

Journal of the Senate

TWENTY FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 11, 2005—9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-five senators present.
Senators Barnett, Donovan, Gilstrap, Haley and Wagle were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Tomorrow is the 196th birthday anniversary of Abraham Lincoln. From very humble beginnings he rose to occupy the highest office in the land at a time which may be considered the most agonizing period in the nation's history...the Civil War.

Historians tell us that whatever Lincoln's religious state of mind before the war began, he acquired faith before it ended.

He once wrote, "I am satisfied that when the Almighty wants me to do or not to do a particular thing, he finds a way of letting me know it."

When asked if God was on the side of the North, he replied, "It is my constant anxiety and prayer that I and this nation be on the Lord's side." He then said, "I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to the life I have."

Early in the war, a delegation of black people presented him with a finely bound Bible, in appreciation of his work for them. Accepting it, Lincoln said, "This Great Book is the best gift...God gave to men."

On September 22, 1862, he made public the Emancipation Proclamation to be in effect January 1, 1863. It is considered by some historians to be the most revolutionary document since the Declaration of Independence.

O God, only You know the heart of Lincoln, but he did enough things right to be considered along with George Washington, one of our greatest presidents. And for that we thank You.

I pray in the Name of Jesus Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 254, An act concerning persons not engaged in the practice of the healing arts; amending K.S.A. 65-2872 and repealing the existing section, by Committee on Public Health and Welfare.

SB 255, An act authorizing cities and counties to impose an earnings tax; distributing revenue to school districts therein; prescribing procedures therefor and duties and authorities for the department of revenue; amending K.S.A. 12-140 and K.S.A. 2004 Supp. 19-101a and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Assessment and Taxation.

SB 256, An act concerning income taxation; relating to exemptions; payments to military personnel; amending K.S.A. 2004 Supp. 79-32,117 and repealing the existing section; also

repealing K.S.A. 2004 Supp. 79-32,117j and 79-32,117k, by Committee on Assessment and Taxation.

SB 257. An act concerning health and health care; relating to health benefit plans and health savings accounts; income tax credits for certain employer contributions thereto; amending K.S.A. 40-2246 and repealing the existing section, by Committee on Public Health and Welfare.

SB 258. An act concerning form of statutory and legal documents; prescribing certain duties on the judicial council; amending K.S.A. 59-2124, 59-2129, 59-2143, 59-2210, 60-258, 60-268, 60-302, 60-307, 60-706 and 61-2705 and K.S.A. 2004 Supp. 58-4301, 59-1507b, 60-201, 60-1102, 60-1103, 60-1103b, 60-2420 and 61-2713 and repealing the existing sections; also repealing K.S.A. 60-269 and the appendix of forms following K.S.A. 60-269, by Committee on Judiciary.

SB 259. An act concerning workers compensation; relating to administrative law judges; compensation; amending K.S.A. 2004 Supp. 44-551 and 75-5708 and repealing the existing sections, by Committee on Commerce.

SB 260. An act abolishing Kansas, Inc.; amending K.S.A. 74-5001a, 74-5007a, 74-50,101, 74-8102, 74-8111, 74-8204, 74-8310, 74-8317, 74-9303, 74-9306, 75-2935b, 79-1119 and 79-3614 and K.S.A. 2004 Supp. 12-1774, 74-5049, 74-5089, 74-5095, 74-50,134, 74-50,151, 74-8136, 74-8405, 74-99b09, 74-99c07, 74-99c10, 75-2935 and 79-3234 and repealing the existing sections; also repealing K.S.A. 74-8003, 74-8009, 74-8011, 74-8012, 74-8013, 74-8014, 74-8015 and 74-8016 and K.S.A. 2004 Supp. 74-8001, 74-8002, 74-8004, 74-8005, 74-8006, 74-8007, 74-8010 and 74-8017, by Committee on Commerce.

