

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 19, 2001—2:30 p.m.

The Senate was called to order by Vice-President Sandy Praeger.
The roll was called with thirty-eight senators present.
Senators Adkins and Jordan were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The city of Topeka has launched a project called City of Character. There are over 90 other cities involved in this project. Each month a quality of character will be emphasized. The first character quality is ORDERLINESS.

Webster says that when things are in order it means they are in their right place performing their correct function. The apostle Paul said that everything in the church should be done in a fitting and orderly way. (I Corinthians 14:40)

Lord, help us to do our part to make Topeka a city of character by carrying on our business in "a fitting and orderly way."

In dealing with the chair, let us be respectful.

In dealing with each other, let us be courteous.

In dealing with constituents, let us be truthful.

In dealing with our family, let us be sensitive.

In dealing with opponents, let us be restrained.

In dealing with reporters, let us be forthright.

In dealing with lobbyists, let us be patient.

In dealing with staff members, let us be considerate.

In dealing with ourselves, let us be honest.

And most important of all, in dealing with You, O God, let us be faithful.

I pray in the Name of Jesus,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 331. An act concerning school districts; relating to lease and lease-purchase agreements entered into by boards of education; amending K.S.A. 2000 Supp. 72-8225 and repealing the existing section, by Committee on Ways and Means.

SB 332. An act establishing the individual development account program and individual development account reserve fund, by Committee on Ways and Means.

SB 333. An act concerning the state board of regents; related to Kansas residents designated for admission to certain accredited schools of dentistry; requiring agreements for service commitments and repayment of certain amounts, by Committee on Ways and Means.

SB 334. An act concerning agriculture; relating to commercial feeding stuffs; amending K.S.A. 2000 Supp. 2-1008 and 2-1011 and repealing the existing sections, by Committee on Ways and Means.

SB 335, An act concerning criminal procedure; relating to parole and the Kansas parole board; amending K.S.A. 2000 Supp. 22-3707, 22-3709 and 22-3713 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ways and Means: **SB 329, SB 330**.

CHANGE OF REFERENCE

The Vice-President withdrew **SB 240** from the Committee on Ways and Means, and referred the bill to the Committee on Natural Resources.

The Vice-President withdrew **SB 202, SB 220, SB 259** from the Committee on Ways and Means, and rereferred the bills to the Committee on Education.

MESSAGE FROM THE GOVERNOR

February 16, 2001

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as Governor of the State of Kansas as of February 16, 2001, pursuant to law.

BILL GRAVES
Governor

Member, State Board of Tax Appeals, Calvin T. Roberts, pursuant to the authority vested in me by KSA 74-2433, effective upon the date of confirmation by the Senate to fulfill an unexpired term ending January 15, 2004.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF ADMINISTRATION
Division of Information Systems and Communications

February 8, 2001

The Annual Report for FY 2002, a Summary of Agency Information Technology Management and Budget Plans, prepared by the Kansas Information Technology Office, was submitted by Donald C. Heiman, Chief Information Technology Officer, Executive Branch; Richard Hays, Chief Information Technology Officer, Legislative Branch; and Howard Schwartz, Acting Chief Information Technology Officer, Judicial Branch.

The Vice-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 2007, HB 2009; Substitute HB 2077; HB 2119, HB 2136, HB 2173, HB 2174, HB 2175, HB 2198**.

Also, adoption of **HCR 5008**.

The House nonconcur in Senate amendments to **HB 2038**, requests a conference and has appointed Reps. Mays, Hutchins and Rehorn as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2007, HB 2009; Substitute HB 2077; HB 2119, HB 2136, HB 2173, HB 2174, HB 2175, HB 2198; HCR 5008 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Harrington, the Senate acceded to the request of the House for a conference on **HB 2038**.

The Vice-President appointed Senators Harrington, Brungardt and Gooch as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2035** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2035," as follows:

"SENATE Substitute for HOUSE BILL No. 2035

By Committee on Commerce

"AN ACT enacting the KAN-ED act; providing for establishment and maintenance of a broadband technology-based network for certain schools, libraries and hospitals; amending K.S.A. 2000 Supp. 75-7203."; and the substitute bill be passed.

Committee on **Education** recommends **SB 11** be passed.

