

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 12, 2007—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Allen and Haley were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
I started this prayer last week,
But there is much more to say.
It was about the pressure
That Senators undergo each day.
It's true their districts elected them,
But the vote wasn't a hundred per cent;
And those who voted for someone else
hardly ever stay content.
And some who voted for them
When issues bring controversy,
And Senators don't vote their way,
These constituents show no mercy.
One of the most difficult problems they face
Is when they are publicly defamed,
And usually it's the children at home who ask,
"Why did they call you bad names?"
And help them not to be guilty
Of calling each other names.
Help them to practice what they preach
And keep debate on the highest plane.
Senators learn how to cope
With all kinds of humiliation,
But help the rest of us, Lord,
To show them consideration.
I ask this in the Name of Christ
who experienced the most humiliation
possible, "and did not open His mouth."
(Isaiah 53:7)

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 379. An act concerning construction contracts; relating to indemnification provisions and additional insured parties; amending K.S.A. 2006 Supp. 16-121 and repealing the existing section, by Committee on Ways and Means.

SB 380. An act concerning insurance; providing coverage for mental conditions; amending K.S.A. 2006 Supp. 40-2,105, 40-2,105a and 74-7507 and repealing the existing sections, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1610—

By Senator Betts

A CONCURRENT RESOLUTION recognizing March 10th as Harriet Tubman Day.

WHEREAS, Harriet Tubman, who lived from 1821 to 1913, was termed the Moses of American abolitionists and one of the most courageous women in history. Born a slave in eastern Maryland, she escaped to freedom on the underground railroad during the summer of 1849. Her passage to freedom caused her to devote her life to sharing the taste of freedom with others — a heroic calling for an individual who had no formal education and never learned to read or write; and

WHEREAS, Harriet Tubman returned to the South on 19 occasions to lead other slaves to freedom. She is credited with undertaking the most hazardous journeys and leading about 300 individuals to freedom. A bounty of \$40,000, with a horrifying sentence of torture until death, was offered for her capture — yet she was never captured and never lost a “passenger” on the underground railroad; and

WHEREAS, During the Civil War she was attached to the Union Army serving as a cook, nurse, scout for raiding parties and spy behind Confederate lines. After the war she settled in Auburn, New York, and continued to work for black freedom, the homeless and elderly, and for education and human rights. Upon her death in 1913 she was buried with full military honors. The citizens of Auburn raised a monument in her memory and for many years maintained the Harriet Tubman Home for needy blacks, which she had founded; and

WHEREAS, On March 10, 1990, the Harriet Tubman Historical Society sponsored the day to honor the contributions of Ms. Tubman. That tribute has been recognized by the United States Congress, 25 states and many cities and organizations. Accordingly, it is entirely appropriate that the legislature of the state of Kansas, the citizens of which had an extensive history of supporting the underground railroad through eastern Kansas, recognize and honor this great humanitarian on March 10, Harriet Tubman Day: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we honor this great American on her designated day and hope that her example will cause all people to cherish freedom in all places and at all times; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Vivian Abdur-Rahim, Coordinator, The Harriet Tubman Holiday Committee, P.O. Box 832127, Stone Mountain, Georgia 30083.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 378.**

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2504.**

Adoption of **HCR 5018.**

Passage of **SB 58, SB 76, SB 85, SB 102, SB 269.**

Also, passage of **SB 52**, as amended; **SB 54**, as amended; **SB 118**, as amended; **SB 192**, as amended.

The House adopts the Conference Committee Report to agree to disagree on **SB 83** and has appointed Representatives Brunk, Kiegrel and Ruiz as second conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2504; HCR 5018 were thereupon introduced and read by title.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

STEVEN R. BRUNK
MIKE KIEGERL
Conferees on part of House

KARIN BROWNLEE
NICK JORDAN
Conferees on part of Senate

Senator Brownlee moved the Senate adopt the conference committee report on **SB 83**, to agree to disagree and a second conference committee be appointed.

Upon the showing of five hands a roll call was requested.

On roll call, the vote was: Yeas 18, Nays 19, Present and Passing 0, Absent or Not Voting 3.

Yeas: Apple, Brownlee, Bruce, Donovan, Emler, Huelskamp, Jordan, Lynn, McGinn, Morris, Ostmeyer, Palmer, Pine, Pyle, Schmidt D, Taddiken, Wagle, Wilson.

Nays: Barone, Betts, Brungardt, Francisco, Gilstrap, Goodwin, Hensley, Journey, Kelly, Lee, Petersen, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.
Absent or Not Voting: Allen, Barnett, Haley.

The motion was not adopted and the bill remains in conference.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Barone as a member of the Conference Committee on **SB 83** to replace Senator Hensley.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1836—

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

A RESOLUTION congratulating and commending E. Carolyn Rampey.

