

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 6, 2001—2:30 p.m.

The Senate was called to order by Vice-President Sandy Praeger.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There is an old saying: "Prayer changes things."

But does it, Lord?

Does this minute we stand with heads bowed make a difference?

Would we really miss the invocation if we didn't have it?

What it boils down to, O God, is whether prayer really accomplishes anything.

Or even more to the point, do You, O God, really care about what happens in the State House?

Do you really care about clean-up amendments, or points of order, or resolutions, or conference committees, or rules suspended, or any other such things?

I believe You do, O God.

Jesus said that the very hairs of our head are numbered. And although that is not a remarkable accomplishment on some of our heads, it shows Your remarkable attention to details.

So I'll continue to believe what I have found to be true for a long time: "If it's worth worrying about, it's worth praying about."

And I thank You for all the prayers You have answered, whether "yes" or "no" or "wait". And I thank You in the Name of Christ,

AMEN

GUESTS

Mid-America Heart Institute, Saint Luke's Shawnee Mission Health System, donated an automated external defibrillator to the Kansas Senate. Representing Saint Luke's were Marcia McCoy, RN, MSN and David Zechman.

Members of the Senate joined Vice-President Praeger in expressing their appreciation for the donation of the defibrillator.

Also present were Dr. William Murphy, American Heart Association; Mary Nell Strautman, RN, Heart Safe Community Partnership; Jeff Johnson, Johnson County Emergency Medical Services; Katie Schatte, American Heart Association; Mary Ann Mann, American Heart Association; and Doug Stenslokken, Med-Tronic Physio-Control.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 237, An act supplementing the Kansas water appropriation act; providing for certain accounts for deposit of certain water under a water right; providing for term permits for use of such water, less a conservation element, by Senator Huelskamp.

SB 238, An act enacting the Kansas parent control of education act; amending K.S.A. 2000 Supp. 72-1046a and 72-6407 and repealing the existing sections, by Senators O'Connor, Lyon and Pugh.

SB 239, An act relating to the Kansas trauma system; amending K.S.A. 2000 Supp. 75-5664 and repealing the existing section, by Committee on Public Health and Welfare.

SB 240, An act concerning solid waste; creating the municipal solid waste landfill perpetual care trust fund; amending K.S.A. 2000 Supp. 65-3406 and repealing the existing section, by Senator Corbin.

SB 241, An act concerning children; relating to children in need of care; definitions; amending K.S.A. 38-1502 and repealing the existing section; also repealing K.S.A. 38-1502d, by Committee on Ways and Means.

SB 242, An act concerning tobacco; relating to requirements for sale of cigarettes; amending K.S.A. 2000 Supp. 50-6a02 and 50-6a03 and repealing the existing sections, by Committee on Ways and Means.

SB 243, An act enacting the pedestrian safety act, by Committee on Federal and State Affairs.

SB 244, An act enacting the harnessing opportunity, performance and excellence act; amending K.S.A. 79-1109 and K.S.A. 2000 Supp. 74-5093, 74-5097, 74-5098 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 74-50,100 and 74-50,101, by Senator Haley.

SB 245, An act concerning confined feeding facility for swine; relating to separation distances; amending K.S.A. 2000 Supp. 65-171d and 65-1,180 and repealing the existing sections, by Committee on Utilities.

SB 246, An act concerning school districts; providing for grants of state moneys for maintenance of school district cooperation plans and education technology plans; amending K.S.A. 72-3703 and 72-3710 and repealing the existing sections, by Committee on Education.

SB 247, An act concerning school districts; relating to the effective date of transfers of territory; amending K.S.A. 2000 Supp. 72-7108 and repealing the existing section, by Committee on Education.

SB 248, An act concerning school districts; relating to membership on boards of education; amending K.S.A. 72-7901 and repealing the existing section, by Committee on Education.