Also **SB 161** be amended on page 1, in line 14, by striking all after "board"; in line 15, by striking all before the comma; in line 16, by striking "or debit"; in line 18, by striking "or debit"; in line 20, by striking "or debit"; also in line 20 by striking all after the period; by striking all of lines 21 through 36; by striking all of lines 40 through 42;

On page 2, in line 3, by striking "shall" and inserting "may"; in line 12, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 36** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 36," as follows:

"Substitute for SENATE BILL No. 36

By Committee on Judiciary

"AN ACT concerning agriculture; relating to the farm animal and field crop and research facilities protection act; criminal and civil penalties and recovery of damages; amending K.S.A. 47-1825, 47-1826, 47-1827 and 47-1828 and repealing the existing sections."; and the substitute bill be passed.

Also **SB 30** be amended on page 1, in line 26, by striking "and" and inserting "or"; by striking all in lines 30 through 40;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 9, by striking the comma and inserting "or"; also in line 9, by striking "and other instruments"; and the bill be passed as amended.

SB 172 be amended on page 2, by striking all in lines 28 through 43;

On page 3, by striking all in lines 1 through 7;

And by renumbering sections accordingly;

Also on page 3, in line 24, by striking "8-2503 and";

On page 1, in the title in line 10, by striking "8-2503 and"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 183**, **SB 237** be passed.

Also **SB 254** be amended on page 2, before line 18, by inserting:

"Sec. 2. K.S.A. 2000 Supp. 2-3708 is hereby amended to read as follows: 2-3708. (a) There is hereby established the remediation reimbursement program. The program shall be for the purpose of providing reimbursement to eligible persons for the costs of corrective action approved by the department of health and environment or taken in accordance with requests or orders issued by the department of health and environment.

(b) The amount of reimbursement that an eligible person may receive from the fund shall be limited as follows:

(1) *Except as provided in paragraph (2), for an eligible person who ~~is required to pay~~ has paid any assessment imposed pursuant to K.S.A. 2000 Supp. 2-3713, and amendments thereto, reimbursement per site shall not exceed an amount equal to: (A) 90% of total eligible corrective action costs greater than \$1,000 and less than or equal to \$100,000; plus (B) 80% of total eligible corrective action costs greater than \$100,000 and less than or equal to \$200,000. The total amount reimbursed for any one site shall not exceed \$200,000 within a 5 year period or as otherwise set forth by the board pursuant to rules and regulations.*

(2) For an eligible person who is not required to pay any assessment imposed pursuant to K.S.A. 2000 Supp. 2-3713, and amendments thereto, *or for a pesticide dealer who has paid the annual \$5 assessment pursuant to subsection (a)(4) of K.S.A. 2000 Supp. 2-3713, and amendments thereto,* reimbursement per ~~release~~ site shall not exceed an amount equal

to 100% of total eligible corrective action costs greater than \$1,000 and less than or equal to \$10,000.”;

Also on page 2, in line 18, after “Supp.” by inserting “2-3708 and”; also in line 18, by striking “is” and inserting “are”;

By renumbering original sections 2 and 3 accordingly;

In the title, in line 10, after “Supp.” by inserting “2-3708 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

SB 264 be amended on page 7, in line 37, by striking “\$.98” and inserting “\$1.19”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 184; HB 2056** be passed.

Also **SB 147** be amended on page 1, in line 32, by striking “\$250” and inserting “\$100”; in line 33, by striking “\$1,000” and inserting “\$250”; and the bill be passed as amended.

SB 196 be amended on page 1, in line 18, by striking “the following described” and inserting “each of the following tracts of”; by striking all in lines 19 through 24 and inserting:

“(1) Tract No. 1 is located in Riley county, Kansas, and is more particularly described as: The Southwest Quarter of the Northwest Quarter of Section 1, Township 10, Range 7, comprising 40 acres, more or less; and

(2) Tract No. 2 is located in Nemaha county, Kansas, and is more particularly described as: The Northeast Quarter of Section 34, Township 3, Range 14, comprising 160 acres, more or less.”;

Also on page 1, in line 31, after “sale” by inserting “of Tract No. 1”; in line 35, after the period, by inserting: “Any proceeds from sale of Tract No. 2 of such real estate, and any improvements thereon, shall be deposited in the state treasury and credited to the appropriate account of the restricted fees fund of Kansas state university of agriculture and applied science to be used for student scholarships.”;

On page 2, in line 2, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1819, SR 1829 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 19, 2001.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, February 20, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

