

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 5, 2007, 9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Wagle was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

David, the man after Your own heart, spoke to You in his 139th Psalm: "You know when I sit and when I rise; You perceive my thought from afar. You discern my going out and my lying down; You are familiar with all my ways. Where can I go from Your Spirit? Where can I flee from Your presence? If I rise on the wings of the dawn, if I settle on the far side of the sea, even there Your hand will guide me, Your right hand will hold me fast." (Psalm 139:2-3, 7, 9-10).

The essence of these Bible verses is that You, O God, are everywhere, all the time.

When legislators legislate
They are not alone.

You are always with them, Lord,
Even on the telephone.

You are always with them, Lord,
When they have the floor.
When they're watching the Super Bowl,
You always know the score!

You are there beside them
When they're driving home,
You are always with them, Lord,
Wherever they may roam.

When things are getting difficult,
You are always near.
When they're being threatened,
You will calm their fear.

Let them know You're everywhere
In Summer, Spring, and Fall.
Even in this winter's cold,
You're waiting to be called.

I pray in the Name of Jesus,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 261, An act concerning sales taxation; relating to exemptions; booth theatre foundation, inc.; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 262, An act relating to motor vehicle purchases by state agencies, by Committee on Agriculture.

SB 263, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit adjustment; amending K.S.A. 2006 Supp. 74-4920 and repealing the existing section, by Senators Hensley, Barone, Gilstrap, Goodwin, Haley and Kelly.

SB 264, An act concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section, by Senators Hensley, Barone, Francisco, Gilstrap, Haley and Kelly.

SB 265, An act concerning public works projects for state agencies; prescribing payment of minimum wages for work thereon and preferences for certain employees to work thereon, by Senators Hensley, Barone, Francisco, Gilstrap, Goodwin, Haley and Kelly.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 256**.

Federal and State Affairs: **SB 260**.

Judiciary: **SB 259**.

Natural Resources: **SB 257**, **SB 258**.

On motion of Senator D. Schmidt, the Senate recessed for the purpose of a joint session with the House of Representatives to hear a message from United States Senator Pat Roberts.

The Senate will reconvene at 3:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 266, An act relating to wildlife; concerning big game and wild turkey permits; amending and K.S.A. 2006 Supp. 32-937 and 32-969 and repealing the existing sections; also repealing K.S.A. 32-947, 32-965 and 32-966 and K.S.A. 2006 Supp. 32-938, 32-967 and 32-968, by Committee on Natural Resources.

SB 267, An act relating to wildlife; defining the crime of failure to comply with a wildlife and parks citation; amending K.S.A. 2006 Supp. 32-1054 and repealing the existing section, by Committee on Natural Resources.

SB 268, An act relating to crimes and punishment; concerning use of force; amending K.S.A. 2006 Supp. 21-3211 and 21-3212 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 21-3218 and 21-3219, by Committee on Judiciary.

SB 269, An act amending the revised Kansas code for care of children; relating to service of process; amending K.S.A. 2006 Supp. 38-2237 and repealing the existing section, by Committee on Judiciary.

SB 270, An act concerning controlled substances; relating to ephedrine and pseudoephedrine; amending K.S.A. 2006 Supp. 65-1643, 65-4113, 65-4166 and 65-7006 and repealing the existing sections, by Senators V. Schmidt and D. Schmidt.

SB 271, An act concerning insurance; relating to certain forms and rate filings; amending K.S.A. 2006 Supp. 40-216 and 40-955 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 40-955a, by Committee on Financial Institutions and Insurance.

SB 272, An act concerning the Kansas pharmacy benefits managers act; establishing duties for pharmacy benefit managers; establishing penalties for violations of the act; amending K.S.A. 2006 Supp. 40-3821, 40-3822, 40-3824 and 40-3826 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 273, An act concerning insurance; related to the prompt payment of certain claims; amending K.S.A. 40-2441 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 274, An act concerning insurance; enacting the property/casualty modernization act; amending K.S.A. 40-952 and K.S.A. 2006 Supp. 40-955 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 40-955a, by Committee on Financial Institutions and Insurance.

SB 275, An act concerning cities; pertaining to certain civil nuisances; pertaining to blight; amending K.S.A. 12-1617f, 12-1751, 12-1752, 12-1753 and 12-1755 and K.S.A. 2006 Supp. 12-1617e and 12-1750 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 276, An act relating to veterans; amending K.S.A. 73-1221, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1230 and 73-1231 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 277, An act concerning the Kansas commission on veterans affairs; relating to the claims assistance and grants programs; amending K.S.A. 2006 Supp. 73-1234 and 73-1235 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 278, An act concerning sales taxation; relating to exemptions; precision farming equipment; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 279, An act concerning crimes; pertaining to the sale of drug paraphernalia; amending K.S.A. 65-4153 and K.S.A. 2006 Supp. 65-4152 and repealing the existing sections, by Senator Betts.

SB 280, An act concerning school districts; relating to corporal punishment, by Senators Journey, Barone, Huelskamp, Ostmeyer, Pine, Pyle and Taddiken.

SB 281, An act concerning school districts; relating to physical education; establishing the physical education incentive grant program; relating to the powers and duties of the state board of education and local boards of education, by Senator Steineger.

SB 282, An act concerning school districts; creating the special needs scholarship program; relating to administration thereof, by Senator Steineger.

SB 283, An act concerning election boards; relating to the operation thereof; amending K.S.A. 25-2810 and repealing the existing section, by Senator Francisco.

