

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 22, 2006—2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today we observe the 274th birthday anniversary of George Washington, our first president and the man who came to be known as the "Father of our Country."

In his memory I would like to pray one of his prayers taken from his Prayer Journal:

"Almighty God...

I yield thee humble and hearty thanks that thou has preserved me from the danger of the night past and brought me to the light of the day, and the comforts thereof, a day which is consecrated to thine own service and for thine own honor. Let my heart, therefore, Gracious God, be so affected with the glory and majesty of it, that I may not do mine own works, but wait on thee, and discharge those weighty duties thou requirest of me.

"Give me grace to hear thee calling on me in thy word, that it may be wisdom, righteousness, reconciliation and peace to the saving of the soul in the day of the Lord Jesus.

"Grant that I may hear it with reverence, receive it with meekness, mingle it with faith, and that it may accomplish in me, Gracious God, the good work for which thou has sent it.

"Bless my family, kindred, friends and country, be our God and guide this day and forever for His sake, who lay down in the Grave and arose again for us, Jesus Christ our Lord, Amen"

(This prayer was excerpted from *One Quiet Moment*, a book written by Lloyd John Ogilvie, former Chaplain of the U.S. Senate. Harvest House Publishers, Eugene, Oregon.)

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 577, An act concerning state officers and employees; relating to salaries, compensation and certain expense allowances; providing for certain salary bonus payments and for step movement or base pay rate increases under the pay plan for the classified service under the Kansas civil service act and for certain base salary increases for the unclassified service for the fiscal year ending June 30, 2007; making and concerning appropriations for the fiscal year ending June 30, 2007; amending K.S.A. 40-102 and K.S.A. 2005 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to Committees as indicated:

Federal and State Affairs: **SB 575; SCR 1623; SR 1813.**

Financial Institutions & Insurance: **HB 2735, HB 2824.**

Judiciary: **HB 2562, HB 2606, HB 2610, HB 2616, HB 2617, HB 2626, HB 2665.**

Natural Resources: **HB 2716.**

Utilities: **SB 576.**

CHANGE OF REFERENCE

The Vice President withdrew **SB 322, SB 539** from the Committee on Ways and Means, and referred the bills to the Committee on Financial Institutions and Insurance.

The Vice President withdrew **SB 543** from the Committee on Agriculture, and referred the bill to the Committee on Ways and Means.

The Vice President withdrew **SB 393** (Separately) from the Committee on Agriculture and the Committee on Assessment and Taxation, and referred the bill to the Committee on Ways and Means.

The Vice President withdrew **SB 86, SB 537** from the Committee on Public Health and Welfare, and referred the bills to the Committee on Ways and Means.

The Vice President withdrew **SB 389, SB 438, SB 482, SB 488, SB 552** from the Committee on Assessment and Taxation, and referred the bills to the Committee on Ways and Means.

The Vice President withdrew **SB 526, SB 540** from the Committee on Natural Resources, and referred the bills to the Committee on Ways and Means.

COMMUNICATIONS FROM STATE OFFICERS**OFFICE OF THE ATTORNEY GENERAL**

Crime Victims Compensation Board

February 22, 2006

Pursuant to KSA 74-7303, Phill Kline, Attorney General, submitted for confirmation by the Senate, the appointment of Roger S. Villanueva as a member of the Crime Victims Compensation Board. He replaces a current member, Louis Johnson. Said term is effective March 16, 2006 and will expire March 15, 2010.

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 2578, HB 2613, HB 2696, HB 2712, HB 2757, HB 2758, HB 2798, HB 2836.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2578, HB 2613, HB 2696, HB 2712, HB 2757, HB 2758, HB 2798, HB 2836 were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 394, SB 503 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 394. An act concerning the rules and regulations filing act; pertaining to the approval of rules and regulations for publication; amending K.S.A. 77-424 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 503. An act concerning the Kansas water office; establishing the water supply storage assurance fund.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

Sub SB 149. An act relating to motor carriers; prohibiting requirements of indemnification from motor carriers for certain acts or omissions; exception, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed.

Sub SB 338. An act concerning construction contracts; relating to indemnification provisions and additional insured parties; amending K.S.A. 2005 Supp. 16-121 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed.

SB 350. An act relating to telecommunications; concerning regulation thereof; amending K.S.A. 2005 Supp. 66-2005 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 404. An act concerning sales taxation; relating to exemptions; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 436, An act concerning school districts and community colleges; relating to personnel evaluations; amending K.S.A. 72-9002 and K.S.A. 2005 Supp. 72-9003 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 442, An act concerning insurance; pertaining to allowing certain lienholders and mortgagees to be shown on the application for insurance; amending K.S.A. 40-955 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 444, An act concerning income taxation; relating to net operating loss; amending K.S.A. 2005 Supp. 79-32,143 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 498, An act concerning cities and counties; relating to licensure of certain contractors; amending K.S.A. 12-1526 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 499, An act concerning open records; pertaining to certain exceptions to the requirement of disclosure thereof; amending K.S.A. 2005 Supp. 45-229 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 544, An act concerning motor-vehicle fuel taxation; relating to rates; ethanol blends; amending K.S.A. 79-3401 and K.S.A. 2005 Supp. 79-34,141 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 550, An act concerning form of statutory and legal documents; prescribing certain duties on the judicial council; amending K.S.A. 19-4710, 19-4712, 19-4713, 19-4715, 19-4738 and 38-133 and K.S.A. 2005 Supp. 26-506 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 555, An act concerning alcoholic liquor; relating to removal of partially consumed containers or alcoholic liquor from certain licensed premises; amending K.S.A. 8-1599 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Wilson.

