

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 13, 2004—9:30 a.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-two senators present.

Senators Adkins, Allen, Barnett, Brungardt, Downey, Lyon, Vratil and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Seldom does Valentine's Day follow Friday the 13th. These two days are a study in contrast.

The 13th is concerned with luck. The 14th is concerned with love.

Luck involves superstition. Love should involve the Supernatural.

Superstition deals with black cats. The Supernatural deals with golden moments.

Black cats deal with fear. Golden moments deal with cheer.

Fear produces nightmares. Cheer produces sweet dreams.

Nightmares produce more fear. Sweet dreams produce peace.

People who live by luck usually live in fear.

People in love with You, O God, live in peace.

And for that we are most thankful.

I pray in Jesus' Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 524, An act concerning agriculture; amending K.S.A. 2-127, 2-128, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-142, 2-144d, 2-158, 2-714, 2-716, 2-907, 2-1002, 2-1004, 2-1004a, 2-1010, 2-1013, 2-1014, 2-1201, 2-1209, 2-1220, 2-1226, 2-1227, 2-1228, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, 2-1327, 2-1331, 2-1424a, 2-1425, 2-1427, 2-1437, 2-2003, 2-2005, 2-2009, 2-2202, 2-2210, 2-2212, 2-2438a, 2-2439, 2-2444a, 2-2461, 2-2464a, 2-2469, 2-2472, 2-2802, 2-2803, 2-2814, 2-2901, 2-2903, 2-3309, 2-3315, 11-201, 12-636, 12-761, 12-766, 12-2713, 16-1503, 16-1505, 19-1561b, 19-2963, 24-407, 24-418, 24-656, 24-659, 24-1202, 24-1204, 27-328, 28-813, 42-701, 42-725, 44-820, 47-1902, 47-1903, 47-1904, 47-1905, 47-2001, 47-2301, 50-905, 55-153, 65-6a19, 65-6a24, 65-6a26, 65-6a28, 65-6a29, 65-6a30, 65-6a31, 65-6a32, 65-6a33, 65-6a35, 65-6a44, 65-6a44a, 65-6a45, 65-6a56, 65-34,103, 65-5703, 68-1414, 68-1702, 68-2203, 74-504, 74-504a, 74-504b, 74-504e, 74-505, 74-505c, 74-506a, 74-506b, 74-506d, 74-509, 74-510a, 74-511, 74-515a, 74-515b, 74-542, 74-550, 74-554, 74-555, 74-2610, 74-5048, 75-3149, 75-3150, 76-478, 82a-301a, 82a-303a, 82a-307a, 82a-405, 82a-603, 82a-612, 82a-701, 82a-706e, 82a-732, 82a-734, 82a-903, 82a-1021, 82a-1023, 82a-1301, 82a-1335, 82a-1501 and 83-403 and K.S.A. 2003 Supp. 2-1333, 2-2906, 47-816, 65-6a18, 74-2622, 74-8101, 79-3425c, 82a-731, 82a-954 and 82a-1603 and repealing the existing sections, by Committee on Agriculture.

SB 525, An act concerning telecommunications public utility; relating to transmission of calling party numbers; individual customer pricing; promotion offers; universal service fund; amending K.S.A. 66-1,187, 66-2005 and 66-2008 and repealing the existing sections, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 521**.

Commerce: **SB 518, SB 520**.

Education: **Sub HB 2493**.

Elections and Local Government: **SB 523**.

Judiciary: **HB 2347**.

Transportation: **HB 2136**.

Utilities: **SB 522**.

Ways and Means: **SB 519**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS STATE UNIVERSITY
 Agricultural Experiment Station and Cooperative Extension Service
 January 2004

George Ham, Interim Dean and Interim Director, submitted the final year report on the first Five-Year Plan for K-State Research and Extension.

The 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.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 393** be amended on page 1, by striking all in lines 15 through 38; in line 40, before "As" by inserting "Sections 1 through 12, inclusive, and amendments thereto, shall be known and may be cited as the center for entrepreneurship act.

