

# Journal of the Senate

FIFTH-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 29, 2009—10:00 a.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,

As we face some weighty decisions during this hopefully brief session, I am quoting some advice from Your Word according to the Book of Proverbs:

“My son, if you accept my words and store up my commands within you, turning your ear to wisdom and applying your heart to understanding, and if you call out for insight and cry aloud for understanding, and if you look for it as for silver and search for it as for hidden treasure, than you will understand the fear of the Lord and find the knowledge of God.

For the Lord gives wisdom, and from His mouth come knowledge and understanding.” (Proverbs 2:1-6)

I also want to include some quotes which I hope You will endorse. . . .

John C. Maxwell: “We hear half of what is being said, listen to half of what we hear, understand half of it, believe half of that, and remember only half of that.”

John C. Maxwell: “Success is knowing your purpose in life, Growing to your maximum potential, and Sowing seeds that benefit others.”

Harry S. Truman: “Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better.”

John C. Maxwell: “As a leader, if I try to please everybody, eventually I will alienate everybody.”

Fred Hollomon: “Listen to the wise, pray for the ignorant.”

I pray in the Name of Jesus Christ.

AMEN

All the quotes except the Bible and mine were copied from *Leadership Bold* authored by John C. Maxwell.

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 332**, An act concerning annexation; relating to lands located within the territory of a rural water district; repealing K.S.A. 12-527, by Committee on Ways and Means.

**SB 333**, An act concerning the Kansas parole board; authorizing charging fees for applications for pardon, commutation of sentence and early release; creating the Kansas parole board fee fund; amending K.S.A. 22-3701 and 22-3722 and repealing the existing sections, by Committee on Ways and Means.

**SB 334**, An act concerning taxation; relating to estate tax rates; franchise tax rates; amending K.S.A. 2008 Supp. 79-15,203, 79-15,251, 79-15,253 and 79-5401 and repealing the existing sections, by Committee on Ways and Means.

**SB 335**, An act concerning taxation; relating to income taxation; deductions; determination of Kansas adjusted gross income; credits; amending K.S.A. 2008 Supp. 79-32,117, 79-32,120, 79-32,138 and 79-32,205 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2388**.

Commerce: **HB 2374**.

#### CHANGE OF REFERENCE

The President withdrew **HB 2374** from the Committee on **Commerce**, and referred the bill to the Committee on **Ways and Means**.

#### REPORT ON ENGROSSED BILLS

**SB 66** reported correctly engrossed April 6, 2009.

Also, **SB 102**, **SB 160** correctly re-engrossed April 6, 2009.

#### REPORT ON ENROLLED BILLS

**SB 45**, **SB 53**, **SB 80**; **H Sub for SB 91**; **SB 237**, **SB 275** reported correctly enrolled, properly signed and presented to the Governor on April 6, 2009.

**SCR 1610** reported correctly enrolled, properly signed and presented to the Secretary of State on April 8, 2009.

**SB 11**, **SB 19**; **Sub SB 28**; **SB 29**, **SB 35**, **SB 44**, **SB 68**, **SB 87**, **SB 97**; **H Sub for SB 98**; **SB 102**, **SB 134**; **H Sub for SB 145**; **SB 154**, **SB 158**, **SB 161**, **SB 212**, **SB 225** reported correctly enrolled, properly signed and presented to the Governor on April 10, 2009.

**SB 66**, **SB 160**; **H Sub for SB 218**; **H Sub for SB 257** reported correctly enrolled, properly signed and presented to the Governor on April 13, 2009.

#### MESSAGE FROM THE GOVERNOR

**SB 8**, **SB 16**, **SB 34**, **SB 38**, **SB 108**, **SB 120**, **SB 132** approved on April 6, 2009.

**SB 1**, **SB 61**, **SB 70**, **SB 78**, **SB 135**, **SB 203** approved on April 7, 2009.

**SB 64**, **SB 72**, **SB 85**, **SB 163**, **SB 175**, **SB 178**, **SB 228**, **SB 290** approved on April 8, 2009.

**SB 39**, **SB 45**, **SB 80**, **SB 253** approved on April 10, 2009.

**SB 9**, **SB 53**, **SB 60**, **SB 237**, **SB 275**; **H Sub for SB 91** approved on April 13, 2009.

**SB 11**, **SB 19**; **Sub SB 28**; **SB 29**, **SB 35**, **SB 102**, **SB 134**; **H Sub for SB 98** approved on April 17, 2009.

