

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 5, 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,

If someone were to ask me
What I'd like to be;
I'd probably say someone
Of integrity.

But I must admit that there are times
I think I'd like to be
A governor or a Congressman,
Or at least a nominee.

And I confess at times I dream
Of being a billionaire;
And buying almost anything
And going most anywhere.

And sometimes I'd like to be the one,
Before I get too old,
To find a cure for cancer,
Or at least the common cold!

But while these goals are worthy,
What I'd really like to be
Is the one I mentioned first, O God,
One of integrity.

It's nice to have a lot of wealth
And to be famous, too.
But I'd rather do what's right, O God,
As defined by You!

I pray in the Name of Jesus.

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 222, An act concerning the Kansas air quality act; relating to permits; amending K.S.A. 2000 Supp. 65-3008b and repealing the existing section, by Committee on Utilities.

SB 223, An act concerning livestock; enacting the competitive livestock markets act; prohibiting certain acts and prescribing certain penalties, by Committee on Agriculture.

SB 224. An act concerning electric utilities; providing for competitive bidding for certain power contracts, by Committee on Utilities.

SB 225. An act relating to driving under the influence of alcohol or drugs; concerning the surrender of drivers' licenses; amending K.S.A. 2000 Supp. 8-1002 and repealing the existing section, by Committee on Transportation.

SB 226. An act concerning telecommunications; relating to enhanced wireless 911 service, by Committee on Commerce.

SB 227. An act concerning state purchasing; providing a mechanism for the submittal of on-line bids, by Committee on Commerce.

SB 228. An act concerning real property; relating to transfer upon the death of the owner; filing a notification of interest in title by an heir, by Senator Haley.

SB 229. An act concerning crimes and punishment; relating to cruelty to animals; amending K.S.A. 2000 Supp. 21-4310 and repealing the existing section, by Senator Haley.

SB 230. An act concerning crimes, criminal procedure and penalties; relating to sentencing; hate crimes; amending K.S.A. 2000 Supp. 21-4716 and repealing the existing section, by Senator Haley.

SB 231. An act establishing the family development account program and family development account reserve fund, by Senator Haley.

SB 232. An act relating to income taxation; increasing the earned income tax credit; amending K.S.A. 2000 Supp. 79-32,205 and repealing the existing section, by Senators Hensley, Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Lee and Steineger.

SB 233. An act relating to sales taxation; exempting certain sales of natural gas from local sales taxes; amending K.S.A. 12-189a and repealing the existing section, by Senators Allen, Adkins, Barnett, Brownlee, Clark, Haley, Harrington, Jackson, Jenkins, Jordan, O'Connor, Praeger, Pugh, Schodorf, Steineger, Tyson, Umbarger, Vratil and Wagle.

SB 234. An act concerning school district finance; relating to local option budgets; affecting the definitions of state prescribed percentage and district prescribed percentage; amending K.S.A. 2000 Supp. 72-6433 and repealing the existing section, by Senator Vratil.

SB 235. An act concerning crimes and punishment; relating to domestic battery; amending K.S.A. 2000 Supp. 21-3412 and repealing the existing section, by Committee on Judiciary.

SB 236. An act concerning the code of civil procedure; relating to garnishment; amending K.S.A. 2000 Supp. 60-205 and repealing the existing section; also repealing K.S.A. 60-714, 60-715, 60-716 and 60-720 and K.S.A. 2000 Supp. 60-717, 60-718, 60-726 and 60-728 and Forms No. 27 and 28 in the appendix of forms following K.S.A. 60-269, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 216.**

Education: **SB 219, SB 220.**

Elections and Local Government: **SB 217, SB 218.**

Natural Resources: **SB 221.**

Judiciary: **SB 215.**

COMMUNICATIONS FROM STATE OFFICERS

KANSAS GUARDIANSHIP PROGRAM

January 31, 2001

Judge Frank J. Yeoman, Jr., Chairman, Board of Directors, Kansas Guardianship Program, pursuant to K.S.A 74-9601 *et. seq.*, as amended, submitted the 2000 Annual Report.

KANSAS SENTENCING COMMISSION

February 1, 2001

Barbara Tombs, Executive Director, Kansas Sentencing Commission, pursuant to K.S.A. 74-9101(b)(15), submitted the 2001 Report to the Legislature.

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.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2010, HB 2029, HB 2065, HB 2099, HB 2149.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2010, HB 2029, HB 2065, HB 2099, HB 2149 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 25** be passed.

Also **SB 9, SB 24** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

SB 78 be amended on page 1, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 50** be passed.

Committee on **Utilities** recommends **SB 3** be amended on page 1, in line 15, by striking all before "motor-vehicle" and inserting "All bulk"; also in line 15, after "purchased" by inserting: "by any state agency, as defined in K.S.A. 75-3701, and amendments thereto,"; in line 16, before "motor" where it appears for the first time, by inserting "state-owned"; also in line 16, by striking all after "vehicles"; in line 17, by striking all before "shall"; in line 18, after the period, by inserting: "However, such state agencies shall not be required to purchase bulk motor-vehicle fuel blends containing at least 10% ethanol, if the cost of such fuel exceeds the cost of regular unleaded gasoline by \$.10 per gallon.

(c) Where available under current state purchasing agreements, individual motor-vehicle fuel purchases for state-owned motor vehicles shall be of motor-vehicle fuel blends containing at least 10% ethanol."; and the bill be passed as amended.

Also **SB 4** be amended on page 1, in line 17, by striking "Not less than 80% by volume of all" and inserting "All bulk"; also in line 17, after "purchased" by inserting: "by any state agency, as defined by K.S.A. 75-3701, and amendments thereto,"; in line 18, before "motor" where it appears for the first time, by inserting "state-owned"; also in line 18, by striking all after "vehicles"; in line 19, by striking all before "shall"; in line 20, after the period, by inserting: "However, such state agencies shall not be required to purchase bulk diesel fuel containing at least 2% biodiesel, if the cost of such fuel exceeds the cost of regular diesel fuel by \$.10 per gallon.

(c) Where available under current state purchasing agreements, individual diesel fuel purchases for state-owned motor vehicles shall be of diesel fuel blends containing at least 2% biodiesel."; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 86** be passed.

Also **SB 57** be amended on page 3, after line 9, by inserting the following:

"Allen E. Nuss, 1324 NW 60th, Newton, KS 67114 \$712.98";

Also on page 3, after line 25, by inserting the following:

"James S. Shulteans, R.R. Box 110A, Corning, KS 66417..... \$74.18";

Also on page 3, after line 38, by inserting the following:

"USD 235, R.R. 1, Box 70, Uniontown, KS 66779..... \$1,856.80";

On page 6, after line 14, by inserting the following:

"(g) The department of social and rehabilitation services is hereby authorized and directed to pay from the vocational rehabilitation aid and assistance account of the state general fund the amount of \$46.86, and from the rehabilitation services federal fund the amount of \$173.14, for dental services rendered, an invoice for which was not submitted in a timely manner, to the following claimant:

Dr. Michael E. Webber, D.D.S., 4301 Huntoon, Suite 6, Topeka, KS

66604..... \$220.00";

On page 7, in line 1, by striking all after (a); by striking all in lines 2 through 7; in line 8, by striking (b); in line 16, by striking (c) and inserting (b); in line 22, by striking (d) and inserting (c); in line 28, by striking (e) and inserting (d); and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 6, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

