

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 21, 2001—1:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.

President Kerr introduced as guest chaplain, Father John Erickson, Sacred Heart Catholic Church, Topeka, Kansas, who delivered the invocation:

Almighty God, in various expressions the Golden Rule epitomizes the moral teaching of organized religion. Help the members of this legislative body to always treat others as they wish to be treated themselves. May the result be legislation that is in accord with your will, establishes justice, promotes the common good and serves the best interests of the people of Kansas.

Also, Lord, take especially good care of Joan Finney. She is a good friend of mine, and a good friend of all Kansans. We pray this in your name AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 336, An act concerning committees of the legislature; relating to the composition and appointment of certain committees; creating certain committees; amending K.S.A. 32-874, 32-966, 46-1604, 46-1801 and 46-2201 and K.S.A. 2000 Supp. 2-3703, 2-3710, 65-1,195, 65-1,198, 65-34,154, 65-6206, 66-2011, 68-2003, 74-9001 and 79-32,204 and repealing the existing sections; also repealing K.S.A. 32-874e, 46-2507, 46-2701 and 46-3001 and K.S.A. 2000 Supp. 74-2623 and 74-9005, by Committee on Ways and Means.

SB 337, An act concerning the racing and gaming commission; relating to salaries of commission members; amending K.S.A. 2000 Supp. 74-8803 and repealing the existing section, by Committee on Ways and Means.

SB 338, An act concerning school district finance; revising the definition of enrollment; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Committee on Ways and Means.

SB 339, An act concerning persons in the custody of the secretary of corrections; relating to early medical release, by Committee on Federal and State Affairs.

SB 340, An act concerning retirement; relating to local police or fire pension plan; amending K.S.A. 2000 Supp. 12-5002 and repealing the existing section, by Committee on Ways and Means.

SB 341, An act concerning crimes, criminal procedure and punishment; relating to domestic violence; assessment of certain fees; amending K.S.A. 22-2802 and K.S.A. 2000 Supp. 21-4603d and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2190**, **HB 2217**.

Ways and Means: **HB 2270**.

CHANGE OF REFERENCE

The President withdrew **SB 305** from the Committee on Ways and Means, and rereferred the bill to the Committee on Public Health and Welfare.

The President withdrew **SB 51, SB 84, SB 105, SB 129, SB 231, SB 266** from the Committee on Ways and Means, and rereferred the bills to the Committee on Assessment and Taxation.

The President withdrew **SB 181, SB 182, SB 185, SB 193, SB 274** from the Committee on Ways and Means, and rereferred the bills to the Committee on Financial Institutions and Insurance.

The President withdrew **SB 112, SB 144** from the Committee on Ways and Means, and rereferred the bills to the Committee on Utilities.

The President withdrew **SB 134, SB 200, SB 219** from the Committee on Ways and Means, and rereferred the bills to the Committee on Education.

The President withdrew **SB 256** from the Committee on Ways and Means, and rereferred the bill to the Committee on Elections and Local Government.

The President withdrew **SB 121, SB 227, SB 298, SB 306, SB 307, SB 324** from the Committee on Ways and Means, and rereferred the bills to the Committee on Commerce.

The President withdrew **SB 299** from the Committee on Ways and Means, and rereferred the bill separately to the Committee on Utilities and the Committee on Assessment and Taxation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2055, HB 2103, HB 2161, HB 2200, HB 2252, HB 2300, HB 2301, HB 2303, HB 2317, HB 2480.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2055, HB 2103, HB 2161, HB 2200, HB 2252, HB 2300, HB 2301, HB 2303, HB 2317, HB 2480 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 176** be amended on page 1, in line 40, by striking "and"; in line 41, by striking "licensed"; also in line 41, by striking the period and inserting a semicolon; after line 41, by inserting the following:

- "(21) geologist;
 - (22) clinical psychotherapist;
 - (23) clinical marriage and family therapist; and
 - (24) any other provider of professional services licensed by a regulating board.";
- And the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 171** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 171," as follows:

"Substitute for SENATE BILL No. 171

By Committee on Elections and Local Government

"AN ACT concerning the governor; relating to travel on state aircraft; amending K.S.A. 74-2105 and repealing the existing section.";

and the substitute bill be passed.

