

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 31, 2008—9:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-six senators present.
Senators Allen, Brungardt, Haley, and Wysong were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Lots of bills and resolutions
Are demanding our attention;
Including controversial issues
Which sometimes cause dissension.

But this happens every session,
And though losing is no fun;
Winners are rarely satisfied
With whatever they have won.

Constituents get impatient
And want to vote incumbents out.
But the folks who take their places
Discover what it's all about.

Yes, it happens every session,
And we should not be surprised.
It always happens in our nation
Where the majority takes the prize.

So give us lots of patience, Lord,
When we don't agree.
It just naturally happens
In a family!

I pray in the Name of Jesus Christ,
AMEN

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2932.**

Federal and State Affairs: **HB 2616, HB 2843, HB 2924, HB 2973.**

Transportation: **HB 2786.**

Ways and Means: **SB 700.**

CHANGE OF REFERENCE

The Vice President withdrew **HB 2315** from the Committee on **Ways and Means**, and rereferred the bill to the **Committee on Commerce**.

The Vice President withdrew **HB 2620**, **HB 2632** from the Committee on **Ways and Means**, and referred the bills to the Calendar under the heading off General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1847—

A RESOLUTION recognizing and honoring Penney Schwab for her work with the United Methodist Western Kansas Mexican-American Ministries.

WHEREAS, On February 4, 2008, after nearly 22 years as the executive director of United Methodist Mexican-American Ministries based in Garden City, Penney Schwab retired from that position. MAM, as the agency is usually known, has six centers in Southwest Kansas and offers a comprehensive range of medical, social, educational and spiritual services for people of all races, colors and faiths. The clinics see more than 25,000 patients annually; and

WHEREAS, When hired in 1986, Ms. Schwab oversaw the establishment of a medical clinic that in 1997 became a Community Health Center with sites in Garden City, Dodge City, Liberal and Ulysses. Almost 22 years ago, when Ms. Schwab first began working at MAM, the organization had only six employees; it has since grown into a dynamic agency with 65 employees and a budget over \$3 million. The organization's growth is due to Ms. Schwab's passion, dedication and vision; and

WHEREAS, In 2007, under Ms. Schwab's direction, MAM clinics provided health care for 6,173 unduplicated clients. Social services include a food bank, clothing and household items, school supplies, immigration documentation assistance, citizenship classes, VITA tax assistance, youth camp and other services. Most recently, Ms. Schwab worked to establish MAM's first dental clinic, which opened December 10; and

WHEREAS, Ms. Schwab is the second elected lay delegate to the General Conference of the United Methodist Church by the laity of the Kansas West Conference. She has been a member of Copeland United Methodist Church since 1969. Ms. Schwab credits her service in the United Methodist Church to her love of people, stating that "it has been my greatest joy and privilege to serve people of all races, colors and faiths as executive director of Mexican-American Ministries"; and

WHEREAS, Ms. Schwab is a member of the Chickasaw Nation and is married to Don Schwab and has three children, Patrick, Michael and Rebecca, and six grandchildren. The Schwabs have lived on a farm south of Copeland for 38 years; and

WHEREAS, Ms. Schwab will continue working with MAM by writing grants and conducting research. She plans to do some traveling with her husband Don and to spend more time with family and friends. Ms. Schwab will also continue writing for "Daily Guideposts", which she has done for nearly 30 years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate, commend and express our gratitude to Penney Schwab for her selfless and dedicated work with the United Methodist Western Kansas Mexican-American Ministries and for improving the lives of many Kansans through her caring concern; and

Be it further resolved: That the Secretary of the Senate be directed to provide four enrolled copies of this resolution to Senator Stephen Morris.

On emergency motion of Senator Morris **SR 1847** was adopted unanimously.

Senator Morris recognized Penney Schwab for her years of dedicated service to Western Kansas Mexican-American Ministries. Senators rose to give Mrs. Schwab a standing ovation. Also present with her were: husband, Don Schwab, daughter Rebecca Clancy, Frank Clancy and granddaughter Olivia Clancy.

