

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on April 4, 2000 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research Department
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Clyde Graeber, Secretary Ks Dept. Health & Environment
Terry Humphrey, Kansas Trial Lawyers Association
Kirk Lawry, President of KTLA

Others attending: See Attached Sheet

Chairman Oleen recognized Clyde Graeber, Kansas Department of Health and Environment, for bill introduction. Secretary Graeber stated that because of a Kansas Supreme Court ruling on March 10 this bill is necessary. Secretary Graeber requested a bill concerning water pollution prevention. Senator Vidricksen moved to introduce a bill to put the Kansas Department of Health and Environment in compliance with federal regulations. Senator Biggs seconded the motion. The motion carried

Chairman Oleen opened the hearing on

HB 3020—Act establishing the sunflower army ammunition plant remediation trust fund

Chairman Oleen recognized Clyde Graeber, Secretary, Kansas Department of Health and Environment, as a proponent to **HB 3020**. Secretary Graeber stated that any entity proposing to take title to a federal enclave must provide prepaid third party financial guarantees to ensure full and complete remediation of the land. (Attachment 1). Secretary Graeber explained that in the event Oz fail to pay its remediation contractor, this legislation provides the authority for KDHE to access the payment financial guarantee and pay the contractor for the remediation work performed.

There were no opponent to this bill. Chairman Oleen closed the hearing on **HB 3020**.

Chairman Oleen opened the hearing on:

HB 3021— Act amending the Kansas Tort Claims act, concerning exemption from liability

Chairman Oleen recognized Clyde Graeber, Secretary, Kansas Department of Health and Environment (KDHE), as a proponent to **HB 3021**. Secretary Graeber stated that this bill would provide that a governmental entity or an employee acting within the scope of employment will not be liable for damages resulting from any activity pursuant to the statute governing the development of a project on a federal enclave. (Attachment 2). Secretary Graeber stated that the project to which the law indirectly refers is the theme park proposed by the Oz Entertainment Company to be located at the Sunflower Army Ammunition Plant site.

Terry Humphrey, Executive Director Kansas Trial Lawyers Association (KTLA) stated that KTLA is an opponent to **HB 3021** and introduced Kirk Lawry, President of the KTLA. Mr. Lawry stated that KTLA is concerned that by creating a separate provision granting immunity to KDHE for supervising cleanup of the Sunflower Army Ammunition Plant, Kansas citizens and the environment may be subject to an unwarranted risk of an inadequate

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:10 A.M. on April 4, 2000.

cleanup. Mr. Lawry stated that KTLA offered an amendment which would not eliminate the liability of the contractor or other party responsible for cleanup of hazardous substances at the Sunflower Army Ammunition Plant.

Senator Vidricksen stated that he would be opposed to any amendment at this time as it would complicate the bill.

Chairman Oleen closed the hearing on **HB 3021** and announced that action would be taken on these bills later this week.

Chairman Oleen ask the committee to return to **HB 2355–Topeka State Hospital Memorial**, which had a hearing in this committee on March 16, 2000. Chairman Oleen stated that there was an amendment offered by the Kansas Association for the Blind and Visually Impaired, Inc. concerning relocations of the blind services. Chairman Oleen stated that these concerns have been addressed by a variety of other committees. Senator Oleen expressed concern about the maintenance work being done by the department of administration and suggested that maintenance be allowed to be contracted out. Senator Biggs moved that the technical amendment to clarify the Department of Administration ability to contract out the maintenance work be adopted and the date be changed to the Register. Senator Vratil seconded the motion. The motion carried. Senator Biggs moved to report the bill as amended favorably to the full Senate. Senator Vratil seconded the motion. The motion passed.

Chairman Oleen returned to Sub HB 2013–Bingo, to clarified where the funds for problem gambling would come from; 60% Kansas Lottery, 20% parimutuel, and 20% from bingo. She stated that the 80% from Lottery and parimutuel would come from the State Gaming Fund before it went into the EDIF account.

Chairman Oleen stated that time would be given today for amendments to be discussed on **SB 667–electronic gaming machines**. She stated that Senator Barone had indicated that he would possible have an amendment to this bill, but didn't have it ready yet. Senator Bleeker discussed the possibility of having contiguous counties be allowed to vote on the issue. Discussion by the committee concerned whether it would be a majority of the voters or whether it would have to pass in each county. Also that each location would be an independent voter base. Senator Vratil brought up a possible amendment that would change section 8, which concerns the distribution of the proceeds. He discussed an amendment that would repeal new section 8 in two years and have the legislature review the distribution of the revenue to see if all the revenue should go to the state at that time. Senator Oleen discussed a concern about the Kansas Lottery being in charge in name only, since the brains of the operations would not be located in the Kansas Lottery headquarters but at each of the tracks. No action was taken on the proposals before the committee.

Chairman Oleen ask for action on Minutes before the committee for meetings held on March 23, March 24 and March 28. Senator Becker moved to approved the minutes for the above dates; Senator Bleeker seconded the motion. The motion carried.

The meeting adjourned at 12:05 p.m. The next meeting will be March 5, 2000 at 11:00 a.m.