

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 10, 2008—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-seven senators present.
Senators Betts, Gilstrap and Goodwin were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
As I have enjoyed the presence
Of my son-in-law and daughter,
I pray for Senators' loved ones
From here to the western border.
Help them to be patient
While the Senate is in session,
And to help relieve the pressure
With prayerful intercession.
Help loved ones understand
That the Senators miss them, too;
And are looking forward to the day
When the session will be through.
Keep their loved ones safe and well,
Free from stress and worry;
And to realize their Senator
Is also in a hurry!
I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

POINT OF PERSONAL PRIVILEGE

Chaplain Fred Hollomon rose on a Point of Personal Privilege to introduce his daughter Judy Hendrick and son-in-law Tom Hendrick. They were recognized with a standing ovation.

Senator Huelskamp also rose on a Point of Personal Privilege and introduced his parents, LeRoy and Stella Huelskamp. They, too, were recognized with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 674, An act concerning ethanol production; relating to production incentives; amending K.S.A. 2007 Supp. 79-34,163 and repealing the existing section, by Committee on Ways and Means.

CHANGE OF REFERENCE

The Vice President withdrew **Sub HB 2625** from the Committee on **Agriculture**, and referred the bill to the Committee on **Natural Resources**.

MESSAGE FROM THE HOUSE

Announcing the House accedes to the request of the Senate for a conference on **SB 196** and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

Announcing passage of **HB 2520**, **HB 2750**.

Also, adoption of **HCR 5028**.

Passage of **SB 267**, as amended.

The House concurs in Senate amendments to **HB 2578** and requests the Senate to return the bill.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2520, **HB 2750**, **HCR 5028** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1821—

A RESOLUTION congratulating and commending the Shawnee Mission East High School boys swim team.

WHEREAS, The Shawnee Mission East High School boys swim team, with an undefeated 8-0 record, became the Sunflower League champions for the fifth consecutive year and the state champions for the fourth consecutive year; and

WHEREAS, The 200-yard medley relay team comprised of Spencer Sherard, Brad Crist, Brogan Runion and Levi Mische took first place with a time of 1 minute, 35.89 seconds - a new state record - and earned All-American status; and

WHEREAS, The 200-yard freestyle relay team comprised of Levi Mische, Jack Stalder, Brogan Runion and Brad Crist took first place with a time of 1 minute, 27.51 seconds and earned All-American status; and

WHEREAS, Levi Mische, in an outstanding personal performance that earned him the title of Kansas Swimmer of the Year, won the 50-yard freestyle and the 100-yard freestyle in addition to being on the 200-yard medley and 200-yard freestyle relays that won state titles; and

WHEREAS, The seniors - Brad Crist, Jonathan Firth, Chris Hause, Levi Mische, Matt Modrcin, Brogan Runion and Jack Stalder - have accomplished the following in four years at Shawnee Mission East: An overall record of 34-1; four consecutive Sunflower League championships; four consecutive state meet championships; 12 consecutive invitational team championships; five school records; three relay teams receiving All-American recognition; and individual All-American recognition for Brad Crist, Chris Hause, Levi Mische and Brogan Runion; and

WHEREAS, Brad Crist, Levi Mische and Brogan Runion were also named first team All- State; and

WHEREAS, The members of this championship team have received appropriate and well deserved accolades and recognition from their school, community and state, for adhering to the highest standard in sportsmanship and demonstrating tremendous athletic ability: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Shawnee Mission East High School boys swim team, head coach Wiley Wright, assistant coach Wanda Simchuck and diving coach Betsy Anderson be congratulated and commended for being the 2008 state champion swimming team, for their tireless commitment to the rigors of practices, for their maturity in the face of the physical and mental stresses of the many swim meets and for the lofty standards of excellence they have achieved in their chosen sport; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Wysong for presentation to the Shawnee Mission East High School Swim Team.

On emergency motion of Senator Wysong **SR 1821** was adopted unanimously.

Senator Wysong introduced seniors, Brad Crist, Jonathan Firth, Chris Hause, Levi Mische, Matt Modrcin, Brogan Runion and Jack Stalder. They were honored with a standing ovation.