The bill passed.

SCR 1618, A concurrent resolution memorializing the President and Congress regarding federal funding of education, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted.

HB 2485, An act concerning notaries public; prohibiting certain acts and providing penalties and remedies for violations amending K.S.A. 53-118 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2590, An act concerning telecommunications; enacting the VoIP enhanced 911 act; imposing certain fees and providing for disposition thereof; amending K.S.A. 2005 Supp. 12-5323, 12-5325, 12-5328, 12-5330, 12-5334 and 19-101a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: O'Connor.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814

A RESOLUTION honoring General Richard B. Myers, a great Kansan and a great American.

WHEREAS, General Richard B. Myers retired as the Chairman of the Joint Chiefs of Staff on October 1, 2005, after serving over 40 years in the United States Air Force. In four years as chairman he served as principal military adviser to the President, the Secretary of Defense and the National Security Council; and

WHEREAS, General Myers led the United States Armed Forces through a time of heightened threat to the nation's security. His term began only a few weeks after the September 11th attacks, and he was responsible for implementing and guiding the United States' strategy in the war on terrorism. During his tenure as chairman, the United States led international efforts to overthrow the Taliban and deny Al Qaida's safe haven in Afghanistan, and to resoundingly defeat the Saddam Hussein regime in Iraq. He also oversaw the United States military's role in relief efforts for victims of the tsunami that struck the Pacific in December of 2004, and hurricanes Katrina and Rita in 2005; and

WHEREAS, A native of Kansas City and a 1965 graduate of Kansas State University, General Myers also served as Vice-Chairman and Assistant to the Chairman of the Joint Chiefs of Staff. He has held command positions at every level, including Commander of United States Space Command, North American Aerospace Defense Command, Pacific Air Forces, United States Forces Japan and two fighter wings. A fighter pilot with over 4,100 hours, General Myers logged more than 600 combat hours during the Vietnam conflict. He has established an impressive record piloting the F-4, F-16, F-15, T-33, C-21 and C-37 aircraft; and

WHEREAS, General Myers' assignments took him to posts all over the United States and around the globe. For his commitment to excellence in carrying out his duties he has earned a vast array of major awards and decorations, including medals and recognition from Slovakia, Singapore, Columbia, Estonia, Bulgaria, Paraguay, Japan, Korea, Romania, Italy, France, Canada and Vietnam. He has also been recognized with some of the highest honors given by the United States military, including the Defense Distinguished Service medal with three oak leaf clusters; Distinguished Service Medals from the Army, Navy and Coast Guard, the Legion of Merit and the Distinguished Flying Cross; and

WHEREAS, His legacy has been indelibly imprinted throughout the United States Armed Forces and around the world, in the 50 million Afghans and Iraqis, who can now vote and help determine their own futures for the first time, in countless lives saved in the aftermath of natural disasters, and in a transformed military better prepared to protect the homeland and address future threats; and

WHEREAS, General Myers currently lectures across the country on national security issues and leadership. He will bring home to Kansas his unparalleled experience and invaluable perspective as Foundation Professor of Military History and Leadership at his alma mater, Kansas State University. He lives in the Washington, D.C. area with his wife, Mary Jo. They have two daughters and a son and, to their great joy, a growing number of grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor this Kansas native for the leadership he has provided this nation in times of crises, express our gratitude to

him and his family for his years of dedicated service to our country, and wish him well in his future endeavors.

On emergency motion of Senator Morris **SR 1814** was adopted unanimously.

General Myers and his wife, Mary Jo, were introduced by Senator Morris and were welcomed with a standing ovation.

REPORT ON ENGROSSED BILLS

SB 350, SB 404, SB 436, SB 444, SB 498, SB 544 reported correctly engrossed February 22, 2006.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 542** be amended on page 1, in line 21, by striking all following “(d)”; by striking all in lines 22 and 23; in line 24, by striking “(e)”;
 By relettering remaining subsections accordingly;

On page 2, in line 4, by striking “qualified industry”; in line 5, by striking “organization” and inserting “board”; in line 25, by striking “rules and regulations” and inserting “procedures”; in line 26, after “3.” by inserting “(a)”;
 By renumbering paragraphs “(a)” through “(i)” as “(1)” through “(9)”;
 On page 3, in line 3, by striking “rules and regulations for the procedure and” and inserting “procedures for the”; in line 4, by striking “and” where it appears the last time; in line 8, preceding the period by inserting “; and
 (10) to establish guidelines that include, but are not limited to, the issuance of grants for research and development, education and scholarships, tourism and event promotion, equine trail development and maintenance, therapeutic programs and equine rescue.

(b) The meetings of the board shall be subject to the provisions of K.S.A. 75-4317, et. seq., and amendments thereto, and the records of the board shall be subject to the provisions of K.S.A. 45-215, et seq., and amendments thereto.”;
 Also on page 3, in line 12, preceding the period, by inserting “, except that the assessment shall not apply to manufacturers producing less than 188 tons of commercial feeding stuffs pursuant to K.S.A. 2-1001, et seq., and amendments thereto”; in line 15, by striking all following “board”; by striking all in line 16 preceding the period and inserting “semi-annually, according to the schedule for submission of the feeding stuffs tonnage report pursuant to K.S.A. 2-1004, and amendments thereto”;

On page 4, in line 5, by striking all following “6.”; by striking all in lines 6 through 11; in line 12, by striking “shall” and inserting “may”; preceding line 15, by inserting:
 “Sec. 7. The board shall report annually to their respective equine industry members, the secretary and house and senate agriculture committees of the Kansas legislature. Such annual report shall include details of commission projects, programs and supported research including expenditures and the results of an annual audit performed by a person or entity that is a certified public accountant.”;

By renumbering the remaining section accordingly; and the bill be amended and reported without recommendation.

