; amending K.S.A. 2000 Supp. 72-6433 and repealing the existing section, by Senators Allen, Adkins and Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 129**.

Education: **SB 134; HB 2035**.

Elections and Local Government: **SB 125, SB 126, SB 127**.

Federal and State Affairs: **SB 133**.

Financial Institutions & Insurance: **SB 130**.

Judiciary: **SB 128, SB 131, SB 132**.

MESSAGE FROM THE GOVERNOR

January 24, 2001

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 01-305 for your information.

BILL GRAVES
Governor

The President announced Executive Directive No. 01-305, Authorizing Certain Personnel Transactions and Authorizing Certain Expenditures, is on file in the office of the Secretary of the Senate and available for review at anytime.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Adkins and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION congratulating and commending Dr. David L. Benson.

WHEREAS, Dr. David L. Benson, the Superintendent of Blue Valley Unified School

District No. 229, of Johnson County, has been selected as the 2001 Kansas Superintendent of the Year and is the Kansas nominee for National Superintendent of the Year. He will be honored on his selection as 2001 Kansas Superintendent of the Year with a reception on January 30 at the Ritz Charles Conference Facility in Overland Park; and

WHEREAS, Blue Valley Unified School District No. 229 is a rapidly growing suburban school district located in the Kansas City metropolitan area. Its current enrollment is in excess of 17,000 students. In 1998 district patrons supported a 166 million dollar bond issue with 25 million dollars dedicated to support technology enhancements; and

WHEREAS, Through Dr. Benson's leadership and his commitment to the children in his charge, the district has been able to maintain its high academic standards, retain and attract qualified staff and expand curriculum activities for the benefit of students. Through his leadership he has created programs and developed initiatives to allow each child access to exceptional education opportunity. To recruit and maintain quality teachers the district has a mentorship program and a peer facilitator program, and with cooperation from the University of Kansas has a unique program to enable teachers to acquire masters degrees; and

WHEREAS, Dr. Benson is a native Kansan. He was born in Chanute and graduated from Chanute High School. He received his bachelor's degree from Pittsburg State University and masters degrees from Pittsburg State University and Wichita State University before obtaining his doctorate in education from Kansas State University in 1986. He served as a teacher or administrator in high schools in Kingman, Junction City, Moundridge, and Salina before assuming his present position at Blue Valley in 1993. He has served in a host of school and school administrator organizations and is a respected advocate for public education; and

WHEREAS, In addition to his hard work on behalf of the students, parents, patrons, teachers and staff of the Blue Valley School District, Dr. Benson, a graduate of Leadership Kansas, is an active volunteer leader in his community, most recently serving as President of the board of directors of United Community Services of Johnson County; and

WHEREAS, Dr. Benson and his wife, Donni, have two children, a daughter, Neisha, and a son, Scott: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That, in recognition of his commitment to excellence in public education and his dedication to improving the quality of life of his fellow Kansans, we congratulate and commend Dr. David L. Benson upon being named as the 2001 Kansas Superintendent of the Year; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Nikki Copp, President, Blue Valley Unified School District No. 229, and to Dr. David L. Benson, Superintendent, Blue Valley Unified School District No. 229, both at P.O. Box 23901, Overland Park, KS 66283-0901.

On emergency motion of Senator Vratil **SR 1807** was adopted unanimously.

The Committee on Utilities introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1808—

A RESOLUTION urging the State Corporation Commission to order certain refunds to be paid to certain residential natural gas customers.

WHEREAS, The price of natural gas has risen dramatically in the past year; and

WHEREAS, Residential consumers are affected by the price increase more than other customer classes because residential consumers cannot pass along their costs; and

WHEREAS, Many low-income and lower-middle-income citizens face particularly severe financial hardship to pay current bills for natural gas service; and

WHEREAS, The Federal Energy Regulatory Commission (FERC) has ordered natural gas producers to refund certain ad valorem taxes paid by natural gas consumers in the past; and

WHEREAS, Moneys for such refunds are being paid to local natural gas distribution companies for distribution to natural gas consumers; and

WHEREAS, The State Corporation Commission must approve the method of distribution of those refunds by local natural gas distribution companies: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the State Corporation Commission is urged to order, to the extent authorized by law, that all moneys from FERC-ordered ad valorem tax refunds which are held by local natural gas distribution companies be used to assist residential natural gas customers within the companies' respective service territories; and

Be it further resolved: That the Commission is requested to target such assistance at those households which, because of income, are not eligible for the Low Income Energy Assistance Program (LIEAP) administered by the Department of Social and Rehabilitation Services but have an income below 300% of the poverty level set by the federal government; and

Be it further resolved: That the Secretary of the Senate is hereby directed to send an enrolled copy of this resolution to each member of the State Corporation Commission.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

President Kerr referred **SR 1808** to the Committee on Utilities.

Committee on **Assessment and Taxation** recommends **SB 1** be amended on page 2, in line 6, by striking "federal law ([26] U.S.C. Section 1504)" and inserting "section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001"; in line 23, after the period by inserting "Prior to billing taxable services on a combined basis with nontaxable services, the retailer shall enter into a written agreement with the secretary identifying the methodology to be used in determining the taxable portion of the selling price of those combined services."; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, January 29, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*



On behalf of the Kansas Humanities Council, President Kerr invited Senators to remain in the Senate Chamber after adjournment for a Kansas Day Address by First Lady of the Air Amelia Earhart, portrayed by Ann Birney.