

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 11, 2011, 8:00 a.m.

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

Heavenly Father,

Tomorrow is the two hundred and second birthday anniversary of Abraham Lincoln. He is still regarded as one of the greatest leaders this nation has known.

It is significant, O God, that George Washington who served as President following the Revolutionary War, and Lincoln who served during the Civil War were men who consistently looked to You for leadership.

I believe, O God, if Washington had not led the American army during the Revolutionary War, and Lincoln had not served as President during the Civil War, the United States of America would never have become the "Land of the Free and Home of the Brave."

Thank You, Lord, for answering their prayers.

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 190, AN ACT concerning utilities; relating to telecommunications and price regulation; amending K.S.A. 2010 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

SB 191, AN ACT concerning water; relating to the water rights conservation program; amending K.S.A. 2010 Supp. 82a-718 and 82a-731 and repealing the existing sections, by Committee on Natural Resources.

SB 192, AN ACT concerning the Kansas dental board; relating to licensure of registered dental practitioners; amending K.S.A. 65-1421, 65-1424, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404, 74-1405 and 74-1406 and K.S.A. 2010 Supp. 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-

4921, 65-5912, 65-7304, 75-2935 and 75-6102 and repealing the existing sections, by Committee on Ways and Means.

SB 193, AN ACT concerning sales taxation; relating to food sales tax refunds; information required in support of claim; amending K.S.A. 79-3637 and repealing the existing section, by Committee on Assessment and Taxation.

SB 194, AN ACT concerning cities; relating to annexation; amending K.S.A. 60-2301 and repealing the existing section, by Committee on Agriculture.

SB 195, AN ACT concerning the state board of healing arts; relating to the licensure of acupuncturists, by Committee on Public Health and Welfare.

SB 196, AN ACT concerning taxation; relating to IMPACT program, withholding, requirements, limitations; income tax deductions, expensing of investment expenditures; income tax credits; sales tax exemptions; creating job creation program fund, administration, expenditures; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 74-50,111, 74-50,132, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152, by Committee on Assessment and Taxation.

SB 197, AN ACT concerning sales taxation; relating to rate; food and food ingredients; food sales tax refund; amending K.S.A. 2010 Supp. 79-3602, 79-3603 and 79-3635 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 198, AN ACT concerning economic development; creating rural opportunity zones; relating to income taxation, credit for certain taxpayers, amount and requirements; student loan repayment program, by Committee on Assessment and Taxation.

SB 199, AN ACT concerning inmates in correctional facilities; relating to correctional inmates' eligibility for medicaid, by Committee on Ways and Means.

SB 200, AN ACT concerning waste; relating to litter control; requiring certain beverage containers to be redeemable, by Committee on Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 186**.

Assessment and Taxation: **SB 177**.

Commerce: **SB 189**.

Federal and State Affairs: **SB 174, SB 181**.

Financial Institutions & Insurance: **SB 178, SB 179, SB 182, SB 185**.

Judiciary: **SB 175, SB 176; HB 2023, HB 2028, HB 2030**.

Local Government: **SB 180**.

Natural Resources: **SB 187, SB 188**.

Public Health and Welfare: **SB 184**.

Transportation: **SB 183**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. SR 1812—

A RESOLUTION congratulating and commending the 2011
Horizon Award Program educators.

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

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

WHEREAS, The Kansas Horizon Award Program, currently in its ninth 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 Kansas Horizon Award, teachers must have successfully completed their first year of teaching and have performed in such a way to distinguish themselves as outstanding. The Kansas 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: Gennifer Booth, Morris Hill Elementary School, Geary USD 475; Caley Cole-Robinson, Phillipsburg Middle School, Phillipsburg USD 325; Andrea Dolezal, Hoisington Middle School, Hoisington USD 431; Chelsea Forster, Salina High School South, Salina USD 305; Elissa Hadley, Emporia High School, Emporia USD 253; Stacia Kaylor, Fort Riley Middle School, Geary USD 475; Mariah McDowell, Grace E. Stewart Elementary School, Salina USD 305; Janeal Schmidt, Abilene High School, Abilene USD 435; and
Region 2: Bethany Baldwin, Berryton Elementary School, Shawnee Heights USD 450; Haley Bugni, Lakeside Elementary School, Pittsburg USD 250; Josey Eastes, Tonganoxie Middle School, Tonganoxie USD 464; Sarah Marolf, Shawnee Heights Middle School, Shawnee Heights USD 450; Kayla Oblinger, Washburn Rural Middle School, Auburn-Washburn USD 437; Beranda Jo Oetting, Auburn Elementary School, Auburn-Washburn USD 437; Trent Page, Central Heights High School, Central Heights USD 288; Suzanne Reedy, Louisburg Middle School, Louisburg USD 416; and
Region 3: Eric Ammerman, Mill Valley High School, De Soto USD 232; Jennifer Clarkson, Central Jr. High School, Lawrence USD 497; Chris Crawford, Center for Advanced Professional Studies, Blue Valley, USD 229; Mila Little, Pioneer Ridge Middle School, Gardner-Edgerton USD 231; Brianna Lohrey, Hazel Grove Elementary School, Kansas City USD 500; Laura Robeson, Ray Marsh Elementary School, Shawnee Mission USD 512;

