

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
 Thursday, May 5, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
 The roll was called with thirty-eight Senators present.
 Senators Donovan and Masterson were excused.
 Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When my days are getting longer
 And my nights are getting short;
 When my patience's wearing thin,
 And I'm feeling out of sorts.

When I think I've been mistreated,
 And I find it hard to pray;
 When my body's gaining weight,
 And my hair is turning gray.

When I thought I'd done my best,
 But just made people mad;
 When things start out so good,
 But wind up really bad.

When I stop to smell the roses
 And the thorns all prick my nose;
 When I go to church for comfort
 And get stepped upon my toes.

That's when I turn to You, O God,
 Who's there each time I call;
 Who is my closest friend,
 Who loves me—warts and all.

And that's when You remind me,
 Though life seems so unfair;
 You promised I would never have
 More than I can bear!

I thank You in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **HB 2314.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1856—

A RESOLUTION congratulating and commending Erie High Charter School for being the first LEED Gold certified high school in the State of Kansas.

WHEREAS, Erie High Charter School is the first LEED Gold certified high school in the state of Kansas, the first LEED Gold certified K-12 educational facility in the state of Kansas, the first LEED certified high school in the state of Kansas, the first LEED certified K-12 educational facility outside of the Kansas City metro area, the fourth LEED certified K-12 educational facility in the state of Kansas, the 47th LEED certified project in the state of Kansas and the 441st LEED certified school in the world; and

WHEREAS, On May 11, 2011, Erie High Charter School will celebrate its designation as the first LEED Gold certified high school in the state of Kansas. Erie High Charter School officials, students, community members and those involved in the construction of the school will gather for a ceremony; and the school's Green Dream Team, a group of students instrumental in helping the school achieve the designation, will also host its first annual Green Day Celebration; and

WHEREAS, The Leadership in Energy and Environmental Design (LEED) is an internationally-recognized green building certification system. Developed by the U.S. Green Building Council in March 2000, LEED provides building owners and operators with a framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions; and

WHEREAS, LEED certification provides independent, third-party verification that a building or community was designed and built using strategies aimed at achieving high performance in five key areas of human and environmental health: Sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality; and

WHEREAS, There are four levels of LEED designation for schools, based upon points the facility earns for issues such as classroom acoustics, master planning, mold prevention and environmental site assessment. The top rating is Platinum, followed by Gold, Silver and LEED certified ratings; and

WHEREAS, While schools seeking LEED certification often hire consultants to assist with the application process, the Green Dream Team students did much of the work themselves. The Green Dream Team students earned about 25% of the total LEED credits. They were involved in the implementation of onsite recycling, developed a tobacco-free campus policy that the school board adopted, researched native grasses that are being planted on the site, created signage to educate occupants and visitors

about the building's green features, advocated for a green cleaning policy and are planning a survey of thermal comfort in the building; and

WHEREAS, The Green Dream Team students are Heather Dillinger, Matthew Frech, Ashley Gray, MaKayla LaRue, Jamie Lovett, Shane Secrest, Kyle Spielbusch and Isaac Stark. The Green Dream Team advisors are Rose Fry, Dr. Kathleen Davis, Virginia Wolken and Stephanie Stark; and

WHEREAS, The design of the single level Erie High Charter School is arranged for daylighting and solar access in the core learning spaces and reflects the collaborative nature of Project Based Learning. The school incorporates numerous integrated green building strategies including extensive use of daylight, energy efficient equipment, water saving fixtures and sustainable material uses: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the students, teachers and administration of Erie High Charter School for being the first LEED Gold certified high school in the State of Kansas. We extend our best wishes for their continued success; and

Be it further resolved: That the Secretary of the Senate shall send 14 enrolled copies of this resolution to Senator Umbarger.

On emergency motion of Senator Umbarger **SR 1856** was adopted unanimously.

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

SENATE RESOLUTION No. 1857—

A RESOLUTION congratulating Derek Ziegler and Beth Mendenhall for winning the 2011 Cross-Examination Debate Association's national tournament.