**SB 44**, **SB 68**, **SB 87**, **SB 97**, **SB 154**, **SB 158**, **SB 161**, **SB 212**; **SB 225**; **H Sub for SB 145** approved on April 20, 2009.

**SB 66**, **SB 160**; **H Sub for SB 257** approved on April 23, 2009.

#### MESSAGE FROM THE GOVERNOR

For more than a decade, Kansas laws have banned partial birth abortions and post-viability abortions except in those very limited cases where it is necessary to preserve the life or health of a pregnant woman. The United States Supreme Court has consistently held that while states can limit the availability of post-viability abortions, they must allow them where necessary to protect the health or life of the woman.

As Governor of Kansas, I have worked hard to reduce abortions by supporting a range of initiatives including adoption incentives, encouraging parental involvement and individual responsibility for young men and women, expanding health services for Kansas children, promoting access to affordable contraceptives, expanded maternal and infant health services

and promotional efforts, providing funds for proven successful pregnancy maintenance programs and encouraging age-appropriate sex education.

These efforts have resulted in reducing the number of abortions by more than 10% in the last six years in Kansas. I am confident that with a more united effort to reduce the number of unplanned pregnancies, combined with creating conditions that provide support and assistance for mothers and their babies, we will have even greater success reducing abortions in our state.

Unfortunately, House Sub for SB 218 will not help to reduce the number of abortions in Kansas, and would likely be declared unconstitutional. Under the bill, a physician intending to comply with the law could later be criminally prosecuted. A physician acting in good faith to save a pregnant woman's life, and using his or her best medical judgment, should not be subject to later criminal prosecution. Similar language was declared unconstitutional by the United States Court of Appeals for the Sixth Circuit in *Womens Medical Professional Corp. v. Voinovich*, 130 F.3d 187 (6th Cir. 1997).

The provisions in this bill that would allow for the criminal prosecution of a physician intending to comply with the law will lead to the intimidation of health care providers and reduce access to comprehensive health care for women, even when it is necessary to preserve their lives and health. While I agree that we should try to reduce the number of abortions, it cannot be at the increased risk to the life or health of women. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto House Substitute for SB 218."

Vetoed: April 23, 2009

Kathleen Sebelius, Governor

#### **COMMUNICATIONS FROM STATE OFFICERS**

##### SENATE PRESIDENT'S OFFICE

April 14, 2009

In accordance with the Senate Confirmation process, President Morris, announced he had received a request from E.J. "Ned" Holland, Jr. to withdraw his nomination for reappointment to the board of directors for the Kansas Health Policy Authority.

##### STATE OF INDIANA INDIANA GENERAL ASSEMBLY

Senate Resolution 42, urging the honorable Barack Obama, President of the United States, the President of the Senate, the Majority Leader of the Senate, and the Speaker of the House of Representatives of the United States in Congress assembled, and the President of the Senate and Speaker of the House of Representatives of each State's legislature of the United States of America to cease and desist, effective immediately, any and all mandates that are beyond the scope of their constitutionally delegated power, was received.

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

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1874—

A RESOLUTION congratulating the Basehor-Linwood boy's basketball program for winning the Class 4A state championship.

WHEREAS, The Basehor-Linwood boys basketball team was crowned class 4A state champions after defeating Girard 53-48 in the championship game; and

WHEREAS, The Bobcats went 22-4 over the season en route to the school's first ever KSHSAA athletic championship and first championship overall since 1989: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we do hereby congratulate team members Tanner Bowers, Justin Gripka, Anthony Pierce, Chandler Schaake, Jake Hattock,

Richie O'Donnell, Clint Schierbaum, Mark Vaca, Evan Theno, Ryan O'Donnell, Colin Murphy and Ryan Murphy, and head coach Mike McBride of the Basehor-Linwood boys basketball team.

*Be it further resolved:* That five copies of this resolution be furnished to the Basehor-Linwood school district.

On emergency motion of Senator Holland **SR 1874** was adopted unanimously.

Senator Holland introduced the following members of the Basehor-Linwood Basketball team: Ryan Murphy, Colin Murphy, Ryan O'Donnell, Evan Theno, Jake Hattock, Richie O'Donnell, Clint Schierbaum, Mark Vaca, Tanner Bowers, Justin Gripka, Anthony Pierce and Chandler Schaake. Also in attendance were Sherry Reeves, principal, Mike McBride, head coach and assistant coaches Chad Harvey and Daniel Hermon.