Committee on **Assessment and Taxation** recommends **SB 564** be passed.
 Also, **SB 365** be amended on page 2, after line 36, by inserting the following:
 “For tax year 2007:”;
 Also on page 2, in line 39, by striking “6.5%” and inserting “3.0%”; in line 40, by striking “\$65,000 plus 10%” and inserting “\$30,000 plus 6.0%”; in line 42, by striking “\$365,000 plus 12.5%” and inserting “\$210,000 plus 8.0%”;
 On page 3, in line 1, by striking “\$990,000 plus 15%” and inserting “\$610,000 plus 10.0%”; after line 2, by inserting the following:
 “For tax year 2008:

By renumbering the remaining section accordingly; and the bill be amended and reported without recommendation.

Committee on **Assessment and Taxation** recommends **SB 564** be passed.
 Also, **SB 365** be amended on page 2, after line 36, by inserting the following:
 “For tax year 2007:”;
 Also on page 2, in line 39, by striking “6.5%” and inserting “3.0%”; in line 40, by striking “\$65,000 plus 10%” and inserting “\$30,000 plus 6.0%”; in line 42, by striking “\$365,000 plus 12.5%” and inserting “\$210,000 plus 8.0%”;
 On page 3, in line 1, by striking “\$990,000 plus 15%” and inserting “\$610,000 plus 10.0%”; after line 2, by inserting the following:
 “For tax year 2008:

If the taxable estate is:	The tax is:
Not over \$1,000,000	zero
Over \$1,000,000 but not over \$2,000,000	1.0% of excess over \$1,000,000
Over \$2,000,000 but not over \$5,000,000	10,000 plus 2.0% of excess over \$2,000,000
Over \$5,000,000 but not over \$10,000,000	\$70,000 plus 5.0% of excess over \$5,000,000

Over \$10,000,000 \$320,000 plus 7.0% of excess over \$10,000,000

For tax year 2009:	
If the taxable estate is:	The tax is:
Not over \$1,000,000	zero
Over \$1,000,000 but not over \$2,000,000	0.5% of excess over \$1,000,000
Over \$2,000,000 but not over \$5,000,000	\$5,000 plus 1.0% of excess over \$2,000,000
Over \$5,000,000 but not over \$10,000,000	\$35,000 plus 2.0% of excess over \$5,000,000
Over \$10,000,000	\$135,000 plus 3.0% of excess over \$10,000,000;

On page 22, in line 21, by striking “2005” and by inserting “2006, but before January 1, 2010”; in lines 22 and 23, by striking “2006” and inserting “2007”; after line 27, by inserting the following:

“Sec. 53. On January 1, 2010, the provisions of sections 1 through 53, and amendments thereto, are hereby repealed.”;

And by renumbering sections accordingly;

Also on page 22, in line 35, after “after” by inserting “January 1, 2007, and”; and the bill be passed as amended.

SB 423 be amended on page 2, in line 8, by striking “shall” and inserting “may”; and the bill be passed as amended.

SB 551 be amended on page 1, in line 15, before “For” by inserting “(a)”; in line 17, by striking “shall.”; in line 18, before “provide” by inserting “shall”; in line 20, after “department” by inserting “of revenue”; in line 22, by striking “(a)” and inserting “(1)”; in line 23, after “based” by inserting “, if the taxpayer has previously submitted an estimate of such number of actual jobs created to the department of commerce as a part of applying for certification for such program participation”; in line 24, by striking “(b)” and inserting “(2)”; in line 25, after “based” by inserting “, if the taxpayer has previously submitted an estimate of such amount of additional payroll generated to the department of commerce as a part of applying for certification for such program participation”; in line 26, by striking “(c)” and inserting “(3)”; in line 27, after “based” by inserting “, if the taxpayer has previously submitted an estimate of actual jobs retained to the department of commerce as a part of applying for certification for such program participation”; in line 28, by striking “(d)” and inserting “(4)”; in line 29, after “based” by inserting “, if the taxpayer has previously submitted an estimate of such amount of additional revenue generated to the department of commerce as a part of applying for certification for such program participation”; in line 30, by striking “(e)” and inserting “(5)”; in line 31, after “based” by inserting “, if the taxpayer has previously submitted an estimate of additional sales generated to the department of commerce as a part of applying for certification for program participation”; in line 32, by striking “(f)” and inserting “(6)”; after line 33, by inserting the following:

“(b) Such credits specified in subsection (a) shall not be denied solely on the basis of the information provided by the taxpayer pursuant to subsections (a)(1) through (a)(6).”;

On page 2, in line 5, by striking “shall”; in line 6, before “provide” by inserting “shall”; in line 8, after the period, by inserting “Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to section 1, and amendments thereto.”;

On page 3, in line 5, by striking “shall”; in line 6, before “provide” by inserting “shall”; in line 8, after the period, by inserting “Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to section 1, and amendments thereto.”;

