

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 4, 2008—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-four senators present.
Senators Barone, Betts, Brownlee, Goodwin, Huelskamp and Jordan were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
I remember in the Navy
As an aerial navigator,
I learned a lot about
Our great Creator.
The stars are quite reliable
Through the means of navigation
To discover any night
Our exact location.
It's also true the sun
And the moon never stray;
We know the exact time
They will rise and set each day.
Their timing cannot be changed
By any legislation,
Because they have been planned
By your orderly creation.
But You have also blessed
Each state in our nation
With the means to discover
The best of legislation.
We thank You for that precious gift
Which shows how much You care.
It's a simple solution:
It's the privilege of prayer!
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 bills were introduced and read by title:

SB 534, An Act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or

authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

SB 535, An act concerning credit unions; pertaining to field of membership; pertaining to mergers; pertaining to branches; amending K.S.A. 17-2205, 17-2221, 17-2223, 17-2223a and 17-2228 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 536, An act concerning the Kansas offender registration act; prohibition from adopting and enforcing residency restrictions; amending K.S.A. 22-4913 and repealing the existing section, by Committee on Judiciary.

SB 537, An act relating to civil procedure; concerning certain privileges; relating to certain costs; amending K.S.A. 60-427, 60-2003 and 60-2006 and repealing the existing sections, by Committee on Judiciary.

SB 538, An act concerning the conservation commission; relating to conservation easements; establishing the farm and ranch land protection program; amending K.S.A. 2-1904 and repealing the existing section, by Committee on Natural Resources.

SB 539, An act concerning community corrections; relating to grant determinations; amending K.S.A. 2007 Supp. 75-52,111 and 75-52,112 and repealing the existing sections, by Committee on Ways and Means.

SB 540, An act concerning health insurance; establishing a voluntary health insurance clearinghouse; authorizing policies for young adults; defining very small employers; enacting the Kansas small business health policy committee act; amending K.S.A. 40-2218 and K.S.A. 2007 Supp. 40-2118, 40-2202, 40-4701, 40-4702, 40-4704, 40-4707, 74-50,301 and 74-50,302 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 40-4703, 40-4705 and 40-4706, by Joint Committee on Health Policy Oversight (By Request of the Kansas Health Policy Authority).

SB 541, An act concerning the Kansas health policy authority; relating to powers and duties thereof regarding a medical home, and small business wellness grant program; establishing the health reform fund; amending K.S.A. 2007 Supp. 75-7401 and 75-7408 and repealing the existing sections, by Joint Committee on Health Policy Oversight (By request of the Kansas Health Policy Authority).

SB 542, An act increasing the rate of taxation imposed upon cigarettes and tobacco products; creating the health reform fund; depositing money into; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2007 Supp. 79-3310, 79-3310c, 79-3311 and 79-3312 and repealing the existing sections, by Joint Committee on Health Policy Oversight (By request of Kansas Health Policy Authority).

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 530**.

Education: **SB 532**.

Ways and Means: **SB 531**, **SB 533**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION

Utility Division

January 31, 2008

Pursuant to the provisions of KSA 66-117b, Thomas E. Wright, Chairman, submitted the Annual Report.

The report can be viewed on the Commission's website at http://ks.gov/08_legis_rpt.pdf.

Also submitted by Thomas E. Wright, was a report on Price Deregulation provided pursuant to the requirements of KSA 2007 Supp. 66-2005 as amended by **SB 350**.

KANSAS PAROLE BOARD

Pursuant to the provisions of KSA 22-3710, Paul Feleciano, Jr. Chair, Kansas Parole Board, presented the Annual Report of the Kansas Parole Board for fiscal year 2007.

The report is available online at <http://www.dc.state.ks.us/kpb/annualreports/Annual%20Report%20FY07.pdf>.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2071, HB 2622, HB 2641.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2071, HB 2622, HB 2641 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. 1806—

A RESOLUTION congratulating and commending the 2007 Independence High School girls' tennis team.

WHEREAS, The Independence High School girls' tennis team won their second straight Kansas State High School Athletic Association Class 4A Girls Tennis Tournament last October. This victory is the team's third state championship overall; and

WHEREAS, The team scored an outstanding 36 points to win the championship; 12 points more than the second place team and 15 points more than the third place team; and

WHEREAS, The championship team members are seniors Brandie Eades, Kelsie Froebe, Jenny Jabben, Taylor Jurski, Biloxie Mangan, Kayla Schabel and Jayme Wright; juniors Marylynn Craig and Kelsey Mayes; sophomores Morgan Baxter, Bayley Conner, Brittany Meyer, Aubrey Near, Katie Porter, Talor Smith; and freshmen Ashlee Carr, Brianna Hilger, Lexy Mangan, Molly Mangan, Kelby McGrath, Sammi Mayes and Cali Nutt; and

WHEREAS, Kayla Schabel, who won the Southeast Kansas League regional and sub-state singles championships, advanced to the state title match, taking second place. Kayla ended her amazing season with a record of 29-7; and

WHEREAS, Two Independence doubles teams advanced to the semifinals; Taylor Jurski and Jenny Jabben competed against teammates Jaymee Wright and Katie Porter and finished the tournament in third and fourth places respectively; and

WHEREAS, The team was guided to victory by head coach Jean Lundt and assistant coach Gina McLenon; and

WHEREAS, The continued strength of the Independence High School girls' tennis team brings great credit upon themselves and their families, coaches and school and is deserving of being applauded for their hard work and effort required to excel in this sport: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Independence High School girls' tennis team for winning the 2007 Class 4A state championship and for continuing a tradition of excellence in girls' tennis; further, that we congratulate and commend their coaches for the expert guidance they have given to this champion tennis team; and

Be it further resolved: That the Secretary of the Senate provide 28 enrolled copies of this resolution to Senator Derek Schmidt for presentation to the team and coaches.