SB 249, An act relating to highways; concerning qualifications for system enhancement projects, by Senators Lee, Barone, Clark, Corbin, Feleciano, Gilstrap, Gooch, Haley, Hensley, Steineger and Teichman.

SB 250, An act concerning taxation; relating to land devoted to agricultural use; amending K.S.A. 2000 Supp. 79-1476 and repealing the existing section, by Senator Tyson.

SB 251, An act concerning wildlife and parks; relating to crossbow hunting season for women, by Committee on Natural Resources.

SB 252, An act relating to sales taxation; concerning participation by the department of revenue in the streamlined sales tax project, by Committee on Assessment and Taxation.

SB 253, An act relating to sales taxation; concerning the timing of collection of local sales taxes; amending K.S.A. 12-191 and K.S.A. 2000 Supp. 12-189 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 254, An act concerning environmental remediation; relating to fees of pesticide dealers; amending K.S.A. 2000 Supp. 2-3713 and repealing the existing section, by Committee on Agriculture.

SB 255, An act concerning pest control; relating to the reciprocity of applicators' certificates; amending K.S.A. 2-2443a and 2-2445a and repealing the existing sections, by Committee on Agriculture.

SB 256, An act concerning elections; relating to mandatory recounts under certain conditions; amending K.S.A. 25-3104 and repealing the existing section, by Committee on Elections and Local Government.

SB 257, An act concerning unified school districts; authorizing boards of education to delegate the power to execute certain contracts to the superintendent of schools; amending K.S.A. 72-8201 and repealing the existing section, by Senator Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 223**.

Assessment and Taxation: **SB 231, SB 232, SB 233; HB 2010, HB 2029, HB 2065**.

Commerce: **SB 226, SB 227; HB 2099**.

Education: **SB 234**.

Natural Resources: **SB 222**.

Financial Institutions & Insurance: **HB 2149**.

Judiciary: **SB 225, SB 228, SB 229, SB 230, SB 235, SB 236**.

Utilities: **SB 224**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2038**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2038 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Oleen, Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1815—

A RESOLUTION recognizing February 6 as Ronald Reagan Day.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, governor of California and president of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th president of the United States of America; the second of which he was victorious in 49 of the 50 states in the general election, earning the confidence of three-fifths of the electorate—a record unsurpassed in the history of American presidential elections; and

WHEREAS, During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, On February 6, 2001, Ronald Reagan will have reached the age of ninety years, thus becoming both the oldest active and oldest former President in the history of our nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 6, 2001, as Ronald Reagan Day; and

Be it further resolved: That the Secretary of the Senate be directed to send three enrolled copies of this resolution to Grover G. Norquist, President, Ronald Reagan Legacy Project, 1920 L. Street NW, Suite 200, Washington, D.C. 20036.

On emergency motion of Senator Donovan **SR 1815** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 60** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also **SCR 1605** be amended on page 1, in line 15, by striking “One regulation subject to the moratorium is a” and inserting “The”; in line 17, after “Kansas” by inserting: “should be subject to the moratorium”;

On page 2, in line 34, after “withdraw” by inserting: “or withdraw and review and revise”; in line 35, after “Resolution” by inserting: “to fully accommodate the concerns expressed by Kansans during the public hearings conducted by the Environmental Protection Agency”; and the concurrent resolution be adopted as amended.

Committee on **Federal and State Affairs** recommends **SB 133** be amended on page 1, by striking all in lines 16 through 22 and inserting:

“Section 1. K.S.A. 35-204 is hereby amended to read as follows: 35-204. (a) *The last Friday in April of each year is hereby designated as Arbor Day in the state of Kansas.*

(b) ~~Each year the governor of this state is hereby authorized and directed to issue annually~~ *may issue* a proclamation calling upon our state officials to display the United States flag on all state and school buildings ~~and declaring the last Friday in March to be Arbor Day~~ and inviting the people of the state to observe the day in schools and other suitable places, with appropriate ceremonies.”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 31** be passed.

Also **HB 2022** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, February 7, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