Sec. 2.;"

And by renumbering sections accordingly;

On page 2, in line 11, by striking all after "fund"; in line 12, by striking all before the semicolon and inserting "in an amount of \$250 or more";

On page 4, in line 2, by striking "foster" and inserting "support and grow"; in line 3, by striking "entrepreneurship" and inserting "entrepreneurs in Kansas"; in line 4, by striking "provide" and inserting "serve as the central portal for entrepreneurs seeking business assistance and financing options in Kansas by providing"; in line 7, by striking all after "(3)" and inserting "lead collaborative efforts between education, research and outreach services to serve potential entrepreneurs across the state.;"

On page 7, after line 10, by inserting the following:

Sec. 10. Three years from the effective date of this act, Kansas, Inc. shall conduct a review of the center for entrepreneurship and the community entrepreneurship fund to determine program and cost effectiveness. A report, including findings and recommendations, shall be submitted to the legislature by January 1, 2008.;" and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 396** be amended on page 2, in line 2, by striking "civil penalties.;" after line 3, by inserting the following:

"(d) Subject to the following limitations, the secretary may assess a fee for the following categories of radiation protection services:

Fee Category:

1. Special nuclear material

- A. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems
 Maximum annual fee \$950
- B. Any licenses not otherwise specified in this table for possession and

	use of special nuclear material, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical mass	
	Maximum annual fee	\$2,250
2.	Source material	
A.	Licenses that authorize only the possession, use and/or installation of source material for shielding	
	Maximum annual fee	\$365
B.	All other source material licenses not otherwise specified in this table	
	Maximum annual fee	\$5,700
3.	Radioactive or byproduct material	
A.	Licenses of broad scope for possession and use of radioactive or byproduct material issued for processing or manufacturing of items containing radioactive or byproduct material for commercial distribution	
	Maximum annual fee	\$10,900
B.	Other licenses for possession and use of radioactive or byproduct material issued for processing or manufacturing of items containing radioactive or byproduct material for commercial distribution	
	Maximum annual fee	\$3,300
C.	Licenses authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing radioactive or byproduct material. This category also includes the possession and use of source material for shielding when included on the same license	
	Maximum annual fee	\$5,450
D.	Licenses and approvals authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of radioactive or byproduct material. This category also includes the possession and use of source material for shielding when included on the same license	
	Maximum annual fee	\$2,350
E.	Licenses for possession and use of radioactive or byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)	
	Maximum annual fee	\$1,800
F.	Licenses for possession and use of less than 10,000 curies of radioactive or byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes	
	Maximum annual fee	\$3,300
G.	Licenses for possession and use of 10,000 curies or more of radioactive or byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes	
	Maximum annual fee	\$12,050
H.	Licenses issued to distribute items containing radioactive or byproduct material that require device review to persons exempt from licensing, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing	
	Maximum annual fee	\$3,000

<p>I. Licenses issued to distribute items containing radioactive or by-product material or quantities of radioactive or byproduct material that do not require device review to persons exempt from licensing, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing</p> <p>Maximum annual fee</p>	<p>\$3,050</p>
<p>J. Licenses issued to distribute items containing radioactive or by-product material that require sealed source and/or device review to persons generally licensed, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed</p> <p>Maximum annual fee</p>	<p>\$1,100</p>
<p>K. Licenses issued to distribute items containing radioactive or by-product material or quantities of radioactive or byproduct material that do not require sealed source and/or device review to persons generally, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed</p> <p>Maximum annual fee</p>	<p>\$700</p>
<p>L. Licenses of broad scope for possession and use of radioactive or byproduct material issued for research and development that do not authorize commercial distribution</p> <p>Maximum annual fee</p>	<p>\$5,900</p>
<p>M. Other licenses for possession and use of radioactive or byproduct material issued for research and development that do not authorize commercial distribution</p> <p>Maximum annual fee</p>	<p>\$2,800</p>
<p>N. Licenses that authorize services for other licensees, except (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee category 3P; and (2) licenses that authorize waste disposal services are subject to the fees specified in fee categories 4A, 4B and 4C</p> <p>Maximum annual fee</p>	<p>\$3,050</p>
<p>O. Licenses for possession and use of radioactive or byproduct material for industrial radiography operations. This category also includes the possession and use of source material for shielding when authorized on the same license</p> <p>Maximum annual fee</p>	<p>\$6,100</p>
<p>P. All other specific radioactive or byproduct material licenses not otherwise specified in this table</p> <p>Maximum annual fee</p>	<p>\$1,250</p>
<p>Q. Registration of generally licensed devices or sources</p> <p>Maximum annual fee</p>	<p>\$225</p>
<p>4. Waste disposal and processing</p>	
<p>A. Licenses authorizing the possession and use of waste radioactive, by-product, source or special nuclear material for a commercial low-level radioactive waste disposal facility. Amendment fees will be as follows:</p> <p>Maximum amendment fee</p>	<p>Full cost</p>
<p>1. Amendment to license concerning safety and environmental questions</p> <p>Maximum amendment fee</p>	<p>Full cost</p>
<p>2. Amendment to license concerning administration questions (no safety or environment questions)</p> <p>Maximum amendment fee</p>	<p>Full cost</p>

