

# SENATE CALENDAR

No. 62

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WEDNESDAY, MAY 3, 2006  
SENATE CONVENES AT 9:30 A.M.

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## Order of Business

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ROLL CALL

INVOCATION

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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## Reference of Bills and Concurrent Resolutions

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MESSAGES FROM THE GOVERNOR

COMMUNICATIONS FROM STATE OFFICERS

MESSAGES FROM THE HOUSE

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## Consideration of Motions to Concur or Nonconcur

### Sub 486—

Sub SB 486, An act concerning the task force on racial profiling; amending K.S.A. 2005 Supp. 22-4607 and repealing the existing section.

Committee on Federal and State Affairs  
(As amended by the House)

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REPORTS OF SELECT COMMITTEES

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## Consent Calendar

(Senate action to be taken on third day or thereafter)

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## Final Action on Bills and Concurrent Resolutions

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INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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CORRECTION AND APPROVAL OF THE JOURNAL

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## CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

Motion Pursuant to Senate Rule 11  
Committee Action on Bills and Resolutions

Senator Pyle moved pursuant to Rule 11 of the Rules of the Kansas State Senate that House Bill No. 2792, AN ACT relating to abortions and concerning minors, having been referred to the Senate Committee on Public Health and Welfare be withdrawn from that committee and placed upon the Kansas State Senate calendar for the 3<sup>rd</sup> day of May, 2006, under the heading of General Orders subsequent to adoption of this motion by the Senate.

In support of this motion:

In 2004, KDHE reported 785 abortions in Kansas were performed on teens aged 12-17. 326 were from Kansas, 330 from Missouri.

HB 2792, dubbed the Teen Protection Act, passed the House by a vote of 98-27. HB 2792 will tighten up current Kansas abortion provisions to protect pregnant teenagers and parental rights.

HB 2792 has become even more important due to the ruling of Judge Marten in the 'Aid for Women' lawsuit. Marten decreed that mandatory reporters, including abortion providers, have the discretion to determine if a sexually active teen is "injured" before they contact authorities about child rape.

While specific duties of counselors and abortion clinics are appealed through the courts, teens who are coerced to lie about the age of their unborn baby's father can easily undermine the way Kansas abortion laws for minors was intended to work.

K.S.A. 65-5704, requires a teen seeking an abortion to be initially accompanied inside the clinic by an adult companion.

HB 2792 would require that the teen and her companion present a valid I.D.

If a parent or guardian is not the adult, HB 2792 would require a statement from the companion adult about his/her relationship to the pregnant teen and her baby's father (if known). While the statement is not an affidavit, it can help alert the clinic to an irregular situation. Nationwide, too many teens are walking into clinics with their predator, or his accomplice, masquerading as the teen's blood relative or best friend.

HB 2792 would permit parents or guardians to pursue civil remedies against individuals, including the abortionist and clinic staff, who intentionally undermine parental involvement and violate the teen's legal rights. A

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similar law was passed in Missouri in 2005 and has passed the first court challenge. At the national level, an act to prevent children from being taken across state lines for secret abortions has passed the House and awaits Senate action.

HB 2792 would exempt parents or guardians of a minor from paying for medical treatment caused by an abortion if they had no knowledge or notification of the minor's abortion. Oklahoma passed a similar law in 2001, ordering the abortionist to pay for abortion-caused medical treatment if they violate the parental involvement provision. (A legal challenge in the 10<sup>th</sup> Circuit, that which governs Kansas, was rebuffed.)

K.S.A. 65-6705, permits a teen judicial bypass, or waiver, of the ordinarily required parental notification. The bypass may be sought for maturity of the teen or a situation where it would not be in her best interest to notify a parent.

HB 2792 would allow the clinic staff member to explain the bypass, and contact the court, but prohibits any clinic staff member from being selected to accompany the teen through the judicial bypass process.

HB 2792 will require the court involved in the bypass to report to authorities any evidence of suspected child abuse that comes to their attention in the confidential bypass procedure. During this closed session, the teen's reason for avoiding parental notice may reveal an abusive situation from which she may need to be protected and/or removed.

