

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 9, 2009—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-six senators present.
Senator Morris, Hensley, McGinn and Steineger were excused.
Vice President Vratil introduced as guest chaplain, Pastor Jim Sanborn, Principal, Emporia Christian School, Emporia, Kansas, who delivered the invocation.

Dear Heavenly Father,

We come before you, thanking you for being a mysterious, wonderful, awesome God. We recognize that you are the one who has everything in this world under your control. We value your wisdom and discernment in the decisions that have to be made in this room today. We ask that you put a hedge about this building. May each senator be guided by Scriptural principles. May they sense your presence as they make agonizing decisions about our state's future. May they be unified for the good of the people of Kansas.

We ask your blessing upon school teachers in our state who need wisdom to inspire students to achieve their full potential. We thank you for creating each one of us with special gifts and talents.

Thank you for allowing us to be born and live in this great nation. Thank you for your provision in our daily lives. We ask for the peace that only you can give. We pray for the peace of Jerusalem.

In Jesus name we pray amen.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 304, 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. 2-223, 12-5256, 55-193, 75-6702, 76- 7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-4801 and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

SB 305, An act concerning the Kansas tort claims act; relating to charitable health care providers; amending K.S.A. 2008 Supp. 75-6102 and repealing the existing section, by Committee on Ways and Means.

SB 306, An act concerning the Kansas fireworks act; creating the fireworks and explosives fund; amending K.S.A. 2008 Supp. 31-505 and repealing the existing section, by Committee on Ways and Means.

SB 307, An act concerning aboveground storage tanks; duties of the state fire marshal; amending K.S.A. 2008 Supp. 65-34,136 and repealing the existing section, by Committee on Ways and Means.

SB 308, An act concerning state agencies; relating to the administrative fee charged to agencies; amending K.S.A. 2008 Supp. 75-3170a and repealing the existing section, by Committee on Ways and Means.

SB 309, An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, 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, by Committee on Ways and Means.

COMMUNICATIONS FROM STATE OFFICERS

SUPREME COURT OF KANSAS

March 5, 2009

Pursuant to KSA 8-1008, Howard Schwartz, Judicial Administrator, submitted the 2008 Annual Report of the Statement of the Alcohol Drug Safety Action Program.

The Vice 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 the House nonconcur in Senate amendments to **Senate Substitute for Substitute HB 2014**, requests a conference, and appoints Representatives C. Holmes, Moxley and Kuether as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Apple, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2014**.

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

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **SB 102** and requested a conference committee be appointed.

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

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 238** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, D. Schmidt and Faust-Goudeau as a conference committee on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No.—1845

A RESOLUTION congratulating Avery Clifton for being the Gatorade Cross Country Runner of the Year for Kansas.

WHEREAS, Washburn Rural High School Junior Avery Clifton was named the Gatorade Cross Country Runner of the Year for Kansas; and

WHEREAS, Gatorade State Players of the Year are selected on the basis of outstanding athletic excellence accompanied by high standards of academic achievement and exemplary personal character demonstrated on and off the field; and

WHEREAS, Avery Clifton was the 6A State Champion this year, defeating the defending 3200 meter track champion and being the only runner in the state that day to run under 15 minutes; and

WHEREAS, Avery's lowest finish in 7 races this year was 5th at the Rim Rock Invitational, in which she was the first Kansas runner to finish; and

WHEREAS, Some of the many awards and honors she has received include All City, All State, Academic All-State Cross Country and winning 6th place in singles at the State Tennis Championship; and

WHEREAS, Avery Clifton managed to maintain a 4.0 grade point average while performing at an exceptionally high level in both cross country and tennis; and

WHEREAS, Some of Avery Clifton's other achievements include being nominated for the National Young Leaders State Conference and being named Student of the Month in October 2006 for her dedication and responsibility and the example she sets through her work ethic; and

WHEREAS, Avery Clifton's ability to maintain exceptional grades while excelling at two difficult and competitive sports make her accomplishments truly extraordinary: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Avery Clifton for being the Gatorade Cross Country Runner of the Year for Kansas and for her outstanding athletic and scholastic achievements; and

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

On emergency motion of Senator V. Schmidt **SR 1845** was adopted unanimously.

Avery was accompanied by Bob and Andrea Clifton, her parents, Mr. and Mrs. Keith Clifton and Mr. and Mrs. Paul Moore, her grandparents, as well as Penny Lane and Coach Scott Shufelberger. Senator V. Schmidt congratulated Andrea Clifton for her accomplishments and Senators honored her with a standing ovation.

Senators Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No.—1846

A RESOLUTION congratulating and commending the 2009 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2009. The seven were honored on February 25 at Emporia State University, the sponsor of the program, with a day of tours, seminars and receptions; and

WHEREAS, The 2009 Kansas Master Teachers are Kenneth J. Bingman, an honors and AP biology instructor at Blue Valley West High School in Blue Valley; Lynne "Christy" Boerner, a kindergarten teacher at Central Elementary School in Wamego; Barbara Duffer Cole, a 7th and 8th grade art and English language learner teacher at Shawnee Heights Middle School in Tecumseh; Beverly Steele Furlong, a kindergarten teacher at Sunflower Elementary School in Gardner-Edgerton; Jeline Harclerode, a CONNECT teacher at Emporia Middle School in Emporia; Barbara McCalla, a third grade teacher at Garfield Elementary School in Augusta and Sarah Smith Meadows, a K-5 numeracy coach at Scott Computer Technology Magnet School in Topeka; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1953 and presents the awards annually to teachers described as having "served the profession long and well and who also typify the good qualities of earnest and conscientious teachers"; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards and a committee representing educational organizations from across Kansas selected the 2009 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the seven 2009 Kansas Master Teachers for demonstrated excellence in their profession and devotion to the children of Kansas; and

Be it further resolved: That the Secretary of the Senate provide Senator Jim Barnett with seven enrolled copies of this resolution for presentation to the 2009 Kansas Master Teachers.

On emergency motion of Senator Barnett **SR 1846** was adopted unanimously.

Senators Barnett, Colyer, Pyle, Kelly and Brownlee reviewed areas of expertise and accomplishments of the teachers from their respective districts. The teachers present for the resolution were introduced and honored by a standing ovation.

REPORT ON ENGROSSED BILLS

SB 147, SB 153, SB 253 reported correctly engrossed March 6, 2009.

REPORT ON ENROLLED BILLS

SB 14, SB 82, SB 219 reported correctly enrolled, properly signed and presented to the Governor on March 9, 2009.

Also, **SR 1842, SR 1843, SR 1844, SR 1845, SR 1846** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 9, 2009.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2004** be passed.

Committee on **Ways and Means** recommends **SB 204** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, March 10, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*
PAT SAVILLE, *Secretary of the Senate.*

