

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 6, 2007—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Wagle was excused.
President Morris introduced as guest chaplain, Rev. Tony Felich, Redeemer Presbyterian Church, Overland Park, Kansas, who delivered the invocation:

Heavenly Father, thank you this day for the state of Kansas and all the senators here gathered for the purpose of conducting business on behalf of the residents of this state. Lord God, thank you for giving us the opportunity to live in a country and state that provides citizens the opportunity to participate in the legislative process.

Lord God, by the ministry of your sovereign Spirit, may your blessing and guidance be upon these elected officials here gathered both individually and corporately as a senate.

As individuals, please guide, direct, and encourage the senators. Protect them from making rash or unwise decisions, grant them wisdom that allows for taking actions that honor you.

As a Senate corporately, please grant a spirit of civil discourse and an exchange of ideas that includes respect for one another. In the end, may all the actions taken by this body serve the state of Kansas and her residents well, which is another way of asking for your Will to be done in and through this legislative body.

I lift this prayer in the name of the Lord Jesus Christ, Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 293, An act amending the revised Kansas code for care of children; concerning investigations of abuse or neglect; amending K.S.A. 2006 Supp. 38-2230 and repealing the existing section, by Senators Pyle, Barone, Betts, Brownlee, Bruce, Emler, Gilstrap, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pine, Reitz, Steineger, Taddiken and Wilson.

SB 294, An act relating to motor vehicles; concerning driver's licenses; relating to certain age requirements; providing certain limitations; providing penalties; amending K.S.A. 8-235d, 8-239, 8-297, 8-2,147 and 72-89c02 and K.S.A. 2006 Supp. 8-237 and 8-240 and repealing the existing sections, by Committee on Transportation.

SB 295, An act amending the vehicle dealers and manufacturers licensing act; relating to salvage vehicle pool dealers; providing for a buyer identification card; amending K.S.A. 8-135c and 8-2401 and K.S.A. 2006 Supp. 8-2404 and repealing the existing sections; also repealing K.S.A. 8-2436, by Committee on Transportation.

SB 296, An act relating to eminent domain; concerning blighted property; amending K.S.A. 2006 Supp. 26-501b and repealing the existing section, by Committee on Federal and State Affairs.

SB 297, An act concerning video telecommunications providers; relating to preservation of dedicated bidirectional fiber optic links; amending K.S.A. 2006 Supp. 12-2023 and 17-1902 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 298, An act concerning property taxation; relating to exemptions; certain storage structures for cellulose matter; amending K.S.A. 2006 Supp. 79-201d and repealing the existing section, by Committee on Agriculture.

SB 299, An act concerning insurance; providing coverage to include reimbursement for ambulance services; amending K.S.A. 2006 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Senator Emler.

SB 300, An act relating to the department of corrections; providing for a mandatory HIV education program; amending K.S.A. 2006 Supp. 75-5210 and repealing the existing section, by Senator Betts.

SB 301, An act concerning criminal procedure; dealing with expungement; amending K.S.A. 2006 Supp. 12-4516 and 21-4619 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 21-4619c, by Senator Betts.

SB 302, An act creating a controlled substances monitoring task force; prescribing the duties thereof, by Senators Umbarger and V. Schmidt.

SB 303, An act enacting the Kansas fuel ethanol act, by Committee on Ways and Means.

SB 304, An act concerning the district courts; relating to the payment for costs thereof; amending K.S.A. 22-3801, 23-4,117, 28-150 and 61-3202 and K.S.A. 2006 Supp. 19-101e, 20-348, 20-350, 23-497 and 43-171 and repealing the existing sections; also repealing K.S.A. 20-162, 20-358, 20-359, 20-361 and 20-363 and K.S.A. 2006 Supp. 20-349, 20-368 and 23-498, by Committee on Assessment and Taxation.

SB 305, An act concerning taxation; establishing the tax modernization commission, by Committee on Assessment and Taxation.

SB 306, An act relating to the house arrest program; amending K.S.A. 21-4603b and repealing the existing section, by Committee on Judiciary.

SB 307, An act concerning the department of corrections; relating to admission of offenders; curtailing admissions during outbreaks of infectious or contagious diseases; amending K.S.A. 2006 Supp. 75-5220 and repealing the existing section; also repealing K.S.A. 2006 Supp. 75-5220a, by Committee on Judiciary.