WHEREAS, E. Carolyn Rampey retired on December 29, 2006, after serving the Kansas Legislature over 34 years in the Kansas Legislative Research Department; and

WHEREAS, E. Carolyn Rampey commenced working for the Legislative Research Department in October 1972 as a Research Assistant, and because of her outstanding analytical and research skills was promoted to Research Analyst in 1974, and Principal Analyst in 1976; and

WHEREAS, E. Carolyn Rampey was hired by James W. Drury, Director of the Legislative Research Department, and continued to serve under the directorships of Phil E. Jones, Richard W. Ryan, Ben F. Barrett, and Alan D. Conroy, providing valuable counsel to these directors and to her many colleagues; and

WHEREAS, E. Carolyn Rampey was known throughout the Legislature for her years of commitment to public education and post-secondary education; and in these areas she worked with a wide variety of issues including school governance, school finance, community

colleges, area vocational schools, student tuition, student financial assistance, teacher preparation, teacher certification, qualified admissions, local school consolidation, and gifted student programs; and became a key staff resource for the Legislature in the area of education; and

WHEREAS, E. Carolyn Rampey in her work on educational issues before the Legislature had the opportunity to work with the Office of Revisor of Statutes in providing valuable background information for the drafting of legislation related to education in Kansas; and while assisting the Office of Revisor of Statutes with education and budget issues, she worked closely with the Revisor staff, including Avis A. Swartzman, Fred J. Carman, Norman J. Furse, James A. "Bunky" Wilson III, and Theresa M. Kiernan; and

WHEREAS, E. Carolyn Rampey also served the Legislature as a fiscal analyst since the 1985 Session of the Legislature, gained expertise in fiscal affairs of state government, and was responsible for fiscal analysis for many state agencies, including the Department of Education, the Judicial Branch, Judicial Council, Board of Indigents Defense Services, Office of Attorney General, State Historical Society, Kansas Corporation Commission, Citizen Utility Ratepayer Board, School for the Deaf, School for the Blind, and numerous fee funded boards; and through her service to legislative committees she collaborated with various Commissioners of Education, Deputy Commissioner of Education Dale Dennis, Chief Justice Kay McFarland, members and staff of the Kansas Board of Regents, and multiple Kansas Attorneys General; and

WHEREAS, E. Carolyn Rampey was the lead staff member for the Legislative Educational Planning Committee, also known as the 1202 Commission; and while staffing the Commission she served as Acting Director of the Commission and was responsible for writing and submitting federal grant applications, making regular reports to the U.S. Department of Health, Education and Welfare, and compiling for the Commission special reports such as the Washburn University Feasibility Study and the Nursing Education Report; and

WHEREAS, E. Carolyn Rampey was the consummate professional; her analytical skills were matched only by her quick wit and skilled diplomacy, and she was masterful at anticipating issues and being able to explain complex public policy issues in easily understandable language; and

WHEREAS, E. Carolyn Rampey was instrumental in compiling more than a dozen studies on changing the governance structure of the State Board of Education, none of which were enacted by the Legislature and approved by the voters of Kansas; and

WHEREAS, E. Carolyn Rampey has, as a testament to her fiscal skills, the increase in State General Fund support for public education in Kansas including a boost of more than 350 percent in state support of local school districts from \$621.2 million in FY 1986 to \$2.8 billion in FY 2007; and

WHEREAS, E. Carolyn Rampey earned a Bachelor's degree in Political Science in 1967 and a Master's degree in Political Science in 1970, both from Wichita State University, Wichita, Kansas; and authored her master's thesis entitled *Correlates of Judicial Alienation*; and while at Wichita State University worked closely with faculty members Dr. John H. Millett, Dr. James W. McKinney, and Dr. Marvin A. Harder; and

WHEREAS, E. Carolyn Rampey in 1971 and 1972 was a Research Assistant for Dr. Marvin A. Harder and co-authored a book with him on the Kansas Legislature: *The Kansas Legislature: Procedures, Personalities, and Problems*, which is still considered one of the definitive works on the Kansas Legislature; and

WHEREAS, E. Carolyn Rampey has served the Legislative Branch with distinction and now is embarking on a new chapter in her life: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate, commend, and thank E. Carolyn Rampey for her 34 years of devoted service to the state of Kansas and for the legacy of professional excellence she leaves after her many years as a Principal Analyst of the Kansas Legislative Research Department; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to E. Carolyn Rampey, 36 SW Pepper Tree Lane, Topeka, Kansas 66611; Jim Rampey, 2545 Borton Lane, Santa Barbara, California 93109; Margaret Rampey, 534 Lake Forest, Bonner Springs, Kansas 66612; Mildred Maupin, 2910 Euclid, Wichita, Kansas

67217; Martha Biggs, 202 Osage Road, Derby, Kansas 67037; and Ruth Dobbs, 1803 Old Mill Court, Greenville, North Carolina 27858.

On emergency motion of Senator Morris **SR 1836** was adopted unanimously.

In recognizing Carolyn Rampey as one of the most capable and committed researchers, President Morris noted she left an indelible mark on the Kansas Legislature in the form of the legislation she helped craft and in the relationships she built with lawmakers.

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

SENATE RESOLUTION No. 1837—

A RESOLUTION congratulating and commending Dr. Gary J. Daniels upon his retirement after 39 years of public service.

