

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 24, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Emler and Teichman were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Listening to the public
It's obvious and it's true;
Most people do not realize
All we have to do.

They wonder why we take the time
For things that never matter.
We're supposed to balance the budget,
And stop the "chitter-chatter".

But everything we do up here
Matters to some folks.
They appreciate the attention,
And don't treat it as a joke.

None of us think we're perfect, Lord,
We disagree, it's true;
That's why there's no dictator
To tell us what to do.

The truth is there are routine things
Which just have to be done;
And both houses must consider them
Not just up to one.

Lord, there's an old saying
Which I think is still true:
"Walk in the other's shoes a while,
Before you tell him what to do."

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 bill was introduced and read by title:

SB 557, An act concerning certain employees of schools; relating to licensure, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions & Insurance: **SB 554**.

Natural Resources: **SB 553**.

Ways and Means: **SB 555, SB 556**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2238; HB 2239, HB 2280, HB 2410, HB 2432, HB 2448; Substitute HB 2453; HB 2471, HB 2472, HB 2478; Substitute HB 2517; HB 2540, HB 2552, HB 2557, HB 2561; Substitute HB 2575; HB 2577, HB 2581, HB 2582, HB 2584, HB 2588, HB 2589, HB 2595, HB 2601, HB 2605, HB 2619, HB 2631, HB 2637, HB 2656, HB 2660, HB 2661, HB 2667, HB 2668, HB 2676**.

Also, passage of **HCR 5026**.

The House adopts the conference committee report on **HB 2195**.

The House adopts the conference committee report on **Senate Substitute for HB 2222**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2238; HB 2239, HB 2280, HB 2410, HB 2432, HB 2448; Substitute HB 2453; HB 2471, HB 2472, HB 2478; Substitute HB 2517; HB 2540, HB 2552, HB 2557, HB 2561; Substitute HB 2575; HB 2577, HB 2581, HB 2582, HB 2584, HB 2588, HB 2589, HB 2595, HB 2601, HB 2605, HB 2619, HB 2631, HB 2637, HB 2656, HB 2660, HB 2661, HB 2667, HB 2668, HB 2676; HCR 5026 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1825—

A RESOLUTION congratulating and commending Paul Sasse, City Manager of Independence, Kansas, upon his retirement after nearly 33 years of service.

WHEREAS, Paul Sasse has served the citizens of Independence, Kansas, for nearly 33 years as City Manager; and

WHEREAS, Paul has been instrumental in maintaining the fiscal integrity of the city of Independence, Kansas; and

WHEREAS, Paul has played key roles in numerous economic development projects benefiting the city of Independence including the Cessna Aircraft Company expansion in 2004; and

WHEREAS, Paul has led efforts to pass several local sales tax increases to support city infrastructure, quality of life and economic development projects; and

WHEREAS, Paul has served as Assistant City Manager in the cities of Manhattan and Parsons; and

WHEREAS, Paul has served on the board of the Independence Chamber of Commerce, the Montgomery County Action Council, the Southeast Kansas Regional Planning Commission, the Kansas Water Authority, the Kansas Commission on Emergency Planning and Response and numerous other boards and commissions; and

WHEREAS, Paul received a bachelor of science degree and a masters degree in public administration from the University of Kansas in 1967 and 1969, respectively; and

WHEREAS, Paul was awarded the career achievement award from the Kansas Association of City and County Management in 2009; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and thank Paul Sasse for his nearly 33 years of outstanding service to the city of Independence, Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to Senator D. Schmidt.

On emergency motion of Senator D. Schmidt **SR 1825** was adopted unanimously.

Senator D. Schmidt introduced and congratulated Paul Sasse upon his retirement as City Manager of Independence, Kansas after nearly 33 years of service. His wife Mary, Matthew

Sasse, Jacob Sasse, Andrew Johanson, Corey Sasse, DeDe Swanson, Dillon Swanson, Jessica Runberg, Amy Spellman, Kent Spellman, Ashlee Muninger, Kevon Abshier, Jill Abshier, Mason Abshier, Hailey Abshier and Tristan Willis were also introduced.

REPORTS OF STANDING COMMITTEES

Committee on Education begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Board of Regents: Article 6, Section 3 of Kansas Constitution and K.S.A. 74-3202a

Arthur Edwin "Ed" McKechnie III, term expires June 30, 2010

Committee on Federal and State Affairs begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Librarian: K.S.A. 2009 Supp. 75-2535

Joanne M. Budler, serves at the pleasure of the Governor

Committee on **Public Health and Welfare** recommends **HB 2411**, as amended by House Committee, be passed.

Also, **HB 2323**, as amended by House Committee, be amended on page 1, in line 16, by striking "2008" and inserting "2009";

On page 4, in line 23, by striking "2008" and inserting "2009";

On page 5, in line 36, by striking "2008" and inserting "2009";

On page 9, in line 2, by striking "2008" and inserting "2009";

On page 10, in line 13, by striking "2008" and inserting "2009";

In the title, in line 12, by striking "2008" and inserting "2009"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 541** 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 Lynn in the chair.