Also **SB 108** be amended on page 1, in line 13, by striking "1" where it appears after "January" and inserting "10"; in line 14, after "office" by inserting: "receiving contributions in excess of \$30,000 during the reporting period"; also in line 14, by striking "all" and inserting "such"; in line 19, before "received" by inserting: "in an aggregate amount of \$500 or more"; in line 22, after "more" by inserting "such"; also in line 22, by striking "in"; in line 23, by striking all before the period; in line 25, after "report" by inserting "also"; in line 31, after "period" by inserting "and in the manner"; in line 42, by striking "July 1" and inserting "January 10"; and the bill be passed as amended.

SB 126 be amended on page 2, in line 28, after "States" by inserting: "and representatives in congress to which the state may be entitled at the time of such election";

On page 3, in line 4, by striking “, or” and inserting: “. If the candidate cannot be reached, then the secretary of state”; in line 5, by striking “each” and inserting “such”; and the bill be passed as amended.

SB 283 be amended on page 1, in line 13, after “of” by inserting “K.S.A. 8-1102 or”; after line 30, by inserting the following:

“Sec. 2. No fees of any kind shall be charged to or collected from anyone for storage or impoundment of a motor vehicle for more than seven calendar days unless notice has been given as required by section 1, and amendments thereto.”;

And by renumbering the remaining section accordingly; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 123** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 123,” as follows:

“Substitute for SENATE BILL No. 123

By Committee on Financial Institutions and Insurance

“AN ACT concerning insurance; relating to the licensure of insurance agents; repealing K.S.A. 40-240, 40-240f, 40-241a, 40-241b, 40-241c, 40-241d, 40-241e, 40-241f, 40-241g, 40-241i, 40-242, 40-245, 40-246, 40-3701, 40-3702, 40-3703, 40-3704, 40-3705, 40-3706, 40-3707, 40-3708, 40-3709, 40-3710, 40-3711, 40-3712, 40-3713 and 40-3714.”;

and the substitute bill be passed.

Also **SB 142** be amended on page 2, in line 27, after “association” by striking the comma and inserting “or”; also in line 27, by striking all after “bank” where it appears for the last time; after line 29, by inserting the following:

“Sec. 2. K.S.A. 17-5601 is hereby amended to read as follows: 17-5601. (a) The commissioner shall have general supervision over all associations and corporations which are subject to the provisions of this act. The commissioner shall enforce the purposes of this act by use of the powers herein conferred and by resort to the courts when required. In addition to any and all other powers heretofore granted to the state savings and loan commissioner, the commissioner, with the prior approval of the savings and loan board, shall have the power to authorize state savings and loan associations to engage in any activity in which such associations could engage were they operating as ~~federal savings and loan associations~~ *any insured depository institution* at the time such authority is granted, including but without limitation because of enumeration, the power to do any act, and own, possess and carry as assets, property of such character, including stocks, bonds or other debentures which, at the time said authority is granted, is authorized under ~~federal applicable~~ laws and regulations to be done by ~~federal savings and loan associations~~ *any insured depository institution*, notwithstanding any restrictions elsewhere contained in the statutes of the state of Kansas. ~~The commissioner shall exercise such power by the issuance of a special order therefor, if such commissioner deems it reasonably required to preserve and protect the welfare of state savings and loan associations and promote competitive equality of state and federal savings and loan associations. Such special order shall provide for the effective date thereof and upon and after such date shall be in full force and effect until amended or revoked by the commissioner, with the prior approval of the state savings and loan board, by subsequent special order. Upon issuance of a special order, the commissioner promptly shall mail copies thereof to all state savings and loan associations. The issuance of such special orders shall not be subject to the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated.~~

~~—(b) The commissioner shall, at the time of issuing any special order pursuant to this section, submit a written report thereof to the president and minority leader of the senate and to the speaker and minority leader of the house of representatives.~~

(b) The commissioner shall exercise the power granted in subsection (a) by the issuance of a special order if the commissioner deems it reasonably required to preserve and protect the welfare of a particular institution, or if the commissioner deems it reasonably required to preserve the welfare of all state savings and loan associations and to promote competitive equality of state and other insured depository institutions. Such special order shall provide for the effective date thereof and upon and after such date shall be in full force and effect until amended or revoked by the commissioner. Promptly following issuance, the commis-

sioner shall mail a copy of each special order to all state savings and loan associations and shall be published in the Kansas register.