WHEREAS, Dr. Gary J. Daniels, former Social and Rehabilitation Services Secretary, has retired after completing two years in this position and 39 years of public service; and

WHEREAS, Dr. Daniels began his years of public service working as a psychiatric aide at Parsons State Hospital and Training Center in 1964. He then earned his Bachelor of Arts from Kansas State College of Pittsburg in June 1965, and went to work as a clinical psychologist for the Four County Mental Health Clinic and the Parsons State Hospital and Training Center. Dr. Daniels earned his Master of Science from Kansas State College of Pittsburg in June of 1967; and

WHEREAS, In 1971, Dr. Daniels moved to the state of Ohio where he was a member of the Mental Health Paraprofessional Curriculum Planning Committee for Columbus Technical Institute, and also worked as a staff psychologist for the Nisonger Center for Mental Retardation at Ohio State University. While in Ohio, Dr. Daniels earned his Doctor of Philosophy in Clinical Child Psychology from Ohio State University; and

WHEREAS, Upon his return to the state of Kansas in 1973, Dr. Daniels served as the Director of Clinical Psychology at the Parsons State Hospital and Training Center, where he worked until 1979. Dr. Daniels then served as superintendent of the Parsons State Hospital and Training Center from 1979 until 2004, when he was appointed cabinet secretary for Social and Rehabilitation Services. Dr. Daniels served in that position until his retirement in 2006; and

WHEREAS, At various times since 1973, Dr. Daniels has also served as an instructor at Pittsburg State University where he has taught various graduate level psychology courses; and

WHEREAS, Dr. Daniels has received numerous professional recognitions during his career. In 1983, Dr. Daniels was named Administrator of the Year by the Kansas Association for Retarded Citizens. In 1984, Dr. Daniels was made an Honorary Member of the Kansas Association of Health Service Technology. Dr. Daniels received the Honored Alumni Award from the Department of Psychology and Counseling of Pittsburg State University in 1986. Finally, Dr. Daniels was awarded the Alumni Meritorious Achievement Award from Pittsburg State University in 1997; and

WHEREAS, In addition to his service to the state, Dr. Daniels has founded numerous organizations that are dedicated to improving the lives of people with developmental disabilities. In 1980, Dr. Daniels established the Sunbelt Special Rodeo, an annual event for more than 200 persons with developmental disabilities from all over the country and Canada to participate in two days of rodeo events; Dr. Daniels has served as General Rodeo Chairman since its inception. In 1982, Dr. Daniels became a founding board member of the Parsons State Hospital Endowment Association. The association provides start up funds for persons wanting to implement innovative projects for persons who are developmentally disabled. Dr. Daniels currently still serves as a member of the board. In 1989, Dr. Daniels founded Parsons State Hospital Day Care, Inc. The Center is housed on the grounds of Parsons State Hospital and currently serves 90 children. The Center also has the distinction of being the only day care center sponsored by the State of Kansas that is outside the university system. From 1991 to 1997, Dr. Daniels served as a founding board member of Southeast Kansas Respite Services, Inc., a corporation that is a collaboration among all the agencies serving persons with disabilities in the region. This corporation serves 15 counties in Southeast Kansas by providing trained respite providers to families who have a member with a disability or Alzheimer's disease. From 1991 to present, Dr. Daniels has also served

as joint coordinator for the Mental Health and Mental Retardation Consortium of Southeast Kansas. The Consortium is an informal collaboration of the five mental health centers and three community developmental disabilities organizations serving 12 counties in Southeast Kansas. Dr. Daniels coordinates quarterly meetings among the executive directors where service delivery issues among the agencies serving persons with a dual diagnosis of mental illness and mental retardation are resolved; and

WHEREAS, In addition to his professional accomplishments, Dr. Daniels has published numerous articles on the subject of persons with developmental disabilities and has been an active member in numerous professional and community organizations: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dr. Gary J. Daniels upon his retirement as the Secretary of Social and Rehabilitation Services and that we thank him for his years of service to the people of the state of Kansas.

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Umbarger, Dr. Gary J. Daniels, the Office of Social and Rehabilitation Services, and Parsons State Hospital and Training Center.

On emergency motion of Senator Umbarger **SR 1837** was adopted unanimously.

President Morris and members of the senate welcomed and acknowledged Gary and his wife and the senate congratulated Gary on his many years of public service with a standing ovation.

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

SENATE RESOLUTION No. 1838—

A RESOLUTION congratulating and commending the Shawnee Mission East High School boys swim team and head coaches Wiley Wright and Shelly King.

WHEREAS, The Shawnee Mission East High School boys swim team became the Sunflower League champions for the fourth consecutive year and the state champions for the third consecutive year; and

WHEREAS, The 200 Medley Relay team comprised of Mike Stalzer, Brad Crist, Brogan Runion, and Jack Stadler took 1st place and earned All-American Consideration; and

WHEREAS, Luke Tanner, state record holder in the 200 Free, became the 1st Kansas swimmer to break the mark of 1:40, earning All-American honors. In his high school career, Luke has achieved 5 individual state titles, 5 relay state titles, and has set the state record in the 100 Free, 200 Free, 200 Free Relay, and 400 Free Relay; and

WHEREAS, First team All-State included Brad Crist, Levi Mische, and Luke Tanner; Brogan Runion was named for 2nd team All-State; and

WHEREAS, Shawnee Mission East was the only team to finish with 3 divers in the top 16 places; divers Andrew Block, Chris Hause, and Johnny McGuire finished in 5th, 6th, and 14th place respectively; and

WHEREAS, The members of this championship team have received appropriate and well deserved accolades and recognition from their school, community, and state, for adhering to the highest standards in sportsmanship and demonstrating tremendous athletic ability: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Shawnee Mission East High School boys swim team, head coach Wiley Wright, and diving coach Shelly King be congratulated and commended for being the 2007 state champion swimming team, for their tireless commitment to the rigors of practices, for their maturity in the face of the physical and mental stresses of the many swim meets, and for the lofty standard of excellence they have achieved in their chosen sport; and

Be it further resolved: That the Secretary of the Senate provide 27 enrolled copies of this resolution to Gary Howard, Athletic Director, Shawnee Mission East High School, 7500 Mission Road, Shawnee Mission, KS 66208-4298.

