

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 11, 2008—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Jesus once said that in the world we would have
Trouble, but we would have peace,
Because He had overcome the world.

There is trouble in the world
And it will not cease,
But You have overcome the world
And in You we will have peace.

Trouble comes to families
And it doesn't seem to cease,
But you have overcome the world
And in You we will have peace.

There is trouble on the job
And it may never decrease,
But You have overcome the world
And in You we will have peace.

Trouble comes to the State House
And sometimes it may increase,
But You have overcome the world
And in You we will have peace.

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 675. An act concerning cities; relating to the use of credit cards by persons to pay certain taxes, fees and exactions, by Committee on Federal and State Affairs.

SB 676. An act concerning the environment; relating to non-fuel flammable or combustible liquid aboveground storage tanks; duties of state fire marshal; civil penalties; creating the non-fuel flammable or combustible liquid aboveground storage tank system fund, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Agriculture: **SB 674**.
 Assessment and Taxation: **HB 2520, HB 2750**.
 Natural Resources: **HCR 5028**.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2692** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1824—

A RESOLUTION congratulating and commending the Blue Valley High School Debate and Forensics Team for being 2008 6A State Debate Champions.

WHEREAS, Blue Valley High School has demonstrated consistent excellence in debate and forensics, winning eight debate and three forensics titles in the last nine years. They have also had five national top twenty debate speakers, more than any other school in Kansas. In 2005, Blue Valley was named a national school of excellence by the National Forensics League and ranked in the top 1% of all debate and forensics programs in the nation; and

WHEREAS, The 2007-2008 Blue Valley debate team consists of Megan Adams, Megan Ritter, Josh Dean, Taylor Nichols, Brian Israel, Andy Irwin, Andy Beye, Simon Yu, Robert Fitzpatrick, Kyle Petersen, Mitchell Waala, Sean Elliot and alternates Zach Garber and Tyler Kalmus; and

WHEREAS, Seniors Megan Adams and Megan Ritter have been debate partners since their sophomore year when they were state quarter-finalists. Juniors Josh Dean and Taylor Nichols qualified for Nationals in the Garden City tournament with their 6 to 1 record. The four won the state title by beating Olathe South and Blue Valley West with an 11-3 record; and

WHEREAS, The issue for the 2007-2008 competition was whether the United States federal government should substantially increase its public health assistance to sub-Saharan Africa. The team spent an average of 20 hours a week researching the issue. They also attended summer camps and held practice contests with each other to prepare for the state championship; and

WHEREAS, The Blue Valley champions were coached by head coach Christopher Riffer and assistant coaches Jill Gouger and Adam Wade. Coach Riffer was named the Kansas Debate Coach of the Year after the January 2008 victory: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Blue Valley High School Debate and Forensics Team for winning the 2008 Class 6A state debate championship and for continuing the tradition of excellence in high school debate; further, that we congratulate and commend their coaches for the expert guidance they have provided; and

Be it further resolved: That the Secretary of the Senate provide 20 enrolled copies of this resolution to Senator Vratil for presentation to the team and coaches.

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

On emergency motion of Senator Vratil **SR 1824** was adopted unanimously.

Senator Vratil rose to congratulate and commend the Blue Valley High School Debate and Forensics Team and coaches for being 2008 6A State Debate Champions and they were recognized with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Elections and Local Government** recommends **HB 2628, HB 2749**, both as amended by House Committee, be passed.

Committee on **Health Care Strategies** recommends **SB 541** be amended on page 1, following line 16, by inserting the following:

"Section 1. K.S.A. 38-2001 is hereby amended to read as follows: 38-2001. (a) The secretary of social and rehabilitation services shall develop and submit a plan consistent with

federal guidelines established under section 4901 of public law 105-33 (42 U.S.C. 1397aa et seq.; title XXI).

(b) The plan developed under subsection (a) shall be a capitated managed care plan covering Kansas children from zero to 19 years which:

(1) Contains benefit levels at least equal to those for the early and periodic screening, diagnosis and treatment program;

(2) provides for presumptive eligibility for children where applicable;

(3) provides continuous eligibility for 12 months once a formal determination is made that a child is eligible subject to subsection (e);

(4) has performance based contracting with measurable outcomes indicating age appropriate utilization of plan services to include, but not limited to, such measurable services as immunizations, vision, hearing and dental exams, emergency room utilization, annual physical exams and asthma;

(5) shall use the same prior authorization standards and requirements as used for health care services under medicaid to further the goal of seamlessness of coverage between the two programs; ~~and~~

(6) ~~will~~ shall provide targeted low-income children, as defined under section 4901 of public law 105-33 (42 U.S.C. 1397aa, et seq.), coverage subject to appropriations;