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

SENATE RESOLUTION No. 1875—

A RESOLUTION congratulating and commending Marie Clement for being named Ms. Wheelchair Kansas 2009.

WHEREAS, Marie Clement was crowned Ms. Wheelchair Kansas on March 15, 2009 at the culmination of the three-day event at the Capitol Plaza Hotel in Topeka. As Ms. Wheelchair Kansas, Marie Clement will serve as a role model and spokesperson for people with disabilities by appearing at public events and meetings throughout the state; and

WHEREAS, 2009 was the fifth year in which the Ms. Wheelchair Kansas contest was held; and

WHEREAS, The contest seeks to empower participants through enhanced self-awareness and confidence, to educate the public and to advocate for people with disabilities; and

WHEREAS, Marie Clement will advance to the national Ms. Wheelchair America 2010 Program to be held August 24-29, in Rapid City, South Dakota; and

WHEREAS, Marie is married to Robert Clement and has three children; Jason, who is 31 and lives with his wife Liz and children Joseph and Arianna in Palmdale, California; Nick, who is 27 and attends Haskell University in Lawrence and will be interning for the Prairie Band Casino this summer and Chance, who is 11 and lives at home. Marie has lived in the state of Kansas for the past six years and currently resides in Mayetta, where she and her family are members of the Prairie Band Potawatomi Nation; and

WHEREAS, In addition to taking care of her family, Marie loves gardening and planting flowers. She is also an artist and works on projects such as beading, crocheting, creating stained glass art and decoupage; and

WHEREAS, Marie will have the opportunity to travel throughout Kansas educating various groups about the issues of importance to people with disabilities. Marie's goal is to educate others about improving the lives of people with disabilities and to help other people with disabilities broaden their horizons and not feel limited by barriers through her platform of "Greater Mobility through Accessibility": Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Marie Clement for being named Ms. Wheelchair Kansas 2009 and for exhibiting all the strength and character that serve to make her a wonderful role model for all Kansans; and

*Be it further resolved:* That the Secretary of the Senate provide two enrolled copies of this resolution to Senator Morris for presentation to Marie Clement.

On emergency motion of Senator V. Schmidt **SR 1875** was adopted unanimously.

Senator V. Schmidt introduced Marie Clement, Ms. Wheelchair Kansas 2009, along with her family; Robert Clement, husband, Chance Clement, youngest son, Nick Wilder, middle son and Thamar Morris, mother. Also introduced were Amanda Steiner, Ms. Wheelchair Kansas 2008 and Carrie Greenwood, Ms. Wheelchair Kansas 2004.

Jamie Lane was recognized for her volunteer efforts and she presented a framed copy of the resolution to Marie Clement.

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

## SENATE RESOLUTION No. 1876—

A RESOLUTION urging the extension of the influenza vaccination season.

WHEREAS, The most effective strategy for preventing influenza is annual vaccination; and

WHEREAS, According to the Centers for Disease Control, the influenza vaccination rate for fully vaccinated children in Kansas was 19.5% for the 2006-2007 flu season; and

WHEREAS, Beginning with the 2008-2009 influenza season, vaccination of all children aged six months to 18 years is recommended by the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP) as well as the American Academy of Pediatrics (AAP); and

WHEREAS, Annual vaccination of all children aged six months through 18 years should begin as soon as vaccine is available in the 2008-2009 influenza season, but should be initiated no later than the 2009-2010 season. Strategies that focus on providing routine vaccination to persons at higher risk for influenza complications have long been recommended, although rates of flu vaccination among the majority of these groups remains low; and

WHEREAS, During the 2007-2008 influenza season there were 87 reported pediatric deaths caused by influenza in the United States. Influenza is the most frequent cause of death for a vaccine-preventable disease in the United States and is responsible for an average of 200,000 hospitalizations each year and an estimated 36,000 deaths, primarily among the elderly; and

WHEREAS, According to the AAP, the ACIP's expanded recommendations target all school-aged children, the population that bears the greatest burden of disease and is at higher risk of needing influenza-related medical care compared with healthy adults. Moreover, the AAP states that reducing influenza transmission among school-aged children will in turn reduce transmission of influenza to household contacts and community members; and