(c) The commissioner, at the time of issuing any special order pursuant to this section, shall prepare a written report, which shall include a description of the special order and a copy of the special order, and submit the written report to:

- (1) The president and the minority leader of the senate;
- (2) the chairperson and ranking minority member of the senate standing committee on financial institutions and insurance;
- (3) the speaker and the minority leader of the house of representatives;
- (4) the chairperson and ranking minority member of the house of representatives standing committee on financial institutions; and
- (5) the governor.

(d) Within two weeks of the beginning of each legislative session, the commissioner shall submit to the chair of the senate standing committee on financial institutions and insurance, and the chair of the house standing committee on financial institutions, a written summary of each special order issued during the preceding year. Upon request of the chair of the senate standing committee on financial institutions and insurance or the chair of the house standing committee on financial institutions, the commissioner, or the commissioner's designee, shall appear before the committee to discuss any special order issued during the preceding year. If the committee desires information concerning the economic impact of any special order, the committee chair or ranking minority member may request assistance from the division of budget.

(e) The issuance of special orders under this section shall not be subject to the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated.

(f) As used in this statute, "insured depository institution" means a bank, a savings and loan association or a savings bank organized under the laws of the United States, this state, or any other state, whose deposits are insured by the United States government.";

And by renumbering sections accordingly;

Also on page 2, in line 30, before "K.S.A." by inserting: "K.S.A. 17-5601 and"; also in line 30, by striking "is" and inserting "are";

In the title, in line 9, by striking "the bank commissioner" and inserting "financial institutions"; in line 10, after "amending" by inserting: "K.S.A. 17-5601 and"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 67** be amended on page 6, after line 13, by inserting the following:

"Sec. 3. K.S.A. 2000 Supp. 8-1567a is hereby amended to read as follows: 8-1567a. (a) It shall be unlawful for any person less than 21 years of age to operate or attempt to operate a vehicle in this state with a breath or blood alcohol content of .02 or greater.

(b) Whenever a law enforcement officer determines that a breath or blood alcohol test is to be required of a person less than 21 years of age pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142 and amendments thereto, in addition to any other notices required by law, the law enforcement officer shall provide written and oral notice that: (1) It is unlawful for any person less than 21 years of age to operate or attempt to operate a vehicle in this state with a breath or blood alcohol content of .02 or greater; and (2) if the person is less than 21 years of age at the time of the test request and submits to and completes the test or tests and the test results show an alcohol concentration of .02 or greater, *but less than .08, on the person's first occurrence*, the person's driving privileges will be suspended for 30 days and on the person's second or subsequent occurrence, the person's driving privileges shall be suspended for one year.

(c) Any suspension and restriction of driving privileges pursuant to this section shall be in addition to any disqualification from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142 and amendments thereto.

(d) Whenever a breath or blood alcohol test is requested pursuant to K.S.A. 8-1001 and amendments thereto, from a person less than 21 years of age, and results in a test result of .02 or greater, but less than .08, a law enforcement officer's certification under this section shall be prepared. The certification required by this section shall be signed by one or more officers to certify that:

(1) (A) There existed reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or to believe that the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128 and amendments thereto, while having alcohol or other drugs in such person's system; (B) the person had been placed under arrest, was in custody or had been involved in a vehicle accident or collision; (C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001 and amendments thereto, and the oral and written notice required by this section; (D) that the person was less than 21 years of age at the time of the test request; and (E) the result of the test showed that the person had an alcohol concentration of .02 or greater in such person's blood or breath.

(2) With regard to a breath test, in addition to those matters required to be certified under subsection (d)(1), that: (A) The testing equipment used was certified by the Kansas department of health and environment; (B) the testing procedures used were in accordance with the requirements set out by the Kansas department of health and environment; and (C) the person who operated the testing equipment was certified by the Kansas department of health and environment to operate such equipment.

