

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 25, 2007—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-seven senators present.
Senators Barone, Brownlee and Taddiken were excused.
Vice President Vratil introduced as guest chaplain, Rev. Scott Jones, Bishop of the Kansas Area of the United Methodist Church, who delivered the invocation:

Almighty God,

We are grateful for the many blessings we have received. More than we know, your love, your grace, and your providence have provided for us gathered in this room and for the people of Kansas. Thank you, Lord. As we begin another day in session as senators, staff and concerned citizens of Kansas, we pray for wisdom. The problems we face are many and complex, with competing interests and varying solutions. Help us know the right thing to do. We pray for courage. When we do know the right thing, help us to do it with steadiness of purpose and the willingness to oppose evil, hatred, intolerance. Help us help the people of Kansas to live up to our highest values, to aspire to the stars regardless of the difficulties. As we plan, deliberate and vote, we pray for an extra blessing of the fruit of the Spirit: love, joy, peace, patience, kindness, generosity, faithfulness, gentleness and self-control. With your help, all things are possible. In your name we pray,

Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 172, An act concerning income taxation; relating to credits; payments to public schools for textbooks and workbooks, by Committee on Assessment and Taxation.

SB 173, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6449 and repealing the existing section, by Senator Pine.

SB 174, An act relating to motor carriers; concerning certain self-propelled cranes; amending K.S.A. 66-1,108 and repealing the existing section, by Committee on Transportation.

SB 175, An act concerning health insurance; relating to assignment of insurance payments for covered services, by Committee on Federal and State Affairs.

SB 176, An act concerning dental hygienists; relating to issuance of permits, authorized practice; amending K.S.A. 2006 Supp. 65-1456 and repealing the existing section, by Committee on Public Health and Welfare.

SB 177, An act concerning the department of health and environment; relating to education and screening for congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases and disorders; assistance for certain expenses; amending K.S.A. 2006 Supp. 65-180 and repealing the existing section, by Committee on Public Health and Welfare.

SB 178, An act concerning cancer registry; relating to confidential data; amending K.S.A. 65-1,172 and repealing the existing section, by Committee on Public Health and Welfare.

SB 179, An act concerning mortuary arts; assistant funeral director's license; qualifications and examination; amending K.S.A. 65-1717 and 65-1727 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 180, An act concerning retirement and pensions; relating to taxation of certain benefits; exemptions; amending K.S.A. 74-4923 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

SB 181, An act concerning hospitals and ambulatory surgical centers; relating to disclosure of prices, by Committee on Ways and Means.

SB 182, An act relating to crimes and punishment; concerning interference with parental custody; amending K.S.A. 21-3422 and K.S.A. 2006 Supp. 21-3422a and repealing the existing sections, by Committee on Judiciary.

SB 183, An act concerning the uniform commercial code; general provisions; amending K.S.A. 16-1501, 50-682, 58-241, 60-1007, 60-2409, 61-3703, 84-2-202, 84-2a-501, 84-2a-518, 84-2a-519, 84-2a-527, 84-2a-528, 84-4-104, 84-4a-105, 84-4a-106, 84-4a-204, 84-5-103 and 84-8-102 and K.S.A. 2006 Supp. 16-1603, 16-1616, 84-2-103, 84-2a-103 and 84-9-102 and repealing the existing sections; also repealing K.S.A. 84-1-101, 84-1-102, 84-1-103, 84-1-104, 84-1-106, 84-1-107, 84-1-108, 84-1-109, 84-1-202, 84-1-203, 84-1-204, 84-1-205, 84-1-206, 84-1-207, 84-1-208, 84-1-209, 84-2-208 and 84-2a-207 and K.S.A. 2006 Supp. 84-1-105, 84-1-201 and 84-3-103, by Committee on Judiciary.

SB 184, An act concerning sexually violent predators; relating to costs of determination; amending K.S.A. 59-29a04 and repealing the existing section, by Senator Reitz.

SB 185, An act concerning firearms; amending K.S.A. 2006 Supp. 12-16,124 and 75-7c11 and repealing the existing sections, by Senator Journey.

SB 186, An act enacting the Kansas and Missouri regional mass transit district compact, by Senator Steineger.

SB 187, An act concerning the consolidation of certain counties and the political and taxing subdivisions therein; amending K.S.A. 18-146 and 18-1,105 and K.S.A. 2006 Supp. 19-205 and repealing the existing sections, by Senator Steineger.

SB 188, An act relating to wildlife; concerning commercialization of wildlife; amending K.S.A. 2006 Supp. 32-1005 and repealing the existing section, by Committee on Natural Resources.