On motion of Senator Lynn the following report was adopted:

SB 460, **SB 478**, **SB 532** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 513** recommending a **Sub SB 513** be adopted, and the substitute bill be passed.

SB 488 be amended by adoption of the committee amendments, be further amended by motion of Senator Barnett on page 1, following line 15, by inserting the following:

"Section 1. K.S.A. 65-177 is hereby amended to read as follows: 65-177. The term "data" as used in this act shall be construed to include all facts, information, records of interviews, written reports, statements, notes, or memoranda secured in connection with an authorized medical research study.

The secretary of health and environment may receive data secured in connection with medical research studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal and anesthetic causes. Such studies may be conducted by the secretary of health and environment and his staff or with other qualified persons, agencies or organizations. Where authorization to conduct such a study is granted by the secretary of health and environment, all data voluntarily made available to the secretary of health and environment in connection with such study shall be treated as confidential and shall be used solely for purposes of medical research. Research files and opinions expressed upon the evidence found in such research shall not be admissible as evidence in any action in any court or before any other tribunal: *Provided, however*, That any statistics or tables resulting from such data shall be admissible as evidence: *Provided*, That this act shall not affect the right of any patient or his guardians, representatives or heirs to require hospitals, physicians, sanatoriums, rest homes, nursing homes or other persons or agencies to furnish his hospital

record to his representatives upon written authorization, or the admissibility in evidence thereof.

No employee of the secretary of health and environment shall interview any patient named in any such report, nor any relative of any such patient, *unless otherwise provided in K.S.A. 65-2422d, and amendments thereto: Provided*, That nothing in this act shall prohibit the publication by the secretary of health and environment or a duly authorized cooperating person, agency or organization, of final reports or statistical compilations derived from morbidity or mortality studies, which reports or compilations do not identify individuals, associations, corporations or institutions which were the subjects of such studies, or reveal sources of information.”;

And renumbering remaining sections accordingly;

Also on page 1, in line 16, by striking “Section” and inserting “Sec.”; by striking line 43 and inserting the following:

“Sec. 3. K.S.A. 2009 Supp. 65-2422d is hereby amended to read as follows: 65-2422d. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose, or except that employees of the office of child support enforcement of the federal department of health and human services shall be provided information when the information is necessary to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act or except that the secretary of social and rehabilitation services or the secretary’s designee performing child support enforcement functions pursuant to title IV-D of the federal social security act shall be provided information and copies of birth certificates when the information is necessary to establish parentage in legal actions or to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act. Nothing in this subsection shall be construed as exempting such employees of the federal department of health and human services or the secretary of social and rehabilitation services or the secretary’s designee from the fees prescribed by K.S.A. 65-2418, and amendments thereto.

(c) Except as provided in subsection (b), and amendments thereto, the state registrar shall not permit inspection of the records or issue a certified copy or abstract of a certificate or part thereof unless the state registrar is satisfied the applicant therefor has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights. The state registrar’s decision shall be subject, however, to review by the secretary or by a court in accordance with the act for judicial review and civil enforcement of agency actions, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made. *The secretary shall permit the use of birth, death and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring. The secretary or the secretary’s designee may interview individuals for purposes of maternal and child health surveillance and monitoring only with an approval of the health and environmental institutional review board as provided in title 45, part 46 of the code of federal regulations. The secretary shall inform such individuals that the participation in such surveillance and monitoring is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.*

(e) Subject to the provisions of this section the secretary may direct the state registrar to release birth, death and stillbirth certificate data to federal, state or municipal agencies.

(f) On or before the 20th day of each month, the state registrar shall furnish to the county election officer of each county and the clerk of the district court in each county, without charge, a list of deceased residents of the county who were at least 18 years of age and for whom death certificates have been filed in the office of the state registrar during the preceding calendar month. The list shall include the name, age or date of birth, address and date of death of each of the deceased persons and shall be used solely by the election officer for the purpose of correcting records of their offices and by the clerk of the district court in each county for the purpose of correcting juror information for such county. Information provided under this subsection to the clerk of the district court shall be considered confidential and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy or abstract or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act.

(h) Records of births, deaths or marriages which are not in the custody of the secretary of health and environment and which were created before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of Kansas, and any copies of such records, shall be open to inspection by any person and the provisions of this section shall not apply to such records.

(i) Social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto shall only be used as permitted by title IV-D of the federal social security act and amendments thereto or as permitted by section 7(a) of the federal privacy act of 1974 and amendments thereto. The secretary shall make social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto available to the department of social and rehabilitation services for purposes permitted under title IV-D of the federal social security act.

(j) Fact of death information may be disseminated to state and federal agencies administering benefit programs. Such information shall be used for file clearance purposes only.

Sec. 4. K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d are hereby repealed.”;

On page 1, in the title, in line 11, by striking all following “to”; in line 12, by striking all preceding the semicolon and inserting “office of vital statistics”; also in line 12, by striking “65-2402” and inserting “65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d”; in line 13, by striking “section” and inserting “sections” and **SB 488** be passed over and retain a place on the calendar.

CHANGE OF REFERENCE

The President withdrew **SB 488** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Judiciary**.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 25, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