REPORT ON ENROLLED BILLS

SR 1836, **SR 1843**, **SR 1845** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 31, 2008.

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Vratil in the chair.

CHANGE OF REFERENCE

The Vice President withdrew **SB 679** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 697** from the Committee on Ways and Means and referred the bill to the Committee on **Public Health and Welfare**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2543; HB 2839, HB 2891**.

Also, passage of **SB 365, as amended by House Substitute for SB 365; SB 391, as amended by House Substitute for Substitute SB 391; SB 444, as amended; SB 510, as amended, SB 534, as amended, SB 669, as amended**.

The House concurs in Senate amendments to **HB 2758**.

The House concurs in Senate amendments to **Substitute HB 2725**.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 32** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 404** and has appointed representatives Aurand, Horst and Storm as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 411** and has appointed representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 414** and has appointed representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 470** and has appointed representatives Aurand, Horst and Storm as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 476** and has appointed representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 481** and has appointed representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 545** and has appointed representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 555** and has appointed representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 580** and has appointed representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

Announcing the House nonconcurs in Senate amendments to **Senate Substitute for HB 2097**, requests a conference and appoints Representatives Landwehr, Mast and Flaharty as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Senate Substitute for HB 2110**, requests a conference and appoints Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Senate Substitute for HB 2210**, requests a conference and appoints Representatives Myers, Goico and Ruff as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2343**, requests a conference and appoints Representatives Aurand, Horst and Storm as conferees on the part of the House.

The House noncurs in Senate amendments to **Substitute for HB 2625**, requests a conference and appoints Representatives Faber, Knox and Svaty as conferees on the part of the House.

The House noncurs in Senate amendments to **Senate Substitute for HB 2634**, requests a conference and appoints Representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

The House noncurs in Senate amendments to **HB 2672**, requests a conference and appoints Representatives Landwehr, Mast and Flaharty as conferees on the part of the House.

The House noncurs in Senate amendments to **HB 2683**, requests a conference and appoints Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House noncurs in Senate amendments to **HB 2689**, requests a conference and appoints Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House noncurs in Senate amendments to **HB 2721**, requests a conference and appoints Representatives Landwehr, Mast and Storm as conferees on the part of the House.

The House noncurs in Senate amendments to **HB 2771**, requests a conference and appoints Representatives Brunk, Kiegerl and Ruiz as conferees on the part of the House.

The House noncurs in Senate amendments to **HB 2897**, requests a conference and appoints Representatives Faber, Knox and Svaty as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **SB 46** and has appointed Representatives Siegfried, Huebert and Peterson as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **House Substitute for Substitute 169** and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **House Substitute for Substitute SB 309** and has appointed Representatives Swartz, Tafanelli and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **House Substitute for SB 329** and has appointed Representatives Siegfried, Huebert and Loganbill as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **House Substitute for SB 379** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **SB 430** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **Substitute SB 453** and has appointed Representatives Watkins, Grange and Gatewood as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **Substitute SB 491** and has appointed Representatives Landwehr, Mast and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **SB 562** and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for conference on **SB 565** and has appointed Representatives Faber, Knox and Svaty as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2543; HB 2839, HB 2891 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 365** and requested a conference committee be appointed.

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

On motion of Senator Umbarger the Senate nonconcurrred in the House amendments to **H Sub for Sub SB 391** and requested a conference committee be appointed.

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

On motion of Senator Umbarger the Senate nonconcurrred in the House amendments to **SB 534** and requested a conference committee be appointed.

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

On motion of Senator Schodorf the Senate nonconcurrred in the House amendments to **SB 669** and requested a conference committee be appointed.

The Vice President appointed Senators Schodorf, Vratil and Lee as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **S Sub for HB 2097**.

The Vice President appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **S Sub for HB 2110**.

The Vice President appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2343**.

The Vice President appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **Sub HB 2625**.

The Vice President appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **S Sub for HB 2634**.

The Vice President appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **HB 2672**.

The Vice President appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2683**.

The Vice President appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2689**.

The Vice President appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **HB 2721**.

The Vice President appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2771**.