(e) If a hearing is requested as a result of a law enforcement officer's certification under this section, the scope of the hearing shall be limited to whether: (1) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or to believe that the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128 and amendments thereto, while having alcohol or other drugs in such person's system; (2) the person was in custody or arrested for an alcohol or drug related offense or was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death; (3) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001 and amendments thereto, and the oral and written notice required by this section; (4) the testing equipment used was reliable; (5) the person who operated the testing equipment was qualified; (6) the testing procedures used were reliable; (7) the test result determined that the person had an alcohol concentration of .02 or greater in such person's blood or breath; (8) the person was operating a vehicle; and (9) the person was less than 21 years of age at the time a test was requested.

(f) If a person less than 21 years of age submits to a breath or blood alcohol test requested pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142 and amendments thereto, and produces a test result of .02 or greater, but less than .08, *on the person's first occurrence, the person's driving privileges shall be suspended for 30 days and then restricted as provided by K.S.A. 8-1015, and amendments thereto, for an additional 330 days, and on the person's second or subsequent occurrence, the person's driving privileges shall be suspended for one year.*

(g) Except where there is a conflict between this section and K.S.A. 8-1001 and 8-1002 and amendments thereto, the provisions of K.S.A. 8-1001 and 8-1002 and amendments thereto, shall be applicable to proceedings under this section.

(h) Any determination under this section that a person less than 21 years of age had a test result of .02 or greater, but less than .08, and any resulting administrative action upon the person's driving privileges, upon the first occurrence of such test result and administrative action, shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(a) of K.S.A. 40-277 and amendments thereto.;

And by renumbering sections accordingly;

Also on page 6, in line 14, by striking "and" and inserting a comma; also in line 14, after "8-1014", by inserting "and 8-1567a";

On page 1, in the title, in line 10, after the semicolon, by inserting "suspension of driving privileges;"; also in line 10, by striking "and" the first time it appears and inserting a comma; also in line 10, after "8-1014", by inserting "and 8-1567a"; and the bill be passed as amended.

Also **SB 75** be amended on page 1, in line 42, after the period by inserting "The ranking minority member of the joint committee shall be the ranking minority member of the senate when the chairperson is a member of the senate or the ranking minority member of the house of representatives when the chairperson is a member of the house of representatives."; and the bill be passed as amended.

SB 76 be amended on page 1, in line 22, after "other", by inserting "compacts and"; in line 24, after the period, by inserting "Such other compacts shall be related to the taxing authority of the tribes or the state, the law enforcement authority of the tribes or the state or the water rights of the tribes or the state.";

On page 3, in line 8, by striking "and prospective negotiations"; and the bill be passed as amended.

SB 99 be amended on page 4, in line 22, by striking "an academic" and inserting "a school or educational"; in line 23, after "such" by inserting "school or"; in line 39, after "the" by inserting "school or";

On page 5, in line 8, by striking "vacation" and inserting "vocation"; in line 36, by striking the comma; also in line 36, by striking "state" and inserting "provide"; in line 39, by striking "The" and inserting "Whether the"; in line 40, after "(B)" by inserting "whether"; also in line 40, after "school" by inserting "or educational institution"; also in line 40, after "(C)" by inserting "whether"; in line 41, after "(D)" by inserting "whether";

On page 6, in line 28, by striking "vacation" and inserting "vocation";

On page 7, in line 19, by striking "vacation" and inserting "vocation";

On page 8, in line 15, by striking "school"; also in line 15, after "attendance" by inserting "at a school or educational institution as provided in this act";

On page 10, in line 25, before "be" by inserting "shall"; in line 31, before "Kansas" by inserting "headquarters of the"; also in line 31, by striking "the world"; in line 32, by striking "wide web" and inserting "any internet website sponsored or created by a sheriff's department or the Kansas bureau of investigation that contains such statements or information"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 186** be amended on page 1, in line 16, after "investigation" by inserting ", based upon a written complaint or other reasonably reliable written information," and the bill be passed as amended.

Committee on **Transportation** recommends **SB 280** be passed.

