

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 29, 2008—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 Allen, Betts and Hensley were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

One hundred and forty-seven years ago today Kansas moved from territory to statehood.

From the very beginning
Kansas wore a label:
If anything could be done,
Kansas folks were able.

We have been described
As being both hit and miss,
“From the heights of ecstasy,
To the black abyss.”

We’ve been called “anomaly”,
Hard to understand.
“Peculiar, but interesting”
A “problematic” land.

We once were “Bleeding Kansas”
Fighting to be free.
Finally winning the battle,
And statehood came to be.

Yes, You saw it all, O God,
But You play a greater role:
Through Your many ministers
You can save Kansas’ soul!

I thank You in the Name of Jesus Christ,

AMEN

(Quotes came from *Kansas, The History of the Sunflower State* by Craig Miner)

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 493. An act concerning crimes and punishments; relating to smoking; creating the Kansas uniform smoking prohibition act; amending K.S.A. 21-4012 and 65-530 and repealing the existing sections, by Committee on Judiciary.

SB 494, An act relating to judges; concerning retirement ages; amending K.S.A. 20-2608 and repealing the existing section, by Committee on Judiciary.

SB 495, An act concerning the department of corrections; relating to the transfer of certain offenders; amending K.S.A. 2007 Supp. 75-5220 and repealing the existing section, by Committee on Judiciary.

SB 496, An act concerning district judges and district magistrate judges; amending K.S.A. 25-101 and 25-312a and repealing the existing sections, by Committee on Judiciary.

SB 497, An act concerning taxation; creating the Kansas investment credit act and the Kansas jobs credit act; amending K.S.A. 40-253a and 74-8945 and K.S.A. 2007 Supp. 79-32,111, 79-32,243 and 79-3606 and repealing the existing sections; also repealing K.S.A. 74-50,113, 74-50,116, 74-50,117, 74-50,118, 74-50,119, 74-50,135, 74-50,135a, 79-32,155, 79-32,156, 79-32,157, 79-32,158, 79-32,159, 79-32,159a, 79-32,159b, 79-32,159c, 79-32,160, 79-32,160b and 79-32,160c and K.S.A. 2007 Supp. 74-50,114, 74-50,115, 74-50,131, 74-50,132, 74-50,133, 74-50,134, 79-32,153, 79-32,154 and 79-32,160a, by Committee on Assessment and Taxation.

SB 498, An act concerning insurance; relating to the amount of certain penalties; amending K.S.A. 40-2,125 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 499, An act concerning sales taxation; relating to bad debts; deductions or refunds; requirements and procedures therefor; amending K.S.A. 2007 Supp. 79-3674 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 500, An act concerning alcoholic liquors and cereal malt beverages; relating to distributors and territorial franchises; amending K.S.A. 41-410 and repealing the existing section, by Committee on Federal and State Affairs.

SB 501, An act concerning tourism; creating the Kansas tourism corporation and providing for the powers and duties thereof; transferring the powers and duties of the division of travel and tourism development to the Kansas tourism corporation; providing for tourism development and funding; amending K.S.A. 73-2103 and 75-2935b and K.S.A. 2007 Supp. 73-2402, 73-2404, 74-5005 and 74-8734 and repealing the existing sections; also repealing K.S.A. 74-5032, 74-5032a and 74-5090 and K.S.A. 2007 Supp. 74-5089, 74-5091, 74-9001, 74-9002, 74-9003, 74-9004 and 74-9005, by Joint Committee on Economic Development.

SB 502, An act concerning farm equipment; relating to warranty repair work; transportation expenses, by Committee on Agriculture.

SB 503, An act concerning controlled substances; enacting the methamphetamine precursor recording act, by Committee on Ways and Means.

SB 504, An act concerning campaign finance; pertaining to certain daily reports of contributions, by Committee on Elections and Local Government.

SB 505, An act concerning campaign finance; pertaining to the reporting of certain contributions; amending K.S.A. 25-4148a and repealing the existing section, by Committee on Elections and Local Government.

SB 506, An act concerning campaign finance; relating to independent expenditures, by Committee on Elections and Local Government.

SB 507, An act concerning education; creating the mathematics, engineering, technology and science (METS) education innovation council; relating to the powers and duties thereof, by Committee on Education.

SB 508, An act concerning education; relating to the Kansas postsecondary education savings program; making and concerning appropriations for the state treasurer for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012; amending K.S.A. 2007 Supp. 65-2422d, 75-650 and 79-3234 and repealing the existing sections, by Committee on Education.

SB 509, An act concerning the state corporation commission; relating to impoundment of certain motor vehicles; authorizing sale of certain impounded motor vehicles; amending K.S.A. 2007 Supp. 66-1,129a and repealing the existing section, by Committee on Transportation.

