

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 16, 2010—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,

We are thankful for the Sergeant-At-Arms and his staff who keep order inside and outside the chambers.

Please bless the following men:

Jody Kirkwood	Sergeant-At-Arms
Roger L. Zlatnik	Assistant Sergeant
George E. Sommers	Assistant Sergeant
Joe Hefner	Doorkeeper
Charles D. Huntsman	Doorkeeper
Larry Carr	Doorkeeper
Harlan Hunt	Doorkeeper
Carl Merrill Lovendahl	Doorkeeper
Steve LaGrone	Doorkeeper
Ed Porubsky	Doorkeeper

I ask you, Lord, to take care of each one of these men and continue to use them for the watchcare over the Senate Chambers.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 578, An act concerning the Kansas cigarette and tobacco products act; violations of act; licensing of retail dealers; amending K.S.A. 79-3304, 79-3309, 79-3371, 79-3373, 79-3374, 79-3375, 79-3377, 79-3378 and 79-3379 and K.S.A. 2009 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3316, 79-3321 and 79-3333 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 79-3310c, by Committee on Federal and State Affairs.

SB 579, An act regulating traffic; concerning sun screening devices; providing for certain exemptions; amending K.S.A. 8-1749a and repealing the existing section, by Committee on Ways and Means.

SB 580, An act concerning the division of post audit; amending K.S.A. 2009 Supp. 46-1118 and 46-1132 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 46-1130, by Committee on Ways and Means.

SB 581, An act transferring the charge, care, management and control of the Hiram Price Dillon House to the Kansas arts commission; prescribing certain powers, duties and func-

tions for the commission; amending K.S.A. 75-3682 and K.S.A. 2009 Supp. 41-719 and 75-3683 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:

Assessment and Taxation: **HB 2578**.

Transportation: **SB 577**.

CHANGE OF REFERENCE

The President withdrew **SB 195** from the Committee on **Judiciary**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1843—

A RESOLUTION recognizing the accomplishments of the Kansas Center for Safe and Prepared Schools and urging Kansas school boards to maintain an atmosphere of safety in schools and to remain prepared for the unknown.

WHEREAS, The Kansas Center for Safe and Prepared Schools (KC-SPS) was created in 2009 to provide a central office to coordinate safety and preparedness activities within the schools. The Center was developed as a coordinated effort with other state agencies after a need was recognized among superintendents across the state; and

WHEREAS, The mission of the KC-SPS is to coordinate, recommend and implement resources and training that will improve safe and prepared learning environments for Kansas schools. The Center will provide leadership in assisting schools in the prevention of, preparation for, response to and recovery from crisis events that impact schools and their communities; and

WHEREAS, The KC-SPS believes that schools have a duty to provide a safe and prepared learning environment for the students, staff and patrons so that when a crisis occurs, they are ready. They seek to improve school safety and preparedness in ways that have minimal or no money costs to local schools; and

WHEREAS, School crisis events are community events, and as such, the worlds of education, emergency management and first responders should work together in advance of and continually for crisis events. Training needs to be continuous due to the changing nature of the school environment; and

WHEREAS, The KC-SPS has accomplished much since its creation, including presenting mini-grants for preparedness activities, equipment and supplies; distributing classroom and building crisis kits; creating a model school crisis plan that can be used as a guide by Kansas schools when they update their plans, and many other achievements; and

WHEREAS, The KC-SPS recognizes the positive connection between academic success and a safe and prepared learning environment, as well as that on any given day 20% or more of Kansans are gathered in a school setting, giving schools a heavy responsibility to the community to be prepared if a crisis should occur: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the achievements of the Kansas Center for Safe and Prepared Schools and encourage school boards to be prepared for the unknown within available resources and urge schools to maintain an atmosphere that makes students feel comfortable and safe, in order to create academic success and peace of mind for the community in times of crisis; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Schodorf for presentation to the Kansas Center for Safe and Prepared Schools.

On emergency motion of Senator Schodorf **SR 1843** was adopted unanimously.