Also **SB 83** be amended on page 1, by striking all in lines 38 through 43;

On page 2, by striking all in lines 1 through 11;

On page 3, following line 4, by inserting the following:

"Sec. 3. K.S.A. 40-3118 is hereby amended to read as follows: 40-3118. (a) No motor vehicle shall be registered or reregistered in this state unless the owner, at the time of registration, has in effect a policy of motor vehicle liability insurance covering such motor vehicle, as provided in this act, or is a self-insurer thereof, or the motor vehicle is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such policy of motor vehicle liability insurance is provided by the school district or accredited nonpublic school. As used in this section, the term "financial security" means such policy or self-insurance. The director shall require that the owner certify ~~and provide verification of financial security~~, in the manner prescribed by K.S.A. 8-173, and amendments thereto, that the owner has such financial security, and the owner of each motor vehicle registered in this state shall maintain financial security continuously throughout the period of registration. In addition, when an owner certifies that such financial security is a motor vehicle liability insurance policy meeting the requirements of this act, the director may require that the owner or owner's insurance company produce records to prove the fact that such insurance was in effect at the time the vehicle was registered and has been maintained continuously from that date. Failure to produce such records shall be prima facie evidence that no financial security exists with regard to the vehicle concerned. It shall be the duty of insurance companies, upon the request of the director, to notify the director within 30 calendar days of the date of the receipt of such request by the director of any insurance that was not in effect on the date of registration and maintained continuously from that date.

(b) Except as otherwise provided in K.S.A. 40-276, 40-276a and 40-277, and amendments thereto, and except for termination of insurance resulting from nonpayment of premium or upon the request for cancellation by the insured, no motor vehicle liability insurance policy, or any renewal thereof, shall be terminated by cancellation or failure to renew by the insurer until at least 30 days after mailing a notice of termination, by certified or

registered mail or United States post office certificate of mailing, to the named insured at the latest address filed with the insurer by or on behalf of the insured. Time of the effective date and hour of termination stated in the notice shall become the end of the policy period. Every such notice of termination sent to the insured for any cause whatsoever shall include on the face of the notice a statement that financial security for every motor vehicle covered by the policy is required to be maintained continuously throughout the registration period, that the operation of any such motor vehicle without maintaining continuous financial security therefor is a class B misdemeanor and shall be subject to a fine of not less than \$300 and not more than \$1,000 and that the registration for any such motor vehicle for which continuous financial security is not provided is subject to suspension and the driver's license of the owner thereof is subject to suspension.

(c) The director of vehicles shall verify a sufficient number of insurance certifications each calendar year as the director deems necessary to insure compliance with the provisions of this act. The owner or owner's insurance company shall verify the accuracy of any owner's certification upon request, as provided in subsection (a).

(d) In addition to any other requirements of this act, the director shall require a person to acquire insurance and for such person's insurance company to maintain on file with the division evidence of such insurance for a period of one year when a person has been convicted in this or another state of any of the violations enumerated in K.S.A. 8-285, and amendments thereto.

The director shall also require any driver whose driving privileges have been suspended pursuant to this section to maintain such evidence of insurance as required above.

The company of the insured shall immediately mail notice to the director whenever any policy required by this subsection to be on file with the division is terminated by the insured or the insurer for any reason. The receipt by the director of such termination shall be prima facie evidence that no financial security exists with regard to the person concerned.

No cancellation notice shall be sent to the director if the insured adds or deletes a vehicle, adds or deletes a driver, renews a policy or is issued a new policy by the same company. No cancellation notice shall be sent to the director prior to the date the policy is terminated if the company allows a grace period for payment until such grace period has expired and the policy is actually terminated.

For the purposes of this act, the term "conviction" includes pleading guilty or *nolo contendere*, being convicted or being found guilty of any violation enumerated in this subsection without regard to whether sentence was suspended or probation granted. A forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

The requirements of this subsection shall apply whether or not such person owns a motor vehicle.

