

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 7, 2006—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Your apostle Paul laid down some startling principles on how to deal with our friends and our enemies. Due to the length of these admonitions, I ask You, O God, to let me present them in two parts, with the remainder to be concluded tomorrow.

Love must be sincere. Hate what is evil; cling to what is good. Be devoted to one another in brotherly love. Honor one another above yourselves. Never be lacking in zeal, but keep your spiritual fervor, serving the Lord. Be joyful in hope, patient in affliction, faithful in prayer. Share with God's people who are in need. Practice hospitality.

Bless those who persecute you; bless and do not curse. Rejoice with those who rejoice; mourn with those who mourn. Live in harmony with one another. Do not be proud, but be willing to associate with people of low position. Do not be conceited. (Romans 12:9-16)

Help us to apply these principles of maintaining successful relationships, O God, at all times.

I pray in the name of Jesus Christ,
AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 587, An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of certain gaming facilities, electronic gaming machines and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 60-2102, 74-8702, 74-8710, 74-8716, 74-8723, 74-8810, 74-8814, 74-8823, 74-8830, 74-8832 and 74-8838 and K.S.A. 2005 Supp. 12-4516, 19-101a, 21-4619, 74-8711 and 79-4805 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 588, An act establishing the Kansas technical college and vocational education school commission; concerning duties and related matters, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 585**.

Education: **SB 584**.

Ways and Means: **SB 586**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2573**.

Also, passage of **SB 325**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2573 was thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1820, SR 1821 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 7, 2006.

REPORTS OF STANDING COMMITTEES

Committee on **Elections and Local Government** recommends **HB 2118**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 15 through 35 and inserting the following:

“Section 1. K.S.A. 2005 Supp. 25-1122 is hereby amended to read as follows: 25-1122.

(a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, and such voter is a first-time voter, such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(d) If a first-time voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter's name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (c) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (e) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(f) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

~~In any county having a population exceeding 250,000,~~ The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(g) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(h) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer

stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(i) If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(j) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.

(k) The secretary of state may adopt rules and regulations defining valid forms of identification.

Sec. 2. K.S.A. 2005 Supp. 25-1122 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.;

Also on page 1, in the title, in line 10, by striking all after "concerning"; in line 11, by striking all before "and" and inserting "elections; relating to advance voting; amending K.S.A. 2005 Supp. 25-1122"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 575** be amended on page 2, in line 2, by striking "The" and inserting "Except as provided by subsection (c), the"; in line 6, by striking "The" and inserting "Except as provided by subsection (c), the"; preceding line 11, by inserting:

"(c) The authority shall not have the power to take property by eminent domain.;"

On page 3, in line 3, by striking "government or any agency or instrumentality thereof" and inserting "or state government or any local government, or any agency thereof, or from any other public or private entity,;" in line 5, by striking "government" and inserting "or state government or any local government, or any agency thereof, or any other public or private entity,;" and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 322**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 322," as follows:

"Substitute for SENATE BILL No. 322

By Committee on Financial Institutions and Insurance

"AN ACT relating to the Kansas automobile injury reparations act; concerning certain penalties; amending K.S.A. 40-3104 and repealing the existing section.;" and the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2104** be amended on page 1, in line 14, by striking "(1)" and inserting "(a)"; by striking all in lines 26 through 37 and inserting the following:

"(b) In order for any interest owner to claim the security interest provided by this section, an affidavit of production must be filed as prescribed by K.S.A. 55-205, and amendments thereto, which affidavit must show that a well or wells capable of producing in paying quantities have been completed on the pertinent oil and gas lease or leases and lands covered thereby. This filing is effective as a financing statement covering as-extracted collateral as provided by K.S.A. 2005 Supp. 84-9-501, and amendments thereto, and the security interest provided by this section is perfected as of the date of recording. There is no requirement of refiling every five years to maintain the effectiveness of the filing.;"

Also on page 1, in line 38, by striking "(3)" and inserting "(c)"; in line 41, by striking "(a)" and inserting "(1)"; in line 42, by striking "(i)" and inserting "(A)";

