

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 5, 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,

What an awesome God You are!

Powerful enough to create the universe;
Sensitive enough to notice the falling sparrow.

Powerful enough to guide the destiny of nations;
Sensitive enough to hear an infant's cry.

Powerful enough to hear everyone's prayers;
Sensitive enough to hear one legislator's prayer.

Powerful enough to influence the decisions of presidents;
Sensitive enough to encourage a tired legislator.

Powerful enough to create life;
Sensitive enough to comfort a disappointed legislator.

Powerful enough to raise the dead;
Sensitive enough to raise the hopes of a discouraged legislator.

What an awesome God You are!
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 and concurrent resolution were introduced and read by title:

SB 451, AN ACT concerning motor vehicles; relating to one-way glass and sun screening devices; making an exemption for certain medical reasons; amending K.S.A. 2011 Supp. 8-1749a and repealing the existing section, by Committee on Federal and State Affairs.

SB 452, AN ACT concerning alcoholic beverages; relating to clubs and drinking establishments; permitting tastings on the licensed premises; amending K.S.A. 41-2640 and K.S.A. 2011 Supp. 41-2637, 41-2641 and 41-2642 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 453, AN ACT concerning driving under the influence; relating to administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 8-241 and K.S.A. 2011 Supp. 8-2,144, 8-1008, 8-1014, 8-1015, 8-1020 and 8-1567 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 8-1020b, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. **SCR 1615**—

By Senators Pilcher-Cook, Abrams, Apple, Bruce, Donovan, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Petersen, Pyle, A. Schmidt, Taddiken, Umbarger and Wagle

A CONCURRENT RESOLUTION urging President Barack Obama and the United States Department of Health and Human Services to rescind its "preventive services" rule under the "Affordable Care Act," specific services in violation of religious liberty and the free exercise thereof.

WHEREAS, The First Amendment to the United States Constitution guarantees that Congress shall make no law prohibiting the free exercise of religion; and

WHEREAS; Many employers in this country are organizations founded on deeply-held religious beliefs; and

WHEREAS, The law has always protected the rights of those employers and their employees not to take actions which would violate their conscience and those religious beliefs without penalty; and

WHEREAS, On January 20, 2012, the United States Department of Health and Human Services announced its new rule requiring almost all employers, including employers with deeply held religious beliefs, to provide health insurance coverage that includes specific services in violation of religious liberty and free exercise thereof; and

WHEREAS, On February 10, 2012, the United States Department of Health and Human Services announced a change to its new rule to require all insurance companies, including the self-insured and organizations owned by those with deeply held religious beliefs, to provide health insurance coverage that includes specific services in violation of religious liberty and the free exercise thereof; and

WHEREAS, As a result of the modification to such rule, employers will still be compelled to purchase and provide such health insurance coverage, albeit indirectly as these services and products cannot be free and must still be paid for by passing the costs to the purchaser, in violation of such employer's conscience and the conscience of the dedicated employees of the employer or to cease providing health insurance coverage altogether and incur a penalty for doing so; and

WHEREAS; As a result of the modification to such rule, the self-insured and health insurance companies will be compelled to purchase and provide specific services in violation of religious liberty and the free exercise thereof in violation of such health insurance company's owner's conscience and the conscience of the dedicated employees of the health insurance company or to cease providing health insurance coverage

altogether and go out of business; and

WHEREAS; By being compelled to purchase and provide such health insurance coverage, such employers and health insurance companies are in effect being compelled to purchase and provide specific services in violation of religious liberty and the free exercise thereof to others; and

WHEREAS; The United States Department of Health and Human Services' rule is being used to force the private sector to pay for government-mandated controversial entitlements with funds from the private sector; and

WHEREAS; The United States Department of Health and Human Services' rules are not accountable to the people as such rules are still being modified and can be changed at any time without a vote of Congress, thereby lacking clear protection of the people; and

WHEREAS; The United States Department of Health and Human Services' rule is government coercion of religious people and groups to violate their most deeply held convictions; and