(e) Whenever the director shall receive prima facie evidence, as prescribed by this section, that continuous financial security covering any motor vehicle registered in this state is not in effect, the director shall notify the owner by registered or certified mail or United States post office certificate of mailing that, at the end of 30 days after the notice is mailed, the registration for such motor vehicle and the driving privileges of the owner of the vehicle shall be suspended or revoked, pursuant to such rules and regulations as the secretary of revenue shall adopt, unless within 10 days after the notice is mailed: (1) Such owner shall demonstrate proof of continuous financial security covering such vehicle to the satisfaction of the director; or (2) such owner shall mail a written request which is postmarked within 10 days after the notice is mailed requesting a hearing with the director. Upon receipt of a timely request for a hearing, the director shall afford such person an opportunity for hearing within the time and in the manner provided in K.S.A. 8-255 and amendments thereto. If, within the ten-day period or at the hearing, such owner is unable to demonstrate proof of continuous financial security covering the motor vehicle in question, the director shall revoke the registration of such motor vehicle and suspend the driving privileges of the owner of the vehicle.

(f) Whenever the registration of a motor vehicle or the driving privileges of the owner of the vehicle are suspended or revoked for failure of the owner to maintain continuous financial security, such suspension or revocation shall remain in effect until satisfactory proof

of insurance has been filed with the director as required by subsection (d) and a reinstatement fee in the amount herein prescribed is paid to the division of vehicles. Such reinstatement fee shall be in the amount of \$100 except that if the registration of a motor vehicle of any owner is revoked within one year following a prior revocation of the registration of a motor vehicle of such owner under the provisions of this act such fee shall be in the amount of \$300. The division of vehicles shall, at least monthly, deposit such fees with the state treasurer, who shall credit such moneys to the state highway fund.

(g) In no case shall any motor vehicle, the registration of which has been revoked for failure to have continuous financial security, be reregistered in the name of the owner thereof, the owner's spouse, parent or child or any member of the same household, until the owner complies with subsection (f). In the event the registration plate has expired, no new plate shall be issued until the motor vehicle owner complies with the reinstatement requirements as required by this act.

(h) Evidence that an owner of a motor vehicle, registered or required to be registered in this state, has operated or permitted such motor vehicle to be operated in this state without having in force and effect the financial security required by this act for such vehicle, together with proof of records of the division of vehicles indicating that the owner did not have such financial security, shall be prima facie evidence that the owner did at the time and place alleged, operate or permit such motor vehicle to be operated without having in full force and effect financial security required by the provisions of this act.

(i) Any owner of a motor vehicle registered or required to be registered in this state who shall make a false certification concerning financial security for the operation of such motor vehicle as required by this act, shall be guilty of a class A misdemeanor. Any person, firm or corporation giving false information to the director concerning another's financial security for the operation of a motor vehicle registered or required to be registered in this state, knowing or having reason to believe that such information is false, shall be guilty of a class A misdemeanor.

(j) The director shall administer and enforce the provisions of this act relating to the registration of motor vehicles, and the secretary of revenue shall adopt such rules and regulations as may be necessary for its administration.

(k) Whenever any person has made application for insurance coverage and such applicant has submitted payment or partial payment with such application, the insurance company, if payment accompanied the application and if insurance coverage is denied, shall refund the unearned portion of the payment to the applicant or agent with the notice of denial of coverage. If payment did not accompany the application to the insurance company but was made to the agent, the agent shall refund the unearned portion of the payment to the applicant upon receipt of the company's notice of denial.

(l) For the purpose of this act, "declination of insurance coverage" means a final denial, in whole or in part, by an insurance company or agent of requested insurance coverage.;

By renumbering sections accordingly;

Also on page 3, in line 5, following "8-129" by inserting "and 40-3118";

In the title, in line 10, following "8-129" by inserting "and 40-3118"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 177** be amended on page 2, in line 23, following "Is" by inserting "newly constructed and"; by striking all in line 24; in line 26, by striking "(3)" and inserting "(2)"; following line 30, by inserting the following:

"(f) Additional generating capacity achieved through efficiency gains by refurbishing or replacing existing equipment at generating facilities placed in service before January 1, 2001, shall not qualify under subsection (e).";

Also on page 2, in line 32, following "means" by inserting "all or any portion of"; following line 38, by inserting the following:

"(c) For purposes of property and ad valorem taxes, independent power producer property of the nature itemized in federal energy regulatory commission plant accounts (1) 312, 313, 314, 315 and 316; (2) 322, 323, 324 and 325; (3) 332, 333, 334, 335 and 336; or (4) 342, 343, 344, 345 and 346 of the code of federal regulations (18 C.F.R. 101), shall be tangible personal property.;" and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

Sub SB 62; SB 155, SB 192, SB 195 reported correctly engrossed February 21, 2001.

