

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 14, 2012, 2:30 p.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,

On Valentine's we hear a lot
About love that is so true.
But to know what love is all about
We must begin, O God, with You.

Your love is so much greater
Than what we often see:
Like behavior meant for privacy
Splashed across TV.

People we don't even like
You can make us love.
You could even make the hawks
Learn to love the doves.

You can help Republicans
Love the Democrats.
You can even cause the Jayhawks
Learn to love the Wildcats.

There's not a single barrier
Your love cannot erase.
So on this day of Valentine.
We praise You for Your grace.

I pray in the Name of Jesus Christ, AMEN

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 427, AN ACT concerning the Kansas housing loan deposit program; relating to the building or rehabilitation of adult care homes; amending K.S.A. 2011 Supp. 75-4277, 75-4278 and 75-4279 and repealing the existing sections, by Committee on Ways and Means.

SB 428, AN ACT concerning sales and use taxation; relating to rate on sales of food and food ingredients, exemption; eliminating food sales tax refunds; amending K.S.A. 2011 Supp. 79-3603, 79-3606 and 79-3703 and repealing the existing sections; also repealing K.S.A. 79-3632, 79-3634, 79-3636 and 79-3638 and K.S.A. 2011 Supp. 79-3606g, 79-3633, 79-3635, 79-3637, 79-3639 and 79-3639a, by Committee on Ways and Means.

SB 429, AN ACT concerning retirement and pensions; enacting the Kansas public employees retirement system act of 2014; providing terms, conditions and requirements relating thereto for certain new members; relating to benefits and contributions; elimination of service credit purchases; repealing K.S.A. 74-4919a, 74-4919g, 74-4919i, 74-4919k, 74-4919n, 74-4919p, 74-4919q, 74-4919r and 74-4919s and K.S.A. 2011 Supp. 74-4919h, 74-4919j, 74-4919l, 74-4919m, 74-4919o, 74-4919u and 74-4919v, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 426**.

Financial Institutions and Insurance: **HB 2507**.

Judiciary: **Sub HB 2055**.

Natural Resources: **HB 2472, HB 2491**.

Transportation: **HB 2441**.

MESSAGE FROM THE GOVERNOR

February 7, 2012

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback
Kansas Governor

Secretary, Social and Rehabilitation Services, Phyllis Gilmore (R), Overland Park, pursuant to the authority vested in me by KSA 75-5301 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, University of Kansas Hospital Authority, Greg Graves (R), Stilwell, pursuant to the authority vested in me by KSA 76-3304 effective upon the date of confirmation by the Senate to serve a four year term, to expire March 15, 2015.

Member, University of Kansas Hospital Authority, Sharon Lindenbaum (R), Leawood, pursuant to the authority vested in me by KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015.

Member, University of Kansas Hospital Authority, Alex Ammar (R), Wichita, pursuant to the authority vested in me by KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2503, HB 2515, HB 2525, HB 2588.**

Also, passage of **SB 211**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2503, HB 2515, HB 2525, HB 2588 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating and commending the 2011 Kansas National Board Certified Teachers.

WHEREAS, Thirteen 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 23; and

WHEREAS, The 2011 Kansas National Board Certified Teachers are: Deena Amont, Lawrence High School, Lawrence USD 497; Lindsey Colling, Olathe East Sr. High School, Olathe USD 233; Amy Compton, Jefferson Elementary School, Independence USD 446; Karla Fickes, Clay Center Community Middle School, Clay Center USD 379; Lisa Frahm, Manchester Park Elementary School, Olathe USD 233; Lori Hamilton, Burlington High School, Burlington USD 244; Mary Ann James, Aubry Bend Middle School, Blue Valley USD 229; Jean Johnson, Fort Riley Middle School, Geary County USD 475; Kimberly Kime, Mission Trail Elementary School, Blue Valley USD 229; Elizabeth McKnight, Oak Hill Elementary School, Blue Valley USD 229; DeAnn Nelson, Truesdell Middle School, Wichita USD 259; Raj Narayan Sharma, Wichita South High School, Wichita USD 259; Dena Steen, Washington Elementary School, Olathe USD 233; 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 13 enrolled copies of this resolution to the Commissioner of Education for forwarding 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.

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

SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating and commending the Kansas recipient of the 2011 Milken Family Foundation Educator Award.