(7) shall provide coverage, subject to appropriation of funds and eligibility requirements, for children residing in a household having a gross household income (A) at or under 225% of the federal poverty income guidelines in 2009, and (B) at or under 250% of the federal poverty income guidelines in 2010 and subsequent years; the participants receiving coverage shall contribute to the payment for such coverage through a sliding-fee scale based upon ability to pay as established by rules and regulations of the secretary; and

(8) contains a provision which requires the newly enrolled participants with a family income over 200% of the federal poverty income guidelines to wait at least 8 months before participating in this program, if such participants previously had comprehensive health benefit coverage through an individual policy or a health benefit plan provided by any health insurer as defined in K.S.A. 40-4602, and amendments thereto. This waiting period provision shall not apply when the prior coverage ended due to loss of employment other than the voluntary termination, change to a new employer that does not provide an option for dependent coverage, discontinuation of health benefits to all employees, expiration of COBRA coverage period or any other situations where the prior coverage ended due to reasons unrelated to the availability of this program.

(c) The secretary is authorized to contract with entities authorized to transact health insurance business in this state to implement the health insurance coverage plan pursuant to subsection (a) providing for several plan options to enrollees which are coordinated with federal and state child health care programs, except that when contracting to provide managed mental health care services the secretary shall assure that contracted entities demonstrate the ability to provide a full array of mental health services in accordance with the early and periodic screening, diagnosis and treatment plan. The secretary shall not develop a request for proposal process which excludes community mental health centers from the opportunity to bid for managed mental health care services.

(d) When developing and implementing the plan in subsection (a), the secretary to the extent authorized by law:

(1) Shall include provisions that encourage contracting insurers to utilize and coordinate with existing community health care institutions and providers;

(2) may work with public health care providers and other community resources to provide educational programs promoting healthy lifestyles and appropriate use of the plan's health services;

(3) shall plan for outreach and maximum enrollment of eligible children through cooperation with local health departments, schools, child care facilities and other community institutions and providers;

(4) shall provide for a simplified enrollment plan;

(5) shall provide cost sharing as allowed by law;

(6) shall not count the caring program for children, the Kansas health insurance association plan or any charity health care plan as insurance under subsection (e)(1);

(7) may provide for payment of health insurance premiums, including contributions to a medical savings account if applicable, if it is determined cost effective, taking into account the number of children to be served and the benefits to be provided; and

(8) may provide that prescription drugs, transportation services and dental services are purchased outside of the capitated managed care plan to improve the efficiency, accessibility and effectiveness of the program.

(e) A child shall not be eligible for coverage and shall lose coverage under the plan developed under subsection (a) of K.S.A. 38-2001, and amendments thereto, if such child's family has not paid the enrollee's applicable share of any premium due.

If the family pays all of the delinquent premiums owed during the year, such child will again be eligible for coverage for the remaining months of the continuous eligibility period.

(f) The plan developed under section 4901 of public law 105-33 (42 U.S.C. 1397aa et seq., and amendments thereto) is not an entitlement program. The availability of the plan benefits shall be subject to funds appropriated. The secretary shall not utilize waiting lists, but shall monitor costs of the program and make necessary adjustments to stay within the program's appropriations.

(g) *Eligibility and benefits under the plan prescribed by this section are not and shall not be construed to be entitlements, are for legal residents of the state of Kansas and are subject to availability of state and federal funds and to any state and federal requirements and the provisions of appropriation acts. If the secretary determines that the available federal funds and the state funds appropriated are insufficient to provide coverage for the income eligibility levels prescribed by this section, a lower income level shall be adopted and implemented by the secretary, within the limits of appropriations available therefor, and all such changes shall be published by the secretary in the Kansas register.*;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 17, by striking "Section" and inserting "Sec.";

On page 3, in line 14, by striking all following "delivery"; by striking all in lines 15 through 17; in line 18, by striking all preceding "cost" and inserting "model in which a patient establishes an ongoing relationship with a physician or other personal care provider in a physician-directed team, to provide comprehensive, accessible and continuous evidence-based primary and preventive care, and to coordinate the patient's health care needs across the health care system in order to improve quality and health outcomes in a";

On page 4, in line 35, following the semicolon, by inserting "and"; in line 36, by striking "and"; by striking all in lines 37 through 43;

On page 5, by striking all in lines 1 through 11; in line 40, by striking "3" and inserting "4";

On page 6, in line 10, following "Supp." by inserting "38-2001.";

In the title, in line 11, following the comma, by inserting "expansion of SCHIP"; in line 13, following "Supp." by inserting "38-2001."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 64** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 64," as follows:

"Substitute for SENATE BILL No. 64

By Committee on Judiciary

"AN ACT establishing a family dispute resolution fund; providing for grants; concerning docket fees; amending K.S.A. 20-367 and K.S.A. 2007 Supp. 60-1621 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 650** 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., Wednesday, March 12, 2008.

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

PAT SAVILLE, *Secretary of the Senate.*