Also recognized were Dr. Ron Mersch, Principal; Gary Howard, Athletic Director; Wiley Wright, Head Coach; Wanda Simchuck, Assistant Coach and Betsy Anderson, Diving Coach.

Senators Barnett, Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1822—

A RESOLUTION congratulating and commending the 2008 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2008. The seven were honored on February 27 at Emporia State University, the sponsor of the program, with a day of tours, seminars and receptions; and

WHEREAS, The 2008 Kansas Master Teachers are Alice Bertels, a gifted facilitator at Washburn Rural Middle School in Topeka; Lisa Colwell, a mathematics teacher at Hays High School; Lori Goodson, a sophomore English and newspaper teacher at Wamego High School; Ronda Hassig, a library media specialist at Harmony Middle School in Blue Valley; Deborah Nauerth, a gifted education facilitator at Amanda Arnold Elementary, Bluemont Elementary and Lee Elementary schools in Manhattan-Ogden; Shannon Ralph, a biology teacher at Dodge City High School; and Kenna Reeves, a communication and theatre teacher at Emporia State University; and

WHEREAS, Since Emporia State University established the Kansas Master Teacher Awards in 1954, 401 educators have been honored. The awards are presented annually to teachers described as having "served the profession long and well and who also typify the good qualities of earnest and conscientious teachers"; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2008 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the seven 2008 Kansas Master Teachers for demonstrated excellence in their profession and devotion to the children of Kansas; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Alice Bertels, 3026 SW Arvon Place, Topeka, KS 66614; Lisa Colwell, 1601 Copper Creek Court, Hays, KS 67601; Lori Goodson, 409 Cherry Circle, Manhattan, KS 66503; Ronda Hassig, 10761 South Cedar Niles Circle, Olathe, KS 66061; Deborah Nauerth, 3800 Boston Circle, Manhattan, KS 66503; Shannon Ralph, 2009 Frederick Drive, Dodge City, KS 67801; and Kenna Reeves, 2301 West 9th Avenue, Emporia, KS 66801.

On emergency motion of Senator Barnett **SR 1822** was adopted unanimously.

Kansas Master Teachers introduced and honored with a standing ovation were: Alice Bertels, Topeka; Lisa Colwell, Hays; Lori Goodson, Wamego; Ronda Hassig, Olathe; Deborah Nauerth, Manhattan and Kenna Reeves, Emporia.

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

SENATE RESOLUTION No. 1823—

A RESOLUTION congratulating and commending Luke Rockefeller for receiving a 2008 Prudential Spirit of Community Award.

WHEREAS, Luke Rockefeller, an esteemed resident of Topeka, Kansas, and a senior at Washburn Rural High School, has achieved national recognition for exemplary volunteer service by receiving a 2008 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Rockefeller was named one of four distinguished finalists out of 4,500 nominations in the state level of competition, and earned this award by giving generously of his time and energy to a free errand-running service to assist local senior citizens who are unable to get out on their own; and

WHEREAS, After obtaining permission from administrators at the Topeka Presbyterian Manor, Mr. Rockefeller made flyers and posters, met with residents to explain his free service and went shopping for groceries and other goods and services needed by his elderly "customers;" and

WHEREAS, The success of the State of Kansas, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Rockefeller, who use their considerable talents and resources to serve others: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Luke Rockefeller as a recipient of a 2008 Prudential Spirit of Community Award, recognize his outstanding record of volunteer service, peer leadership and community spirit, and extend best wishes for his continued success and happiness.

On emergency motion of Senator V. Schmidt **SR 1823** was adopted unanimously.

Luke Rockefeller was a guest and was honored with a standing ovation. Accompanying him were his parents, Dr. John and Mare Rockefeller and sister, Molly.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 525** be passed.

Committee on **Education** recommends **SB 669** be passed.

Committee on **Ways and Means** recommends **SB 524** be amended on page 1, after line 12, by inserting the following:

"Section 1. K.S.A. 2007 Supp. 75-5211 is hereby amended to read as follows: 75-5211.