WHEREAS, Lisa Gruman, Associate Principal at Shawnee Mission Northwest High School, Shawnee Mission USD 512, has been selected as the Kansas recipient of the 2011 Milken Family Foundation Educator Award. She will receive an unrestricted award of \$25,000 plus recognition by her community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985 and the first awards were presented in 1987; and

WHEREAS, The Milken Family Foundation Educator Awards program provides public recognition and financial awards to elementary and secondary school teachers, principals and other educational professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken Educator Awards are announced each fall at surprise notifications held in all-school assemblies. Foundation representatives and the chief state school officer make the announcements. Lisa Gruman was one of up to 40 educators around the country recognized with the award this year. By publicizing these awards our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Lisa Gruman upon her selection as the Kansas recipient of the 2011 Milken Family Foundation Educator Award; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2011 Milken Educator.

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

Senator Schodorf introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1817—

A RESOLUTION congratulating and commending the 2012 Kansas Cable Telecommunications Horizon Award Program educators.

WHEREAS, Thirty-one beginning educators from across the state have been named as Kansas Cable Telecommunications Horizon Award Program educators; and

WHEREAS, The Kansas Cable Telecommunications Horizon Award Program, sponsored by 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 Cable Telecommunications Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Cable Telecommunications Horizon Award Program, currently in its 10th 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 the Kansas Cable Telecommunications Horizon Award Program, teachers must have successfully completed their first year of teaching and have performed in such a way as to distinguish themselves as outstanding. The Kansas Cable Telecommunications Horizon Award Program is a regional competition with four regions corresponding to the state's United States 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: Stephanie Beardslee, Emporia High School, Emporia USD 353; Lindsey Frank, Coronado Elementary School, Salina USD 305; Sarah Gerhardt, Canton-Galva Elementary School, Canton-Galva USD 419; Emily Greer, Lincoln Elementary School, McPherson USD 418; Katelyn Kennedy, Walnut Elementary School, Emporia USD 253; Joshua Massey, Salina High School South, Salina USD 305; Sarah Peterson, Buhler High School, Buhler USD 313; Heather Reimer, Ashland High School, Ashland USD 220; and

Region 2: Brooke Henry, Seaman High School, Seaman USD 345; Jessica Mainz, Washburn Rural Middle School, Auburn-Washburn USD 437; Kenya Patzer, Topeka High School, Topeka USD 501; Robyn Studebaker, Central Heights High School, Central Heights USD 288; Katlin Sullins, Garnett Elementary School, Garnett USD 365; Kimberlyn Uhl, Shawnee Heights High School, Shawnee Heights USD 450; Emily Vosseler, West Intermediate School, Leavenworth USD 453; and

Region 3: Andrew Addington, Bonner Springs High School, Bonner Springs USD 204; Abigail Clark, Indian Valley Elementary School, Blue Valley USD 229; Jessica Edwards, Blue Valley High School, Blue Valley USD 229; Sara Gehrt, Clear Creek Elementary School, De Soto USD 232; Lindsay Hothan, De Soto High School, De Soto USD 232; Jason Karlin, Lawrence High School, Lawrence USD 497; Andrea Kirkwood, Nieman Elementary School, Shawnee Mission USD 512; April Peavey, Eudora Elementary School, Eudora USD 491; and

Region 4: Cassie Banka, Goddard Middle School, Goddard USD 265; Jenna Nash, Field Kindley Memorial High School, Coffeyville USD 445; Traci Wood, Prairie Creek Elementary School, Andover USD 385; Kelly Cocking, Clark Davidson School, Goddard USD 265; Eunice Periz, Washington Elementary School, Wichita USD 259; Blake Smith, Maize South High School, Maize USD 266; Garrett Scott, Derby Middle

School, Derby USD 260; Nathan Holcomb, Belle Plaine Elementary School, Belle Plaine USD 357.

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2012 Kansas Cable Telecommunications Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide 31 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy to the Commissioner of Education.

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

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 148** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 148," as follows:

"Substitute for SENATE BILL NO. 148

By Committee on Agriculture

"AN ACT concerning water; relating to administrative division of water right.;"

And the substitute bill be passed.

Also, **HB 2451** be passed.

Committee on **Federal and State Affairs** recommends **SB 276** be amended on page 1, in line 8, by striking "(a)"; in line 10, by striking "(1)" and inserting "(a)"; by striking all in lines 12 through 22; in line 23, by striking "(4)" and inserting "(b)"; in line 27, by striking "(5)" and inserting "(c)"; in line 30, by striking "(6)" and inserting "(d)"; in line 35, by striking "(7)" and inserting "(e)";

On page 2, by striking all in lines 1 through 5; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 310** be passed.

Committee on **Transportation** recommends **SB 334** be passed.

Also, **SB 298** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Wednesday, February 15, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