Senator Schodorf introduced Major General Tod M. Bunting and Dr. Bob Hull in recognition of their support of the accomplishments of the Kansas Center for Safe and Prepared Schools. Jerry Tenbrink, Chris Tuck, Terri Ploger, Jordan McCool and Kelvin McCool were acknowledged for their support of the program.

REPORT ON ENROLLED BILLS

SB 398, SB 409, SB 438, SB 451, SB 489 reported correctly enrolled, properly signed and presented to the Governor on March 15, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2508**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2508," as follows:

"SENATE Substitute for HOUSE BILL No. 2508

By Committee on Agriculture

"AN ACT concerning motor vehicle fuel; relating to blending of fuels."; and the substitute bill be passed.

Also, **HB 2566** be amended on page 9, after line 18, by inserting the following:

"Sec. 16. K.S.A. 2009 Supp. 65-771 is hereby amended to read as follows: 65-771. As used in this act:

(a) "Adulterated" has the same meaning as provided in K.S.A. 65-664, and amendments thereto.

(b) "*Bulk milk pick up tanker*" means a vehicle including the truck, tank and those appurtenances necessary for such vehicle's use, used by a bulk milk hauler or sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station or transfer station.

(c) "Dairy manufacturing plants" means any place where dairy products, grade A milk or milk products are manufactured or prepared for sale or distribution, either at wholesale or retail. This term shall not include a licensed food service establishment which is licensed to manufacture homemade ice cream pursuant to this act.

(d) "Dairy products" means products which may be made from milk or cream for manufacturing purposes and which are not required to meet grade A standards, including butter, cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk, whole or skim, condensed whole milk, condensed skim milk, sweetened or plain, frozen dairy dessert, and frozen dairy dessert mixes and such other products as may be otherwise designated by rules and regulations.

(e) "Frozen dairy dessert" means and includes products containing milk or cream and other ingredients which are frozen or semi-frozen prior to consumption, such as ice cream, ice milk or sherbet, including frozen dairy desserts for special dietary purposes.

(f) "Frozen dairy dessert mix" means the pasteurized unfrozen combination of all ingredients with or without fruits, fruit juices, candy, nut meats, flavor or harmless color which makes a frozen dairy dessert.

(g) "Goat milk" means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy goats. Goat milk sold in retail packages shall contain not less than 2.5 % milkfat and not less than 7.5 % milk solids not fat. Goat milk shall be produced according to the sanitary standards of this act.

(h) "Grade A pasteurized milk" means pasteurized milk which has at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The milk shall meet the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk does not have at least a 90% survey rating.

(i) "Grade A pasteurized milk products" means all pasteurized milk products which have at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The pasteurized milk products shall meet the requirements for grade A under rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk

products within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk products do not have at least a 90% survey rating.

(j) "Grade A raw milk for pasteurization" means milk having at least 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation, the raw milk meeting the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A raw milk for pasteurization within the statewide system of milk inspection and regulatory services, although such milk does not have at least a 90% survey rating.

(k) "Imminent health hazard" means any condition which involves milk, milk products, or dairy products, or any practice or procedure in the handling, transportation, storage, processing or manufacturing of a milk, milk product or dairy product which poses a significant threat of danger to the public health which should be corrected immediately to prevent injury or sickness and which should not be permitted to continue while a hearing or other proceeding is being conducted. An imminent health hazard may be declared at any point in a chain of events which ultimately may result in harm or danger to the public health. The occurrence of the final anticipated injury or other disease related condition shall not be a prerequisite for the establishment of the existence of an imminent health hazard.

(l) "In package form" means any commodity put up or packaged in any manner in advance of sale so as to constitute a unit quantity of the commodity for either wholesale or retail sale, exclusive of any auxiliary container enclosing such packages which individually conform to the requirements of this act.

(m) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultrapasteurized, and shall contain not less than 8.25% milk solids not fat and not less than 3.25% milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized. Milk shall be interpreted to include goat milk.

(n) "Milk distributor" means any person who first sells or offers for sale in Kansas any packaged grade A pasteurized milk, milk product, or dairy product.

(o) "Milk hauler/sampler" means any person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant or both, receiving station or transfer station and has in their possession a permit from any state to sample such products.