(a) The secretary of corrections shall provide programs of employment, work, educational or vocational training for those inmates whom the secretary determines are available, willing and able to participate and are capable of benefiting therefrom. Equipment, management practices and general procedures shall, to the extent possible, approximate normal conditions of employment. Such work week may include schooling, vocational training, employment at private industry, treatment or other activities authorized by the secretary. For all purposes under state law, no inmate shall be deemed to be an employee of the state or any state agency. The secretary of corrections may credit to each inmate as a reward for such employment, an amount which shall be set by the secretary of corrections. Any inmate who is gainfully employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288, and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed, and any inmate who is incarcerated at the Topeka correctional facility for the purpose of receiving diagnosis and any inmate on disciplinary segregation status shall not be eligible to receive compensation as provided in this subsection.

(b) The secretary of corrections shall establish programs and prescribe procedures for withdrawing amounts from the compensation paid to inmates from all sources for the same purposes as are prescribed by K.S.A. 75-5268, and amendments thereto for moneys of work release participants, except that any inmate employed in a private industry program, other than work release, shall, in addition to the deductions specified in K.S.A. 75-5268, and amendments thereto, have deduction of 5% of monthly gross wages paid to the *following funds for the purpose of victim assistance or compensation: (1) Department of corrections victim assistance fund or the crime victims compensation fund, as determined by the secretary, on and after July 1, 2008, through June 30, 2009; and (2) crime victims compensation fund or a local property crime fund for the purpose of victim compensation on and after July 1, 2009.* The department of corrections is authorized to make this deduction and pay-

ment to the *department of corrections victim assistance fund*, the crime victims compensation fund or a local property crime fund, *as applicable*. ~~It~~ *On and after July 1, 2009* the event a local fund has made a payment to a victim of a property crime under this act and there is an order of restitution for which moneys are being withheld from an inmate under K.S.A. 75-5268, and amendments thereto, the secretary shall cause such moneys deducted for use by the state crime victims compensation board to be paid quarterly to the local fund, if any, then the balance to the state crime victims compensation fund. If there is no order of restitution, then K.S.A. 75-5268, and amendments thereto shall apply to the disposition of funds.

(c) (1) Upon the initial release of any inmate on parole, conditional release, postrelease supervision or expiration of the inmate's maximum sentence, the inmate shall be provided with suitable clothing and, if the inmate has a balance of \$500 or less in the inmate's trust account, a cash payment of \$100. If the inmate subsequently violates a condition of release resulting in reincarceration and is thereafter again released on parole, conditional release, postrelease supervision or expiration of the inmate's maximum sentence, the inmate may be provided, pursuant to rules and regulations of the secretary of corrections, with a cash payment of not more than \$100. Any inmate who is gainfully employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288, and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed, or any inmate paroled or released to a detainer shall not be eligible to receive this cash payment unless the inmate is released to the community within 30 days of the execution of the detainer.

(2) An inmate released on expiration of the inmate's maximum sentence shall be provided public transportation, if required, to the inmate's home, if within the state, or, if not, to the place of conviction or to some other place not more distant, as selected by the inmate. An inmate released on parole or conditional release shall be provided public transportation, if required, to the place to which the inmate was paroled or conditionally released.”;

And by renumbering the remaining sections accordingly;

Also on page 1, after line 30, by inserting the following:

“(d) There is hereby created in the state treasury the department of corrections victim assistance fund. All moneys credited to such fund under the provisions of K.S.A. 75-5211, and amendments thereto, or any other law shall be expended only for the purpose of victim assistance operations. All moneys received shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the department of corrections victim assistance fund. All expenditures of the moneys credited to the department of corrections victim assistance fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.”;

Also on page 1, in line 31, by striking “is” and inserting “and K.S.A. 2007 Supp. 75-5211 are”;

In the title, in line 9, after “expenditure;” by inserting “creating the department of corrections victim assistance fund;”; in line 10, after “75-52,139” by inserting “and K.S.A. 2007 Supp. 75-5211”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, March 11, 2008.

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

PAT SAVILLE, *Secretary of the Senate.*

