

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 13, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

A young man visited his priest for confession and after listing a number of tame mistakes the priest asked, "Tell me are you not entertaining impure thoughts?" Finally after a long pause the young man replied, "No father, but they are sure entertaining me."

Dear Lord, keep us from the temptations that we may for the moment think are the right idea, but we know in our heart are less than what you would have us to do. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 439, AN ACT concerning certain state officers; amending K.S.A. 2013 Supp. 74-99f06 and repealing the existing section, by Committee on Federal and State Affairs.

SB 440, AN ACT concerning the Kansas expanded lottery act; amending K.S.A. 2013 Supp. 74-8741, 74-8746 and 74-8747 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 441, AN ACT concerning driver's license examiners; amending K.S.A. 74-2015 and repealing the existing section, by Committee on Ways and Means.

SB 442, AN ACT concerning labor and employment; enacting the Kansas employee credit consideration act, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 436**.

Federal and State Affairs: **SB 438**.

Judiciary: **SB 437**.

Utilities: **SB 435**.

Ways and Means: **SB 434**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Bruce introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1796—

A RESOLUTION designating March 13, 2014, as Kidney Awareness Day.

WHEREAS, The state of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, High blood pressure and diabetes are the main causes of chronic kidney disease, which is a major public health problem, with increasing prevalence, poor outcomes, long waits for kidney transplants and high costs; and

WHEREAS, One in eight Americans has chronic kidney disease and over 2,722 Kansans receive life-sustaining dialysis treatment; and

WHEREAS, Controlling high blood pressure and diabetes can delay or prevent chronic kidney disease; and

WHEREAS, As the costs of health care continue to grow, early and accurate identification of kidney disease is a critical component of efforts to reduce the negative clinical and economic impact on individuals and on the state of Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 13, 2014, as Kidney Awareness Day. We, along with the National Kidney Foundation, the Kidney Coalition and Alpha Kappa Alpha Sorority, encourage Kansans to monitor and treat high blood pressure and diabetes to the best of their abilities; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1796** was adopted unanimously.

Guests introduced were Tanisha Forte, Kelly Loeb, Zelia Wiles, Elizabeth Ross, Gwen Sharpe, Harriett Herbert, Wendy Schrag, Mark Green, Eric Swim, Lesley Pratt Dyer, Chad Iseman, Elaine Bahadori, Alexandra Wilson and Wilma Moore-Black, Gail Finney, Lanna Simon, Prisca Barnes and Dr. Sharon Cranford.

The senators honored the guests with a standing ovation.

Senator O'Donnell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1797—

A RESOLUTION commemorating the 80th Anniversary
of Newman University in Wichita, Kansas.

WHEREAS, The origins of Newman University can be traced to the village of Acuto, Italy, where in 1834 a young woman named Maria De Mattias (now St. Maria De Mattias) founded the order of religious women known as the Adorers of the Blood of Christ. The Sisters came to the United States beginning in 1870, and by 1902 they had settled in Wichita, Kansas; and

WHEREAS, In 1933, Mother Beata Netenmeyer established Sacred Heart Junior College, at the height of the Great Depression. Despite the obstacles, the college steadily developed, training the Sisters as teachers and providing education for lay women in teacher education, nursing, secretarial science and home economics; and

WHEREAS, Sacred Heart Junior College experienced numerous transformations

over the years, and with the growth in campus facilities, enrollment, academic programs and student services, the institution changed its name in July 1988 to Newman University; and

WHEREAS, Newman University's identity is best described by its Mission, Core Values, the Newman Code and the Mission of the Adorers of the Blood of Christ; and

WHEREAS, Newman University's Mission Statement is: "We are a Catholic University named for John Henry Cardinal Newman and founded by the Adorers of the Blood of Christ for the purpose of empowering graduates to transform society." This corresponds to the mission of the Sisters of the Adorers of the Blood of Christ, which is "To celebrate life, foster oneness, walk as compassionate companions and empower others"; and

WHEREAS, Newman University's Mission Statement is grounded in the following Core Values: Catholic identity, academic excellence, culture of service and global perspective; and

WHEREAS, As a Catholic institution of higher learning, Newman finds guidance in teachings of the Catholic Church and draws nourishment from its relationships with surrounding Catholic communities and dioceses. Its Catholic identity is distinctively shared by the influence of both its founders and sponsors, the Adorers of the Blood of Christ, and of its namesake, the Catholic theologian and educator John Henry Cardinal Newman. With a strong liberal arts foundation, its curriculum honors the richness and vitality of its Catholic intellectual heritage while affirming the value of dialogue involving persons of varied cultures and religious traditions; and

WHEREAS, Newman University seeks to educate the whole person. Newman's faculty strives to utilize best practices in instruction, the insights derived from scholarly research and a culture of assessment to promote classroom and program improvement, while the small college atmosphere facilitates the development of an active, dynamic learning community; and

WHEREAS, Newman University fosters a culture of service where members of the community are encouraged to find personally fulfilling ways of growing through serving more than 240,000 hours per year. Through its humanitarian commitment to helping the underserved, Newman students honor the mission of the Adorers of the Blood of Christ by developing and empowering people; and

WHEREAS, Newman University is committed to promoting an interdependent global perspective formed by a critical consciousness that hungers and thirsts for justice and peace. This perspective affirms the interdependent nature of all of creation, while at the same time speaks to the ideal of the educated person in the modern world. Newman University seeks to encourage a diverse array of students in outstanding educational experiences designed to cultivate the knowledge, skills and values that they will need to become leaders in the transformation of an increasingly complex and interconnected world; and

WHEREAS, Newman University's Code is "As a member of the Newman community, I pledge to live in the spirit of critical consciousness by respecting the dignity of every person, honoring both personal and institutional integrity and striving to embrace all humanity"; and

WHEREAS, Approximately 3,300 students attend Newman University, and they hail from 23 states and 33 countries; and

WHEREAS, More than 15,000 alumni are proud to call Newman University their

alma mater; with graduates including doctors, attorneys, health care professionals, educators, scientists and business leaders from across the United States; and

WHEREAS, Newman University's commitment to education is unparalleled. Its history and stature are secured by the superlative caliber of its educational professionals and the students they inspire: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and celebrate the 80th Anniversary of Newman University in Wichita. Newman University provides students of Kansas with incredible opportunities and we urge all Kansans to celebrate its success; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1797** was adopted unanimously.