WHEREAS, Influenza vaccine should be offered to all children as soon as vaccine becomes available prior to the start of the season and should continue into March and beyond, as there is often more than one peak in influenza illness during the same season. Thus, the AAP states that vaccination through May 1st can provide protection and increase the window of opportunity for children who need two doses of vaccine; and

WHEREAS, School-based vaccination is an efficient venue for the mass vaccination of school-age children against influenza. Moreover, school-based vaccination programs benefit the communities in which they are conducted by helping reduce transmission of influenza to other members of the community. The potential threat of an influenza pandemic underscores the benefit of building local infrastructure and strengthening community partnerships as a preventive measure to address both seasonal influenza and the event of pandemic: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we urge the extension of the influenza vaccination season, both earlier and later, in order to vaccinate and protect children, adults and especially those in high risk groups; and

*Be it further resolved:* That we recognize the importance of protecting all Kansans during this influenza season against this dangerous and potentially deadly disease; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Vicki Schmidt.

On emergency motion of Senator V. Schmidt **SR 1876** was adopted unanimously.

Senator V. Schmidt introduced Dr. Daniel Reynolds, Katherine Reynolds, wife and sons Ethen and Colby Reynolds. Also in attendance were quests: Scott Brown and Ashley Bailey.

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

## SENATE RESOLUTION No. 1877—

A RESOLUTION congratulating and commending the University of Kansas debate team.

WHEREAS, Brett Bricker and Nate Johnson of the University of Kansas defeated defending national champion Wake Forest to win the National Debate Tournament championship; and

WHEREAS, Bricker and Johnson topped 78 intercollegiate teams competing at the tournament held March 26-31 at the University of Texas-Austin. They defeated California-Berkeley in the semifinal to advance to the championship round; and

WHEREAS, This is KU's fifth national debate title, having previously won in 1954, 1970, 1976 and 1983. KU has had a team in the National Debate Tournament for each of the past 42 years; and

WHEREAS, Brett Bricker, a mathematics major, is the son of Gary and Norma Bricker and a graduate of Wichita High School Southeast. Nate Johnson, who is majoring in philosophy, political science and psychology, is the son of Ron and Betty Johnson and a graduate of Manhattan High School; and

WHEREAS, Led by 18-year Kansas coach and 2006 national coach of the year, head coach Scott Harris, the KU debate team also won two other national tournaments this season; and

WHEREAS, Brothers Patrick and Sean Kennedy, both Leawood sophomores, defeated Georgetown to win first place at the Freshman/Sophomore Nationals, held in East Lansing, Michigan; and

WHEREAS, At the National Junior Division Debate Tournament in Overland Park, two KU teams tied for first place. Patrick Kennedy and Mathew Peterson, Wichita junior, went 12-0 and defeated Kansas State University in the semifinals. Mark Wilkins, Topeka sophomore, and Andrew Jack, Lawrence and Manhattan junior, were 11-1, defeating the University of Minnesota in the other semifinal; and

WHEREAS, Last season, the KU debate team finished the year ranked first in the national varsity rankings; and

WHEREAS, The University of Kansas debate team has demonstrated exemplary abilities in capturing the national debate championship and in continuing the history of excellence in debate at KU: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the University of Kansas debate team for its outstanding achievements this season and that we wish all the team members continued success in their academic endeavors; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Marci Francisco.

On emergency motion of Senator Francisco **SR 1877** was adopted unanimously.

Senator Francisco introduced the following members of the KU Honored Debate team: Brett Bricker, Nate Johnson and Chris Stone, debaters; Scott Harris, Head Coach; Sarah Topp, Kelly Winfrey and Athena Murray, assistant coaches. This is KU's Fifth national Debate title.

#### ORIGINAL MOTION

Having voted on the prevailing side in Final Action on Friday, April 3, 2009, Senator Barnett moved the Senate reconsider its action on **S Sub for HB 2162** and request return of the bill from the House of Representatives. The motion carried.

#### REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2373**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2373," as follows:

"SENATE Substitute for HOUSE BILL No. 2373

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, 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; amending K.S.A. 2008 Supp. 12-5256, as amended by section 136 of 2009 Senate Substitute for House Bill No. 2354, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute

for Senate Bill No. 23, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354, 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 79-4801, as amended by section 145 of 2009 Senate Substitute for House Bill No. 2354, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354.”; and the substitute bill be passed.

On motion of Senator D. Schmidt, the Senate recessed until 4:00 p.m.