REPORT ON ENROLLED BILLS

SR 1821 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 21, 2001.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Umbarger in the chair.

On motion of Senator Umbarger the following report was adopted:

Recommended **SB 183, SB 184, SB 218, SB 220; HB 2056** be passed.

The committee report on **SB 36** recommending a **Sub SB 36** be adopted, and the substitute bill be passed.

S Sub for HB 2035 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Brownlee on page 3, in line 2, by striking "chief executive officer or the"; in line 37, by striking "ITEC" the first time it appears and inserting "The board"; also in line 37, by striking the second "ITEC" and inserting "the board"; in line 41, by striking "ITEC" and inserting "the board";

On page 4, in line 30, by striking the period;

On page 1, in the title, in line 11, before the period by inserting "and repealing the existing section", and **S Sub for HB 2035** be passed as amended.

SB 147, SB 161, SB 196, SB 264 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 30 be amended by adoption of the committee amendments.

Senator Haley moved to amend the bill on page 1, after line 41, by inserting the following: "New Sec. 2. (a) When the appraised value of real property owned by a decedent is not greater than \$15,000 according to the most recent tax appraisal, and the decedent's estate is not subject to homestead or allowances pursuant to K.S.A. 59-401 *et seq.*, and amendments thereto, or such homestead or allowances are waived, any heir, devisee or legatee of the decedent may file a notification of interest in title in the office of the register of deeds in the county where such real property is located. Such notification of interest in title shall be in substantially the form set out in subsection (f) and shall state:

- (1) The decedent's name and the date of death;
 - (2) the address and legal description of such real property owned by the decedent;
 - (3) the name and current address of the heir, devisee or legatee filing the notification;
 - (4) the relationship between the decedent and the heir, devisee or legatee filing the notification;
 - (5) that the taxes on such real property are current and not delinquent;
 - (6) that such real property is free of liens and encumbrances; and
 - (7) that the heir, devisee or legatee filing the notification of interest in title is filing a claim to be the vested owner of such real property.
- (b) A certified copy of the decedent's death certificate shall be attached to such form.
- (c) If after three years from the date of the filing of the notification of interest in title, no other heir, devisee or legatee has petitioned the court in a probate proceeding pursuant to the Kansas probate code, the heir, devisee or legatee who filed the notification of interest in title shall be the legal owner of such real property.
- (d) If at any time during the three-year period, another heir, devisee or legatee petitions the court to establish a probate proceeding, and if during the probate proceeding the court establishes a determination of descent that allows another party to receive a share of such real property, such other party shall be liable to the heir, devisee or legatee filing the notification of interest in title for any taxes paid on such real property and reasonable maintenance and upkeep costs documented and paid by such heir, devisee or legatee.
- (e) The provisions of this section shall apply only to real property located in Wyandotte county.

(f) The notification of interest in title shall be in substantially the following form:

STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

NOTIFICATION OF INTEREST IN TITLE

I, _____, of lawful age, being
(heir, devisee or legatee)

first duly sworn state:

(1) I have attached hereto a certified copy of the decedent's death certificate which states the decedent's name and date of death as:

(Name of Decedent)

(Date of Death)

(2) The address and legal description of real property owned by decedent for which this notification is filed:

(3) The name and current address of the heir, devisee or legatee filing the notification:

(4) The relationship between the decedent and the heir, devisee or legatee filing notification:

(5) The taxes on such real property are not delinquent and are currently being paid by the heir, devisee or legatee.

(6) I am filing notification of interest in title and am filing a claim to be the vested owner of such real property.