HB 2792 will require the court(s) granting bypasses to send statistical reports to KDHE including the number of petitions filed and granted, the reasons granted and any subsequent actions taken in response to protecting the teen from domestic or predator abuse. The report will also include the teen's age, state of residence, and her disability status (if any).

The bypass procedure has been in effect since 1992 and yet no data is available from which to assess whether the law is abused or overused. The experience of other states indicates that predators can manipulate state laws.

Parental involvement is nearly always the best situation for a teen pregnancy. The judicial bypass was not intended to be an often used, or flippantly chosen, option. Certainly, HB 2792, will enhance protection for families and close the door to any abuse of the system.—Dennis Pyle

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## General Orders

**492—**

**SB 492**, An act concerning annexation; relating to the powers and duties of cities and counties; amending K.S.A. 12-519, 12-521, 12-527, 12-530, 12-531, 12-532, 12-534 and 12-535 and repealing the existing sections; also repealing K.S.A. 12-520b, 12-526, 12-536 and 12-537 and K.S.A. 2005 Supp. 12-520 and 12-520a.

Committee on Elections and Local Government  
 (Elections and Local Government)  
 (Be passed as amended)  
 (Committee Report Adopted)  
 (Motion to recommend favorably for passage failed)  
 (Remains on General Orders)

**526—**

**SB 526**, An act concerning hunting; relating to sales of over-the-counter deer tags; amending K.S.A. 2005 Supp. 32-937 and repealing the existing section.

Committee on Agriculture  
 (Natural Resources)  
 (Withdrawn) (Natural Resources)  
 (Referred) (Ways and Means)  
 (Withdrawn) (Ways and Means)  
 (Rereferred) (Natural Resources)  
 (Be passed as amended)

**2667—**

**HB 2667**, An act concerning recreation systems; relating to members of recreation commissions; amending K.S.A. 2005 Supp. 12-1922 and 12-1926 and repealing the existing sections.

Committee on Governmental Organization and Elections  
 (Elections and Local Government)  
 (Be passed as amended)

**423—**

**SB 423**, An act concerning property taxation; relating to appeals of orders of the board of tax appeals; attorney fees and costs; amending K.S.A. 74-2426 and repealing the existing section.

Committee on Assessment and Taxation  
 (Assessment and Taxation)  
 (Be passed as amended)  
 (Withdrawn) (General Orders)  
 (Referred) (Ways and Means)  
 (Withdrawn) (Ways and Means)  
 (Returned) (General Orders)

**389—**

**SB 389**, An act concerning income taxation; relating to credits; biofuels mixing facility.

Committee on Agriculture  
(By request of Select Joint Committee on Energy)  
(Agriculture) (Separately)  
(Assessment and Taxation) (Separately)  
(Agriculture) (Separately)  
(Be passed as amended)  
(Assessment and Taxation) (Separately)  
(Withdrawn) (Assessment and Taxation) (Separately)  
(Referred) (Ways and Means)  
(Withdrawn) (Ways and Means)  
(Rereferred) (Assessment and Taxation) (Separately)  
(Be passed as amended)

**2681—**

**HB 2681**, An act concerning sales taxation; relating to local retailers' sales tax in Atchison county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.

Committee on Taxation  
(Assessment and Taxation)  
(Be passed as amended)

**68—**

**SB 68**, An act concerning campaign finance; relating to independent expenditures.

Committee on Elections and Local Government  
(Federal and State Affairs)  
(Be passed as amended)

**2604—**

**HB 2604**, An act relating to members of the midwestern higher education commission; amending K.S.A. 72-60b02 and repealing the existing section.

Committee on Higher Education  
(Education)  
(Be passed)

**331—**

**SB 331**, An act concerning technical colleges; relating to the governing body thereof; relating to the powers and duties thereof; amending K.S.A. 2005 Supp. 72-4470a and repealing the existing section; also repealing K.S.A. 72-4476.