Kristin Salanski, Timber Creek Elementary School, Blue Valley USD 229; Kathryn Wells, Sunflower Elementary School, Gardner-Edgerton USD 231; and

Region 4: Heidi Albin, Complete High School Maize, Maize USD 266; Christie Boote, Belle Plaine Elementary School, Belle Plain USD 357; Theresa Blunt, Truesdell Middle School, Wichita USD 259; Travis Combs, Newton Alternative High School, Newton USD 373; Andrea Ewert, Maize Central Elementary School, Maize USD 266; Lacy Kitzmann, Halstead Middle School, Halstead USD 440; Emily Noe, Wineteer Elementary School, Derby USD 260; Jordon Regehr, El Dorado High School, El Dorado USD 490: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2011 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide 32 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy for the Commissioner of Education.

On emergency motion of Senator Schodorf **SR 1812** was adopted unanimously.

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

SENATE RESOLUTION No. SR 1813—

A RESOLUTION congratulating and commending the Kansas recipient of the 2010 Milken Family Foundation Educator Award.

WHEREAS, Jeanie Weve, a fourth-grade teacher at Maize Central Elementary School, Maize USD 266, has been selected as the Kansas recipient of the 2010 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. This year 48 states and the District of Columbia participated in the program. 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 Jeanie Weve upon her selection as the Kansas recipient of the 2010 Milken Family Foundation Educator Award; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2010 Milken Educator.

On emergency motion of Senator Schodorf **SR 1813** was adopted unanimously.

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

SENATE RESOLUTION No. SR 1814—

A RESOLUTION congratulating and commending the 2010 Kansas National Board Certified Teachers.

WHEREAS, Twenty 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 24; and

WHEREAS, The 2010 Kansas National Board Certified Teachers are: Montika Allen, Westwood Elementary School, Geary USD 475; Tiffany Allen, Seltzer Elementary School, Wichita USD 259; Courtney Bowles, Sunrise Point Elementary School, Blue Valley USD 229; Mary Bradshaw, Santa Fe 5/6 Center, Newton USD 373; Julie Daicoff, Santa Fe Trail Jr. High School, Olathe USD 233; Natasha Erb, Indian Trail Jr. High School, Olathe USD 233; Elizabeth Hunt Esco, Olathe North Sr. High School, Olathe USD 233; Mary Livingston, Valley Park Elementary School, Blue Valley USD 229; Darla Loggans, Emerson Open Magnet Elementary School, Wichita USD 259; Summer Lunsway, Dwight D. Eisenhower Middle School, Manhattan-Ogden USD 383; Elisabeth Nelson, Northview Elementary School, Manhattan-Ogden USD 383; Kimberlee Osenga, Fort Riley Middle School, Geary USD 475; Rochelle Rey, Pauline South Intermediate School, Auburn-Washburn USD 437; Lane Ritchie, Emporia High School, Emporia USD 253; William Smithyman, Blue Valley Northwest High School, Blue Valley USD 229; Sherri Spare, Garfield Elementary School, Parsons USD 503; Brenda Stolle, Trailridge Middle School, Shawnee Mission USD 512; Rebecca Turnbull, Pittsburg Middle School, Pittsburg USD 250; Richard Wilson, Blue Valley West High School, Blue Valley USD 229; Marlo Zumbrunn, Chapman Middle School, Chapman USD 473; 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 20 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 1814** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 102, SB 103** be passed.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Monday, February 14, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