SB 261. An act concerning juvenile offenders; enacting the revised Kansas juvenile justice code; amending K.S.A. 8-237, 8-2117, 12-16,119, 21-4633, 28-170a, 38-140, 38-1518, 39-754, 39-756, 39-756a, 39-1305, 65-516, 65-6001, 74-7335, 74-8810, 75-5229, 75-7025, 75-7026, 75-7028, 76-3203 and 76-3204 and K.S.A. 2004 Supp. 20-167, 20-302b, 21-2511, 21-3413, 21-3520, 21-3612, 21-3809, 21-3810, 22-2805, 22-4701, 28-170, 28-172b, 28-176, 39-709, 39-970, 41-727, 60-460, 65-1626, 65-5117, 74-5344, 75-3728e, 75-4362, 75-5206, 75-5220, 75-6102, 75-7023, 75-7024, 76-172, 76-381, 76-12a25 and 76-3205 and repealing the existing sections; also repealing K.S.A. 38-1601, 38-1603, 38-1604, 38-1605, 38-1606, 38-1606a, 38-1607, 38-1608, 38-1610, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616, 38-1617, 38-1618, 38-1621, 38-1622, 38-1623, 38-1624, 38-1625, 38-1626, 38-1627, 38-1628, 38-1629, 38-1630, 38-1631, 38-1632, 38-1633, 38-1634, 38-1636, 38-1637, 38-1638, 38-1639, 38-1640, 38-1641, 38-1651, 38-1652, 38-1653, 38-1654, 38-1655, 38-1656, 38-1657, 38-1658, 38-1661, 38-1662, 38-1663, 38-1664, 38-1666, 38-1667, 38-1668, 38-1671, 38-1673, 38-1674, 38-1675, 38-1676, 38-1677, 38-1681, 38-1682, 38-1683, 38-1684, 38-1685, 38-1691, 38-16,111, 38-16,116, 38-16,117, 38-16,118, 38-16,119, 38-16,120, 38-16,126, 38-16,127, 38-16,128, 38-16,129, 38-16,131, 38-16,132, 38-16,133, 38-1812 and 38-1813 and K.S.A. 2004 Supp. 38-1602, 38-1609, 38-1611, 38-1635, 38-1665, 38-1692, 38-16,134 and 38-1635, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1607—

A CONCURRENT RESOLUTION memorializing the Congress of the United States regarding the award of the Purple Heart medal.

WHEREAS, Marine Corporal Travis Eichelberger, a native of Atchison, Kansas, enlisted in the United States Marine Corps in 2000 and was awarded the Purple Heart medal for injuries received while in Iraq. After being hospitalized for some time at the National Naval Medical Center in Bethesda, Maryland, and returning to Kansas awaiting a medical discharge from the medical service, he was notified that the award of his medal was a mistake and would be withdrawn; and

WHEREAS, Corporal Eichelberger is included in a group of 11 marines whose Purple Heart medals have been withdrawn for injuries received while serving in Operation Iraqi Freedom; and

WHEREAS, It is through the patriotic efforts of young men such as Corporal Eichelberger that the United States is able to take military action to bring freedom and democracy to nations such as Iraq. Corporal Eichelberger is very proud of his service in the Marine Corps and would gladly serve again if physically able: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas Legislature memorializes the Congress of the United States to direct that necessary action be taken so that Corporal Eichelberger retained the Purple Heart medals he so richly deserves; and

Be it further resolved: That the Secretary of State provide enrolled copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas Congressional delegation.

On emergency motion of Senator Pyle **SCR 1607** was adopted by voice vote.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 251**.

Education: **SB 250**.

Elections and Local Government: **HCR 5004**.

Judiciary: **SB 247, SB 248, SB 249**.

Natural Resources: **HB 2052**.

Transportation: **SB 252, SB 253**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 23** and requested a conference committee be appointed.

The President appointed Senators Allen, D. Schmidt and Lee as a conference committee on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Schodorf, Allen, Apple, Lee, McGinn, Ostmeyer, Pine, Steineger and Teichman introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating and commending the 2004 Kansas National Board Certified teachers.