On page 6, in line 15, by striking “shall”; in line 16, before “provide” by inserting “shall”; in line 18, after the period, by inserting “Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to section 1, and amendments thereto.”; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 449** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 449,” as follows:

“Substitute for SENATE BILL No. 449

By Committee on Commerce

“AN ACT concerning commerce; enacting the video competition act; amending K.S.A. 2005 Supp. 17-1902 and repealing the existing section.”;

and the substitute bill be passed.
Also, **SB 461** be amended on page 1, in line 38, following “condition” by inserting “affecting the portion of the body injured in the accident”;

On page 4, in line 43, by striking all following “temporary”;

On page 5, in line 1, by striking “impairment” and inserting “or permanent partial general disability”; in line 3, preceding “disability” by inserting “or permanent partial general”; also in line 3, by striking all following “disability”; in line 4, by striking “pairment”; in line 5, preceding “disability” by inserting “general”; in line 7, following the stricken material by inserting “that the employee was earning prior to such injury provided in the workers compensation act”; by striking all in lines 23 through 26; in line 27, by striking all preceding “In” and inserting “The extent of permanent partial general disability shall be the extent, expressed as a percentage, to which the employee in the opinion of the physician, has lost the ability to perform the work tasks that the employee performed in any substantial gainful employment during the five-year period preceding the accident, averaged together with the difference between the average weekly wage the worker was earning at the time of the injury and the average weekly wage the worker is earning after the injury. In any event, the extent of permanent partial general disability shall not be less than the percentage of functional impairment.”; in line 30, by striking all following the period; by striking all in lines 31 through 33; in line 43, following the stricken material by inserting “An employee shall not be entitled to receive permanent partial general disability compensation in excess of the percentage of functional impairment as long as the employee is engaging in any work for wages equal to 90% or more of the average gross weekly wage that the employee was earning at the time of the injury.”;

On page 6, in line 22, following the stricken material, by inserting “and”; in line 32, by striking all following “thereto”; by striking all in lines 33 through 41; in line 42, by striking all preceding the period;

In the title, in line 10, by striking all following the second semicolon; in line 11, by striking all preceding “amending”; and the bill be passed as amended.

SB 518 be amended on page 1, after the enacting clause, by inserting:

“New Section 1. Between July 1, 2006, and June 30, 2007, the employer shall convene four quarterly employee forums to provide information to employees regarding plans to implement a payment system pursuant to K.S.A. 44-314, as it will be effective on and after July 1, 2007. The provisions of this section shall expire on June 30, 2007.”;

And by renumbering sections accordingly;

Also on page 1, in line 14, before “K.S.A.”, by inserting “On and after July 1, 2007.”; in line 24, by striking “at no cost to employees”; in line 29, by striking “; or”; by striking all in line 30; in line 31, by striking “the employer.” and inserting “. If such method is used exclusively, the employer must offer a payroll card, if requested by the employee. At least one withdrawal per pay period shall be allowed at no cost to employees who use payroll cards.”; by striking all in lines 39 through 41;

And by relettering the remaining subsection accordingly;

On page 2, in line 3, before “K.S.A.”, by inserting “On and after July 1, 2007.”; and the bill be passed as amended.

Committee on **Education** recommends **SB 330** be amended on page 4, following line 5, by inserting: “(r) On or before the 10th day of the 2007, 2008 and 2009 legislative sessions, the state treasurer shall submit a report on the Kansas postsecondary education savings program to the senate committee on education and the house committee on higher education. Such report shall include the total number of contributions to and withdrawals from the program and the total amount of such contributions and withdrawals which were made during the preceding year.”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 456** be amended on page 1, in line 16, by striking all after “employed”; in line 17, by striking all before

“upon”; in line 18, by striking the colon; by striking all in lines 19 through 23; in line 24, by striking all before the period; in line 26, by striking “46-215” and inserting “45-215”; in line 36, by striking “8,128” and inserting “8-2,128”; in line 38, by striking “8,128” and inserting “8-2,128”; in line 40, by striking “8,128” and inserting “8-2,128”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 522** be amended on page 1, in line 13, by striking all after “(a)”; by striking all in line 14; in line 15, by striking all before the period and inserting “Every health insurance plan for which utilization review is performed shall include a description of the health insurance plan’s procedures for an insured to obtain internal review of an adverse decision. This description shall include all applicable time periods, contact information, rights of the insured and available levels of appeal”; in line 17, after the period, by inserting “The health insurance plan shall provide an insured with written or electronic notification of any adverse decision, and a description of the health insurance plan’s review procedure, including the insured’s right to external review as provided in K.S.A. 40-22a14 and amendments thereto.”; in line 18, by striking “an insurer’s” and inserting “the”; also in line 18, by striking “or process for”; in line 20, by striking “insurer’s”; in line 21, by striking “provide written notice to the insured that” and inserting “allow”; in line 22, by striking “may” and inserting “to”; in line 25, by striking “insurer’s”; in line 29, by striking “insurer’s”; also in line 29, by striking all after “plan”; by striking all in line 30, in line 31, by striking all before the period; in line 35, by striking “insurer’s”; in line 38, after the period, by inserting “No physician or other health care provider serving as a reviewer in an appeal or internal review of an adverse decision shall be liable in damages to the insured or the health insurance plan for any opinion rendered as part of the appeal or internal review.”; in line 39, by striking all after “(e)”; by striking all in lines 40 and 41; in line 42, by striking all before the colon and inserting “All second appeals or internal reviews shall provide that the insured has a right to”; in line 43, by striking “Request, within five working days.”;