SB 510, An act concerning property taxation; relating to exemptions; certain farm machinery and equipment; amending K.S.A. 2007 Supp. 79-201j and repealing the existing section, by Committee on Assessment and Taxation.

SB 511, An act relating to health care; concerning the study on bariatric surgery for the morbidly obese and its effect on medical expenses and health care insurance, by Senator Barnett.

SB 512, An act emergency medical services; relating to attendant's certificate requirements; amending K.S.A. 65-6112 and 65-6129 and repealing the existing sections, by Senator Emler.

SB 513, An act concerning the board of emergency medical services; relating to fingerprinting and criminal history record checks, by Senator Emler.

SB 514, An act concerning the emergency medical services board; relating to rules and regulations; variances; amending K.S.A. 65-6111 and repealing the existing section, by Senator Emler.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 487**.

Commerce: **SB 488, SB 489**.

Education: **SB 492**.

Federal and State Affairs: **SB 486**.

Judiciary: **SB 476, SB 477, SB 478, SB 479, SB 480, SB 481, SB 482, SB 483, SB 484**.

Natural Resources: **SB 474, SB 475**.

Public Health and Welfare: **SB 490, SB 491**.

Ways and Means: **SB 485**.

CHANGE OF REFERENCE

The President withdrew **HB 2119** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Transportation.

The President withdrew **SB 394** from the Calendar under the heading of General Orders, and referred the bill to the Committee on Ways and Means.

The President withdrew **HB 2421, HB 2423** from the Calendar under the heading of General Orders, and rereferred the bills to the Committee on Ways and Means.

The President withdrew **Sub SB 331** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Assessment and Taxation.

The President withdrew **SB 376** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Judiciary.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS SENTENCING COMMISSION

January 28, 2008

Helen Pedigo, Executive Director, submitted the Kansas Sentencing Commission 2008 Report.

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

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 441** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 412** be passed.

Also, **SB 411** be amended on page 6, by striking all in lines 30 and 31; in line 32, by striking all preceding "and"; and the bill be passed as amended.

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 Donovan in the chair.

On motion of Senator Donovan, the following report was adopted:

Recommended **SB 425**, **SB 447**; **HB 2491** be passed.

The committee report on **SB 209**, recommending a **Sub. SB 209** be adopted, and the substitute bill be passed.

SB 379, **SB 410** be amended by adoption of the committee amendments, and the bills be passed as amended.

Recommended **SCR 1616** as amended by adoption of the committee amendments be adopted as amended.

SB 417 was amended by adoption of the committee amendments, and further amended by motion of Senator Steineger on page 8, Line 9 by inserting New Section 10. The provisions of this act shall expire July 1, 2015 and by renumbering the remaining sections accordingly. Having voted on the prevailing side Senator Steineger moved to reconsider his amendment. The motion carried and Senator Steineger withdrew his amendment. Senator Steineger further amended **SB 417** on page 5, in line 20 by striking all after "2008"; in line 21, by striking all before the comma and inserting ", July 1, 2010, July 1, 2011, July 1, 2012, July 1, 2013 and July 1, 2014"; in line 37, after "New Sec. 9." by inserting "(a)"; after line 39, by inserting the following: "(b) The provisions of sections 4 through 9, and amendments thereto, shall expire on and after July 1, 2015.", and **SB 417** be passed as further amended.

HB 2186 was amended by adoption of the committee amendments, and further amended by motion of Senator Bruce, on page 2, after line 9, by inserting the following:

"Sec. 2. K.S.A. 2007 Supp. 65-2423 is hereby amended to read as follows: 65-2423. (a) In cases of adoption the state registrar upon receipt of a certified decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and the report of adoption form shall prepare a supplementary certificate or abstract in the new name of the adopted person and seal and file the original certificate of birth with such certified copy or abstract attached thereto. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the files. (b) For any child born in a foreign country but adopted in Kansas or born and adopted in a foreign country and such adoption is filed and entered pursuant to K.S.A. 59-2144, and amendments thereto, the state registrar, upon request, shall complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, the report of adoption form and proof of the date and place of the child's birth. The certificate shall show the new name of the child as specified in the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and such further information concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country of birth and the date of birth of the child, ~~and that the certificate is not.~~ *The certificate shall not make reference to evidence of United States citizenship.*"; Also on page 2, in line 10, by striking "is" and inserting "and 65-2423 are"; And by renumbering the remaining sections accordingly; On page 1, in the title, in line 13, after the second semicolon by inserting "relating to birth certificates."; in line 14, after "59-2123" by inserting "and 65-2423"; also in line 14, by striking "section" and inserting "sections", and **HB 2186** be passed as further amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 30, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