On emergency motion of Senator Wysong **SR 1838** was adopted unanimously.

Senator Wysong and members of the senate congratulated the team on their excellent record. Team members introduced were Chad Allen, Andrew Block, Alex Bublitz, Brad Crist, Jonathan Firth, George Hart, Chris Hause, Johnny McGuire, Levi Mische, Matt Modrcin, Mike Perry, Jon Reene, Brogan Runion, Spencer Sherard, Kyle Sitomer, Jack

Stalder, Mike Stalzer, Hunter Stevenson, Luke Tanner and Jack Walker. Accompanying the team were Coaches Wily Wright and Head Diving Coach Shelly King; Managers Bailey Armstrong, Lexi Mische and Mary Tanner; Principal Dr. Susan Swift; and Athletic Director Gary Howard.

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

SENATE RESOLUTION No. 1839—

A RESOLUTION congratulating and commending the 2006 Smith Center High School football team.

WHEREAS, The Smith Center High School football team won the 2006 Class 2-1A football championship and captured its third consecutive state title by defeating the St. Mary's team 56 to 26 in Hays on November 25. The team has won a total of six state championships under the longtime head coach Roger Barta; and

WHEREAS, The team finished the season with a perfect 13-0 record and extended the state's longest high school football winning streak to 41 games; and

WHEREAS, The members of this outstanding football team have received recognition for their fine sportsmanship and athletic abilities in the Mid-Continent League and statewide. The team captured a total of 29 positions on the MCL all-league team, including 12 of the 28 first team positions; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, former players, the players' family members and many citizens in their community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2006 Smith Center High School football team and head coach Roger Barta for their undefeated season and for being the 2006 State Class 2-1A Champions; and

Be it further resolved: That the Secretary of the Senate provide 54 enrolled copies of this resolution to Senator Lee for presentation to the Smith Center High School football team and coaches.

On emergency motion of Senator Lee **SR 1839** was adopted unanimously.

Senator Lee introduced and congratulated team members Joe Windscheffel, Kerby Rice, Tate Arnold, Wesley Lambert and Justin York. Also introduced were Coach Roger Barta and assistant coaches Brock Hutchinson and Tim Wilson.

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

SENATE RESOLUTION No. 1840—

A RESOLUTION congratulating and commending the Smith Center High School wrestling team.

WHEREAS, The Smith Center High School wrestling team tied for the 2007 Kansas State High School Activities Association Class 3-2-1A state wrestling championship held at the Gross Memorial Coliseum in Hays on February 23 and 24. Smith Center and Beloit tied for the title with 116.5 points, while defending state champion Norton finished in third place with 115 points. This is the first state championship for the Smith Center wrestling team; and

WHEREAS, The state medalists from the Smith Center team were:

112 pounds - Colt Rogers, state champion and a perfect 37 and 0 season;

130 pounds - Trevor Rempe, third place;

140 pounds - Justin York, runner-up;

152 pounds - Travis Rempe, sixth place;

160 pounds - Grady Godsey, sixth place;

215 pounds - Kirk Palmer, second place; and

WHEREAS, Also participating and scoring valuable team points were Garrett Kuhlmann and Marshall McCall; and

WHEREAS, The team was well-coached throughout the season by Head Coach Brock Hutchinson and Assistant Coach Nate Smith; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, the team's parents, and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Smith Center High School wrestling team for winning the 2007 Kansas State High School Activities Association Class 3-2-1A state wrestling championship; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Janis Lee for presentation to the Smith Center wrestling team.

On emergency motion of Senator Lee **SR 1840** was adopted unanimously.

Senator Lee and members of senate welcomed and congratulated team member Justin York and Coach Brock Hutchinson.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 334** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 334," as follows:

"Substitute for SENATE BILL No. 334

By Committee on Assessment and Taxation

"AN ACT concerning the investments in major projects and comprehensive training act; relating to limitations on amounts credited to program funds for major project investments; amending K.S.A. 2006 Supp. 74-50,107 and repealing the existing section."; and the substitute bill be passed.

Also, **SB 375** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 375," as follows:

"Substitute for SENATE BILL No. 375

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to the creation of the Johnson county education research triangle authority, taxing authority, powers and duties; sales tax authority in Johnson county for public safety projects; sales tax authority for Franklin, Linn and Miami counties; sales tax exemptions, precision farming equipment; amending K.S.A. 2006 Supp. 12-187, 12-189, 12-192, 19-101a and 79-3606 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-187b, 12-189f, 19-101a, as amended by section 4 of chapter 192 of the 2006 Session Laws of Kansas, and 19-101l."; and the substitute bill be passed.

Substitute for HB 2171 be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute for HOUSE BILL No. 2171," as follows:

"SENATE Substitute for Substitute for HOUSE BILL No. 2171

By Committee on Assessment and Taxation

"AN ACT concerning sales taxation; relating to refund claims, requirements, procedures and penalties; definitions; exemptions and exemption certificates; errors in collection, relief of liability; jurisdiction and rate database; amending K.S.A. 2006 Supp. 79-3602, 79-3603, 79-3606, 79-3609, 79-3615, 79-3650, 79-3651, 79-3667, 79-3668, 79-3669, 79-3673 and 79-3702 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-3671 and 79-3691."; and the substitute bill be passed.