On page 2, in line 2, by striking “(5)” and inserting “(e)”; in line 4, by striking “(ii)” and inserting “(B)”; in line 6, by striking “(iii)” and inserting “(C)”; in line 7, by striking “(b)” and inserting “(2)”; also in line 7, by striking “2004” and inserting “2005”; in line 9, by striking “(4)” and inserting “(d)”; in line 12, by striking “subsection (a)(i)” and inserting “subsection (c)(1)(A)”; in line 14, by striking “2004” and inserting “2005”; in line 16, by striking “(5)” and inserting “(e)”; in line 20, by striking “2004” and inserting “2005”; in line 24, by striking “(6)” and inserting “(f)”; in line 25, by striking “over other article 9 security interests”; in line 26, by striking “(a)” and inserting “(1)”; in line 28, by striking “2004” and inserting “2005”; in line 29, by striking all after “thereto”; in line 30, by striking all before the semicolon; in line 31, by striking “2004” and inserting “2005”; in line 34, by striking “(b)” and inserting “(2)”; also in line 34, after “liens” by inserting “created by this section”; in line 37, by striking “2004” and inserting “2005”; in line 38, by striking “(7)” and inserting “(g)”; in line 40, by striking “(a)” and inserting “(1)”; in line 41, by striking “(2)” and inserting “(b)”; in line 43, by striking “(2)” and inserting “(b)”;

On page 3, in line 4, by striking “(b)” and inserting “(2)”; in line 5, by striking “(2)” and inserting “(b)”; in line 6, by striking “(4)” and inserting “(d)”; in line 7, by striking “(c)” and inserting “(3)”; also in line 7, by striking “(4)” and inserting “(d)”; by striking all in lines 9 and 10; in line 11, by striking all before “if” and inserting the following:

“(h) The statutory lien created by this section shall not be considered a “possessory lien” as defined by K.S.A. 2005 Supp. 84-9-333, and amendments thereto. The provisions of K.S.A. 2005 Supp. 84-9-333, and amendments thereto, shall not apply to the statutory lien created by this section. However.”; in line 16, by striking “(9)” and inserting “(i)”; in line 18, by striking “2004” and inserting “2005”; in line 20, by striking “(10)” and inserting “(j)”; in line 26, by striking “2004” and inserting “2005”; in line 28, by striking “(11)” and inserting “(k)”; in line 35, by striking “(12)” and inserting “(l)”; in line 39, by striking “(a)” and inserting “(1)”; in line 43, by striking “(b)” and inserting “(2)”;

On page 4, in line 3, by striking “(c)” and inserting “(3)”; in line 5, by striking “(13)” and inserting “(m)”; in line 8, by striking “(a)” and inserting “(1)”; in line 9, by striking “2004” and inserting “2005”; in line 11, by striking “(b)” and inserting “(2)”; in line 13, by striking “(c)” and inserting “(3)”; in line 17, by striking “(d)” and inserting “(4)”; in line 22, by striking “(14)” and inserting “(n)”; in line 25, by striking “(15)” and inserting “(o)”; in line 31, by striking “(16)” and inserting “(p)”; in line 32, by striking “(a)” and inserting “(1)”;

On page 5, in line 1, by striking “(b)” and inserting “(2)”; in line 6, by striking “(c)” and inserting “(3)”; in line 26, by striking “(d)” and inserting “(4)”; in line 29, by striking “(e)” and inserting “(5)”; in line 36, by striking “2004” and inserting “2005”; in line 41, by striking “2004” and inserting “2005”;

On page 6, in line 8, by striking “2004” and inserting “2005”; in line 9, by striking “2004” and inserting “2005”; in line 31, by striking “2004” and inserting “2005”; in line 38, by striking “2004” and inserting “2005”;

On page 7, in line 15, by striking “2004” and inserting “2005”; in line 21, by striking “2004” and inserting “2005”; in line 33, by striking “2004” and inserting “2005”; in line 35, by striking “2004” and inserting “2005”;

In the title, in line 10, by striking “2004” and inserting “2005”; and the bill be passed as amended.

Also, **HB 2616** be amended on page 1, in line 42, by striking “waives” and inserting “and the state waive”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2705**, **HB 2758**; **HB 2951**, as amended by House Committee of the Whole, be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Utilities** recommends **HB 2927** be passed.

Committee on **Ways and Means** recommends **SB 579** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 8, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