WHEREAS, Twenty-nine of Kansas' finest educators have satisfied the highest professional qualifications of the National Board for Professional Teaching Standards to be designed as National Board Certified Teachers. They will be recognized as such at a program on February 10; and

WHEREAS, The 2004 Kansas National Board Certified Teachers are: Pamela Amott, Levy Special Education Center, Wichita USD 259; Nancy Bohler, Campus High School, Haysville USD 261; Kathryn Brooks, Eugene Field Elementary School, Ottawa USD 290; Jennifer Collins, Cedar Creek Elementary School, Olathe USD 233; Sonda Copeland, Manhattan High School, Manhattan-Ogden USD 383; Stacy Cordes, Meade Elementary School, Meade USD 226; Mary Drake, Mission Trail Elementary School, Blue Valley USD 229; Lori Franklin, Green Springs Elementary School, Olathe USD 233; Valerie Golden, Blue Valley North High School, Blue Valley USD 229; Susan Hagedorn, Hanover Elementary School, Barnes USD 223; Mary Harmon, Schilling Elementary School, Salina USD 305; Melody Head, Dodge City Middle School, Dodge City USD 443; Patricia Jennings, Kathryn O'Loughlin McCarthy Elementary School, Hays USD 489; Denine Larson, Kathryn O'Loughlin McCarthy Elementary School, Hays USD 489; Patricia Mairs, Harmony Middle School, Blue Valley USD 229; Colleen Markman, Ridgeview Elementary School, Olathe USD 233; Marian McHugh, Bentwood Elementary School, Olathe USD 233; Nancy Musselman, Silver Lake Elementary School, Silver Lake USD 372; Frederick Nelson, Manhattan High School, Manhattan-Ogden USD 383; Elizabeth Pope, Bentwood Elementary School, Olathe USD 233; Georgia Ransone, Silver Lake Elementary School, Silver Lake USD 372; Sabrina Rauer, M. E. Pearson Elementary School, Kansas City USD 500; Julie Ross, Silver Lake Elementary School, Silver Lake USD 372; Victoria Seeger, Pleasant Hill Elementary School, Seaman USD 345; Sheryl Smith, Buhler High School, Buhler USD 313; Debra Stewart, Pleasant Hill Elementary School, Seaman USD 345; Susan

Swanson, Pleasant Hill Elementary School, Seaman USD 345; Lori Thompson, Woodrow Wilson Elementary School, Manhattan-Ogden USD 383; Josephine Ward, Leawood Elementary School, Blue Valley USD 229; and

WHEREAS, National Board Certification, a voluntary process established by the National Board for Professional Teaching Standards, is a symbol of professional teaching excellence. It is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practice. Through a series of assessments teachers demonstrate their subject matter knowledge, provide evidence that they know how to teach their subjects to students most effectively, and demonstrate their ability to manage and measure student learning; and

WHEREAS, The National Board for Professional Teaching Standards is an independent, nonprofit, nonpartisan and nongovernment organization. Its mission is to advance the quality of teaching and learning by: Maintaining high and rigorous standards for what accomplished teachers should know and be able to do; providing a national voluntary system certifying teachers who meet these standards; and advocating related education reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend each of these outstanding educators who have attained the status of National Board Certified teachers; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to each of the teachers so honored plus a copy to the Commissioner of Education.

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

Senators Schodorf, Allen, Apple, Lee, McGinn, Ostmeyer, Pine, Steineger and Teichman introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating and commending the 2005 Horizon Award Program educators.