SB 347 be amended on page 1, in line 25, by striking "If" and inserting "Except as otherwise provided, if"; in line 26, by striking "100" and inserting "51"; by striking all in lines 28 through 36; in line 37, by striking "or organization." and inserting "If filing such statements by electronic means would be a hardship for any such employer, payer, person or organization, the secretary may permit such statements to be filed other than by electronic means."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2293**, as amended by House Committee, be passed.

Committee on **Judiciary** recommends **SB 351** be amended on page 1, in line 30, after "officers" by inserting "within 60 days";

On page 2, in line 32, by striking all after "2009"; by striking all in lines 33 through 40; in line 41, by striking all before the comma"; and the bill be passed as amended.

Also, **HB 2360** be amended on page 2, preceding line 1, by inserting:

"(f) The provisions of this section shall expire on July 1, 2009."; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 20** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 20," as follows:

"Substitute for SENATE BILL No. 20

By Committee on Utilities

"AN ACT concerning the Kansas underground utility damage prevention act; amending K.S.A. 66-1802, 66-1804, 66-1805 and 66-1806 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2032** be amended on page 3, in line 18, by striking "as provided in K.S.A. 66-131a, and amendments thereto" and inserting "any municipally owned or operated electric or gas utility which serves more than 50,000 customers shall be subject to commission regulation concerning rates, charges and terms and conditions of service of such utility";

On page 4, in line 21, after the period by inserting "Notwithstanding any provision of law to the contrary, any municipally owned or operated retail electric supplier which serves more than 50,000 customers shall be subject to commission regulation concerning rates, charges and terms and conditions of service of such supplier."; and the bill be passed as amended.

HB 2034 be amended on page 1, after line 31, by inserting the following:

"(c) The provisions of this section shall expire on July 1, 2009."; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2425**, as amended by House Committee, 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 335** be amended on page 3, in line 38, after "(f) (1)" by inserting "The board shall not be required to divest passively managed commingled funds when the estimated annual costs of divestment exceed 5% of the total value of scrutinized companies with active business operations held in the fund and the ratio holds for at least six months time. Such an estimate should be submitted in a report to the joint committee on pensions, investments, and benefits before the exemption is exercised. The report should be updated semi-annually thereafter as applicable.

(2)";

On page 4, in line 5, by striking "(2)" and inserting "(3)"; in line 15, by striking "(3)" and inserting "(4)"; and the bill be passed as amended.

SB 371 be amended on page 1, in line 15, before "Section" by inserting "New";

On page 2, after line 3, by inserting the following:

"Sec. 2 K.S.A. 74-4960 is hereby amended to read as follows: 74-4960. (1) If any active contributing member becomes totally and permanently disabled due to service-connected causes as defined in subsection (10) of K.S.A. 74-4952 and amendments thereto, such member shall be retired and the following benefits shall become payable and shall continue until the member's death or until the member recovers from the disability if: A report of the event in a form acceptable to the board is filed in the office of the executive director of the board within 220 days after the date of the event or act of duty causing such disability; and an application for such benefit, in such form and manner as the board prescribes, is filed by the member or the member's authorized representative in the office of the executive director of the board within two years of the date of disability, except the board may waive such two-year requirement if the board is presented with evidence that clearly warrants such a waiver:

(a) On and after July 1, 1993, the member shall receive a retirement benefit equal to 50% of the member's final average salary or, if the member has no dependents, as defined in subsection (1)(b), the retirement benefit the member would have been entitled to as provided under K.S.A. 74-4958 and amendments thereto had the member retired, whichever is greater. Such benefit shall accrue from the day upon which the member ceases to draw compensation.

(b) Except as otherwise provided by this subsection, each of the member's children under the age of 18 years or each of the member's children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto shall receive an annual benefit equal to 10% of the member's final average salary. Such benefit shall accrue from the day upon which the member ceases to draw compensation and shall end on the

last day of the month in which each such child or children shall attain the age of 18 years or die, whichever occurs earlier or in which such children attain the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. For a member who becomes totally and permanently disabled as provided in this section on and after July 1, 2001, only the member's children who were born, conceived or adopted prior to the commencement of the member's disability are entitled to the annual benefit as provided in this subsection.

(c) In no case shall the total of the benefits payable under paragraphs (a) and (b) of this subsection (1) be in excess of 75% of the member's final average salary. *In no case shall a member who qualifies for a benefit payable under paragraph (b) of this subsection receive a total retirement benefit that would be less than the total benefit that the member would be entitled to if the member qualified for a benefit payable under subsection (a) of this subsection. Any deficiency caused by the fact that the member has a child or children shall be compensated by the percentage difference in the member's total retirement benefit.*

(d) In the event a member who is retired under subsection (1) dies within two years after the date of such retirement and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, then benefits may be payable under subsection (1) of K.S.A. 74-4959 and amendments thereto.

(e) In the event a member who is retired under subsection (1) dies more than two years after the date of such retirement, and the proximate cause of such death is the service-connected cause from which the disability resulted and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, then benefits may be payable under subsection (1) of K.S.A. 74-4959 and amendments thereto. The provisions of this paragraph (e) of this subsection (1) shall apply in all cases of such members who die after June 30, 1978.

