

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 13, 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,

The character trait of this month in Topeka is FORGIVENESS. Writing to the Ephesians, The apostle Paul told his readers, "Get rid of all bitterness, rage and anger, brawling and slander, along with every form of malice. Be kind and compassionate to one another, forgiving each other, just as in Christ God forgave you." (Ephes. 4:31-32)

Forgiveness is not easy;
It's easy to hold a grudge.
To stay angry at someone,
And never, ever budge.

Not to be forgiven
Hurts us to the core.
But the one who's unforgiving
Is hurting even more.

We think we have the right
To hold on to resentment,
But there's not a surer way
To never know contentment.

A grudge is like a tumor
That grows and grows and grows
Until all that bitterness
Finally overflows.

Convince us, Lord, we'll never know
How to really live,
Until we come to You, O God,
And learn how to forgive.

I pray in the Name of Christ through Whom we are forgiven,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 355. An act concerning agriculture; enacting the Kansas poultry producer protection act; prescribing penalties for violations thereof, by Committee on Ways and Means.

SB 356. An act concerning unified school district No. 512, Johnson county, Kansas; relating to elections on closure of school buildings; authorizing the levy of an ad valorem

tax for operation of school buildings not closed; providing for extraordinary school facilities weighting; amending K.S.A. 72-8136e and K.S.A. 2000 Supp. 72-6407 and repealing the existing sections, by Committee on Ways and Means.

SB 357. An act concerning state moneys; relating to remittance to the state treasurer; amending K.S.A. 20-156, as amended by section 68 of 2001 Senate Bill No. 15, 20-1a01, as amended by section 70 of 2001 Senate Bill No. 15, 20-1a02, as amended by section 71 of 2001 Senate Bill No. 15, 20-1a03, as amended by section 72 of 2001 Senate Bill No. 15, 20-213, as amended by section 75 of 2001 Senate Bill No. 15, 20-2801, as amended by section 79 of 2001 Senate bill No. 15, 21-4610a, as amended by section 81 of 2001 Senate Bill No. 15, 22-4526, as amended by section 83 of 2001 Senate Bill No. 15 and K.S.A. 2000 Supp. 19-4707, as amended by section 67 of 2001 Senate Bill No. 15, 20-166, as amended by section 69 of 2001 Senate Bill No. 15, 20-1a04, as amended by section 73 of 2001 Senate Bill No. 15, 20-1a11, as amended by section 74 of 2001 Senate Bill No. 15, 20-350, as amended by section 76 of 2001 Senate Bill No. 15, 20-362, as amended by section 77 of 2001 Senate Bill No. 15, 20-367, as amended by section 78 of 2001 Senate Bill No. 15, 21-3851, as amended by section 80 of 2001 Senate Bill No. 15, 22-4504, as amended by section 82 of Senate Bill No. 15, 22-4529, as amended by section 84 of 2001 Senate Bill No. 15, and 23-108a, as amended by section 85 of 2001 Senate Bill No. 15, and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **HB 2296.**

MESSAGE FROM THE HOUSE

Announcing passage of **SB 54, SB 155.**

The House concurs in Senate amendments to **HB 2149.**

The House concurs in Senate amendments to **HB 2210.**

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Harrington the Senate nonconcurred in the House amendments to **SB 178** and requested a conference committee be appointed.

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

FINAL ACTION ON CONSENT CALENDAR

HB 2004, HB 2457 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2004. An act concerning information technology projects of state agencies; amending K.S.A. 2000 Supp. 75-7210 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2457. An act concerning physician assistants; statutory references to the physician assistants licensure act; amending K.S.A. 2000 Supp. 65-1626, 65-2836, 65-4101 and 65-6112 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1626b and 65-2836a.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-

skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2206** 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 **HB 2263** be amended on page 2, in line 4, after "year" by inserting "or anytime thereafter"; in line 9, by striking "fund" and inserting "pool"; and the bill be passed as amended.

Committee on **Education** recommends **SB 191** be amended on page 1, in line 14, before "Section", by inserting "New"; in line 21, by striking all after "that"; in line 22, by striking all before "bases"; in line 24, after "performance", by inserting ", and may include components of peer mentoring and peer evaluation";

On page 2, after line 30, by inserting two new sections as follows:

"Sec. 2. K.S.A. 72-8603 is hereby amended to read as follows: 72-8603. (a) The board of education of any school district or the board of trustees of any community ~~junior~~ college shall contract with any of its employees ~~so requesting, upon request,~~ for reductions in compensation and the contribution thereof for tax sheltered annuities as permitted under the United States internal revenue code, for the benefit of such employees. Any employee desiring to contract under the provisions of this section shall ~~express his or her wishes in writing to his or her~~ send written notice of such desire to such employee's employer within semiannual thirty-day periods in accordance with rules and regulations of such employer.