On page 2, in line 1, by striking “insurer’s”; in line 4, by striking “insurer’s”; in line 10, after “comments,” by inserting “questions.”; in line 13, by striking the semicolon and inserting “. Within five business days of the second review hearing date the health insurance plan shall provide a written response to questions submitted in writing by the insured”; in line 15, by striking “insurer’s”; in line 20, by striking all after “(7)”; in line 21, by striking all before the period and inserting “receive a copy of the record of the proceedings of the second appeal or second internal review. Such record shall contain at least a:

- (1) List of all participants and how each participated whether in person, by telephone or some other means;
- (2) summary of the position presented by each party; and
- (3) list of all exhibits, documents or other evidence presented”;

Also on page 2, in line 24, by striking “insurer’s”; in line 26, by striking “insurer’s”; in line 28, by striking “(e)” and inserting “(a)”; in line 29, by striking “insurer’s”; in line 31, before the period, by inserting “within five business days of the hearing date”; after line 38, by inserting the following:

“(4) “Adverse decision” shall have the meaning ascribed to it in K.S.A. 40-22a13, and amendments thereto.”; and the bill be passed as amended.

Also, **SB 547** be amended on page 3, in line 35, by striking all after “6.”; by striking all in lines 36 and 37; in line 38, by striking “(b)”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 479** be passed.

Also, **SB 380** be amended on page 1, in line 15, preceding “Within” by inserting “(a)”; in line 27, by striking all following the period; by striking all in lines 28 and 29; in line 33, by striking “an initial” and inserting “a pre-termination”; in line 34, by striking “14” and inserting “30”; in line 37, by striking “an initial” and inserting “a pre-termination”; in line 40, by striking “mutual time is agreed upon, or if a”;

On page 2, in line 1, by striking “initial” and inserting “pre-termination”; in line 2, following “identified” by inserting “cleaning”; in line 3, by striking all following “cies”; in line 4, by striking all preceding “in” and inserting “necessary to return the unit to the same level of cleanliness it was in at the initial date of occupancy or upon delivery of possession”; in line 6, by striking “an initial” and inserting “a pre-termination”; also in line 6, following the

comma by inserting “the rental agreement is terminated for material noncompliance pursuant to K.S.A. 58-2564, and amendments thereto, or the tenant abandons the dwelling unit pursuant to K.S.A. 58-2565, and amendments thereto,”; in line 8, by striking “initial” and inserting “pre-termination”; in line 9, by striking the comma and inserting “and”; also in line 9, by striking “repairs or”; in line 10, by striking the comma; also in line 10, by striking “are proposed to be the basis of any being” and inserting “may result in money being”; in line 12, by striking “initial” and inserting “pre-termination”; in line 16, following “identified” by inserting “cleaning”; in line 17, by striking all following “deficiencies”; in line 18, by striking all preceding “in” and inserting “necessary to return the unit to the same level of cleanliness it was in at the initial date of occupancy or upon delivery of possession”;

On page 3, by striking all in lines 7 through 17 and inserting “applied to the payment of accrued rent, damages the landlord has suffered by reason of the tenant’s noncompliance with K.S.A. 58-2555, and amendments thereto, and damages the landlord has suffered by reason of the tenant’s noncompliance with the rental agreement, all as itemized by the landlord in a written notice delivered to the tenant.”; in line 23, by striking “21” and inserting “30”; in line 25, by striking “21” and inserting “30”; in line 32, following “cost” by inserting “or actual estimates and quotes”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 469** be amended on page 1, in line 14, by striking “impaired licensee treatment” and inserting “behavioral sciences licensing and prevention”; in line 17, by striking all after “a”; by striking all in lines 18 through 20; in line 21, by striking all before the period and inserting “licensee’s conduct has resulted in the licensee being unable to practice the licensee’s profession with reasonable skill and safety”; in line 24, by striking all after “(4)”; by striking all in lines 25 and 26; in line 27, by striking all before the period and inserting “Treatment contractor” means a professional organization or professional program that has contracted with the board to evaluate or cause to be evaluated a licensee for impairment and, if warranted, subsequently monitors the licensee for compliance with a course of treatment”; by striking all in lines 28 through 32; following line 32, by inserting:

“(5) “Reportable incident” means conduct by a licensee which (1) is or may be below the applicable standard of care; or (2) may be grounds for disciplinary action by the board.”;

Also on page 1, in line 33, by striking all after “(1)”; by striking all in lines 34 through 39 and inserting “Any person who has information relating to a reportable incident may file a complaint or a report with the board.”; in line 42, by striking all after “licensee” where it first appears; by striking in line 43;

On page 2, by striking all in lines 1 through 8 and inserting: “could be impaired, the board may refer the licensee to the treatment contractor for assessment for possible impairment. The treatment contractor may refer the licensee to a physician or other licensed mental health or physical health professional for evaluation for the purpose of determining a course of treatment and monitoring schedule. Any cost associated with the licensee obtaining such an evaluation or evaluations shall be borne by the licensee.”; in line 9, by striking all after “(3)”; by striking all in line 10; in line 11, by striking all before “Any” and inserting: “If the board refers the licensee to the treatment contractor, the board shall receive and consider the conclusions of the evaluation or evaluations from the treatment contractor.”; by striking all in lines 14 through 16; in line 18, by striking “receipt of the mental or physical evaluation, or both” and inserting “receiving the conclusions of the evaluation or evaluations from the treatment contractor”; in line 25, by striking all after “skill”; in line 26, by striking “petence” and inserting “and safety”; in line 29, by striking all after “actions”; in line 30, by striking all before the colon; in line 34, by inserting after the semicolon “or”; in line 36, by striking “; or”; by striking all in lines 37 through 38; in line 39, by striking all before the period;