(f) In the event a member who is retired under subsection (1) dies after the date of such retirement, and no benefits are payable under paragraphs (d) and (e) of subsection (1), nor under subsection (3) of K.S.A. 74-4958 and amendments thereto, the following benefits shall be payable:

(i) To the member's spouse, if lawfully wedded to the member at the time of the member's death, a lump-sum benefit equal to 50% of the member's final average salary at the time of the member's retirement.

(ii) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual benefit equal to 50% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the

limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

The provisions of paragraph (f) of subsection (1) shall apply in all cases of such members who die after December 1, 1984.

(2) (a) If any active contributing member, prior to such member's normal retirement, becomes totally and permanently disabled for a period of 180 days from causes not service-connected, and not as the result of a willfully negligent or intentional act of the member, such member shall be retired and the following benefit shall become payable and shall continue until the member's death or until the member recovers from such disability, whichever occurs first, if a report of the disability in a form acceptable to the board is filed in the office of the executive director of the board within 220 days after the date of the commencement of such disability and if an application for such benefit in such form and manner as the board shall prescribe is filed in the office of the executive director of the board within two years of the date of disability, except that the board may waive such two-year requirement, if the board is presented with evidence that clearly warrants such a waiver.

A retirement benefit equal to 2.5% of the member's final average salary multiplied by the number of years of credited service or the retirement benefit the member would have been entitled to as provided under K.S.A. 74-4958 and amendments thereto had the member retired, whichever is greater, multiplied by the number of years of credited service except that such retirement benefit shall be at least equal to 25% of the member's final average salary but shall not exceed the amount of the retirement benefit provided in paragraph (a) of subsection (1). Such benefit shall not become payable until satisfactory evidence shall be presented to the board that the member is and has been totally and permanently disabled for a period of 180 days, but benefits shall accrue from the day upon which the member ceases to draw compensation.

(b) In the event a member who is retired under subsection (2) dies after the date of such retirement, the following benefits shall be payable:

(i) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, to the member's spouse, if lawfully wedded to the member at the time of the member's death and if no benefits are payable under subsection (3) of K.S.A. 74-4958, and amendments thereto, a lump-sum benefit equal to 50% of the member's final average salary at the time of the member's retirement.

(ii) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual benefit equal to 50% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who are full-time students as provided in K.S.A. 74-49,117 and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

The provisions of paragraph (b) of subsection (2) shall apply in all cases of such members who die after July 1, 1989.

(3) Any member who was employed for compensation by an employer other than the member's participating employer and whose disability was incurred in the course of such other employment shall not be eligible for any of the benefits provided in subsection (2).

(4) If a member becomes totally and permanently disabled and no benefits are payable under subsection (1) or (2), the sum of the member's accumulated contributions shall be paid to the member.

(5) Any member receiving benefits under this section shall submit to medical examination, not more frequent than annually, by one or more physicians or any other practitioners of the healing arts holding a valid license issued by Kansas state board of healing arts, as the board of trustees may direct. If upon such medical examination, the examiner's report to the board states that the retirant is physically able and capable of resuming employment with the same or a different participating employer, the disability benefits shall terminate. A retirant who has been receiving benefits under the provisions of this section and who returns to employment, as defined in subsection (4) of K.S.A. 74-4952 and amendments thereto, of a participating employer shall immediately commence accruing service credit which shall be added to that which has been accrued by virtue of previous service.

(6) Any retirant who has been receiving benefits under the provisions of this section for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the board of trustees shall have reasonable grounds to question whether the retirant remains totally and permanently disabled, a further medical examination or examinations may be required.

(7) Refusal or neglect to submit to examination as provided in subsection (5) shall be sufficient cause for suspending or discontinuing benefit payments under this section and if such refusal or neglect shall continue for a period of one year, the member's rights in and to all benefits under this system may be revoked by the board.

(8) Any retirement benefits payable under the provisions of this section shall be in lieu of normal retirement benefits as provided in subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto.

(9) Each member shall report to such member's participating employer any event or act of duty causing disability within 200 days after such event or act of duty. The member's participating employer shall file in the office of the executive director of the board, in a form acceptable to the board, a report of the event or act of duty causing disability within 220 days after the event or act of duty.

(10) In any case of any event occurring prior to July 1, 1979, and after June 30, 1998, for which a report of the event was made by the participating employer to the director of workers compensation in accordance with K.S.A. 44-557 and amendments thereto, such report to the director of workers compensation shall satisfy the requirement under subsection (1) of this section to file a report of such event, in a form acceptable to the board within 220 days. No such report to the director of workers' compensation shall be deemed to satisfy such requirement with respect to events occurring on or after July 1, 1979, and prior to July 1, 1998.

(11) All payments due under this section to a minor shall be made to a legally appointed conservator of such minor.

(12) The provisions of this section shall apply only to members who were appointed or employed prior to July 1, 1989, and who did not make an election pursuant to K.S.A. 74-4955a and amendments thereto.

(13) Any retirant who has been receiving benefits under the provisions of this section and who returns to employment with the same or different participating employer in the system shall be deemed no longer retired.

(14) Upon the death of a member after retirement, if no benefits are payable under the provisions of this section, the excess, if any, of the retirant's accumulated contributions over the sum of all benefits paid shall be paid to the member's beneficiary.