SB 308, An act concerning the uniform commercial code; relating to documents of title; amending K.S.A. 21-3736, 21-3737, 84-2-104, 84-2-310, 84-2-323, 84-2-401, 84-2-503, 84-2-505, 84-2-506, 84-2-509, 84-2-605, 84-2-705, 84-2a-514, 84-2a-526 and 84-4-104 and K.S.A. 2006 Supp. 16-1616, 84-1-201, 84-2-103, 84-2a-103, 84-4-210, 84-8-103, 84-9-102, 84-9-201, 84-9-203, 84-9-207, 84-9-208, 84-9-301, 84-9-310, 84-9-312, 84-9-313, 84-9-314, 84-9-317, 84-9-338 and 84-9-601 and repealing the existing sections; also repealing K.S.A. 84-7-101 through 84-7-105, 84-7-201 through 84-7-210, 84-7-301 through 84-7-309, 84-7-401 through 84-7-404, 84-7-501, 84-7-502, 84-7-504 through 84-7-509, 84-7-601, 84-7-602 and 84-7-603 and K.S.A. 2006 Supp. 84-7-503, by Committee on Judiciary.

SB 309, An act enacting the Kansas health care connector act, by Committee on Public Health and Welfare.

SB 310, An act concerning elections; relating to the presidential preference primary; amending K.S.A. 2006 Supp. 25-4501 and repealing the existing section, by Senator Haley.

SB 311, An act concerning the legislature; relating to full-time staff for legislators; making and concerning appropriations for the fiscal year ending June 30, 2008, for state agencies; amending K.S.A. 46-1212a and repealing the existing section, by Senator Haley.

SB 312, An act concerning income taxation; relating to the earned income credit; amending K.S.A. 2006 Supp. 79-32,205 and repealing the existing section, by Senators Hensley, Barone, Betts, Francisco, Gilstrap, Goodwin, Kelly and Lee.

SB 313, An act concerning journalists; providing a privilege with regard to certain disclosures of information, by Senators D. Schmidt and Hensley.

SB 314. An act concerning the Kansas angel investor tax credit act; amending K.S.A. 2006 Supp. 74-8132, 74-8133, 74-8134 and 74-8135 and repealing the existing sections, by Committee on Commerce.

SB 315. An act concerning colleges and universities; relating to textbooks and course materials, by Senator Brownlee.

SB 316. An act concerning economic development; relating to tax increment financing and sales tax and revenue bonds; establishing the STAR bond act; amending K.S.A. 12-1770 and 12-1776 and K.S.A. 2006 Supp. 12-1770a, 12-1771b, 12-1773, 12-1774 and 12-1774a and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas and K.S.A. 2006 Supp. 12-1771d, 12-1780b, 12-1780c, 12-1780d, 12-1780e and 12-1780f, by Committee on Commerce.

SB 317. An act concerning alcoholic beverages; enacting the cereal malt beverage retailers' act; providing for an increase in the maximum permitted alcohol content of cereal malt beverage under certain circumstances; amending K.S.A. 41-103, 41-312 and 41-410 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 318. An act directing excess state tobacco settlement receipts to increase state tobacco prevention efforts; establishing an oversight committee, by Committee on Public Health and Welfare.

SB 319. An act concerning counties; relating to foreclosure and sale of real estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 262.**

Assessment and Taxation: **SB 261, SB 278, SB 289, SB 290, SB 291.**

Commerce: **SB 264, SB 265, SB 288, SB 292.**

Education: **SB 280, SB 281, SB 282.**

Elections and Local Government: **SB 283.**

Federal and State Affairs: **SB 275, SB 276, SB 277; HB 2152.**

Financial Institutions & Insurance: **SB 271, SB 272, SB 273, SB 274.**

Judiciary: **SB 268, SB 269, SB 279, SB 286.**

Natural Resources: **SB 266, SB 267.**

Public Health and Welfare: **SB 270, SB 284, SB 285.**

Utilities: **HB 2037, HB 2038, HB 2066.**

Ways and Means: **SB 263, SB 287.**

CHANGE OF REFERENCE

The President withdrew **SB 270** from the Committee on Public Health and Welfare, and referred the bill to the Committee on Judiciary.

REFERRAL OF APPOINTMENTS

The following appointment made by the Governor and submitted to the senate for confirmation, was referred to Committee as indicated:

State Long-Term Care Ombudsman, Gilbert Cruz, effective upon the date of confirmation by the Senate to serve a term of four years.

(Public Health and Welfare)

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HEALTH POLICY AUTHORITY

Marcia J. Nielsen, Ph.D., MPH, Executive Director, submitted the 2007 Annual Legislative Report.