(p) "Milk inspection and regulatory services" means the inspection, sampling, laboratory testing and the administrative procedures relating thereto, necessary to determine that the production, processing, distribution and sale of grade A milk, milk products, and dairy products comply with the requirements of this act and any rules and regulations adopted hereunder.

(q) "Milk or cream for manufacturing purposes" means raw milk or raw cream which is not subject to grade A standards and which is produced for processing and manufacturing into dairy products for human consumption. Milk for manufacturing purposes may contain less than 3.25% of butterfat and shall be delivered pure, sweet and clean.

(r) "Milk or cream receiving station" means any place where milk or cream may be received, collected, handled, processed, stored or collected and prepared for further transporting.

(s) "Milk or cream transfer station" means any place where milk or cream are transferred directly from one milk tank truck to another.

(t) "Milk plant" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultrapasteurized, aseptically processed, condensed, dried, packaged or prepared for distribution.

(u) "Milk processor" means any person who operates any place, premises or establishment where grade A raw milk for pasteurization or milk or cream for manufacturing purposes is processed, pasteurized, bottled or prepared for distribution.

(tt) (v) "Milk producer" means any person who owns or operates a dairy farm and who provides, sells or offers for sale grade A raw milk for pasteurization or milk or cream for manufacturing purposes to a milk plant, receiving station or transfer station.

(tt) (w) "Milk products" means cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat skim milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat skim milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat skim milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat skim milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat skim milk, aseptically processed and packaged milk and milk products, milk, reduced fat or lowfat milk or nonfat skim milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined herein. Milk products also include those dairy foods made by modifying the federally standardized products listed in this section in accordance with 21 C.F.R. 130.10, requirements for foods named by use of a nutrient content claim and a standardized term. Milk and milk products which have been retort processed after packaging or which have been concentrated, condensed or dried are included in this definition only if they are used as an ingredient to produce any milk or milk product defined herein or if they are labeled as Grade A as adopted and described by rules and regulations promulgated under this act. Except as otherwise provided, the term milk shall not include dietary products, infant formula, ice cream or other desserts, butter or cheese.

(x) "Milk tank truck" means the term used to describe both a bulk milk pick up tanker and a milk transport tank.

(y) "Milk tank truck cleaning facility" means any place, premises or establishment, other than a milk plant, receiving station or transfer station, where a milk tank truck is cleaned and sanitized.

(z) "Milk transport tank" means a vehicle including the truck and tank, used by a bulk milk hauler or sampler to transport bulk shipments of milk and milk products from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

(aa) "Milk transportation company" means the person, business or entity responsible for a milk tank truck.

(ab) (bb) "Misbranded" has the same meaning as ascribed to it in K.S.A. 65-665, and amendments thereto.

(ac) (cc) "On-farm retail sales of milk or milk products" means the sale of milk or milk products on the farm by the producer from the production of the dairy herd to the final consumer, so long as the person making such sales does not promote the sale of milk or milk products to the public in any manner other than by the erection of a sign upon the premises of the dairy farm. The advertisement upon any such sign shall state that such milk or milk products are raw and shall be in letters of a uniform size. Each container in which any unpasteurized milk is sold or offered for sale shall be clearly labeled as ungraded raw milk.

(ad) (dd) "Pasteurized" has the same meaning as ascribed to it in 21 C.F.R. 131.3 and 135.3.

(ae) (ee) "Person" means any individual, plant operator, partnership, corporation, company, firm, trustee, association or institution.

(af) (ff) "Plant fabricating single service articles" means any place which manufactures single service articles which are expected to come in contact with grade A milk or grade A milk products.

(ag) (gg) "Secretary" means the secretary of the Kansas department of agriculture, or the secretary's designee.

~~(bb)~~ (hh) "Single service article or container" means any container having a milk or milk product-contact surface and used in the packaging, handling, storage or servicing of grade A milk and is intended for one usage only.

Sec. 17. K.S.A. 65-777 is hereby amended to read as follows: 65-777. (a) The secretary, through the department of agriculture's laboratory, may test any sample of milk, milk product or dairy product for bacteria or somatic cells or perform any other test required by this act or any rules and regulations promulgated under this act.