Sec. 3. K.S.A. 74-4960 is hereby repealed.”;

And by renumbering section 2 as section 4;

On page 1, in the title, in line 10, after "system" by inserting "and systems thereunder"; in line 12, after "nations" by inserting "; disability benefits for certain members; amending K.S.A. 74-4960 and repealing the existing section";

And the bill be passed as amended.

HB 2185, as amended by House Committee of the Whole, be amended on page 1, after line 16, by inserting the following:

"New Section 1. This act shall be known and may be cited as the nurse educator service scholarship program act.

New Sec. 2. As used in the nurse educator service scholarship program act:

(a) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(b) "School of nursing" means a school within the state of Kansas which is approved by the state board of nursing to grant a master of science or doctoral degree in nursing.

(c) "Qualified applicant" means a person who: (1) Is a resident of the state of Kansas; (2)(A) is a registered nurse who holds a baccalaureate degree in nursing and has been accepted for admission to or is enrolled in a course of instruction leading to a master of science in nursing; or (B) is a registered nurse who holds a master of science degree in nursing and has been accepted for admission to or is enrolled in a course of instruction leading to a doctorate degree in nursing and (3) has qualified for the award of a scholarship under the program on the basis of having demonstrated scholastic ability and remains qualified on the basis of remaining in good standing and making satisfactory progress toward completion of the requirements of the course of instruction in which enrolled.

(d) "Program" means the nurse educator service scholarship program established pursuant to this act.

(e) "Review Committee" or "committee" means the nurse educator service scholarship application review committee established at each school of nursing as required by section 3, and amendments thereto.

New Sec. 3. (a) There is hereby established the nurse educator service scholarship program.

(b) (1) The director of each school of nursing shall establish a nurse educator service scholarship application review committee. Applications for a scholarship under the program shall be submitted to the review committee of the school of nursing at which the applicant has been accepted or is enrolled. Applications shall be on a form provided by the school of nursing and shall be submitted in the manner and within the time specified by the review committee. In addition to the information required by the review committee, applications shall contain any additional information required by the executive officer. The committee shall review the applications submitted to the committee and shall determine which applicants are qualified to be recipients of scholarships. The review committee of each school of nursing shall submit the list of all qualified applicants at the school of nursing to the executive officer.

(2) Within the limitations of appropriations therefor, the determination of which qualified applicants which will be awarded scholarships shall be made by the executive officer from the lists submitted pursuant to paragraph (1). When making such determination, consideration shall be given to minority applicants and to applicants having the greatest financial need for scholarships.

(c) Within the limitations of appropriations therefor, scholarships awarded under the program shall be awarded for the length of the course of instruction in which the applicant is enrolled or admitted unless otherwise terminated before the expiration of such period of time. If an applicant is not enrolled on a full-time basis, the applicant shall receive a proportionate amount of the tuition based upon the number of hours enrolled in an academic period, as defined by the applicant's school of nursing and computed as a fraction of the total number of credit hours required for enrollment on a full-time basis. Such scholarships shall provide to a qualified applicant (1) if the applicant is enrolled in a school of nursing operated by a state educational institution, an amount not to exceed 70% of the cost of attendance for an academic year at the school of nursing in which the applicant is enrolled or (2) if the applicant is enrolled in a school of nursing not operated by a state educational institution, the lesser of (A) an amount not to exceed 70% of the cost of

attendance for a year at the school of nursing in which the applicant is enrolled or (B) an amount not to exceed 70% of the average amount of the cost of attendance for a year at the schools of nursing operated by the state educational institutions. Subject to the limitation of appropriations, the number of scholarships awarded and the amount of each scholarship shall be established annually by the executive officer.

(d) Grants shall be matched on the basis of \$2 from the nurse educator service scholarship program for \$1 from the institution receiving the grant.

New Sec. 4. (a) As a condition to awarding a scholarship under the program, the executive officer and the applicant for a scholarship shall enter into an agreement which shall require that the scholarship recipient:

(1) Complete the required course of instruction;

(2) engage in the full-time teaching of nursing, or the equivalent to full-time teaching of nursing in a nursing program in the state of Kansas, in accordance with the agreement entered into by the scholarship recipient and the executive officer and continue such full-time teaching, or the equivalent to full-time practice, for a period of not less than one year for each academic year for which the scholarship is awarded, or engage in the part-time teaching of nursing in a nursing program in the state of Kansas in accordance with the agreement entered into by the scholarship recipient and the executive officer and continue such part-time teaching for the total amount of time required under the agreement, which shall be for a period of time that is equivalent to full-time, as determined by the executive officer;

(3) commence the full-time teaching of nursing, or the equivalent to full-time teaching, or the part-time teaching of nursing, within six months after completion of the nurse education program in accordance with the agreement entered into by the scholarship recipient and the executive officer, continue such teaching for the total amount of time required under the agreement and comply with such other terms and conditions as may be specified by such agreement;

(4) maintain records and make reports to the executive officer as may be required by the executive officer to document the satisfaction of the obligations under the program; and

(5) upon failure to satisfy the obligation under any agreement entered into under the program, repay to the state amounts as provided in section 5, and amendments thereto.

New Sec. 5. (a) Except as provided in section 6, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the program, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement plus accrued interest at a rate which is equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points. Installment payments of any such amounts may be made in accordance with the provisions of agreements entered into by the scholarship recipient and the executive officer, in accordance with rules and regulations of the state board of regents, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive officer based upon the circumstances of each individual case. Amounts paid under this section to the executive officer shall be deposited in the nurse educator service scholarship repayment fund in accordance with section 8, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the program over to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this section.

