

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 23, 2007—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,
Some say that legislation
Requires the art of compromise;
Others say that compromise
Is just surrender in disguise.
But some maintain that compromise
Is really not a crime;
It's just one of many ways
Of simply buying time.
Still others say that compromise
Is just another way
Of one side cutting losses
To fight another day.
Many say the question is
This session what's our aim?
To just be forced to punt,
Or try to win the game?
So we pray for wisdom, Lord,
For what should be our aim?
Is this the session we should punt?
Or try to win the game?
I ask this in the Name of Jesus Christ,
AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 149, An act concerning election crimes; amending K.S.A. 25-2425 and repealing the existing section, by Senator Haley.

SB 150, An act concerning certain elections; enacting the interstate compact on the agreement among the states to elect the president by national popular vote act, by Senator Haley.

SB 151, An act relating to litter; establishing a litter hotline, by Senator D. Schmidt (By Request)

SB 152, An act concerning elections; pertaining to vacancy in the position of United States senator; amending K.S.A. 25-318, 25-3501, 25-3503, 25-3504, 25-3505, 25-3506 and 25-3507 and repealing the existing sections, by Senator Pyle.

SB 153, An act concerning certain school districts; relating to the assessed valuation thereof; repealing K.S.A. 2006 Supp. 72-6624a and 72-6625a, by Senator Teichman.

SB 154, An act concerning municipal bonds; relating to the limit on the amount of the bond issue; amending K.S.A. 10-106 and repealing the existing section, by Senator Schodorf.

SB 155, An act concerning historic preservation; relating to environs review; amending K.S.A. 2006 Supp. 75-2724 and repealing the existing section, by Senator Schodorf.

SB 156, An act enacting the Kansas professional employer organization registration act, by Committee on Commerce.

SB 157, An act concerning the department of wildlife and parks; relating to the purchase of liability insurance, by Committee on Ways and Means.

SB 158, An act concerning elections; relating to the use of optical scanning systems to count votes; amending K.S.A. 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612 and 25-4613 and repealing the existing sections; also repealing K.S.A. 25-4605, by Committee on Elections and Local Government.

SB 159, An act concerning elections; relating to advance voting ballots; amending K.S.A. 25-1121 and K.S.A. 2006 Supp. 25-1124 and 25-1128 and repealing the existing sections, by Committee on Elections and Local Government.

SB 160, An act concerning elections; relating to electronic and electromechanical voting systems; amending K.S.A. 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413 and 25-4414 and repealing the existing sections; also repealing K.S.A. 25-1307, 25-1308, 25-1309, 25-1310, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341 and 25-1343, by Committee on Elections and Local Government.

SB 161, An act concerning crimes and punishment relating to criminal penalties; amending K.S.A. 65-4162 and repealing the existing section, by Committee on Judiciary.

SB 162, An act relating to corporations; concerning certain actions taken without meeting, notice or vote, consent; amending K.S.A. 2006 Supp. 17-6518 and repealing the existing section, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1604—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the United States Congress to allow interstate marketing of state inspected meat.

WHEREAS, The Federal Wholesale Meat Act of 1967 allows states to have state meat inspection programs which are required to meet or exceed federal inspection standards of the United States Department of Agriculture for wholesomeness, cleanliness and food safety; and

WHEREAS, Kansas is in the majority of states which have elected to operate equivalent meat inspection programs allowing state-licensed and state-inspected meat processing facilities to engage in intrastate commerce. Other states are pursuing implementation of state inspection of their meat processing facilities; and

WHEREAS, State meat inspection programs are flexible and can efficiently and safely adapt their activities to small, local meat processors that cannot be duplicated by the federal inspection program because of its size and complexity; and

WHEREAS, State-inspected meat and poultry products are currently barred from interstate commerce under federal law, including neighboring local markets in other states, despite current meat safety and quality assurances, affecting long-range rural development and economic growth strategies within the meat processing industry; and

WHEREAS, Such limitation on marketing of state inspected meat inhibits economic development and value-added agricultural activities in this nation's agricultural sector; and

WHEREAS, Current policy of the National Association of State Departments of Agriculture supports the interstate shipment of state-inspected meat products: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the United States Congress to enact revisions to the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate shipment and marketing of meat products by state inspected meat processing facilities; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and each member of the Kansas Congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 140**.

Commerce: **SB 134, SB 148**.

Education: **SB 142, SB 143, SB 144**.

Elections and Local Government: **SB 133 (Separately); SB 135, SB 136**.

Financial Institutions & Insurance: **SB 137; SCR 1603**.

Judiciary: **SB 133 (Separately); SB 139**.

Natural Resources: **SB 145, SB 146**.

Transportation: **SB 147**.

Ways and Means: **SB 138, SB 141**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS INSURANCE DEPARTMENT

January 18, 2007

Pursuant to 2006 *Kan. Sess. Laws* 59(h), Sandy Praeger, Commissioner of Insurance, submitted the annual report of the Kansas Workers' Compensation Fund for 2006. Also, submitted was the 2006 Fiscal Year Report from July 1, 2005 - June 30, 2006, for the Kansas Workers' Compensation Fund - Second-Injury Fund.