On page 3, in line 10, by striking “an impaired licensee treatment provider or other professional” and inserting “a treatment contractor”; in line 26, by striking “impaired licensee treatment provider” and inserting “a treatment contractor”; in line 27, by striking “impaired licensee treatment provider or other professional” and inserting “treatment contractor”; in line 38, by striking all after “the”; in line 39, by striking “or other professional” and inserting “treatment contractor; in line 41, by striking all after “the”; in line 42, by striking all before “plan” and inserting “treatment contractor’s”;

On page 4, in line 2, by striking all after the comma; in line 3, by striking all before “shall” and inserting “or treatment contractor”; in line 9, by striking all after “or”; in line 10, by striking all before the semicolon and inserting “treatment contractor”; in line 24, by striking all after “(3)”; by striking all in lines 25 through 29; in line 30, by striking all before “Reports”; also in line 30, by striking “im-”; in line 31, by striking all before “shall” and inserting “treatment contractor”;

On page 5, in line 13, by striking all after “committee,”; in line 14, by striking all before “be” and inserting “or treatment contractor”; following line 16, by inserting:

(i) The board may deny, revoke, limit, condition or suspend any license issued by the board in the event that the licensee, after being referred to a treatment contractor, has failed to comply with the course of treatment and monitoring schedule related to an impairment that has reasonable probability of causing harm to a client or may be grounds for disciplinary action by the board.”;

Also on page 5, in line 17, by striking “(i)” and inserting “(j)” and the bill be passed as amended.

Also, **SB 528** be amended on page 1, in line 33, by striking “late-term”; also in line 33, before the semicolon by inserting “past 22 weeks of gestation”; in line 35, before the semicolon by inserting “including physical disabilities and mental disabilities such as depression, cognitive limitation, substance abuse and other conditions”; in line 37, by striking “or other disabilities” and inserting a comma; in line 38, by striking the semicolon; by striking all in line 39; in line 40, by striking “idence”;

On page 2, in line 25, after “reports” by inserting “and the referring physician under K.S.A. 65-6703, and amendments thereto,”; after line 28, by inserting the following:

“Sec. 2. K.S.A. 65-2409a is hereby amended to read as follows: 65-2409a. (a) A certificate of birth for each live birth which occurs in this state shall be filed with the state registrar within five days after such birth and shall be registered by such registrar if such certificate has been completed and filed in accordance with this section. If a birth occurs on a moving conveyance, a birth certificate shall indicate as the place of birth the location where the child was first removed from the conveyance.

(b) (1) When a birth occurs in an institution, the person in charge of the institution or the person’s designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file such certificate with the state registrar. The physician in attendance or, in the absence of the physician, the person in charge of the institution or that person’s designated representative shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth.

(2) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority: ~~(1)(A)~~ The physician in attendance at or immediately after the birth, or in the absence of such a person; ~~(2)(B)~~ any other person in attendance at or immediately after the birth, or in the absence of such a person; or ~~(3)~~ ~~(C)~~ the father, the mother or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(3) *The secretary of health and environment shall design and promulgate a form for an attempted abortion resulting in a live birth and provide copies to all relevant entities. This form shall show the mother’s state of residence, the mother’s age, and any disability of the mother, the baby’s anomalies, if any, determinable at birth or diagnosed in utero and the number of children the mother has given birth to and the health outcomes of such children. As used in this paragraph, the term disability is as defined in subsection (c)(2) of K.S.A. 65-445, and amendments thereto.*

(c) If the mother was married at the time of either conception or birth, or at any time between conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered. If the mother was not married either at the time of conception or of birth, or at any time between conception and birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and of the person to be named as the father on a form provided by the state registrar pursuant to K.S.A. 38-

1138 unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

(d) One of the parents of any child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the five days prescribed above.

(e) Except as otherwise provided by this subsection, a fee of \$4 shall be paid for each certificate of live birth filed with the state registrar. Such fee shall be paid by the parent or parents of the child. If a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall be responsible for collecting the fee and shall remit such fee to the secretary of health and environment not later than the 15th day following the end of the calendar quarter during which the birth occurred. If a birth occurs other than in an institution, the person completing the birth certificate shall be responsible for collecting the fee and shall remit such fee to the secretary of health and environment not later than the 15th day of the month following the birth.

The fee provided for by this subsection shall not be required to be paid if the parent or parents of the child are at the time of the birth receiving assistance, as defined by K.S.A. 39-702 and amendments thereto, from the secretary of social and rehabilitation services.

(f) Except as provided in this subsection, when a certificate of birth is filed pursuant to this act, each parent shall furnish the social security number or numbers issued to the parent. Social security numbers furnished pursuant to this subsection shall not be recorded on the birth certificate. A parent shall not be required to furnish such person's social security number pursuant to this subsection if no social security number has been issued to the parent; the social security number is unknown; or the secretary determines that good cause, as defined in federal regulations promulgated pursuant to title IV-D of the federal social security act, exists for not requiring the social security number. Nothing in this subsection shall delay the filing or issuance of the birth certificate.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 29, by striking “is” and inserting “and 65-2409a are”;

In the title, in line 10, after “65-445” by inserting “and 65-2409a”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 253** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 253,” as follows:

“Substitute for SENATE BILL No. 253

By Committee on Transportation

“AN ACT relating to the department of transportation; concerning the highway advertising control act of 1972; amending K.S.A. 68-2232, 68-2233, 68-2234, 68-2235, 68-2236, 68-2240 and 68-2243 and repealing the existing sections.”;

and the substitute bill be passed.