WHEREAS, Thirty-one beginning educators from across the State have been named as Kansas Horizon Award educators; and

WHEREAS, The Kansas Horizon Award program, sponsored by the Kansas State Department of Education, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Horizon Award program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Horizon Award program, currently in its third year, allows all school districts in the state an opportunity to nominate one elementary and one secondary teacher for the award. To be eligible for a Horizon Award, teachers must have successfully completed their first year of teaching and have performed in such a way as to distinguish themselves as outstanding. The Horizon Award program is a regional competition with four regions corresponding to the state's U.S. Congressional districts. Four elementary and four secondary classroom teachers may be selected for the award from each district; and

WHEREAS, This year's recipients are:

Region 1: Melinda Blackwill, O'Loughlin Elementary School, Hays USD 489; Nikki Boden, Salina South High School, Salina USD 305; Dena Foutch, Meadowlark Ridge Elementary School, Salina USD 305; Heather Hagstrum, Morris Hill Elementary School, Ft. Riley USD 475; Hilarie Hecox, Buhler High School, Buhler USD 313; David King, Southeast of Saline, Gypsum USD 306; Rebecca Lentz, Junction City High School, Junction City USD 475; Vivian Sabatos, Lincoln Elementary School, McPherson USD 418;

Region 2: James Fox, Fort Scott High School, Fort Scott USD 234; Adam Feagins, Eugene Ware Elementary School, Fort Scott USD 234; Luke Lang, Holton High School, Holton USD 336; Kyleigh Lohmeyer, Washburn Rural Middle School, Topeka USD 437; Adriane Mercer, Baldwin Elementary School, Baldwin City USD 348; Hillary Ruple, Basehor Elementary School, Basehor USD 458; Taryn Temple, Royal Valley High School, Hoyt USD 337; and

Region 3: Deena Amont, Lawrence High School, Lawrence USD 497; Natalie Goodwin, Mill Valley High School, Shawnee USD 232, Randall Holt, South Park Elementary School, Shawnee Mission USD 512; Rebecca Kling, Indian Valley Elementary School, Overland Park USD 229; Kathy Meert, Blue Valley Northwest High School, Overland Park USD 229; Amy Pierce, Edgerton Elementary School, Edgerton USD 231; Suzanne Rice, Wheatridge Middle School, Gardner USD 231; Libby Whittle, Edwardsville Elementary School, Edwardsville USD 204; and

Region 4: Brandon Bellesine, Douglass High School, Douglass USD 396; Elizabeth Bellinger, Truesdell Middle School, Wichita USD 259; Heidi Bowen, Jefferson Elementary School, Wichita USD 259; Staci Brown, Maize High School, Maize USD 266; Debra Cole, The Independent School, Wichita Secondary; Megan Goff, Grandview Elementary School, El Dorado USD 490; Matthew Skillen, Maize South Middle School, Wichita USD 266; Christina Swedberg, Ewalt Elementary School, Augusta USD 402: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2005 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to each educator so honored and to the Commissioner of Education.

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

Senators Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1817—

A RESOLUTION congratulating and commending Topeka High School debaters.

WHEREAS, Topeka High School seniors Rachel M. Buck and Sarah K. Bellows-Blakely are the 2004-2005 two-speaker Class 6-A state champions in debate; and

WHEREAS, The debate competition, which is sponsored by the Kansas State High School Activities Association, was held at Washburn Rural High School on January 21 and 22. The team had a record of 10 wins and 0 losses at the tournament. Sixty-six teams from across the state were entered in the competition; and

WHEREAS, Rachel and Sarah are four year debaters. They are the first Topeka High School debate team to win the triple crown of debate tournaments by qualifying for the National Forensic League National Tournament in debate with a record of 6 wins and 1 loss—and will compete in the national tournament in Philadelphia, Pennsylvania, in June; winning the Debate Coaches' Invitational tournament for the top 32 debate teams in Kansas with a record of 7 wins to 0 losses; and then winning the Class 6-A two-speaker state debate tournament; and

WHEREAS, This team is the second team from Topeka High School to win the Class 6-A two-speaker state debate tournament. Seniors Adam Obley and Ned Sebelius were the 1998-1999 champions; and

WHEREAS, The coaches for this championship team were Pam McComas and the assistant coaches were Peter Crevoiserat, James Reager and Ray McComas; and