On emergency motion of Senator D. Schmidt **SR 1806** was adopted unanimously.

Team members were guests and recognized with a standing ovation.

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

SENATE RESOLUTION No. 1807—

A RESOLUTION congratulating and commending the 2007 Independence High School boys' tennis team.

WHEREAS, The Independence High School boys' tennis team won the 2007 Kansas State High School Athletic Association Class 4A state championship for the second year in a row, scoring a total of 37 points; 16 points more than the second place team; and

WHEREAS, The team also won the Southeast Kansas regional tournament for the 3rd straight year, and ended the season with an overall record of 104-9, winning 93% of their matches; and

WHEREAS, The team members are seniors Andrew Posch and Zach Willis; juniors Andrew Carr, Jason Cranor, Adam Greenhaw, Sam Schroeder and Michael Ysusi; sophomores Logan Dent, Omar Elshabassy, Shane Ferguson, Eric Hardy, Dan Porter and Rylan Romans; and freshmen Anthony Davis, Kyle Ferris, Wes Goodrich, Isaac Hilger, Zach May, Logan Papen, Mason Posch, Cameron Schicke and Austin Schroeder; and

WHEREAS, This year's state qualifiers were Andrew Posch, Sam Schroeder, Adam Greenhaw, Zach Willis and Dan Porter. They have been led by the experience and wisdom of their coach Ken Brown and assistant coach Gina McLenon; and

WHEREAS, Andrew Posch finishes his high school career with 125 career wins in both singles and doubles competitions, the all-time best record for the school; Posch is a three-time state participant including winning the state doubles championship in 2006 with Tyler Smith, and he is the third individual in Independence history to win two state tennis championships following Jesse Dalton (singles 1928 and 1930) and Edison Shive (singles 1941 and 1942); and

WHEREAS, Zach Willis finished second in the state singles competition for the second year in a row; he finished second in career wins with 117, dropped only one singles match all season and ended with a 32-2 record for his senior year; and

WHEREAS, Andrew Posch and Dan Porter placed first in the state doubles competition after an undefeated 33-0 season; and

WHEREAS, Sam Schroeder and Adam Greenhaw, in their first ever state championship appearance, finished sixth in the doubles competition with a season record of 28-7; and

WHEREAS, The members of this championship team have received well deserved recognition from their community and the state for demonstrating high standards of sportsmanship and tremendous athletic ability: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Independence High School boys' tennis team for winning the 2007 Class 4A state championship and for continuing a tradition of excellence in boys' tennis; and

Be it further resolved: That the Secretary of the Senate provide 28 enrolled copies of this resolution to Senator Derek Schmidt for presentation to the team and coaches.

On emergency motion of Senator D. Schmidt **SR 1807** was adopted unanimously.

Team members were guests and recognized with a standing ovation.

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

SENATE RESOLUTION No. 1808—

A RESOLUTION congratulating and commending the 2007 Independence High School boys' soccer team.

WHEREAS, The Independence High School boys' soccer team won the 2007 Kansas State High School Athletic Association Class 4-3-2-1A state championship by defeating Buhler High School 2-1 in overtime on Saturday, November 4, 2007; and

WHEREAS, The state championship win ended the team's best season in its seven-year history with a record of 17-1-1, including a 14 game winning streak; and

WHEREAS, The team members are seniors Dylan Craft, Dan Gross, Christian Pinon, Sam Schroeder and Michael Ysusi; juniors Dalton Friesen, Josh Bromley, Phillip Byrd, Shane Ferguson, Brent Alvarez and Ryan Hayes; sophomores Connor Cushing, Cole Cranor, Tyler Sprague, Talyn Austin, Wes Goodrich, Kris High, Matt Wallis, Mason Posch, Cameron Schicke, Austin Schroeder, Bry Thomas, Marcus Wright and Kyle Forris; and freshmen Terry Bacon, Garrett Gilstrap, Jarett Gaddy, Chase Cushing, Garrett Webster, Tori Kebert, Chris Burnside, Judith Kyle, Audrey Tucker, Matt Wilson, Patrick Wuerdeman and T.J. Honan; and

WHEREAS, Senior Dan Gross scored the game-winning goal in the fourth minute of overtime to win the state title; and

WHEREAS, The championship team's head coach is Eric Haislett and assistant coach is Nick McBride; and

WHEREAS, Through their hard work and dedication, the members of this championship team have received well deserved recognition from their community and the state for demonstrating high standards of sportsmanship and tremendous athletic ability; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Independence High School boys' soccer team for winning the 2007 Class 4-3-2-1A state championship; and

Be it further resolved: That the Secretary of the Senate provide 42 enrolled copies of this resolution to Senator Derek Schmidt for presentation to the team and coaches.

On emergency motion of Senator D. Schmidt **SR 1808** was adopted unanimously.

Team members were guests and recognized with a standing ovation.

REPORT ON ENROLLED BILLS

SR 1806, SR 1807, SR 1808 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 4, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 467** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 5, 2008.

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

PAT SAVILLE, *Secretary of the Senate.*