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.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2161**.
Also, passage of **SB 36**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2161 was thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 108; SCR 1603; HB 2041 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 108, An act designating a portion of United States highway 73 as the Deputy Todd Widman memorial highway last call 3-1-2000.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed.

SCR 1603, A concurrent resolution requesting the creation of a task force to study the design and implementation of an electronic motor vehicle financial security verification system for real time verification of compliance with the financial security requirements of the Kansas automobile injury reparations act.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The resolution was adopted.

HB 2041, An act designating a part of United States highway 24, United States highway 59 and K-92 as the 95th division, the iron men of Metz highway; amending K.S.A. 2006 Supp. 68-1060 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 8, An act regulating traffic; doubling speeding fines in school zones; amending K.S.A. 2006 Supp. 8-2118 and repealing the existing section; also repealing K.S.A. 2006 Supp. 8-2118a, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Jordan, Journey, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wilson, Wysong.

Nays: Barone, Betts, Haley, Huelskamp, Kelly, Reitz, Vratil.

Absent or Not Voting: Wagle.

The bill passed.

SB 19, An act concerning certain county fairs; pertaining to tax levies for buildings and grounds; amending K.S.A. 2006 Supp. 2-131d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed.

SB 51, An act concerning vital statistics; providing clerks of the district courts certain information; amending K.S.A. 2006 Supp. 65-2422d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed.

SB 57, An act repealing K.S.A. 20-351a; concerning the report to legislature of the elimination or addition of certain judgeships, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed.

SB 111, An act concerning insurance companies; pertaining to sharing of certain information; amending K.S.A. 40-222 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed, as amended.

SB 112, An act concerning insurance companies; pertaining to examination reports; amending K.S.A. 2006 Supp. 40-209 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed.

SB 164, An act concerning economic development; relating to qualified industrial manufacturers; prescribing certain transfers; establishing the special qualified industrial manufacturer fund, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed, as amended.

SCR 1604, A concurrent resolution urging the United States Congress to allow interstate marketing of state inspected meat, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Wagle.

The resolution was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Huelskamp and Pyle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION recognizing February 6 as Ronald Reagan Day.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, Union leader, corporate spokesman, governor of California and president of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th president of the United States of America; the second of which he earned the confidence of 3/4 of the electorate and was victorious in 49 of the 50 states in the general election, a record unsurpassed in the history of American presidential elections; and

WHEREAS, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to meet 21st century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the cold war and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, February 6, 2007, will be the 96th anniversary of Ronald Reagan's birth, and the third since his passing: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 6, 2007, as Ronald Reagan Day and urge all Kansas citizens to take cognizance of this event and participate fittingly in its observance; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Huelskamp.

On emergency motion of Senator Huelskamp **SR 1814** was adopted unanimously.

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

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating and commending the 2006 Kansas National Board Certified Teachers.

WHEREAS, Thirty-six of Kansas' finest educators have satisfied the highest professional qualifications of the National Board for Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 22; and

WHEREAS, The 2006 Kansas National Board Certified Teachers are: Margaret Anderson, Atchison Elementary School, Atchison Public Schools, USD 409; Susan Carpenter, Marlatt Elementary School, Manhattan-Ogden, USD 383; Robert Compton, North High School, Wichita, USD 259; Cynthia Couchman, Buhler High School, Buhler, USD 313; Robin Dixon, Jay Shideler Elementary School, Auburn Washburn, USD 437; Gentry Doggendorf, Buhler High School, Buhler, USD 313; Christine Eaton, Starside Elementary School, DeSoto, USD 232; Richard Gill, Blue Valley High School, Blue Valley, USD 229; Christian Goering, Manhattan High School West/East Campus, Manhattan-Ogden, USD 383; Julie Grecian, Easton Elementary School, Easton, USD 449; Martha Hilley, Stafford Elementary School, Stafford, USD 349; Catherine Hoopes, Franklin Elementary School, Wichita, USD 259; Deborah Jaeger, Prairie Trail Jr High School, Olathe, USD 233; Yvonne James, Oak Hill Elementary School, Blue Valley, USD 229; Cora Kenyon, Manhattan High School West/East Campus, Manhattan-Ogden, USD 383; Sharon Landrum, Santa Fe Middle School, Newton, USD 373; Ronald Leikam, Hays High School, Hays, USD 489; Mary Lonker, Wamego High School, Wamego, USD 320; Judy Mareda, Benton Elementary School, Wichita, USD 259; Deborah Nauerth, Amanda Arnold Elementary School, Manhattan, USD 383; Kelly Nehring, Wamego High School, Wamego, USD 320; Ann Nelson, Blue River Elementary School, Blue Valley, USD 229; Dennis Newell, Emporia Middle School, Emporia, USD 253; Juli O'Mealey-Hossain, Indian Hills Middle School, Shawnee Mission, USD 512; Shane Phillips, Heights High School, Wichita, USD 259; Karen Rogers, Olathe North Sr High School, Olathe, USD 233; Robyn Seglem, Trailridge Middle School, Shawnee Mission, USD 512; Lynda Snyder, Northwest High School, Wichita, USD 259; Lori Stratton, Wamego High School, Wamego, USD 320; Stacie Valdez, North High School, Wichita, USD 259; Janel Walker, Prairie Hills Middle School, Buhler, USD 313; Kristine Wanamaker, Wanamaker Elementary School, Auburn Washburn, USD 437; Jane Waterson, Auburn Elementary School, Auburn Washburn, USD 437; Bruce Wellman, Olathe South Sr High School, Olathe, USD 233; Shelbie Witte, Fort Riley Middle School, Geary County Schools, USD 475; Maria Worthington, Blue Valley North High 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 nongovernmental 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 36 enrolled copies of this resolution to the Interim Commissioner of Education for forwarding to each of the teachers so honored plus a copy to the Interim Commissioner of Education.