SB 189, An act relating to hunter education; amending K.S.A. 2006 Supp. 32-920 and 32-921 and repealing the existing sections, by Committee on Natural Resources.

SB 190, An act relating to the Kansas storage tank act; concerning training for operators of underground storage tanks; funding; amending K.S.A. 65-34,110 and 65-34,114 and K.S.A. 2006 Supp. 65-34,132 and 65-34,134 and repealing the existing sections, by Committee on Natural Resources.

SB 191, An act relating to wildlife; concerning big game and wild turkey violations; amending K.S.A. 2006 Supp. 32-1032 and repealing the existing section, by Committee on Natural Resources.

SB 192, An act relating to hunting; concerning permits to take big game; amending K.S.A. 2006 Supp. 32-970 and repealing the existing section, by Committee on Natural Resources.

SB 193, An act concerning matters pertaining to the state debt, by Committee on Commerce.

SB 194, An act concerning public information; establishing training programs under the open records and open meetings acts, by Committee on Elections and Local Government.

SB 195, An act concerning certain automated telephone calls; pertaining to the use of automated telephone calls for political purposes; amending K.S.A. 25-4156 and 50-670 and repealing the existing sections, by Committee on Elections and Local Government.

SB 196, An act concerning campaign finance; pertaining to reports of certain contributions; pertaining to reports of independent expenditures, by Committee on Elections and Local Government.

SB 197, An act concerning the office of the state bank commissioner; relating to the office of administrative hearings; exception; amending K.S.A. 2006 Supp. 75-37,121 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 198, An act concerning motor vehicles; providing for the issuance of breast cancer research and outreach license plates; amending K.S.A. 2006 Supp. 8-1,141 and repealing the existing section, by Committee on Assessment and Taxation.

SB 199, An act concerning sales taxation; relating to exemptions; Jazz in the Woods, Inc.; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 200, An act concerning sales taxation; relating to exemptions; Ottawa Suzuki Strings, Inc.; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 201, An act concerning restrictions on persons maintaining or residing, working or volunteering at child care facilities or family day care homes; amending K.S.A. 2006 Supp. 65-516 and repealing the existing section; also repealing K.S.A. 2006 Supp. 65-516a, by Committee on Public Health and Welfare.

SB 202, An act concerning child care facilities; relating to definitions; amending K.S.A. 65-503 and repealing the existing section, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 164**.

Education: **SB 170, SB 171**.

Elections and Local Government: **SB 168, SB 169; HB 2019**.

Federal and State Affairs: **SB 163**.

Judiciary: **SB 166**.

Natural Resources: **HB 2002**.

Transportation: **HB 2041**.

Ways and Means: **SB 165, SB 167**.

MESSAGE FROM THE GOVERNOR

January 23, 2007

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

KATHLEEN SEBELIUS
Governor

State Banking Commissioner, John Thomas Thull pursuant to the authority vested in me by K.S.A. 75-1304, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 26** be amended on page 4, in line 36, after the period by inserting "When such claimant reports household income that is 150% or less of the homestead rental amount and such claimant has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied.";

Also on page 1, in the title, in line 10, before "amending" by inserting "income verification, renters;" and the bill be passed as amended.

Also, **SB 28** be amended on page 1, in line 13, by striking all after "person"; in line 14, by striking all before "in" and inserting "owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds \$200,000";

Also on page 1, in the title, in line 10, by striking "asset test requirement" and inserting "entitlement, limitations"; and the bill be passed as amended.

SB 34 be amended on page 2, in line 14, by striking " facade"; in line 20, after the period by inserting " "Project" includes a building facade but only when part of remodeling

repairing, enlarging or reconstructing an existing building.”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 99, SB 101** be passed.

Also, **SB 100** be amended on page 1, in line 12, by striking “develop and”; in line 13, by striking “implement” and inserting “prescribe and provide”; in line 14, by striking all following “act”; in line 15, by striking all preceding the period; also in line 15, after the period, by inserting “Any information required to be filed pursuant to this section may be filed electronically with the secretary of state in a method authorized by the secretary of state.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 13** be amended on page 1, in line 37, by striking all after “damages”; in line 38, by striking “and”; in line 39, before the period by inserting “and waives its tribal immunity, as provided in paragraph (b) of subsection (3), for any liability for damages arising from the acts, error or omissions of such tribal law enforcement agency or officer while acting pursuant to this section”; and the bill be passed as amended.

Also, **SB 66** be amended on page 2, after line 36, by inserting the following:

“(e) The executive director shall not agree to any renewal or extension of a major procurement contract unless such extension or renewal is awarded in the manner provided by this section.”;

On page 4, in line 23, by striking “certificate” and inserting “contract”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 102** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 26, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