(b) The board of education of any school district and the board of trustees of any community college may contribute to an employee's tax sheltered annuity an amount to match the employee's contribution contracted for under subsection (a).

Sec. 3. K.S.A. 72-8603 is hereby repealed.";

By renumbering section 2 as section 4;

In the title, in line 9, after "concerning", by inserting "employees of"; also in line 9, after "districts", by inserting "and community colleges"; in line 10, after "to", by inserting "school districts for the"; also in line 10, after "study", by inserting "of"; also in line 10, by striking all after "plans" and inserting "and development of"; in line 11, after "plans", by inserting "; relating to tax sheltered annuities provided for employees of community colleges and school districts; amending K.S.A. 72-8603 and repealing the existing section"; and the bill be passed as amended.

Also **HB 2289**, as amended by House Committee of the Whole, be amended on page 3, in line 2, by striking "and it appears to" and inserting "or has engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others."; in line 3, by striking "that the pupil"; by striking all of lines 4 and 5; in line 6, by striking all before "shall"; also in line 6, after "the", by inserting "pupil's"; in line 8, by striking "upon a finding"; by striking all of lines 9 and 10; in line 11, by striking all before "give"; in line 29, after the period, by inserting "If the pupil does not have a driver's license, the pupil's driving privileges shall be revoked. No Kansas driver's license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year."; by striking all of lines 30 through 34;

On page 4, in line 10, before "the", by inserting "there are reasonable grounds to believe"; also in line 10, by striking "committed an"; by striking all of line 11; in line 12, before "possession", by inserting "was in"; in line 13, after "activity", by inserting "or was engaged in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2465** be passed.

Also **HB 2482** be amended on page 8, in line 24, by striking “and” where it appears for the last time; in line 26, by striking the period following “9-1138” and inserting the following: “; and

(29) with prior approval of the commissioner, to offer through one or more financial subsidiaries any products or services which a national bank may offer through its financial subsidiaries, subject to safety and soundness requirements imposed by the commissioner. As used in this paragraph, “financial subsidiary” shall have the same meaning given to such term under the Gramm-Leach Bliley act of 1999 (P.L. 106-102).”; and the bill be passed as amended.

Committee on Ways and Means begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas Public Employees’ Retirement System, Board of Trustees: K.S.A. 74-4905

Michael Braude, term expires January 15, 2005

Also **SB 350** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 279 be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 279,” as follows:

“Substitute for SENATE BILL No. 279

By Committee on Ways and Means

“AN ACT establishing the newborn infant protection act special revenue fund.”;

and the substitute bill be passed.

SB 330 be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 330,” as follows:

“Substitute for SENATE BILL No. 330

By Committee on Ways and Means

“AN ACT concerning the Kansas public employees retirement system; relating to certain contracts for professional or consultant services; prescribing certain procedures and reports; amending K.S.A. 2000 Supp. 75-37,132 and 75-37,135 and repealing the existing sections.”;

and the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended **SB 146** be amended by motion of Senator Schmidt on page 2, in line 8, after “(2)”, by inserting “(A)”; in line 9, by striking all after “less”; in line 10, by striking all before “, as”; in line 11, before the period, by inserting “, or (B) such retail business locates or expands prior to July 1, 2004, to a location outside a city in a county having a population of 10,000 or less, as determined by the latest United States federal census”, and **SB 146** be passed as amended.

Sub SB 204 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Schmidt on page 1, in line 29, by striking “that”; in line 32, by striking “or”; by striking all in lines 37 through 40 and inserting the following:

“(ii) the department conducts a cost/benefit analysis that takes into account the economic and social impact of classifying the stream segment and such analysis indicates that the benefits of classifying the stream segment outweigh the costs of classifying the stream segment; or

(E) are at the point of discharge on the stream segment and downstream from such point where the department has issued a national pollutant discharge elimination system permit. This paragraph shall not include permits for confined animal feeding operations.”;

On page 3, by striking all in lines 4 through 34 and inserting the following:

“(i) Primary contact recreational use is use of a classified stream segment for recreation during the period from April 1 through October 31 of each year, provided such classified stream segment (a) by law or written permission of the landowner is open to and accessible by the public; and (b) is capable of supporting the recreational activities of swimming, skin diving, water-skiing, wind surfing, boating or mussel harvesting where the body is intended to be immersed in surface water to the extent that some inadvertent ingestion of water is probable;

(ii) Secondary contact recreational use:

(a) is use of a classified stream segment for recreation, provided such classified stream segment (1) by law or by written permission of the landowner is open to and accessible by the public; and (2) is capable of supporting the recreational activities of wading and fishing where the body is not intended to be immersed and where ingestion of surface water is not probable; or

(b) may apply to classified stream segments that are not open to and accessible by the public under Kansas law provided such classified stream segment is capable of supporting the recreational activities of swimming, skin diving, water-skiing, wind surfing, boating, mussel harvesting, wading or fishing.”;

On page 5, in line 43, after “the” by inserting “adverse”; also in line 43, by striking “impact” and inserting “impacts”;

On page 6, in line 1, after “the” by inserting “social and economic benefits resulting from the”; after line 29, by inserting the following:

“Sec. 7. Subject to appropriations, there shall be an additional employee at the state conservation commission to work on total maximum daily load compliance and to coordinate with the department and other appropriate federal and state agencies to further implement voluntary incentive based conservation programs to protect water quality.

Sec. 8. Nothing in this act shall be construed to authorize public access to private property unless such public access is otherwise authorized by law or by written permission of the landowner.”;

And by renumbering the remaining section accordingly;

Also on page 6, in line 30, after “after” by inserting: “September 1, 2001, and”.; and **Sub SB 204** be passed as amended.

The following amendments to **Sub SB 204** were rejected:

Senator Vratil moved to amend **Sub SB 204** on page 1, by striking all in lines 13 through 43;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 31, and inserting the following:

“Section 1. (a) Notwithstanding any other provisions of law and in addition to the powers of the secretary pursuant to K.S.A. 65-171d, and amendments thereto, the secretary of health and environment shall establish:

(1) Classified streams in Kansas and designate use of surface water;

(2) procedures, adopted in rules and regulations, for the classification of streams not later than October 31, 2001. Such procedures shall include consultation with the following agencies: Kansas water office, department of agriculture, state conservation commission and Kansas department of wildlife and parks;

(3) procedures, adopted in rules and regulations, for conducting use attainability analyses for the purpose of designating uses of surface waters not later than October 31, 2001;

(A) The procedures shall include a mechanism for persons outside of the department to conduct use attainability analyses;

(B) such use attainability analyses shall be conducted on those waters which have a long term median flow, of less than one cubic foot per second and if such analyses do not justify the water as a classified water, that water shall be considered unclassified and proposed for removal from the Kansas surface water register;

(4) a definition of classified waters, adopted in rules and regulations, that explicitly states:

(A) Grass waterways, culverts and ditches are not classified surface waters;

(B) classified waters shall be those waters having a long term median flow, of equal to or in excess of one cubic foot per second; and

(C) the Solomon river, Neosho river, Republican river, Missouri river, Walnut river, Arkansas river, Cimarron river, Smokey Hill river, Saline river, Marais De Cygnes river, Kansas river and the Verdigris river shall all be defined as classified waters; and

(5) a definition of recreational use, adopted in rules and regulations, that explicitly states:

(A) Class A primary contact recreation use is classified streams that are used during the period from April 1 through October 31; that are open to and accessible by the public; and of a depth capable of supporting the recreational activities of swimming, skin diving, water skiing, boating or wind surfing where the body is intended to be immersed in surface water to the extent that some inadvertent ingestion of water is probable;

(B) class A secondary contact recreation use is classified streams that are open to, and accessible by the public and of a depth capable of supporting the recreational activities of wading, boating, fishing and mussel harvesting where the body is not intended to be immersed and where ingestion of surface water is not probable;

(C) class B primary contact recreation use is classified streams that are used during the period from April 1 through October 31; that are not open to and accessible by the public under Kansas law except with written permission of the land owner; and of a depth capable of supporting the recreational activities of swimming, skin diving, water skiing, boating or wind surfing where the body is intended to be immersed in surface water to the extent that some inadvertent ingestion of water is probable; or

(D) class B secondary contact recreation use is classified streams that are not open to and accessible by the public under Kansas law, except with written permission of the land owner; and of a depth capable of supporting the recreational activities of wading, boating, fishing and mussel harvesting where the body is not intended to be immersed and where ingestion of surface water is not probable.

(b) Prior to specifying a stream as a classified stream, the department shall establish that such stream meets all of the requirements established under paragraph (a)(2).

(c) Designated uses. (1) Prior to proposing designated surface water uses the department shall establish that such uses meet all of the requirements established under paragraph (a)(3).