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

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 121** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 114** be amended on page 2, in line 23, before “which” by inserting “; or any combination of such acts which occur in a period of six consecutive months;”; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2039** be passed.

REPORT ON ENGROSSED BILLS

SB 111, SB 164 reported correctly engrossed February 6, 2007.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Taddiken in the chair.

On motion of Senator Taddiken the following report was adopted:

Recommended **SB 75, SB 95, SB 153, SB 252; HB 2002** be passed.

The committee report on **SB 82** recommending a **Sub SB 82** be adopted, and the substitute bill be passed.

SB 67, SB 105, SB 109 be amended by adoption of the committee amendments, and the bills be passed as amended.

SCR 1606 be amended by motion of Senator Jordan on page 1, in line 26, by striking “billion” and inserting “million” and **SCR 1606** be adopted as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 67, SB 75; Sub SB 82; SB 95, SB 105, SB 109, SB 153, SB 252; SCR 1606; HB 2002** were advanced to Final Action and roll call.

SB 67, An act concerning libraries; creating the state library of Kansas board and providing for the powers and duties thereof; abolishing the state library advisory commission and the Kansas library network board; amending K.S.A. 75-2546, 75-2548, 75-2549, 75-2549b, 75-2550, 75-2550a, 75-2552, 75-2576 and 75-2577 and K.S.A. 2006 Supp. 75-2551, 75-2562 and repealing the existing sections; also repealing K.S.A. 75-2578, 75-2579, 75-2580, 75-2581, 75-2582, 75-2583, 75-2584 and 75-2586.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed, as amended.

SB 75, An act concerning indigent defense services; relating to compensation for attorneys; amending K.S.A. 2006 Supp. 22-4507 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed.

Sub SB 82. An act concerning the healing arts act; amending K.S.A. 65-2802 and K.S.A. 2006 Supp. 65-2872 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The substitute bill passed.

SB 95. An act concerning school districts; relating to school finance; relating to pupils confined or housed at certain facilities; amending K.S.A. 72-6430 and 72-8187 and K.S.A. 2006 Supp. 72-6407 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed.

SB 105. An act concerning the board of nursing; amending K.S.A. 65-1117, 65-1132, 65-1155 and 65-4205 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed, as amended.

SB 109. An act concerning school districts; relating to employees thereof; relating to compensation; amending K.S.A. 74-4940 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed, as amended.

SB 153. An act concerning certain school districts; relating to the assessed valuation thereof; repealing K.S.A. 2006 Supp. 72-6624a and 72-6625a.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed.

SB 252. An act authorizing the state board of regents to convey certain real estate located in Riley county, Kansas, for and on behalf of Kansas state university and the state of Kansas to the United States government, department of homeland security.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed.

SCR 1606, A concurrent resolution designating the region from Manhattan, Kansas, to the Kansas City metropolitan area as the KC Animal Health Corridor and recognizing the value and economic benefits of the animal health industry throughout the state of Kansas.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The resolution was adopted, as amended.

HB 2002, an act concerning wildlife and parks; relating to the Kansas wildlife and parks commission; amending K.S.A. 32-805 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Absent or Not Voting: Betts, Wagle.

The bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 7, 2007.

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

PAT SAVILLE, *Secretary of the Senate*.