Also, **SB 554** be amended on page 1, after the enacting clause, by inserting:

“Section 1. K.S.A. 2005 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. If the applicant is not required to take an examination the examination fee shall not be required. The examination shall consist of three tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a

reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(b) (1) For the purposes of obtaining any driver's license or instruction permit, an applicant shall submit, with the application, proof of age or proof of identity, or both, as the division may require. An applicant shall submit the applicant's social security number, which shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall submit a sworn statement, with the application, stating that the applicant does not have a social security number. The division shall assign a distinguishing number to the license or permit. If the applicant is applying for an instruction permit or driver's license and the applicant otherwise meets the requirements for such license, the applicant shall receive a temporary license or instruction permit until the division verifies all facts relative to such applicant's right to receive an instruction permit or driver's license, including the age, identity, social security number and residency of the applicant.

(2) An applicant who submits proof of age or of identity issued by an entity other than a state or the United States shall also submit such proof as the division may require that the applicant is lawfully present in the United States.

(3) The division shall not issue any driver's license to any person who is not lawfully present in the United States.

(4) The division shall not issue any driver's license to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver's license submitted by such applicant.

(c) Every application shall state the name, date of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's color photograph; certifications, including those required by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, the driver's record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(e) When the division receives a request for a driver's record from another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:

(1) For a class C driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$18;

(2) for a class C driver's license issued to a person ~~less than 21 years of age or~~ 65 years of age or older, ~~or a farm permit,~~ \$12;

(3) for a class M driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$12.50;

(4) for a class M driver's license issued to a person ~~less than 21 years of age or~~ 65 years of age or older, \$9;

(5) for a class A or B driver's license issued to a person who is at least 21 years of age, but less than 65 years of age, \$24;

(6) for a class A or B driver's license issued to a person ~~less than 21 years of age or 65~~ years of age or older, \$16; ~~or~~

(7) for any class of commercial driver's license *issued to a person 21 years of age or older*, \$18; *or*

(8) *for class A, B, C or M, or a farm permit, or any commercial driver's license issued to a person less than 21 years of age, \$20.*

A fee of \$10 shall be charged for each commercial driver's license endorsement, except air brake endorsements which shall have no charge.

A fee of \$3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of \$1 shall be added to the fee charged for the driver's license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver's license or upon reinstatement and return of a valid Kansas driver's license.”;

And by renumbering existing sections;

On page 5, in line 14, by striking “8-247 is” and inserting “8-240 and 8-247 are”;

In the title, in line 10, after “Supp.”, by inserting “8-240 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

SB 558 be amended on page 1, in line 16, following “three” by inserting “business”; in line 17, following “(b)” by inserting “and a request for the release of the lien”; in line 21, following “10” by inserting “business”; in line 22, following “(b)” by inserting “and a request for the release of the lien”; in line 34, by striking “directed” and inserting “or delivered”; in line 36, by striking all following “delivered”; in line 37, by striking all preceding the comma and inserting “electronically to the division”;

On page 2, in line 14, following “(2)” by inserting “except as provided in paragraph (3).”; also in line 14, following “violation” by inserting “within a twelve-month period.”; and the bill be passed as amended.

HB 2611, as amended by House Committee of the Whole, be amended on page 2, by striking all in lines 36 through 39; preceding line 40, by inserting the following:

“Sec. 3. K.S.A. 2005 Supp. 20-350 is hereby amended to read as follows: 20-350. (a) Except for fines and penalties authorized to be paid to counties pursuant to K.S.A. 19-101e, and amendments thereto, and subsection (b), and amendments thereto, all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto, *or K.S.A. 8-1345, and amendments thereto.*

(b) Except as provided by K.S.A. 2005 Supp. 20-368, and amendments thereto, all moneys received by the clerk of the district court from the payment of bail forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit equal portions of such remittance to the indigents' defense services fund and the state general fund.

(c) The chief judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402, and amendments thereto; (2) United States treasury bills or notes with maturities not to

exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the chief judge may invest such moneys in the same manner as provided by subsection (c). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.”;

By renumbering the remaining sections accordingly;
Also on page 2, in line 40, following “8-1345” by inserting “and K.S.A. 2005 Supp. 20-350”;

In the title, in line 10, by striking “relating to allocation of certain funds;”; in line 11, following the semicolon by inserting “relating to the disposition of certain fines;”; also in line 11, following “8-1345” by inserting “and K.S.A. 2005 Supp. 20-350”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 553** 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, **SB 490** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 490,” as follows:

“Substitute for SENATE BILL No. 490

By Committee on Ways and Means

“AN ACT creating the Kansas long-term care bill of rights.”;

and the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, 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 340, SB 432, SB 434, SB 440, SB 459, SB 485** be passed.

The committee report on **SB 264** recommending a **Sub SB 264** be adopted, and the substitute bill be passed.

SB 355, SB 366, SB 414, SB 417, SB 435, SB 451, SB 453, SB 462, SB 465, SB 491, SB 515, SB 536; HB 2555 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 351 be amended by motion of Senator Bruce, on page 3, in line 42, by striking all after “felony”; in line 43, by striking all before the semicolon”, and **SB 351** be passed as amended.

