

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 25, 2008—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Bruce and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I think it's time we are reminded
Of the stress these folks endure.
They are subject to afflictions
For which there is no cure.

Some think Senators work
Only three months in this city.
They've obviously never heard of
An interim committee.

Most Senators are occupied
With other full time work;
Plus a family to care for
Devoid of generous "perks."

I've been in all their offices,
And almost without fail
Every desk is covered up
With stacks of "paper trail."

They are also besieged
With E Mail and phone calls,
Besides request for speeches,
and conversations in the halls.

I really could go on and on.
But I try to just pray a minute
So I just ask You for a blessing, Lord,
For everyone in the Senate.

I pray in Jesus' Name,

AMEN

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 649. An act concerning capital improvement projects; relating to state educational institutions; amending K.S.A. 2007 Supp. 75-3717b and repealing the existing section, by Committee on Ways and Means.

SB 650. An act concerning the department of social and rehabilitation services; relating to a land transfer from property adjacent to Kansas neurological institute to the Topeka association for retarded citizens, inc, by Committee on Ways and Means.

SB 651. An act concerning the state board of regents; relating to the Kansas academy for math and science; making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, by Committee on Ways and Means.

SB 652. An act making and concerning appropriations for the fiscal years ending June 30, 2009, and June 30, 2010, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, By Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

SB 65, SB 157 approved on February 22, 2008

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT ON AGING

February 21, 2008

As required by KSA 75-5945, Secretary of Aging Kathy Greenlee submitted the Annual Report for Fiscal Year 2007.

As required by KSA 75-5914, the Kansas Department on Aging 2007 Annual Report for the State Advisory Council on Aging, which is included in the KDOA Annual Report, was also submitted.

The 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.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2207; HB 2628, HB 2660, HB 2681, HB 2688, HB 2691, HB 2704, HB 2726, HB 2771, HB 2781, HB 2892.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2207; HB 2628, HB 2660, HB 2681, HB 2688, HB 2691, HB 2704, HB 2726, HB 2771, HB 2781, HB 2892 were introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Taddiken the Senate nonconcurred in the House amendments to **Sub SB 89** and requested a conference committee be appointed.

The President appointed Senators Taddiken, Pine and Francisco as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 359** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Emler and Kelly as a conference committee on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating and commending Amy Wilson, the winner of the Miss Rodeo America 2008 pageant.

WHEREAS, Amy Wilson, 21, of Colby, Kansas, was named Miss Rodeo Kansas, and went on to compete as one of 27 contestants in the 53rd annual pageant for the Miss Rodeo America title in Las Vegas; and

WHEREAS, Amy Wilson won the title of Miss Rodeo America 2008 on December 8, 2007, for her horsemanship, personality and appearance, along with her public speaking, personal interviews, modeling, photogenic quality and rodeo and equine knowledge: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Amy Wilson on her memorable achievement and express the hope for continued success; and

Be it further resolved: That the Secretary of the Senate provide ten enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1815** was adopted unanimously.

Senator Ostmeyer introduced the following guests accompanying Amy: Colleen Hasting, Brenda Wilson, Dr. R. C. Trotter and Mary Trotter. Also recognized were Amy's parents, Lonnie and Laurie Wilson who were not able to be present.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1816—

A RESOLUTION honoring Pauline Johnson for her 40 years of volunteer service to the Community Thanksgiving Dinner in Topeka.

WHEREAS, In 1968, Pauline Johnson and the late Addie Spicher started the annual Community Thanksgiving Dinner in Topeka; and

WHEREAS, The first Community Thanksgiving Dinner was held at the East Topeka United Methodist Church where 69 people attended and Pauline Johnson has volunteered her time and hard work at every Community Thanksgiving Dinner ever since; and

WHEREAS, After that first event word spread, and soon the Community Thanksgiving Dinner had outgrown its site at the church and was moved to the old Mid-America Fairgrounds; and

WHEREAS, Addie Spicher passed away in 1974, but before she died she appointed Pauline Johnson to carry on the dinner; and

WHEREAS, Pauline Johnson convinced Grant Cushinberry, who had started a Thanksgiving dinner at the Jordan-Patterson American Legion Post, to merge his dinner with the one at the fairgrounds; and

WHEREAS, When the fairgrounds were demolished in the 1980s, the dinner was moved to the National Guard Armory and then to the basement of the old Municipal Auditorium. After several years at the auditorium, the dinner was moved to its current location in the Agricultural Hall on the grounds of the Kansas Expocentre; and

WHEREAS, It is estimated that the Community Thanksgiving Dinner serves as many as 3,000 Topekans in any given year; and

WHEREAS, The Community Thanksgiving Dinner attracts people from all walks of life, which is exactly the way Pauline Johnson likes it, as she was quoted in the newspaper: "This dinner is not for the poor or rich. This dinner is to bring the community together to give thanks for everything we have here."; and

WHEREAS, Pauline Johnson is the last surviving volunteer who prepared the first dinner and 40 years later the Community Thanksgiving Dinner held on Thursday, November 22, 2007, at the Kansas Expocentre's Agricultural Hall was the last dinner Pauline Johnson will serve: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor Pauline Johnson and express our gratitude for her 40 years of dedicated volunteer service to the Community Thanksgiving Dinner and to the people of Topeka, and wish her well in her future endeavors.