(heir, devisee or legatee)
STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

The foregoing instrument was acknowledged before me this _____ day of _____, year _____ by _____
SUBSCRIBED AND SWORN to before me on _____

(Notary Public)

My Appointment Expires: _____;

And by renumbering sections accordingly;

On page 1, in the title, in line 10, after "concerning" by inserting "probate; relating to"; also in line 10, by striking "; relating to" and inserting a comma; in line 11, after the semicolon, by inserting "transfer upon death of owner of real property";
The motion failed and the amendment was rejected.

The Committee recommended **SB 30** be passed as amended.

SB 254 be amended by adoption of the committee amendments, be further amended by motion of Senator Schmidt as amended by Senate Committee, on page 2, in line 12, by striking "The"; by striking all in lines 13 and 14;

Also on page 2, after line 18, by inserting:

"(c) The secretary of agriculture shall adopt rules and regulations establishing procedures for payment and collection of all environmental assessments.

(d) The secretary of agriculture shall have the authority to reimburse or refund a person if an error occurred in the payment of an assessment.";

Also on page 2, in line 38, after "pay" by inserting "or has not paid", and **SB 254** be passed as further amended.

SB 237 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 30; Sub SB 36; SB 147, SB 161, SB 183, SB 184, SB 196, SB 218, SB 220, SB 254, SB 264; S Sub HB 2035; HB 2056** were advanced to Final Action and roll call.

SB 30. An act concerning wills or trusts; relating to invalidity of certain provisions, exceptions; amending K.S.A. 59-605 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 36. An act concerning agriculture; relating to the farm animal and field crop and research facilities protection act; criminal and civil penalties and recovery of damages; amending K.S.A. 47-1825, 47-1826, 47-1827 and 47-1828 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Lyon.

The substitute bill passed.

SB 147. An act concerning wildlife and parks; relating to certain fees; amending K.S.A. 32-988 and 32-1172 and repealing the existing sections.

On roll call, the vote was: Yeas 28, Nays 12, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Barone, Feleciano, Gilstrap, Gooch, Haley, Hensley, Huelkamp, Lyon, O'Connor, Pugh, Salmans, Wagle.

The bill passed, as amended.

SB 161. An act concerning school districts; authorizing boards of education to adopt policies relating to the use of credit or debit cards.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 183. An act concerning the Kansas storage tank act; relating to funds; amending K.S.A. 2000 Supp. 65-34,123 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 184. An act concerning natural resources; creating the natural resources damages trust fund.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 196. An act authorizing the state board of regents to sell and convey certain tracts of real estate located in Riley county and in Nemaha county, Kansas, for and on behalf of Kansas state university and prescribing the deposition of the proceeds thereof.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 218. An act concerning elections; relating to provisional ballots; amending K.S.A. 25-409 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 220. An act concerning at-risk pupil weighting; relating to mastery of basic reading skills; amending K.S.A. 2000 Supp. 72-6414 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Lyon, O'Connor.

The bill passed.

SB 254. An act concerning environmental remediation; relating to fees of pesticide dealers; amending K.S.A. 2000 Supp. 2-3708 and 2-3713 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 264. An act concerning the equus beds groundwater management district no. 2; relating to the powers, duties and operation of the district; amending K.S.A. 82a-1021 and K.S.A. 2000 Supp. 79-201a and 79-3606 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-

skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

S Sub for HB 2035, An act enacting the KAN-ED act; providing for establishment and maintenance of a broadband technology-based network for certain schools, libraries and hospitals; amending K.S.A. 2000 Supp. 75-7203 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: O'Connor, Tyson.

The substitute bill passed, as amended.

HB 2056, An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the legislative coordinating council; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

CHANGE OF REFERENCE

The President withdrew **SB 145, SB 191, SB 313** from the Committee on Education, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 210, SB 211, SB 217, SB 277, SB 285, SB 314** from the Committee on Elections and Local Government, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 177** from General Orders, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 14, SB 88, SB 128, SB 131, SB 141, SB 159, SB 205, SB 206, SB 208, SB 215, SB 235, SB 236, SB 263, SB 291, SB 302, SCR 1604** from the Committee on Judiciary and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 149** from the Committee on Public Health and Welfare, and referred the bill to the Committee on Ways and Means.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Thursday, February 22, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

