

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 31, 2002—12:00 Noon

The Senate was called to order by President Dave Kerr.

The roll called with thirty-two senators present.

Senators Barnett, Brungardt, Corbin, Gilstrap, Haley, Harrington, Huelskamp and Praeger were excused.

President Kerr introduced as guest chaplain, Senator Bob Lyon, who delivered the invocation:

Our Father and our God, we constitute our Senate session today in humble acknowledgment of your kingship over the nations. Your Holy Scriptures inform us that civil government is an institution of your creation.

You have called and appointed those of your choosing to rule in government as your servants, for your glory, and for the public good. You have given members of this body authority

for the defense and encouragement of those who are good, as well as for punishment of those who are evil.

We ask, as Solomon did many years ago, that you, “give your servant a discerning heart to govern your people and to distinguish between right and wrong. For who is able to govern this great people of yours?”

We ask that you go with us, never leave us, or forsake us. We ask that you turn our hearts toward you, to walk in your ways and to keep the commands that you have given us.

We pray that you would uphold the cause of the righteous, so that people would know that you are God.

In Jesus name, Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were introduced and read by title:

SB 474, An act enacting the protection from stalking act; amending K.S.A. 2001 Supp. 21-3438, 21-3721 and 21-3843 and repealing the existing sections, by Senators Adkins, Vratil and Goodwin.

SB 475, An act concerning protection from abuse; relating to intimate partners or household members; amending K.S.A. 2001 Supp. 60-3102, 60-3104, 60-3107 and 60-3112 and repealing the existing sections, by Senators Adkins, Vratil and Goodwin.

SB 476, An act concerning the examination of victims of sexual assault; amending K.S.A. 2001 Supp. 65-448 and repealing the existing section, by Senators Adkins, Vratil and Goodwin.

SB 477, An act concerning protection from abuse; relating to funding for programs; amending K.S.A. 2001 Supp. 20-362, 20-367, 60-1621, 60-2001 and 74-7325 and repealing the existing sections, by Senators Adkins, Vratil and Goodwin.

SB 478, An act relating to sales taxation; exempting shipping pallets; amending K.S.A. 2001 Supp. 79-3602 and repealing the existing section, by Senator Emler (By request).

SB 479. An act relating to property taxation; concerning the exemption therefrom for certain elderly housing; amending K.S.A. 2001 Supp. 79-201 and 79-201b and repealing the existing sections, by Senator Emler (By request).

SB 480. An act concerning retail electric suppliers; amending K.S.A. 66-1,176 and 66-1,176b and repealing the existing sections, by Committee on Utilities.

SB 481. An act concerning state agency procurement procedures; pilot study of the reverse auctioning electronic procurement process; amending K.S.A. 2001 Supp. 75-3739a and repealing the existing section, by Committee on Commerce.

SB 482. An act concerning the pharmacy act of the state of Kansas; licensure and fees relating thereto; civil fines; amending K.S.A. 2001 Supp. 65-1631, 65-1632, 65-1645 and 65-1658 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 483. An act concerning school districts; relating to reimbursements for the provision of special education and related services; amending K.S.A. 2001 Supp. 72-978 and repealing the existing section, by Legislative Educational Planning Committee.

SB 484. An act concerning retirement and pensions; relating to the Kansas public employees retirement system; death benefits for certain employees of state educational institutions; amending K.S.A. 74-4927g and K.S.A. 2001 Supp. 74-4927b and repealing the existing sections, by Legislative Educational Planning Committee.

SB 485. An act concerning crimes, criminal procedure and punishment; relating to battery against a law enforcement officer; amending K.S.A. 2001 Supp. 21-3413 and repealing the existing section, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1617—

By Committee on Utilities

A CONCURRENT RESOLUTION urging the Government of the United States to take action to enable prompt approval, construction and operation of a high level radioactive waste disposal facility at Yucca Mountain, Nevada.

WHEREAS, The Nuclear Waste Policy Act of 1982 directs the United States Department of Energy (DOE) to find a suitable site for a high level radioactive waste disposal facility and to construct and operate such facility upon licensure by the United States Nuclear Regulatory Commission; and

WHEREAS, In 1987 Congress directed DOE to study Yucca Mountain, Nevada, to determine whether it is a suitable site for the location of a high level radioactive waste repository; and

WHEREAS, The geological and hydrological characteristics of the Yucca Mountain site make it suitable for a nuclear waste repository that will keep waste isolated for thousands of years, posing no more risk of health effects to the public than unmined uranium ore; and

WHEREAS, Failure to approve and construct a central repository for high level radioactive waste has required continued storage of the waste onsite at nuclear reactors, creating vulnerability to terrorism and a risk to national security; Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature of the State of Kansas urges the Government of the United States to take action to enable prompt approval, construction and operation of a high level radioactive waste disposal facility at Yucca Mountain, Nevada; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, George W. Bush; Spencer Abraham, Secretary, U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, D.C., 20585; Richard A. Meserve, Chairperson, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001; Senator Tom Daschle, Majority Leader, U.S. Senate, Washington, D.C., 20510; Senator Trent Lott, Minority Leader, U.S. Senate, Washington, D.C., 20510; Representative J. Dennis Hastert, Speaker, U.S. House of Representatives, Washington, D.C., 20515; Representative Richard A. Gephardt, Minority Leader, U.S. House of Representatives, Washington, D.C., 20515; Senator Jeff Bingaman, Chairperson, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C., 20510; Representative W.J. Tauzin, Chairperson, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C., 20515; and each member of the Kansas Congressional Delegation.

SENATE CONCURRENT RESOLUTION No. 1618—

By Committee on Utilities

A CONCURRENT RESOLUTION urging the Congress of the United States to open certain areas of the Arctic National Wildlife Refuge to oil and gas production.