KANSAS HEALTH POLICY AUTHORITY

State of Kansas Employees Health Care Commission

January 19, 2007

In compliance with K.S.A. 75-6509, Andrew Allison Ph. D, Deputy Director, Kansas Health Policy Authority, submitted the Kansas Employees Health Care Benefits Program Annual Report.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

FINAL ACTION ON CONSENT CALENDAR

SB 62 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 62, An act restricting the prescribing, ordering, dispensing, administering, selling, supplying or giving certain amphetamine or sympathomimetic amine controlled substances; amending K.S.A. 65-2837a and repealing the existing section.

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

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

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 60** be passed.

Committee on **Judiciary** recommends **SB 18** be passed.

Also, **SB 14** be amended on page 4, after line 23, by inserting the following:

“Sec. 2. K.S.A. 2006 Supp. 22-4904 is hereby amended to read as follows: 22-4904. (a)

(1) Except as provided in subsection (a)(2), within 10 days of the offender coming into any county in which the offender resides or is temporarily domiciled for more than 10 days, the offender shall register with the sheriff of the county.

(2) Within 10 days of the offender coming into any county in which the offender resides or temporarily resides for more than 10 days, any offender who has provided the information and completed and signed the registration form as required in K.S.A. 22-4905 and amendments thereto, shall verify with the sheriff of the county that the sheriff has received such offender's information and registration form.

(3) Upon registration with a school or educational institution, a nonresident student attending such school or educational institution shall register with the sheriff within 10 days of the commencement of the school term.

(4) Upon commencement of employment, a nonresident worker shall register with the sheriff within 10 days of the commencement date of employment.

(5) For persons required to register as provided in subsections (a)(1), (a)(3) and (a)(4), the sheriff shall: (A) Explain the duty to register and the procedure for registration;

(B) obtain the information required for registration as provided in K.S.A. 22-4907 and amendments thereto;

(C) inform the offender that the offender must give written notice of any change of address within 10 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(D) inform the nonresident student offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any change or termination of attendance at the school or educational institution the offender is attending, within 10 days of such change or termination;

(E) inform the nonresident worker offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any termination of employment at the offender's place of employment, within 10 days of such termination;

(F) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 10 days of such change in residence;

(G) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student;

(H) inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or have any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 10 days upon commencement of enrollment or employment;

(I) inform the offender that if there is any change or termination in attendance or employment at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 10 days of the change or termination;

(J) inform the offender of the requirement of an annual driver's license renewal pursuant to K.S.A. 8-247, and amendments thereto, and an annual identification card renewal pursuant to K.S.A. 2006 Supp. 8-1325a, and amendments thereto; and

(K) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(6) Such sheriff, within three days of receipt of the initial registration shall forward this information to the Kansas bureau of investigation.

(7) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act then all provisions of that act shall apply, except that the term of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(b) If any person required to register as provided in this act changes the address of the person's residence, the offender, within 10 days, shall inform in writing the law enforcement agency where such offender last registered of the new address.

(c) For any person required to register as provided in this act, every 90 days after the person's initial registration date during the period the person is required to register, the following applies:

(1) The Kansas bureau of investigation shall mail a nonforwardable verification form to the last reported address of the person.

(2) The person shall mail the verification form to the Kansas bureau of investigation within 10 days after receipt of the form.

(3) The verification form shall be signed by the person and shall provide the following information, as applicable, to the Kansas bureau of investigation: (A) Whether the person still resides at the address last reported; (B) whether the person still attends the school or educational institution last reported; (C) whether the person is still employed at the place of employment last reported; and (D) whether the person's vehicle registration information is the same as last reported.

(4) If the person fails to mail the verification form to the Kansas bureau of investigation within 10 days after receipt of the form, the person shall be in violation of the Kansas offender registration act.

(5) Nothing contained in this section shall be construed to alleviate any person required to register as provided in this act from meeting the requirements prescribed in subsections (a)(1), (a)(2) and (b).

(d) Any person who is required to register under this act shall report in person each year during the month of the person's birthday and during the sixth month following the person's birthday to the sheriff's office in the county in which the person resides or is otherwise located. The sheriff's office may determine the appropriate times and days for reporting by the person, consistent with this subsection. If any information reported by the person has changed and has not otherwise been updated, the person shall report those changes.

(e) Every person who is required to register under this act shall submit to the taking of an updated photograph by the sheriff's office on each occasion when the person reports to the sheriff's office in the county in which the person resides or is otherwise located.

(f) Every person who is required to register under this act shall remit payment to the sheriff in the amount of \$20 on each occasion when the person reports to the sheriff's office in the county in which the person resides or is otherwise located. *All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to reduce the amount of funding otherwise made available to the sheriff's office.*;

Also on page 4, in line 24, by striking "is" and inserting "and 22-4904 are";

And be renumbering the remaining sections accordingly;

In the title, in line 10, after "and" by inserting "22-4904 and"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1809, SR 1810 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 23, 2007.

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 Wilson in the chair.

On motion of Senator Wilson the following report was adopted:

Recommended **SB 63**, **SB 72** be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 63**, **SB 72** were advanced to Final Action and roll call.

SB 63, An act concerning filling prescriptions; amending K.S.A. 2006 Supp. 65-1637 and repealing the existing section.

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

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

The bill passed.

SB 72, An act concerning mortuary arts; relating to funeral directors and licenses; amending K.S.A. 65-1713 and K.S.A. 2006 Supp. 65-1751 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 24, 2007.

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

PAT SAVILLE, *Secretary of the Senate*.