The Vice President appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett, Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, 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. 1848—

A RESOLUTION designating March 31, in 2008 and each succeeding year, as “Civilian Conservation Corps Recognition Day” in Kansas.

WHEREAS, The Civilian Conservation Corps (CCC) was established when President Franklin D. Roosevelt signed the Emergency Conservation Work Act on March 31, 1933; and

WHEREAS, The CCC provided conservation work for over three million unemployed veterans and young men, including 38,163 Kansans during the century’s worst national economic depression and provided them with opportunities to learn lifetime skills; and

WHEREAS, Kansas benefitted from the efforts and accomplishments of these men in their planting of 1,000,000 trees; constructing 169 impounding and large diversion dams; building 1,392,160 yards of fences and guard rails; constructing 943 miles of contour plowing and ridges; reforestation of 6,040,000 acres; digging 1,939,801 linear feet of diversion ditches; and creating 73,432 acres of sheet erosion planting; and

WHEREAS, Creation of the county, state and national parks and historical sites we enjoy today are the result of the Civilian Conservation Corps; and

WHEREAS, March 31, 2008, will mark the 75th anniversary of the Civilian Conservation Corps; and

WHEREAS, The outstanding contributions of the CCC workers have helped preserve our wondrous natural resources and have improved the quality of life of all the citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Kansas Senate designate March 31, in 2008 and each succeeding year, as “Civilian Conservation Corps Recognition Day” in honor of their invaluable service.

On emergency motion of Senator Barnett **SR 1848** was adopted unanimously.

Guests introduced by Senator Barnett were John Rentko, John Rentko, Jr., Bill Holdeman, Feebie Holdeman, Helen Beckman, Dwight Beckham, Sr., Robert Carlton, Christine Carlton, Julia Carlton, Larry Hamler, Marilyn Hamler, Steve Hudson, Cleland McBurney and Irene McBurney. They were honored with a standing ovation.

REPORT ON ENGROSSED BILLS

SB 591, SB 689 reported correctly engrossed March 31, 2008.

Also, **SB 477, SB 512** correctly re-engrossed March 31, 2008.

REPORT ON ENROLLED BILLS

SB 49; H Sub for SB 226; SB 418, SB 423, SB 424, SB 438, SB 465, SB 474, SB 536 reported correctly enrolled, properly signed and presented to the Governor on March 31, 2008.

SCR 1624 reported correctly enrolled, properly signed and presented to the Secretary of State on March 31, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 693** be amended on page 1, in line 27, by striking all following “which”; in line 28, by striking all preceding the semicolon and inserting “has a qualified project located within the boundaries of such entity or within the jurisdiction of such entity”; in line 29, by striking “an intermodal facility” and inserting “land, improvements, personal property and fixtures”; in line 31, by striking “\$175,000,000” and inserting “\$150,000,000”; in line 33, by striking “property adjacent to” and inserting “such additional area certified by the secretary to be impacted by”; also in line 33, by striking all following “facility” where it appears for the second time and inserting a semicolon; by striking all in

line 34; in line 36, following "street" by inserting ", underpass, railroad crossing"; in line 39, by striking "public authority" and inserting "governmental unit";

On page 2, in line 2, following "thereto" by inserting ", including, but not limited to, land acquisition"; in line 9, following "private" by inserting "intermodal"; also in line 9, by striking "facilities" and inserting "projects"; in line 10, preceding the semicolon by inserting "and by the city or county in which the qualified project is located to be of local importance";

On page 4, following line 14, by inserting the following:

"(d) No governmental unit is authorized to pledge its full faith and credit or its taxing power for the purpose of repayment of any loan under this act.";

Also on page 4, in line 29, following "agreements" by inserting "with the secretary"; in line 36, following the period by inserting "This subsection shall not apply if the source of repayment of a loan with a governmental unit, as identified in the agreement, is not received by such governmental unit prior to the loan repayment date."; in line 39, by striking "and 79-5028."; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 9:00 a.m., Tuesday, April 1, 2008.

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

PAT SAVILLE, *Secretary of the Senate*.