(2) Designated uses shall be determined by a use attainability analysis pursuant to paragraph (a)(3). A use attainability analysis shall consist of a scientific study which shall be conducted for the purpose of assessing the factors affecting the attainment of a use. Whenever a use attainability analysis is conducted, it shall be subject to the following requirements and limitations:

(A) A use attainability analysis shall be conducted by a qualified person. A qualified person shall be defined in each use attainability procedure established under paragraph (a)(3).

(B) A use attainability analysis shall follow the procedures in paragraph (a)(3).

(C) A use attainability analysis shall be reviewed by the department and the proposed uses approved or disapproved by the department. Within 60 days of receipt of a use attainability analysis, the department shall provide a written determination as to whether a proposed designation is approved or disapproved.

(3) At least once each calendar year, the department shall propose regulations adopting all uses approved pursuant to paragraph (c)(2)(iii).

(d) Review of current stream classifications and use designations.

(1) On or before July 15, 2001, the department shall make available a listing of all currently classified stream segments for which use attainability analyses are on file, and stream segments for which use attainability analyses are not on file.

(2) For stream segments identified in paragraph (d)(1) without use attainability analyses on file, the department, at a minimum, shall complete use attainability analyses for aquatic life support, and recreation use according to the following schedule:

(A) An aggregate of 20% of the stream segments identified in paragraph (d)(1) that do not have use attainability analyses on file shall have use attainability analyses completed prior to October 31, 2002.

(B) An aggregate of 40% of the stream segments identified in paragraph (d)(1) that do not have use attainability analyses on file shall have use attainability analyses completed prior to October 31, 2003.

(C) An aggregate of 60% of the stream segments identified in paragraph (d)(1) that do not have use attainability analyses on file shall have use attainability analyses completed prior to October 31, 2004.

(D) An aggregate of 80% of the stream segments identified in paragraph (d)(1) that do not have use attainability analyses on file shall have use attainability analyses completed prior to October 31, 2005.

(E) An aggregate of 100% of the stream segments identified in paragraph (d)(1) that do not have use attainability analyses on file shall have use attainability analyses completed prior to October 31, 2006.

(3) Barring flooding or acts of God which would prevent the department from completing use attainability analyses, the schedule outlined in paragraph (d)(2) shall be accelerated to allow for completion of use attainability analyses prior to October 31, 2006. In the event of a flood or other act of God, the secretary shall have the discretion to propose a statutory amendment extending the completion date.

Sec. 2. On or before the first day of the regular session of the legislature in each year, the secretary shall prepare and submit a report to the governor and to the chairperson, vice-chairperson and ranking minority member of the standing committees on environment and natural resources of the house of representatives and the senate regarding the status of completing use attainability analyses as required in paragraph (d)(2).

Sec. 3. This act shall take effect and be in force from and after its approval by the United States environmental protection agency pursuant to 40 CFR 131.21.”;

On page 1, in the title, in line 9, by striking “stream” and inserting “streams”; in line 10, by striking “segments” where it appears for the first time; also in line 10, by striking “classified stream segments” and inserting “surface waters”

Senator Praeger moved to amend **Sub SB 204** on page 6, by striking all in lines 30 and 31 and inserting the following:

“Sec. 7. This act shall take effect and be in force from and after its approval by the United States environmental protection agency pursuant to 40 CFR 131.21.” and, the Committee recommended **Sub SB 204**, as amended by Senator Schmidt, be passed as amended.

Sub SB 328 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Barnett I move to amend **Substitute for SB 328**, on page 1, in line 17, by striking all after “(b)”; by striking all in lines 18, 19 and 20; in line 21, by striking all before “Any”; in line 34, by striking “violations” and inserting “a violation”; in line 38, following “records” by inserting “relating to the sale of such container which are”; in line 39, by striking all after “section”; in line 40, by striking “violation.”;

On page 2, in line 42, by striking “violations” and inserting “a violation”;

On page 3, in line 4, following “records” by inserting “relating to the sale of such container which are”; in line 5, by striking “which are related to a specific violation”

Senator Barone amended the bill on page 2, in line 6, following “misdemeanor” by inserting “for a person who is not a retailer acting in the ordinary course of business”;

On page 3, in line 14, following “misdemeanor” by inserting “for a person who is not a retailer acting in the ordinary course of business”

Senator Barone further amended **Sub SB 328** on page 2, in line 10, following “container” by inserting “required to be registered under this act”;

On page 3, in line 19, following “container” by inserting “required to be registered under this act”

Senator Steineger amended the bill on page 2, in line 1, following “agent has” by inserting “substantially and intentionally”; in line 20, following “civil” by inserting “or administrative”; in line 21, following “in” by inserting “substantial”;

On page 3, in line 9, following “agent” by inserting “substantially and intentionally”; in line 29, following “civil” by inserting “or administrative”; in line 30, following “in” by inserting “substantial”