(b) The secretary is hereby authorized to establish by rules and regulations a schedule of fees for such tests performed by the laboratory ~~which are not performed for regulatory purposes.~~

Sec. 18. K.S.A. 2009 Supp. 65-778 is hereby amended to read as follows: 65-778. (a) Any person who engages in business as a dairy manufacturing plant shall first apply for and obtain a dairy manufacturing plant license from the secretary and shall pay a license fee of \$120, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$155~~ \$200.

(b) Any person who engages in business as a distributor of milk, milk products or dairy products shall first apply for and obtain a milk distributor license from the secretary and shall pay a license fee of \$120, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$155~~ \$200. No milk distributor license shall be required for a licensed dairy manufacturing plant which distributes only those products which it manufactures.

(c) Any person who engages in business as a milk hauler shall first apply for and obtain a milk hauler license from the secretary and shall pay a license fee of \$25 or commencing July 1, 2002, and ending June 30, 2015, a license fee of \$35. As part of the application, the secretary may require the applicant to be tested regarding proper procedures for sampling, testing and weighing milk or cream and state laws and rules and regulations.

(d) Any person who operates a milk or cream transfer station or milk or cream receiving station shall first apply for and obtain a milk or cream station license from the secretary and shall pay a license fee of \$50, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$65~~ \$100.

(e) Any person who engages in business as a manufacturer of single service dairy containers or manufacturer of single service dairy container closures shall first apply for and obtain a single service manufacturing license from the secretary and shall pay a license fee of \$50, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$65~~ \$100.

(f) *Any person who operates a milk tank truck cleaning facility shall first apply for and obtain a milk tank truck cleaning facility license from the secretary and shall pay a license fee of \$100.*

(g) Any license issued under this section shall be renewed annually.

(h) The dairy manufacturing plant license, milk distributor license, milk tank truck cleaning facility license, milk or cream station license and single service manufacturing license shall expire on December 31 of the year for which it was issued unless suspended or revoked by the secretary pursuant to this act. The milk hauler license shall expire on June 30 following the date of issuance unless suspended or revoked by the secretary pursuant to this act.

~~(i)~~ (i) No license issued under this section shall be transferable. No license shall be renewed if any assessments or fees required under this act are delinquent.

~~(j)~~ (j) Each applicant for a license *or for the renewal of such license* shall submit an application on a form supplied by the secretary accompanied by the license fee. All licenses shall be conspicuously displayed in the applicant's place of business.

(k) The secretary is authorized and directed to reduce any license fee in subsections (a) through (f) whenever the secretary determines that such fee is yielding more than is necessary for administering the provisions of this act. The secretary is authorized to increase any license fee in subsections (a) through (f), when such license fee is necessary to produce sufficient revenues for administering the provisions of this act. License fees in subsections (a) through (f) shall not be increased in excess of the amounts provided in this section.

Sec. 19. K.S.A. 2009 Supp. 65-781 is hereby amended to read as follows: 65-781. The following fees for the statewide system of milk inspection and regulatory services are hereby established:

(a) A fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of \$.015 for each 100 pounds of milk produced by milk producers under Kansas grade A inspection

shall be paid. Each producer is hereby charged with such fee which shall be paid to the milk producers' cooperative, milk processor or milk distributor to whom the milk is sold or delivered. Each cooperative, processor or distributor is hereby charged with the duty of collecting such fees which shall be remitted to the secretary.

(b) A fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$.015~~ \$.02 for each 100 pounds of packaged grade A pasteurized milk or milk products sold in Kansas at retail to the final consumer shall be paid. Each distributor is hereby charged with such fee which shall be remitted to the secretary.

(c) A fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$.015~~ \$.02 per 100 pounds or fraction thereof of grade A raw milk for pasteurization delivered to a milk processor within the state of Kansas which is processed into grade A milk or grade A milk products shall be paid. Each milk processor is hereby charged with such fee which shall be remitted to the secretary.