Guests introduced were Dr. Noreen Carrocci, Rosemary Niedens, Dr. Joshea Papsdorf, Dr. Kelly McFall, Jonathan Albers, Chase Blasi and Sister Charlotte O'Donnell.

The senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2542**.

Announcing passage of **SB 265**, as amended, **SB 266**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2542 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2576**, as amended by House Committee, be amended on page 7, in line 33, by striking all following "(3)"; by striking all in lines 34 through 46 and inserting "*Entering and expanding employer:* (A) The secretary, as a method of providing for a reduced rate of contributions to an employer shall verify the qualifications in this statute that bear a direct relation to unemployment risk for that employer.

(B) If, as of the computation date, an eligible, positive balance employer's reserve ratio is significantly affected due to an increase in the employer's taxable payroll of at least 100% and such increase is attributable to a growth in employment, and not to a change in the taxable wage base from the previous year, the secretary shall assign a reduced rate of contributions for a period of four years.

(i) Such reduced rate of contributions shall be the new employer rate described in subsection (a)(1)(B)(i)(c) or a rate based on the employer's demonstrated risk as reflected in the employer's reserve fund ratio history.

(ii) To be eligible for such reduced rate, the employer must maintain a positive account balance throughout the reduced-rate period and must have an increase in account balance for each year.";

On page 12, in line 3, after "(v)" by inserting "For rate year 2014 and rate years thereafter, an eligible employer other than a negative account balance employer, who has filed all reports due and paid all contributions due and owing on or before January 31 of the applicable year is entitled to a rate discount of 15% except as provided in this subsection.";

On page 16, in line 10, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **HB 2130** be amended on page 10, in line 20, after "felony" by inserting "or if convicted of a felony under the law of any state or of the United States, has been pardoned or restored to such person's civil rights"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 422, SB 424** be passed.

Also, **HB 2516**, as amended by House Committee, be amended on page 4, in line 10, by striking "professional" and inserting "advanced practice registered"; in line 12, after the first "nurse" by inserting "in the classification of a nurse-midwife"; also in line 12, by striking "professional" and inserting "advanced practice registered"; in line 14, after "nurse" by inserting "in the classification of a nurse-midwife"; in line 24, after "who" by inserting "is authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife";

On page 23, following line 38, by inserting:

"(c) (1) Payments from the fund for attorney fees, expert witness fees, and other costs related to claims, including invoices, statements and other documentation thereof, shall not be subject to K.S.A. 45-218, and amendments thereto.

(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2019.";

On page 28, following line 13, by inserting:

"(g) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, the plan shall make available policies of professional liability insurance covering prior acts. Such professional liability insurance policies shall have limits of coverage not exceeding \$1,000,000 per claim, subject to not more than \$3,000,000 annual aggregate liability for all claims made as a result of personal injury or death arising out of the rendering of or the failure to render professional services within this state on or before December 31, 2014. Such professional liability insurance policies shall be made available only to physician assistants licensed by the state board of healing arts, licensed advanced practice registered nurses authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, nursing facilities licensed by the state of Kansas, assisted living facilities licensed by the state of Kansas and residential health care facilities licensed by the state of Kansas that will be in compliance with K.S.A. 40-3402, and amendments thereto, on January 1, 2015. The premiums for such professional liability insurance policies shall be based upon reasonably prudent actuarial principles. The provisions of this subsection shall expire on January 1, 2016."; and the bill be passed as amended.

HB 2525 be amended on page 1, following line 34, by inserting:

"(f) The provisions of this section shall be part of and supplemental to the Kansas money transmitter act.";

On page 7, in line 32, after "(b)" by inserting "(1)"; following line 34, by inserting:

"(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be reviewed by the legislature prior to July 1, 2019.";

On page 8, in line 32, by striking "Sec. 7.";

And by renumbering remaining sections accordingly; and the bill be passed as amended.

HB 2687 be amended on page 1, in line 20, by striking "58-3945" and inserting "58-3935"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2611** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

CHANGE OF REFERENCE

The President withdrew **SB 380** from the Committee on **Agriculture**, and referred to the calendar under the heading of **General Orders**.

The President withdrew **SB 392** from the Committee on **Agriculture**, and referred to the calendar under the heading of **General Orders**.

STRICKEN FROM THE CALENDAR

On motion of Senator Bruce, the following bills were stricken from the Calendar under the heading of General Orders: **SB 162, SB 313, SB 364, SB 365**.

REPORT ON ENGROSSED BILLS

SB 346, SB 362, Sub SB 394 reported correctly engrossed March 12, 2014.

SB 316, SB 334, SB 367, Sub SCR 1618 reported correctly engrossed March 13, 2014.

REPORT ON ENROLLED BILLS

SR 1793, SR 1794, SR 1795 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 13, 2014.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 14, 2014.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