Senator Huelskamp amended the bill on page 1, in line 42, following the period, by inserting “Records required to be kept by this section shall not be available for inspection or subject to subpoena in any civil or administrative action or criminal prosecution other than a civil or administrative action or criminal prosecution relating to a specific violation of the liquor control act.”;

On page 3, in line 7, following the period, by inserting "Records required to be kept by this section shall not be available for inspection or subject to subpoena in any civil or administrative action or criminal prosecution other than a civil or administrative action or criminal prosecution relating to a specific violation of K.S.A. 41-2701 *et seq.*, and amendments thereto.", and **Sub SB 328** be passed as amended.

SB 231 be amended by adoption of the committee amendments, be further amended by motion of Senator Corbin as amended by Senate Committee, on page 4, in line 42, by striking "\$50,000" and inserting "\$25,000"; also, in line 42, by striking "50%" and inserting "25%";

On page 5, by striking all in lines 15 through 23; in line 24, by striking "9" and inserting "8"

Senator Oleen further amended **SB 231** as amended by Senate Committee, on page 5, in line 13, by striking all after "to"; in line 14, by striking all before the period and inserting "tax years 2001, 2002 and 2003", and **SB 231** be passed as further amended.

SB 263 be amended by adoption of the committee amendments, be further amended by motion of Senator Adkins as amended by Senate Committee, on page 3, in line 29, by striking "(8)" and inserting "(9)"; in line 42, by striking "(8)" and inserting "(9)";

On page 4, in line 2, by striking "subsection (8)"; and inserting "subsections (7) and (9)"; in line 7, by striking "(8)" and inserting "(9)"; in line 10, by striking "(8)" and inserting "(9)"; in line 15, by striking "(8)" and inserting "(9)"; in line 39, by striking "(8)" the second time it appears and inserting "(9)"

Senator Schmidt further amended **SB 263** as amended by Senate Committee, on page 1, in line 20, after "felony" by inserting ", or on and after July 1, 2002, any felony", and **SB 263** be passed as further amended.

SB 151, SB 193, SB 334 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 146; Sub SB 204; SB 231, SB 263; Sub SB 328** were advanced to Final Action and roll call.

SB 146, An act concerning the job investment credit act; expanding eligibility for sales tax exemptions thereunder; amending K.S.A. 2000 Supp. 74-50,115 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: 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, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 204, An act concerning the waters of the state; relating to classified stream segments and designated uses of classified stream segments.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Downey, Emler, Feleciano, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Steineger, Taddiken, Teichman, Tyson, Umbarger.

Nays: Donovan, Gilstrap, Gooch, Jordan, Praeger, Schodorf, Vratil, Wagle.

The substitute bill passed, as amended.

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

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steiniger, Taddiken, Teichman, Tyson, Umbarger, Wagle.

Nays: Donovan, Vratil.

The bill passed, as amended.

SB 263, An act concerning crimes, criminal procedure and punishment; relating to collection of DNA specimens; limitation of actions; testing; amending K.S.A. 2000 Supp. 21-2511 and 21-3106 and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steiniger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Clark, Haley, Huelskamp, Pugh.

The bill passed, as amended.

Sub SB 328, An act concerning beer and cereal malt beverages; enacting the keg registration act; amending K.S.A. 41-311 and 41-2708 and repealing the existing sections.

On roll call, the vote was: Yeas 28, Nays 12, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Clark, Donovan, Downey, Emler, Goodwin, Harrington, Huelskamp, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Brungardt, Corbin, Feleciano, Gilstrap, Gooch, Haley, Hensley, Jackson, O'Connor, Pugh, Steiniger.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: Beer keg registration is a good faith attempt to make kids safe. However, it is indirect legislation. I believe it will have unintended consequences and is not good policy.—PETE BRUNGARDT

MR. PRESIDENT: My vote of "no" on **Sub SB 328** as amended is for 4 reasons:

1) The requirement for Keg Registration is onerous upon the shop owner and could cause loss of a license should the shop owner's employee inadvertently fail to register a tagged keg.

2) The registration of kegs will not reduce underage drinking in sufficient quantities to justify the efforts required.

3) The statement that kegs are cheaper than canned beer is not true on a per serving basis.

4) The bill shifts responsibility for underage drinking from parents and places it on retail sales persons.—DAVID D. JACKSON

MR. PRESIDENT: I vote yes on the keg registration bill to move the bill forward, as I believe a state law is appropriate. However, the uniformity provisions should be strengthened in the House so that all cities and counties follow the same rules—LANA OLEEN

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, March 14, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