(d) A milk fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of \$.015 per 100 pounds of milk or cream for manufacturing purposes produced by milk producers under Kansas manufacturing grade milk inspection shall be paid. Each producer is hereby charged with such fee which shall be paid to the milk producers' cooperative, dairy manufacturing plant or any other person to whom the milk or cream for manufacturing purposes is sold or delivered. Each cooperative, dairy manufacturing plant or other person is hereby charged with the duty of collecting such fees which shall be remitted to the secretary.

(e) A fee of \$.0075, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$.01~~ \$.02 per 100 pounds of Kansas produced milk or cream for manufacturing purposes or other Kansas produced milk delivered to a dairy manufacturing plant shall be paid on all Kansas milk used in the manufacturing of dairy products. As used in this subsection, the term dairy products shall not include any frozen dairy dessert or frozen dairy dessert mix. Each dairy manufacturing plant shall pay such fee which shall be remitted to the secretary.

(f) In lieu of the fee prescribed in subsection (e), a fee of \$1, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$1.50~~ \$2 per thousand gallons of frozen dairy dessert or frozen dairy dessert mix shall be paid by the manufacturer thereof. Each manufacturer of frozen dairy dessert or frozen dairy dessert mix is hereby charged with such fee which shall be remitted to the secretary. Frozen dairy dessert mix which is further processed into the corresponding frozen dairy dessert by the manufacturer of the frozen dairy dessert mix shall not be subject to the fee required by this subsection.

(g) A fee of \$1, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$1.50~~ \$2 per thousand gallons of frozen dairy dessert or frozen dairy dessert mix imported for retail sale in Kansas shall be paid by the milk distributor who imports these products.

(h) *A fee of \$50 for the annual inspection of a milk tank truck as required by this act. The milk transportation company that owns or leases the milk tank truck shall pay such fee which shall be remitted to the secretary.*

(i) If any fee computed pursuant to subsection (a) through (e) is less than \$2.50, then the sum of \$2.50 shall be paid in lieu of the computed fee. If any fee computed pursuant to subsection (f) or (g) is less than \$7.50, a minimum fee of \$7.50 shall be paid in lieu of the computed fee.

~~(j)~~ (j) All fees established herein shall be paid to the secretary in the following manner:

(1) The fees established in subsections (a) and (c) through (e) shall be remitted on or before the 30th day of each month for the calendar month immediately preceding and shall be accompanied by a report, in the form prescribed by the secretary, indicating the quantities upon which the remittance is based.

(2) The fees established in subsections (b), (f) and (g) shall be remitted on April 30, July 31, October 31 and January 31 for the three calendar months immediately preceding and shall be accompanied by a report, in the form prescribed by the secretary, indicating the ~~quantity of frozen dairy dessert or frozen dairy dessert mix~~ quantities upon which the remittance is based.

(3) *The fee established in subsection (h) shall be remitted within 60 days from the date of inspection.*

⌘ (k) Any person who fails to remit all or any part of the required fee or to submit the required report by the date due may be assessed an additional charge equal to 1% of the amount of delinquent fees for each day after the date due, or \$5, whichever amount is greater.

(l) *The secretary is hereby authorized and directed to reduce any inspection fee in subsections (a) through (h) whenever the secretary determines that such fee is yielding more than is necessary for administering the provisions of this act. The secretary is authorized to increase any inspection fee in subsections (a) through (h) when such inspection fee is necessary to produce sufficient revenues for administering the provisions of this act. License fees in subsections (a) through (h) shall not be increased in excess of the amounts provided in this section.*;

And by renumbering the remaining sections accordingly;

On page 9, in line 20, by striking “and” and inserting a comma; also in line 20, after “65-686” by inserting “and 65-777”; in line 21, after “65-657” by inserting “, 65-771, 65-778 and 65-781”;

In the title, in line 9, by striking all after “concerning”; by striking all in line 10; in line 11, by striking “form certain duties” and inserting “agriculture”; in line 13, by striking “and” where it appears the first time, and inserting a comma; also in line 13, after “and” where it appears the second time, by inserting “65-777 and”; also in line 13, after “65-657” by inserting “, 65-771, 65-778 and 65-781”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2160**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2160,” as follows:

“SENATE Substitute for HOUSE BILL No. 2160

By Committee on Financial Institutions and Insurance

“AN ACT concerning insurance; providing coverage for autism spectrum disorder; amending K.S.A. 2009 Supp. 75-6501 and repealing the existing section. and the substitute bill be passed.