SB 375 be amended by motion of Senator Schodorf, on page 14, following line 1, by inserting the following:

“Sec. 5. K.S.A. 2005 Supp. 74-4927. (1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall be payable in accordance with the terms of such plan as established by the board, except that for any member who is disabled prior to the effective date of this act, the annual disability benefit amount shall be an amount equal to 66 2/3% of the member’s annual rate of compensation on the date such disability commenced. Such plan shall provide that:

(A) For deaths occurring prior to January 1, 1987, the right to receive such death benefit shall cease upon the member’s attainment of age 70 or date of retirement whichever first occurs. The right to receive such long-term disability benefit shall cease (i) for a member who becomes eligible for such benefit before attaining age 60, upon the date that such

member attains age 65 or the date of such member's retirement, whichever first occurs, and (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under subsection (3) of K.S.A. 74-4916 and amendments thereto. The member must make an initial application for social security disability benefits and, if denied such benefits, the member must pursue and exhaust all administrative remedies of the social security administration which include, but are not limited to, reconsideration and hearings. Such plan may provide that any amount which a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited to, workers compensation benefits may be deducted from the amount of long-term disability benefit payments under such plan. *However, in no event shall the amount of long-term disability benefit payments under such plan be reduced by any amounts a member receives as a supplemental disability benefit or compensation from any source by reason of the member's employment, provided such supplemental disability benefit or compensation is based solely upon the portion of the member's monthly compensation that exceeds the maximum monthly compensation taken into account under such plan. As used in this paragraph, "maximum monthly compensation" means the dollar amount that results from dividing the maximum monthly disability benefit payable under such plan by the percentage of compensation that is used to calculate disability benefit payments under such plan.* During the period in which such member is pursuing such administrative remedies prior to a final decision of the social security administration, social security disability benefits may be estimated and may be deducted from the amount of long-term disability benefit payments under such plan. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment *other than a supplemental benefit based solely on compensation in excess of the maximum monthly compensation taken into account under such plan*, or any part thereof, is paid in a lump-sum, the amount of the reduction shall be calculated on a monthly basis over the period of time for which the lump-sum is given. As used in this section, "workers compensation benefits" means the total award of disability benefit payments under the workers compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary of social and rehabilitation services and who would otherwise be eligible for the long-term disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a preexisting condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with subsection (17) of K.S.A. 74-4902 and amendments thereto except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's final average salary shall be adjusted upon retirement by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1,

1998, such member's final average salary shall be adjusted upon retirement by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's current annual rate shall be adjusted upon death by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's current annual rate shall be adjusted upon death by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of death, for each year of disability after July 1, 1998.

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and long-term disability benefits shall be subject to adjustment from time to time by the board within the limitations of this section. The plan may include terms and provisions which are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance companies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the long-term disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the long-term disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) There is hereby created in the state treasury the group insurance reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. The cost of the plan of death and long-term disability benefits shall be paid from the group insurance reserve fund, which shall be administered by the board. Except as otherwise

provided by this subsection, for the period commencing July 1, 2005, and ending June 30, 2006, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to .8% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. For the period commencing July 1, 2006, and all periods thereafter, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to 1.0% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. Notwithstanding the provisions of this subsection, no participating employer shall appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on April 1, 2000, and ending on December 31, 2001, for the period commencing July 1, 2002, and ending December 31, 2002, or for the period commencing April 1, 2003, and ending on June 30, 2004.

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve fund as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of subsection (4) of K.S.A. 74-4920 and amendments thereto shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve fund.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve fund and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as long-term disability benefit.

(6) The board is hereby authorized to establish an optional death benefit plan for employees and spouses and dependents of employees. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas and its employees which should include term death benefits for the person's period of active state employment regardless of age, but in no case, shall the maximum allowable coverage be less than \$200,000. The cost of the optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection (6) and shall remit all deductions together with appropriate accounting reports to the system. There is hereby created in the state treasury the optional death benefit plan reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into the optional death benefit plan reserve fund, from which the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection (6).

(7) Any employer other than the state of Kansas which is currently a participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application for affiliation with such system, to be effective on January 1 or July 1 next following application.

(8) For purposes of the death benefit provided under the plan of death and long-term disability benefits authorized by this section and the optional death benefit plan authorized by subsection (6), commencing on the effective date of this act, in the case of medical or financial hardship of the member as determined by the executive director, or otherwise commencing January 1, 2005, the member may name a beneficiary or beneficiaries other than the beneficiary or beneficiaries named by the member to receive other benefits as provided by the provisions of K.S.A. 74-4901 et seq., and amendments thereto.”;

By renumbering sections accordingly;

Also on page 14, in line 3, following “74-4925” by inserting “, 74-4927”;

In the title, by striking all in lines 9 through 13 and inserting:

“An act concerning state agencies and employees; relating to certain employee benefits; amending K.S.A. 44-576 and 75-5543 and K.S.A. 2005 Supp. 74-4902, 74-4925 and 74-4927 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 74-4925h.”, and **SB 375** be passed as amended.

SB 220 be amended by adoption of the committee amendments, be further amended by motion of Senator Lee, as amended by Senate Committee, on page 3, in line 7, by striking all after “only”; in line 8, by striking “period” and inserting “once during the person’s lifetime”, and **SB 220** be passed as further amended.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Thursday, February 23, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