Legislative Educational Planning Committee  
(Education)  
(Be passed as amended)  
(Withdrawn) (General Orders)  
(Referred) (Ways and Means)  
(Withdrawn) (Ways and Means)  
(Returned) (General Orders)

**426—**

**SB 426**, An act relating to minors; concerning the donation of blood; amending K.S.A. 38-123a and repealing the existing section.

Committee on Ways and Means  
(Public Health and Welfare)  
(Be passed)

**592—**

**SB 592**, An act enacting the asbestos compensation fairness act; concerning asbestos claims.

Committee on Ways and Means  
(Financial Institutions and Insurance)  
(Be passed as amended)

**5042—**

**HCR 5042**, A CONCURRENT RESOLUTION urging support of the "25 by '25" initiative.

Committee on Appropriations  
(Ways and Means)  
(Be passed)

**601—**

**SB 601**, An act reconciling amendments to certain statutes; amending K.S.A. 40-955, as amended by section 2 of 2006 Substitute for Senate Bill No. 539 and 60-4104, as amended by section 9 of 2006 House Substitute for Senate Bill No. 196 and K.S.A. 2005 Supp. 8-135, as amended by section 1 of 2006 Senate Bill No. 496, 8-2118, as amended by section 3 of 2006 Senate Bill No. 411, 21-3110, 45-229, as amended by section 1 of 2006 Senate Bill No. 499 and 75-5133 and repealing the existing sections; also repealing K.S.A. 40-955, as amended by section 1 of 2006 Senate Bill No. 442 and 60-4104, as amended by section 11 of 2006 House Bill No. 25 and K.S.A. 2005 Supp. 8-135, as amended by section 2 of 2006 Senate Bill No. 558, 8-2118, as amended by section 5 of 2006 Senate Bill No. 344, 21-3110b and 45-229, as amended by section 1 of 2006 Senate Bill No. 453.

Committee on Ways and Means  
(Committee of the Whole)

**1846—**

**SR 1846**, A resolution in support of recognizing March 31st as Terri's Day's of Remembrance and celebration of the culture of life.

Senator Journey, Apple, Barnett, Barone, Bruce, Donovan, Gilstrap, Hensley, Huelskamp, Jordan, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D. Schmidt, Schodorf, Taddiken, Wagle, and Wilson

(Committee of the Whole)

**5037—**

**HCR 5037**, A CONCURRENT RESOLUTION memorializing the Congress of the United States to extend certain provisions of the Voting Rights Act of 1965.

Representatives Garcia, Ballard, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Grant, Hawk, Henderson, Kirk, Kuether, Loganbill, Long, Loyd, Mah, McKinney, Menghini, Owens, Pauls, Phelps, Pottorff, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn and Yonally  
(Committee of the Whole)

**S Sub for Sub HB 2088—**

**S Sub for Sub HB 2088**, An act concerning abandonment of certain infants; making certain conduct unlawful and providing penalties therefor; amending K.S.A. 38-15,100 and repealing the existing section.

Committee on Public Health and Welfare  
(Public Health and Welfare)  
(Be passed)

**S Sub HB 2573—**

**S Sub for HB 2573**, An act concerning income taxation; relating to checkoffs for breast cancer research and military emergency relief; deductions, qualified tuition programs; net operating loss; credits, adoption; reporting requirements; amending K.S.A. 74-50,132 and 79-32,202 and K.S.A. 2005 Supp. 79-32,117, 79-32,143, 79-32,153 and 79-32,160a and repealing the existing sections.

Committee on Assessment and Taxation  
(Assessment and Taxation)  
(Be passed)

**S Sub for Sub for Sub for HB 2689—**

**S Sub for Sub for Sub HB 2689**, An act concerning sales taxation; relating to authority for countywide retailers' sales tax in certain counties; city retailers' sales tax, class D cities; exemptions; amending K.S.A. 2005 Supp. 12-187, as amended by section 1 of 2006 House Bill No. 2698, 12-188, 12-189, as amended by section 2 of 2006 House Bill No. 2698, 12-192 and 79-3606, as amended by section 4 of 2006 Senate Bill No. 76 and repealing the existing sections.

Committee on Assessment and Taxation  
(Assessment and Taxation)  
(Be passed)

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**Bills Adversely Reported**