On emergency motion of Senator Hensley **SR 1816** was adopted unanimously.

Senator Hensley introduced Pauline Johnson and guests accompanying her: Jack Alexander, Tillie Alexander, Angela Johnson and Myron Johnson.

REPORT ON ENGROSSED BILLS

SB 418, SB 454, SB 471, SB 489, SB 526 reported correctly engrossed February 21, 2008.

SB 404, SB 437, SB 507, SB 534, SB 536, SB 557, SB 584 reported correctly engrossed February 22, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 443** be amended on page 3, in line 13, after “long-term” by inserting “care insurance”; by striking all in lines 16 through 42;

On page 4, in line 27, by striking all after “The”; by striking all in line 28; in line 29, by striking all before “commissioner”; and the bill be passed as amended.

Also, **SB 498** be amended on page 1, in line 31, by striking all after “(b)”; by striking all in lines 32 through 37 and inserting “If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, in addition to any other penalty provided by law, may impose a civil penalty in the amount fixed by rules and regulations of the commissioner in an amount not less than \$500 nor more than \$5,000 for each violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.”;

On page 2, by striking all in line 18; in line 19, by striking all before “rating”; in line 26, by striking all after “not”; by striking all in lines 27 and 28; in line 29, by striking all before the period and inserting “include insurance agents and brokers as such terms are defined in K.S.A. 2007 Supp. 40-4902 and amendments thereto”; and the bill be passed as amended.

SB 563 be amended on page 1, in line 23, after “organization” by inserting “may establish reasonable prior notification requirements for inpatient and outpatient hospital admissions. A utilization review organization”; in line 24, by striking “of admission prior to” and inserting “sooner than”; also in line 24, before the second “the” by inserting “any inpatient admission occurring on a weekend or holiday or any urgent or emergent inpatient or outpatient admission regardless of when”; also in line 24, by striking the second “to”; in line 25, by striking “the health care facility” and inserting “for services”;

Also on page 1, in line 31, after “(b)” by inserting “A utilization review organization may not reduce or deny payment to a provider for such provider’s failure to comply with this act or any rules and regulations adopted pursuant to K.S.A. 40-22a11 and amendments thereto. (c)”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 495** be amended on page 2, in line 4, by striking “10” and inserting “20”; in line 10, by striking “10” and inserting “20”; and the bill be passed as amended.

Also, **SB 545** be amended on page 2, in line 5, by striking “16-year” and inserting “12-year”; in line 9, by striking all following the period; by striking all in lines 10 through 13; in line 14, by striking all preceding “If”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 474** be amended on page 1, in line 24, after “nonresident” by inserting “who is”; in line 26, by striking “that” and inserting “if such field trial”; in line 30, after “only” by inserting “prairie dogs,”;

On page 2, in line 19, by striking “engage in” and inserting “conduct”; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 469** be amended on page 1, in line 33, by striking “internet access services,”; in line 35, by striking “or internet access”; in line 36, by striking “services,”;

On page 2, in line 23, by striking “only one” and inserting “an”; in line 24, by striking “or internet”; in line 25, by striking “access service, to the” and inserting “based on a condition of”; in line 29, by striking “or internet access service”; in line 31, after the semicolon, by inserting “or”; in line 32, after “property” by inserting “mandatory”; in line 33, by striking “or in-”; in line 34, by striking “internet access service,”; in line 36, by striking “; or”; by striking all in lines 37 through 39; in line 40, by striking all before the period;

On page 3, in line 1, by striking “in a timely manner” and inserting “within 120 days after receiving knowledge of the existence of such fact”; in line 3, by striking “(1)” and inserting “(2)”; in line 6, after “of” where it appears for the first time by inserting “the”; in line 7, by striking all after “property”; by striking all in line 8; in line 9, by striking “to the occupants of the real property”; in line 13, by striking “(1)” and inserting “(2) or (4)”; in line 17, by

striking "(1)" and inserting "(2) or (4)"; in line 18, by striking all after "property"; by striking all in lines 19 and 20; in line 21, by striking "to customers at the property"; in line 23, by striking "; except that the" and inserting ". The local exchange carrier shall provide notice to the commission that it is assuming the carrier-of-last-resort obligation. The"; in line 27, by striking ", and the" and inserting ". The commission may verify that the fee enables the local exchange carrier to recover its costs that exceed the costs that would have been incurred to construct or acquire facilities to serve customers at the real property initially, including, but not limited to, amounts necessary to install or retrofit any facilities or equipment, to cut or trench sidewalks and streets and to restore roads, sidewalks, block walls or landscapes to original conditions. The"; in line 32, by striking "(1)" and inserting "(2) or (4)"; in line 33, by striking "(1)" and inserting "(2) or (4)"; in line 36, by striking "(1)" and inserting "(2)"; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 26, 2008.

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

PAT SAVILLE, *Secretary of the Senate*.