SB 284, An act concerning the radiologic technologists practice act; amending K.S.A. 2006 Supp. 65-7302 and 65-7305 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 65-7306, by Committee on Public Health and Welfare.

SB 285, An act concerning the healing arts act; prohibiting billing for anatomic pathology services in certain circumstances; amending K.S.A. 2006 Supp. 65-2837 and repealing the existing section, by Committee on Public Health and Welfare.

SB 286, An act concerning adoption; relating to adult adoption; termination of parental rights not required; amending K.S.A. 59-2118, 59-2137, 59-2141 and 59-2142 and repealing the existing sections, by Senator Brownlee.

SB 287, An act concerning colleges and universities; relating to fees and tuition; amending K.S.A. 2006 Supp. 76-729 and repealing the existing section; also repealing K.S.A. 2006 Supp. 76-729a, by Senator Brownlee.

SB 288, An act concerning workforce development; certain reports required; amending K.S.A. 2006 Supp. 74-5002s and repealing the existing section, by Committee on Commerce.

SB 289, An act concerning sales taxation; relating to exemptions; certain organizations exempt from federal income taxation; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 290, An act concerning sales taxation; relating to exemptions; TLC charities foundation, inc.; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 291, An act concerning taxation; imposing an excise tax on certain commercial establishments, businesses and individuals which provide sexually explicit products and services; prescribing certain powers and duties for the director of taxation, by Committee on Assessment and Taxation.

SB 292, An act concerning collection of employer payments under the employment security law; amending K.S.A. 2006 Supp. 44-717 and repealing the existing section, by Committee on Commerce.

CHANGE OF REFERENCE

The President withdrew **SB 11** from the Calendar under the heading of General Orders, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 260** from the Committee on Federal and State Affairs and referred the bill to the Committee on Commerce.

MESSAGE FROM THE GOVERNOR

January 26, 2007

Message to the Senate of the State of Kansas:

Enclosed herewith are Executive Orders for your information.

KATHLEEN SEBELIUS
Governor

Executive Order 06-11, declaring that, in order to support our military personnel, requests for vital statistic records by all members of the Kansas National Guard who have received an alert notice of pending active duty or have already been placed on Federal active duty for mobilization and their dependents shall be fulfilled without charge;

Executive Order 06-12, creating the Governor's Commission for Healthy and Prepared Schools;

Executive Order 06-13, reformulating the composition of the Kansas Energy Council;

Executive Order 06-14, directing that state offices be closed on Tuesday, January 2, 2007, as a legal holiday in observance of the National Day of Mourning for President Gerald Ford;

Executive Order 07-01, creating the Kansas National Bio and Agrodefense Facility Task Force.

The President announced the above Executive Orders are on file in the office of the Secretary of the Senate and are available for review at anytime.

February 1, 2007

To the Senate of the State of Kansas:

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

KATHLEEN SEBELIUS
Governor

State Long-Term Care Ombudsman, Gilbert Cruz, pursuant to the authority vested in me by K.S.A. 75-7304, effective upon the date of confirmation by the Senate, to serve a term of four years.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2037**, **HB 2038**, **HB 2066**, **HB 2152**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2037, **HB 2038**, **HB 2066**, **HB 2152** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Elections and Local Government** recommends **SB 131** be amended on page 1, in line 30, by striking "Friday" and inserting "second business day"; also in line 30, after "election" by inserting "or the second business day preceding the opening of an advance voting station"; in line 31, after "be" by inserting "filed with the county election

officer on or before 12:00 noon on the second business day preceding the election day or the second business day preceding the opening of an advance voting station. A copy of such appointment shall be"; and the bill be passed as amended.

Also, **SB 135** be amended on page 1, in line 29, after the period by inserting "Any person listed in subsection (a) may appoint persons who are at least 16 years of age to serve as authorized poll agents if the persons appointed meet all other requirements for qualification of an elector except that such person need not be a registered voter."; in line 32, after the period by inserting "Each authorized poll agent shall wear a badge clearly identifying the wearer as an authorized poll agent. The badge shall contain the word "observer" in 32-point or larger type. The badge shall be issued by the county election officer.";

On page 2, in line 13, after "The" by inserting "Kansas"; in line 15, after "a" by inserting "Kansas"; in line 18, before the period by inserting "described in paragraphs (1), (2), (3), (4), (5) and (6) of subsection (a)"; and the bill be passed as amended.

SB 158 be amended on page 5, in line 5, by striking "canvas" and inserting "canvass"; in line 9, by striking "open the ballot box and"; and the bill be passed as amended.

SB 160 be amended on page 8, in line 30, by striking "canvass, the" and inserting "canvass. The"; in line 31, by striking all before "secured"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 190; HB 2002** be passed.

Committee on **Public Health and Welfare** recommends **SB 82** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 82," as follows:

"Substitute for SENATE BILL No. 82

By Committee on Public Health and Welfare

"AN ACT concerning the healing arts act; amending K.S.A. 65-2802 and K.S.A. 2006 Supp. 65-2872 and repealing the existing sections.";

and the substitute bill 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 Jordan in the chair.

On motion of Senator Jordan the following report was adopted:

Recommended **SB 8, SB 19, SB 51, SB 57, SB 112** be passed.

SCR 1604 be adopted.

SB 111, SB 164 be amended by adoption of the committee amendments, and the bills be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 6, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