B.	Licenses specifically authorizing the receipt of waste radioactive or byproduct material, source material or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material Maximum fee	\$5,150
C.	Licenses specifically authorizing the receipt of prepackaged waste radioactive or byproduct material, source material or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material Maximum annual fee	\$3,700
5.	Well logging	
A.	Licenses for possession and use of radioactive or byproduct material, source material and/or special nuclear material for well logging, well surveys and tracer studies other than field flooding tracer studies Maximum annual fee	\$2,350
B.	Licenses for possession and use of radioactive or byproduct material for field flooding tracer studies Maximum annual fee	\$2,350
6.	Nuclear laundries	
A.	Licenses for commercial collection and laundry of items contaminated with radioactive or byproduct material, source material or special nuclear material Maximum annual fee	\$11,550
7.	Medical licenses	
A.	Licenses issued for human use of radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license Maximum annual fee	\$5,500
B.	Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive or byproduct material except licenses for radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories 7B or 7C Maximum annual fee	\$12,350
C.	Other license issued for human use of radioactive or byproduct material, source material and/or special nuclear material except licenses for radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories 7B or 7C Maximum annual fee	\$2,300

8. Civil defense	
A. Licenses for possession and use of radioactive or byproduct material, source material or special nuclear material for civil defense activities	
Maximum annual fee	\$650
9. Device, product or sealed source safety evaluation	
A. Safety evaluation review of devices or products containing radioactive or byproduct material, source material or special nuclear material, except reactor fuel devices, for commercial distribution. This fee shall apply to each device or product	
Maximum annual fee	\$3,500
B. Safety evaluation review of devices or products containing radioactive or byproduct material, source material or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices. This fee shall apply to each device or product	
Maximum annual fee	\$3,500
C. Safety evaluation of sealed sources containing radioactive or byproduct material, source material or special nuclear material, except reactor fuel, for commercial distribution. This fee shall apply to each device or product	
Maximum annual fee	\$1,100
D. Registrations issued for the safety evaluation of sealed sources containing radioactive or byproduct material, source material or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant. This fee shall apply to each device or product	
Maximum annual fee	\$365
10. Special projects	
A. Hourly rate for radiation control program activities for which there is not an established fee category or for radiation protection services provided to nonlicensees and nonregistrants	
Maximum annual fee	\$79
11. Reciprocity	
A. Licensees who conduct activities under a reciprocal agreement	
Maximum annual fee	\$750
B. Registrants who conduct activities under a reciprocal agreement	
Maximum annual fee	\$200
12. X-ray machines	
A. Base registration fee per facility	
Maximum annual fee	\$200
B. Registration fee for each x-ray tube at a facility. This fee is in addition to the base registration fee	
Maximum annual fee	\$50
15. Accelerators	
A. Particle accelerators	
Maximum annual fee	\$300
16. New license and registration applications	
A. New license and registration applications. Equal to annual fee of applicable category	

For licenses or registrations that authorize more than one activity, an annual fee shall be assessed for each of the applicable categories.”;

Also on page 2, in line 4, by striking “(d)” and inserting “(e)”;

in line 24, by striking “or federal”;

On page 3, by striking all in lines 31 through 43;

On page 4, by striking all in lines 1 through 25;

And by renumbering sections accordingly;

Also on page 4, in line 26, by striking “and K.S.A. 2003 Supp. 48-1613 are” and inserting “is”;

On page 1, in the title, in line 10, by striking all after “48-1606”; in line 11, by striking “1613”; also in line 11, by striking “sections” and inserting “section”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 254 reported correctly re-engrossed February 13, 2004.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, February 16, 2004.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