WHEREAS, The members of this fine team have received statewide recognition for their successes this year. The team exhibited great teamwork and a strong determination to win. They had the enthusiastic support of the school administrators, faculty members, fellow debaters and family members plus the successful efforts of their coaches: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Rachel M. Buck and Sarah K. Bellows-Blakely for winning the 2004-2005 Class 6-A two-speaker state debate championship and their coaches for the expert guidance they have given to these champion debaters; and

Be it further resolved: That the Secretary of the Senate provide 8 enrolled copies of this resolution to Pam McComas, Topeka High School, 800 West 10th Street, Topeka KS 66612.

On emergency motion of Senator Kelly **SR 1817** was adopted unanimously.

President Morris and members of the Senate congratulated Rachel Buck and Sarah Bellows-Blakely on being the 2004-2005 two-speaker Class 6-A state champions in debate.

Accompanying Rachel and Sarah were their mothers, Cindy Buck and Dr. Karen Bellows. Also, accompanying the girls were Clardy Vinson, Principal; Dr. Linda Wiley, Vice Principal and Pam McComas, Debate Coach, Topeka High School, Topeka.

Senator O'Connor introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1818—

A RESOLUTION in memory of Frances Helene Flynn Koppers.

WHEREAS, Frances Helene Flynn Koppers of Olathe died January 24 at age 105. She was believed to be the oldest resident of the Olathe community; and

WHEREAS, Mrs. Koppers was born December 13, 1899, in Humboldt to Emilie and James Flynn. Her father was a doctor of the horse and buggy era. She graduated from Humboldt High School in 1917 and from the University of Kansas in 1921 with a bachelor of arts in education and history. She taught school in Coffeyville, Humboldt and Topeka, Kansas, and in Marshall and Kansas City, Missouri. After moving to Olathe in 1946 she taught second grade at St. Paul's Catholic School for 16 years before retiring in 1971. After her retirement she volunteered at grade schools in Olathe reading to students and as a "picture lady"; and

WHEREAS, Mrs. Koppers was proud of her Kansas heritage and was particularly pleased to proclaim herself a Jayhawk. She seldom missed a KU basketball game whether on TV or the radio and was honored as the oldest alumni present at the KU Gold Medal luncheon in 2002; and

WHEREAS, Mrs. Koppers was active in church and civic affairs. She was a staunch Republican and was proud of the fact that she voted in every presidential election since 1921. She served as secretary of the Johnson County Chapter of the American Red Cross for many years and as an election volunteer; and

WHEREAS, Her mind was active until the end, and she delighted in being visited by people she had taught in second grade and having her visitors bring their children to see her; and

WHEREAS, She married John F. Koppers on June 9, 1928; he preceded her in death in 1983. They had 3 daughters, and Mrs. Koppers had 12 grandchildren, 19 great-grandchildren and was awaiting the birth of her first great-great-grandchild at the time of her death: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the life and memory of this proud and devoted daughter of Kansas and express our deepest sympathy to the family and friends of Frances Helene Flynn Koppers; and

Be it further resolved: That the Secretary of the Senate provide 14 enrolled copies of this resolution to her daughter Judith Janes at 7720 Mercier, Kansas City, MO 64114.

On emergency motion of Senator O'Connor **SR 1818** was adopted unanimously.

President Morris and members of the Senate offered their condolences to Frances Koppers family and friends visiting the Senate. Guests of Senator O'Connor were Judy Janes, Brian Janes, Gay Kahler, Steven Janes, Harry Travis, Erin Perkins, Emily Janes, Eric Snyder, Jenny Snyder, Matt Janes, Thu Janes, Michael Janes, Leah Janes, Mark Kahler, Alison Kahler, Kristen Kahler and Andrea Snyder.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 108** be passed.

REPORT ON ENROLLED BILLS

SCR 1603 reported correctly enrolled, properly signed and presented to the Secretary of State on February 10, 2005.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 14, 2005.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