WHEREAS, Kansas State University students Derek Ziegler and Beth Mendenhall have been crowned national collegiate debate champions; and

WHEREAS, The Kansas State University team won the national debate championship at the 2011 Cross-Examination Debate Association's national tournament in Binghamton, New York; and

WHEREAS, The victorious pair defeated a team from Towson University in the finals to claim Kansas State University's third national debate championship since 1991. Kansas State University also claimed the championship at the 1993 tournament; and

WHEREAS, Each year, the Cross Examination Debate Association holds a national tournament in which teams of two debate a resolution related to public policy. This year's resolution concerned employment-based immigration visas and other potential immigration reforms. Such a topic requires extensive research and preparation; and

WHEREAS, Debate team members conduct research even between rounds during a tournament. One such research session actually played a big role in the final championship round. The team won the final decision on a piece of evidence that was found 45 minutes before the debate; and

WHEREAS, Derek Ziegler and Beth Mendenhall were able to secure a victory on a 6-3 decision; and

WHEREAS, Derek Ziegler is a proud graduate of Highland Park High School in Topeka; and

WHEREAS, Beth Mendenhall is a proud graduate of Saint Thomas Aquinas High School in Overland Park and was named Debater of the Year; and

WHEREAS, Justin Green, director of the debate team and instructor of communication studies at Kansas State University, coached this championship pair to

victory: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Derek Ziegler and Beth Mendenhall for their exceptional performance as part of the Kansas State University debate team and for winning the 2011 Cross-Examination Debate Association's national tournament; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1857** was adopted unanimously.

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

SENATE RESOLUTION No. 1858—

A RESOLUTION congratulating and commending Donnie Lockhart for winning the 2011 Class 5A 189-pound state wrestling championship and for completing a perfect 38-0 record.

WHEREAS, Shawnee Heights High School senior Donnie Lockhart completed a perfect 38-0 season with a victory in the Kansas State High School Activities Association Class 5A 189-pound state wrestling championship match; and

WHEREAS, Donnie defeated Kansas City Turner senior Armando Alcantara with a pin, with one minute and 18 seconds left in the second period after building a 7-0 lead; and

WHEREAS, Donnie's dominating victory helped clinch a best-ever second place finish at the state wrestling tournament for the Shawnee Heights Thunderbirds. Shawnee Heights narrowly edged out Wichita-Kapaun Mt. Carmel for the runner-up spot, 116.5 points to 114 points; and

WHEREAS, Donnie's championship was the culmination of a year-long quest which began when he lost in the 2010 state final. He was confident that he would make the finals again and told his coach, Chad Parks, that he would not be defeated and he was not: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Donnie Lockhart for his outstanding athletic accomplishment. We admire his hard work and determination to become an undefeated state champion and extend our best wishes for his continued success; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1858** was adopted unanimously.

REPORT ON ENROLLED BILLS

SR 1853, SR 1854, SR 1855 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 5, 2011.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

Announcing passage of **SB 21**, as amended; **Substitute SB 111**, as amended by **House Substitute for Substitute SB 111**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Schodorf, the Senate nonconcurred in the House amendments to **SB 21**, and requested a conference committee be appointed.

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

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **H Sub for Sub SB 111** and requested a conference committee be appointed.

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

ORIGINAL MOTION

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2010**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2010** submits the following report:

The House accedes to all Senate amendments to the bill and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 8 through 35;

On page 2, by striking all in lines 1 through 14;

And by renumbering the sections accordingly;

On page 3, in line 43, following the semicolon, by inserting "and

(y) electronic sollicitation, section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.";

On page 4, by striking all in lines 1 through 19; in line 20, by striking "59-29a04a and"; in line 21, before "are" by inserting "and 60-4104, as amended by section 223 of 2011 House Bill No. 2339";

On page 1, in the title, in line 1, by striking all following "procedure"; by striking all in lines 2 through 5 and inserting "; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section; also repealing K.S.A. 2010 Supp. 60-4104, as amended by section 223 of 2011 House Bill No. 2339."

And your committee on conference recommends the adoption of this report.

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

LANCE KINZER
 JOE PATTON
 JANICE L. PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2010**.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The Conference Committee Report was adopted.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Kansas Public Employees' Retirement Board of Trustees:

Terry Matlack, Member, to serve a four year term, expiring January 15, 2015.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

Racing and Gaming Commission:

Rick Petersen-Klein, Executive Director, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

State Civil Service Board:

Phillis Setchell, Member, to serve a four year term, expiring March 15, 2015.

On roll call, the vote was: Yeas 34, Nays 0, Present and Passing 3, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Holland, Huntington, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Francisco, Hensley, Kelly.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

State Gaming Agency:

Mark Dodd, Executive Director, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

State Library:

Joanne Budler, Librarian, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Friday, May 6, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