Also, **SB 167** be amended on page 1, in line 32, by striking “\$20,000” and inserting “\$10,000”; in line 35, by striking “\$20,000” where it appears the first time and inserting “\$10,000”; also in line 35, by striking “\$20,000” where it appears the second time and inserting “\$10,000”; in line 37, by striking “\$20,000” and inserting “\$10,000”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2454** be amended on page 7, in line 42, after “offender” by inserting “possessed,”; and the bill be passed as amended.

Also, **Substitute for HB 2528**, as amended by House Committee of the Whole, be amended on page 2, in line 5, by striking “default”; also in line 5, by striking “shall” and inserting “may”; in line 6, by striking “30” and inserting “60”; in line 7, after the period by inserting “No judgment may be entered against the obligor in an appearance bond more than one year after a defendant’s failure to appear.”; and the substitute bill be passed as amended.

Committee on **Local Government** recommends **HB 2698**, 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 561** be amended on page 3, in line 4, by striking “one year” and inserting “two years”; after line 5, by inserting the following:

“Sec. 4. K.S.A. 19-26,103 is hereby amended to read as follows: As used in K.S.A. 19-26,103 through 19-26,113:

(a) “County” means ~~Wyandotte~~ any county, ~~Kansas~~.

(b) “Board” means the board of trustees of the ~~Wyandotte~~ county land bank.

(c) “Bank” means the ~~Wyandotte~~ county land bank established pursuant to this act.

Sec. 5. K.S.A. 19-26,104 is hereby amended to read as follows: (a) The board of county commissioners ~~of Wyandotte county~~ may establish a county land bank by adoption of a resolution.

(b) The bank shall be governed by a board of trustees. The board of county commissioners ~~of Wyandotte county~~ may appoint the board. Commissioners may serve on or as the board of trustees. Vacancies on the board shall be filled by appointment for the unexpired term.

(c) The board of county commissioners may advance operating funds to the bank to pay expenses of the board of trustees and the bank. Members of the board of trustees shall receive no compensation, but shall be paid their actual and necessary expenses in attending meetings and in carrying out their duties as members of the board.

(d) The bank may be dissolved by resolution of the board of county commissioners. In such case, all property of the bank shall be transferred to and held by the board of county commissioners of the county and may be disposed of as otherwise provided by law.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 6, after “K.S.A.” by inserting “19-26,103 and 19-26,104 and K.S.A.”;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking “houses” and inserting “municipalities”; also in line 10, after “K.S.A.” by inserting “19-26,103 and 19-26,104 and K.S.A.”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2577**, as amended by House Committee, be passed.

Also, **SB 506** be amended on page 1, in line 15, by striking “A” and inserting “On and after July 1, 2011, a”; in line 19, by striking “Every” and inserting “On and after July 1, 2011, every”; in line 22, by striking “It” and inserting “On and after July 1, 2011, it”; in line 26, by striking “Every” and inserting “On and after July 1, 2011, every”;

On page 2, following line 36, by inserting the following:

“(f) This section shall take effect on and after July 1, 2011.”;

Also on page 2, following line 42, by inserting the following:

“(c) This section shall take effect on and after July 1, 2011.

New Sec. 6. The board shall prepare proposed rules and regulations the board deems necessary to carry out the provisions of sections 1 through 5, and amendments thereto, on or before January 1, 2011. The board shall adopt such rules and regulations to be effective on or after July 1, 2011.”;

And by renumbering sections accordingly;

Also on page 2, in line 43, preceding “K.S.A”, by inserting “On and after July 1, 2011.”;

On page 4, in line 13, preceding “K.S.A”, by inserting “On and after July 1, 2011.”; in line 18, preceding “materials”, by inserting “or consumable”; in line 31, by striking all following “the”; by striking all in lines 32 through 36; in line 37, by striking “party” and inserting “mechanical and/or other dissolution process that reduces human remains to bone fragments. Cremation includes the processing and usually includes the pulverization of the bone fragments”;