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### AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 336.** An act reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 16a-6-117, as amended by section 23 of 2009 Senate Bill No. 240, 20-3201, 21-3826, as amended by section 1 of 2009 Senate Bill No. 237, and 72-4423, as amended by section 11 of 2009 House Bill No. 2003, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 Senate Bill No. 275, 8-1567, as amended by section 5 of 2009 Senate Substitute for House Bill No. 2096, 8-2110, as amended by section 1 of 2009 Senate Bill No. 158, 12-5242, 19-101a, 20-367, 22-3716, 25-4156, 25-4169a, 28-172a, as amended by section 15 of 2009 Senate Bill No. 66, 38-2211, 38-2255, as amended by section 6 of 2009 Senate Bill No. 134, 45-221, as amended by section 27 of 2009 House Bill No. 2052, 59-104, as amended by section 19 of 2009 Senate Bill No. 66, 60-1621, as amended by section 22 of 2009 Senate Bill No. 66, 60-2001, as amended by section 23 of 2009 Senate Bill No. 66, 60-4104, as amended by section 1 of 2009 Substitute for Senate Bill No. 28, 61-2704, as amended by section 25 of 2009 Senate Bill No. 66, 61-4001, as amended by section 26 of 2009 Senate Bill No. 66, 65-1643, 65-2878, 66-2005, 72-6448, 75-7c04, as amended by section 2 of 2009 House Bill No. 2308, 75-7427, 76-3110, 79-213, 79-5a27 and 79-32,117 and section 16 of 2009 House Bill No. 2236 and repealing the existing sections; also repealing K.S.A. 20-3201, as amended by section 1 of 2009 House Bill No. 2111, 21-3826, as amended by section 27 of 2009 House Bill No. 2236, 65-4142, as amended by section 1 of 2009 House Bill No. 2059, and 76-3110, as amended by section 36 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 House Bill No. 2152, 8-1567, as amended by section 19 of 2009 House Bill No. 2236, 8-2110, as amended by section 3 of 2009 Senate Bill No. 66, 12-1773a, 12-5242a, 12-5242b, 19-101m, 20-376, as amended by section 2 of 2009 House Bill No. 2111, 22-3716a, 25-4156a, 25-4169b, 28-172a, as amended by section 3 of 2009 House Bill No. 2111, 38-2211a, 38-2255, as amended by section 47 of 2009 House Bill No. 2236, 39-756d, 45-221, as amended by section 2 of 2009 Senate Bill No. 87, 45-229b, 59-104, as amended by section 4 of 2009 House Bill No. 2111, 60-1621, as amended by section 5 of 2009 House Bill No. 2111, 60-2001, as amended by section 6 of 2009 House Bill No. 2111, 60-2102a, 60-2403a, 60-4104, as amended by section 51 of 2009 House Bill No. 2236, 61-2704, as amended by section 7 of 2009 House Bill No. 2111, 61-3003a, 61-4001, as amended by section 8 of 2009 House Bill No. 2111, 65-1643b, 65-2878b, 66-2005a, 72-6433c, 72-6448, as amended by section 1 of 2009 House Bill No. 2002, 75-7c04, as amended by section 60 of 2009 House Bill No. 2236, 75-7427a, 79-213e, 79-5a27a and 79-32,117m and section 1 of 2009 Senate Substitute for House Bill No. 2126, by Committee on Ways and Means.

**SB 337.** An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest on certain unpaid taxes; procedures and requirements of program, by Committee on Ways and Means.

**SB 338**, An act concerning taxation; relating to tax on privilege of selling alcoholic liquor; distribution of revenue; local alcoholic liquor fund; amending K.S.A. 79-41a04 and K.S.A. 2008 Supp. 79-41a03 and repealing the existing sections, by Committee on Ways and Means.

#### CHANGE OF REFERENCE

The President withdrew **SB 267** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ethics and Elections**.

The President withdrew **HB 2079** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on **Assessment and Taxation**.

The President withdrew **HB 2099** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

#### COMMUNICATIONS FROM STATE OFFICERS

SPEAKER  
HOUSE OF REPRESENTATIVES  
July 30, 2008

In accordance with KSA 2007 Supp. 75-7401, Melvin Neufeld, Speaker, House of Representatives, announced the appointment of Kenneth Daniel to the Kansas Health Policy Authority for a term of four years, which will expire March 15, 2012.

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.