WHEREAS, The Alaska National Interest Lands Conservation Act of 1980 established the Arctic National Wildlife Refuge (ANWR) and prohibited oil and gas exploration and production in the Arctic Coastal Plain area of ANWR until authorized by Congress; and

WHEREAS, In 1987 the United States Department of the Interior, after five years of biological and geological studies, recommended that Congress authorize the leasing of the Arctic Coastal Plain area of ANWR for oil and gas exploration and production and Congress in 1995 passed authorizing legislation which was vetoed; and

WHEREAS, The United States Geological Survey estimates the total technically recoverable oil resources of the Arctic Coastal Plain area of ANWR to be between 4.3 and 11.8 billion barrels, with a mean value of 7.7 billion barrels, and the total in-place oil resources of the area to be 11.6 to 31.5 billion barrels, with a mean value of 20.7 billion barrels; and

WHEREAS, The security of the United States requires less dependence on foreign oil, the importance of which is underscored by the events of September 11, 2001, and development of the oil and gas resources of the Arctic Coastal Plain area of ANWR would substantially reduce that dependence; and

WHEREAS, The President's National Energy Policy calls for opening the Arctic Coastal Plain area of ANWR to oil and gas exploration and production in a manner that will result in no significant adverse environmental impact: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature of the State of Kansas urges the Congress of the United States to authorize exploration and development of the Arctic Coastal Plain area of ANWR, requiring the use of best available technology in a manner that safeguards the environment; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, George W. Bush; Gale A. Norton, Secretary, U.S. Department of the Interior, 1849 C. Street, N.W., Washington, D.C., 20240; Senator Tom Daschle, Majority Leader, U.S. Senate, Washington, D.C., 20510; Senator Trent Lott, Minority Leader, U.S. Senate, Washington, D.C., 20510; Representative J. Dennis Hastert, Speaker, U.S. House of Representatives, Washington, D.C., 20515; Representative Richard A. Gephardt, Minority Leader, U.S. House of Representatives, Washington, D.C., 20515; Senator Jeff Bingaman, Chairperson, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C., 20510; Representative Don Young, Chairperson, Committee on Resources, U.S. House of Representatives, Washington, D.C., 20515; and each member of the Kansas Congressional Delegation.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 394** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 394," as follows:

"Substitute for SENATE BILL No. 394

By Committee on Education

"AN ACT repealing K.S.A. 72-8136a, 72-8136b, 72-8136c, 72-8136d and 72-8136e; relating to the closure of school buildings in certain school districts.;"

and the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 375** be amended on page 1, after line 13, by inserting the following:

"Section 1. K.S.A. 2001 Supp. 71-212 is hereby amended to read as follows: 71-212. (a) The board of trustees of any community college may establish an early retirement incentive program for the benefit of the employees of the community college for retirement of employees prior to the normal retirement age of 65 years. As used in this act, an "early retirement incentive program" is a program that provides cash payments, either in the form of a lump-sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided

in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system of any such employee of the community college. ~~Commencing in the fiscal year that commenced in calendar year 1996 and at least once every three years thereafter, each board that has established an early retirement incentive program as provided in this section shall employ and pay an actuary who is a member of the American academy of actuaries and the society of actuaries and is an enrolled actuary under the employees retirement income security act to conduct an actuarial valuation of the liabilities of the program, except that the initial 1996 actuarial valuation shall not be required as provided in this section of any board that has conducted such an actuarial valuation of its early retirement incentive program within the preceding 18 months of the effective date of this act. Any early retirement incentive program established as provided in this section after the effective date of this act shall conduct the actuarial valuation as required in this section within six months of such establishment and at least once every three years thereafter. Each actuarial valuation required by this section shall be reported to the joint committee on pensions, investments and benefits by such board no later than January 1, 2000.~~

~~(b) The board of trustees of any community college shall not commence any new early retirement incentive programs from the effective date of this act until July 1, 2000.~~

~~(c) An early retirement incentive program established pursuant to subsection (a) prior to the effective date of this act is hereby declared valid.~~

(b) Commencing in the fiscal year that commenced in calendar year 2002 and every three years thereafter, each board that has established an early retirement incentive program shall prepare and submit a report to the state board of regents related to such early retirement incentive program. Such report shall contain: (1) Three years of budget data of such program, including actual costs, and a current year and future years' budget data for three to five years; (2) current costs and benefits of such program and projected costs and benefits of such program for three to five years; (3) current and projected number of participants in such program; and (4) such other information as required by the state board of regents. The state board of regents shall design and distribute forms to carry out the provisions of this act to the board of trustees of each community college that has established an early retirement incentive program. The state board of regents shall compile and prepare a summary report which shall be submitted to the joint committee on pensions, investments and benefits no later than January 1 of the year that follows the end of the fiscal year in which the reporting is required as provided in this subsection.”;

And by renumbering sections accordingly;

On page 2, in line 23, after “Supp.” by inserting “71-212 and”; also in line 23, by striking “is” and inserting “are”;

On page 1, in the title, in line 9, after “schools” by inserting “and community colleges”; in line 10, after “Supp.” by inserting “71-212 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Also **SB 387** be amended on page 2, following line 12, by inserting the following:

“(c) On and after the effective date of this act, if in any fiscal year the requirements of subsection (b) of this section are not met, the director of the Kansas legislative research department shall notify in writing each member of the legislature that such requirements have not been met on or before 10 days following sine die of such fiscal year.”; and the bill be passed as amended.

On motion of Senator Oleen the Senate adjourned until 9:00 a.m., Friday, February 1, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