On page 5, in line 37, preceding “K.S.A”, by inserting “On and after July 1, 2011.”;

On page 6, in line 31, preceding “K.S.A”, by inserting “On and after July 1, 2011.”;

On page 8, in line 16, preceding “K.S.A”, by inserting “On and after July 1, 2011.”;

On page 9, in line 4, preceding “K.S.A”, by inserting “On and after July 1, 2011.”; in line 17, by striking “funeral”; in line 20, preceding “K.S.A”, by inserting “On and after July 1, 2011.”;

On page 11, in line 3, preceding “K.S.A”, by inserting “On and after July 1, 2011.”; in line 33, preceding “K.S.A”, by inserting “On and after July 1, 2011.”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2486** be amended on page 1, in line 21, by striking “25” and inserting “20”; in line 23, preceding the period, by inserting “except that any school bus which was in operation on the effective date of this act and exceeds such 20-year period shall be exempt until July 1, 2012”; in line 39, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 568** be passed.

COMMITTEE OF THE WHOLE

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

On motion of Senator Taddiken the following report was adopted:

Recommended **HB 2638** be passed.

HB 2440, HB 2469, Sub HB 2575, HB 2656, HB 2668 be amended by adoption of the committee amendments, and the bills be passed as amended.

Sub SB 447 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Colyer on page 1, following line 42, by inserting the following:

“(e) This section shall be known and may be cited as Lexie’s law.”

Senator Faust-Goudeau further amended **Sub SB 477** on page 13, following line 25, by inserting the following:

“(d) Each day care home shall be equipped with a fire extinguisher which shall be maintained in an operable condition in a readily accessible location.”;

Also on page 13, in line 26, by striking “(d)” and inserting “(e)” and **Sub SB 477** be passed as amended.

Senator Abrams moved to amend **Sub SB 447** on page 3, in line 31, following the period, by inserting “This definition does not apply to a situation where a care provider provides care for any number of siblings from the same household along with such care provider’s children.”

The motion failed and the amendment was rejected.

A motion to return **Sub SB 447** to committee by Senator Pilcher-Cook was rejected.

The committee report on **HB 2432** recommending a **S Sub for HB 2432** be adopted, and the substitute bill be passed.

HB 2482 be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco on page 4, in line 40, following the stricken material, by inserting “The division shall include with such notice: (1) A copy of the eyesight examination form; (2) a copy of the written examination prescribed by subsection (c); and (3) a copy of the Kansas driver’s manual, prepared pursuant to K.S.A. 8-266b, and amendments thereto.”;

On page 5, in line 29, preceding the period, by inserting “and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state”; in line 32, by striking “examination” and inserting “examinations”; in line 33, by striking “examination” and inserting “examinations”; in line 35, preceding the period, by inserting “which shall be submitted by the applicant to the division at the time such applicant applies for license renewal”;

On page 6, following line 3, by inserting “In lieu of the driver’s license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (c) and submit the completed examination to the division.”;

Also on page 6, in line 4, following the stricken “(4)”, by inserting “(4)”; by striking all in line 5; in line 6, by striking “port is” and inserting “written examination and the eyesight reported are”; by striking all in line 7, and inserting “either or both of the examinations are”; in line 12, by striking “(4)” and inserting “(5)”; in line 19, following the stricken material, by inserting “If the applicant has been denied renewal of such person’s driver’s license because such applicant failed to pass the written examination, the applicant shall pay an examination fee of \$1.50 to take the test again.”; in line 20, by striking “(5)” and inserting “(6)”; in line 25, by striking “(6)” and inserting “(7)”; in line 33, by striking “(6)” and inserting “(7)”;

Senator Umbarger moved to further amend **HB 2482** on page 5, in line 30, by striking “tests” and inserting “test”; in line 41, following “furnished” by inserting “by the division to”; also in line 41, by striking “with”; in line 42, by striking all preceding the period, and **HB 2482** be passed as further amended.

HB 2595 be amended by adoption of the committee amendments and **HB 2595** be passed as amended. Senator Schodorf moved to reconsider action on **HB 2595** and return the bill to the Committee on Education. The motion carried.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 17, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