#### REPORT ON ENROLLED BILLS

**SR 1874, SR 1875, SR 1876** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 29, 2009.

#### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Human Rights Commission: K.S.A. 44-1003

Jeffrey E. Lewis, term expires January 15, 2012

Brigadier General, Kansas National Guard: K.S.A. 2008 Supp. 48-203

Colonel Alexander Duckworth, serves at the pleasure of the Governor

Committee on **Ways and Means** recommends **SCR 1616** be adopted.

Also, **HB 2374**, as amended by House Committee, be amended on page 18, in line 7, after "skills" by inserting "including a job training program authorized under the federal workforce investment act of 1998,";

On page 33, before line 6, by inserting:

"Sec. 2. K.S.A. 2008 Supp. 44-704c is hereby amended to read as follows: 44-704c. (a) Two weeks of additional benefits shall be payable to claimants who exhaust regular benefits and any benefits under any other federal or state extended benefits program during the period July 1, 2003 through June 30, 2004. The benefit eligibility and disqualification provisions of K.S.A. 44-705 and 44-706, and amendments thereto, shall apply to the additional benefits program.

(b) A claimant who exhausts regular benefits and who is enrolled in an approved training program under subsection (s) of K.S.A. 44-703, and amendments thereto, and making successful progress in such program, shall be eligible for up to 26 weeks of additional benefits.

Sec. 3. K.S.A. 2008 Supp. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757 and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

(a) The claimant has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary, except that, subject to the provisions of subsection (a) of K.S.A. 44-704 and amendments thereto,



the secretary may adopt rules and regulations which waive or alter either or both of the requirements of this subsection (a).

(b) The claimant has made a claim for benefits with respect to such week in accordance with rules and regulations adopted by the secretary.

(c) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations for which the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits: (1) Because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974 or (2) *solely because such individual is seeking only part-time employment if the individual is available for a number of hours per week that are comparable to the individual's part-time work experience in the base period.*

For the purposes of this subsection, an inmate of a custodial or correctional institution shall be deemed to be unavailable for work and not eligible to receive unemployment compensation while incarcerated.

(d) (1) Except as provided further, the claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in subsection (k)(4) of K.S.A. 44-757 and amendments thereto, which period of one week, in either case, occurs within the benefit year which includes the week for which the claimant is claiming benefits. No week shall be counted as a week of unemployment for the purposes of this subsection (d):

(A) If benefits have been paid for such week;

(B) if the individual fails to meet with the other eligibility requirements of this section;

or

(C) if an individual is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such state or of the United States finally determines that the claimant is not entitled to unemployment benefits under such other law, this subsection (d)(1)(C) shall not apply.

(2) The waiting week requirement of paragraph (1) shall not apply to new claims, filed on or after July 1, 2007, by claimants who become unemployed as a result of an employer terminating business operations within this state, declaring bankruptcy or initiating a work force reduction pursuant to public law 100-379, the federal worker adjustment and retraining notification act (29 U.S.C. 2101 through 2109), as amended. The secretary shall adopt rules and regulations to administer the provisions of this paragraph.

(3) A claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of unemployment consecutive to such waiting period.

(e) For benefit years established on and after the effective date of this act, the claimant has been paid total wages for insured work in the claimant's base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's base period, except that the wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date on which such individual filed a valid initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has returned to work and subsequently earned wages for insured work in an amount equal to at least eight times the claimant's current weekly benefit amount.

(f) The claimant participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the secretary, unless the secretary determines that: (1) The individual has completed such services; or (2) there is justifiable cause for the claimant's failure to participate in such services.

(g) The claimant is returning to work after a qualifying injury and has been paid total wages for insured work in the claimant's alternative base period of not less than 30 times

the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's alternative base period if:

(1) The claimant has filed for benefits within four weeks of being released to return to work by a licensed and practicing health care provider.

(2) The claimant files for benefits within 24 months of the date the qualifying injury occurred.

(3) The claimant attempted to return to work with the employer where the qualifying injury occurred, but the individual's regular work or comparable and suitable work was not available.”;

And by renumbering the remaining sections accordingly;

Also on page 33, in line 6, by striking “is” and inserting “, 44-704c and 44-705 are”;

In the title, in line 11, by striking all after “periods”; in line 12, by striking all before the semicolon and inserting “, approved job training and part-time employees' eligibility for benefits”; in line 13, before “and” by inserting “, 44-704c and 44-705”; also in line 13, by striking “section” and inserting “sections”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Thursday, April 30, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