New Sec. 6. (a) Except as otherwise specified in the agreement, an obligation under any agreement entered into under the program shall be postponed: (1) During any required period of active military service; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000;

(6) during any period of time the person obligated is unable because of temporary medical disability to teach nursing; (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a degree in the field of nursing which is higher than that attained formerly by the person obligated; (8) during any period of time the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (9) during any period of time the state board of regents determines that the person obligated is unable because of special circumstances to teach nursing. Except for clauses (6), (8) and (9), an obligation under any agreement entered into as provided in the program shall not be postponed more than five years from the time the obligation was to have been commenced under any such agreement. An obligation under any agreement entered into as provided in the program shall be postponed under clause (6) during the period of time the medical disability exists. An obligation under any agreement entered into as provided in the program shall be postponed under clause (8) during the period of time the person obligated remains on FMLA leave. An obligation under any agreement entered into as provided in the program shall be postponed under clause (9) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to satisfy an obligation under any agreement entered into as provided in the program, and shall determine the documentation required to prove the existence of such circumstances.

(b) An obligation under any agreement entered into as provided in the program shall be satisfied: (1) if the obligation has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for completion of the course of study after making the best effort possible to do so; or (5) if the person obligated fails to satisfy all requirements for a permanent license to practice nursing in Kansas or has been denied a license after applying for a license and making the best effort possible to obtain such license.

New Sec. 7. The state board of regents may adopt rules and regulations as necessary to administer the nurse educator service scholarship program.

New Sec. 8. (a) There is hereby created in the state treasury the nurse educator service scholarship program fund. The executive officer shall remit all moneys which are paid under section 4, and amendments thereto, pursuant to scholarship awards, or from a school of nursing, which are paid because of nonattendance or discontinued attendance by scholarship recipients, 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 nurse educator service scholarship program fund. All expenditures from such fund shall be for scholarships awarded under the program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

(b) There is hereby created in the state treasury the nursing service scholarship repayment fund. The executive officer shall remit all moneys received for amounts paid under section 5, and amendments thereto, 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 nurse educator service scholarship repayment fund. All expenditures from such fund shall be for scholarships awarded under the program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

Sec. 9. K.S.A. 76-382 is hereby amended to read as follows: 76-382. (a) There is hereby established the medical student loan program at the university of Kansas school of medicine.

(b) Subject to the provisions of appropriation acts, the university of Kansas school of medicine may make medical student loans in accordance with the provisions of this act to undergraduate students enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of doctor of medicine who enter

into a written medical student loan agreement with the university of Kansas school of medicine in accordance with K.S.A. 76-383, and amendments thereto.

(c) Each medical student loan agreement under this act shall provide to the person receiving the loan the payment of all tuition and a stipend for living expenses in an amount of up to ~~\$1,500~~ \$2,000 per month for each month enrolled in such school during a year. Subject to the maximum amount, the amount of the monthly stipend shall be determined on an annual basis by the student receiving the loan.

(d) Subject to the provisions of appropriation acts, medical student loan agreements under this act may be entered into on an annual basis and shall provide the payment of the amounts specified under subsection (c) for one year unless otherwise terminated before such period of time. Subject to the provisions of appropriation acts, an undergraduate student enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of doctor of medicine may receive a separate loan under this act for each separate year the student enters into a written medical student loan agreement with the university of Kansas school of medicine in accordance with K.S.A. 76-383, and amendments thereto. *Loans may be awarded retroactively for any academic year that a student has completed successfully at the university of Kansas medical school, but for which a loan had not previously been awarded. Retroactive loans shall be in an amount equal to the amount of tuition paid by the student, plus a stipend in an amount not to exceed the maximum amount of the stipend for such academic year multiplied by the number of months for which the student was enrolled at the medical school during such year.* For each separate year a student receives a loan under this act, the student shall engage in the full-time practice of medicine and surgery in an appropriate service commitment area for a period of 12 months unless such obligation is otherwise satisfied as provided in K.S.A. 76-386, and amendments thereto.

(e) Medical student loans shall be awarded on a priority basis as follows, first to qualified applicants who are Kansas residents at the time of entry into the university of Kansas school of medicine, and second, to qualified applicants who are not Kansas residents at the time of entry into the university of Kansas school of medicine. As used in this subsection, "Kansas residents" means persons who meet the residence requirements established in K.S.A. 76-729, and amendments thereto.";

And by renumbering the remaining sections accordingly;

Also on page 1, in line 18, by striking "(1)"; in line 24, by striking "Except as provided by paragraph (2), a" and inserting "A"; in line 29, by striking "12" and inserting "60"; by striking all in lines 33 through 39; in line 40, by striking "(2)"; by striking all in line 43;

On page 2, by striking all in lines 1 through 10;

On page 4, in line 1, after "2." by inserting "K.S.A. 76-382 and";

Also on page 1, in the title, in line 13, after the semicolon by inserting "concerning the medical student loan act; establishing the nurse educator service scholarship program;" also in line 13, after "amending" by inserting "K.S.A. 76-382 and"; in line 14, by striking "section" and inserting "sections"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SCR 1604 reported correctly enrolled, properly signed and presented to the Secretary of State on March 12, 2007.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, March 13, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