WHEREAS, The United States Department of Health and Human Services' final rule is a direct threat to the religious freedom of all citizens of the United States; and

WHEREAS, If the federal government can dictate what health services must be provided to employees of religious groups, when these "health services" violate basic tenets of the faith of the religious groups, the federal government is, in fact, dictating what tenets of faith are acceptable; and

WHEREAS, If the federal government can dictate the tenets of faith or religious groups, such government is in violation of the First Amendment by denying religious freedom; and

WHEREAS, The rules force health insurance companies to provide these health services consisting of specific services in violation of religious liberty and the free exercise thereof without a co-pay, misleading the insured that these are free services; and

WHEREAS, Coercing religious ministries and citizens to pay directly for actions which violate their conscience is an unprecedented incursion of freedom of conscience; Now, therefore,

Be it resolved by the Senate of the State of Kansas and the House of Representatives concurring therein: That we urge President Barack Obama and the United States Department of Health and Human Services to rescind the recently announced rule that mandates "health services" in health insurance policies, mandating coverage of specific services and products that violate the religious tenets of a large portion of the population of the United States and which is a direct violation of the United States Constitution.

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this concurrent resolution to President Barack Obama, to Kathleen Sebelius, Secretary of the Department of Health and Human Services and to each member of the Kansas Congressional Delegation.

MESSAGE FROM THE GOVERNOR

March 2, 2012

House Substitute for Senate Bill 118 approved March 2, 2012.

March 2, 2012

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 12-03 for your information.

Sam Brownback
Governor of the State of Kansas

The President announced Executive Order No. 12-03, which provides that the Governor may issue orders and proclamations which shall have the enforce and effect of law during the period of a state disaster declared under subsection (b) of KSA 48-924, is on file in the office of the Secretary of the Senate and is available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. **1827**—

A RESOLUTION congratulating and commending Mr. Patrick Duffy.

WHEREAS, Patrick Duffy was named the 2010 national distinguished principal of the year for Kansas by the national association of elementary school principals and the 2009 Kansas distinguished principal of the year by the Kansas association of elementary school principals; and

WHEREAS, Mr. Duffy earned his bachelor of arts degree from Bethany College and his master of science degree in education from the University of Kansas; and

WHEREAS, Mr. Duffy retired at the end of the 2010-2011 school year. Before his retirement, Mr. Duffy served as an educator in Kansas for 34 years: Sixteen years as a physical education teacher and 18 years as a principal; and

WHEREAS, As principal of Hesston Elementary School, Mr. Duffy oversaw a sweeping reorganization of the daily schedule at his small-town school. The changes provided long blocks of uninterrupted time for instruction in reading and math; the school day offered built-in time to support struggling students, minimizing transition times and providing teachers opportunities for individual and team planning; and traditional staff meetings were eliminated and replaced with staff members meeting bimonthly in Learning Teams that Mr. Duffy spearheaded, which provided teachers with the opportunity to collaborate and experiment with research-based best practices in instruction. Mr. Duffy also established a building leadership team, which includes teachers from all grade levels, and played an instrumental role in creating a professional learning community among the staff; and

WHEREAS, Since the state has been giving its current state assessments, Hesston Elementary School has achieved standard of excellence awards for every grade in every subject, except one class, and 90% of students of Hesston Elementary School have consistently scored at standard or above; and

WHEREAS, Each year, the national association of elementary school principals congratulates principals from across the nation for their exemplary achievements, by recognizing them in its national distinguished principals program. The national

distinguished principals program honors outstanding elementary and middle-level administrators who ensure that America's children acquire a sound foundation for lifelong learning and achievement. The program was established in 1984 to recognize and celebrate elementary and middle-level principals who set high standards for instruction, student achievement, character and climate for the students, families and staffs in their learning communities; and

WHEREAS, Public school elementary and middle-level principals are nominated for this achievement by peers in their state and final selections are made by committees appointed by each of the national association of elementary school principals' state affiliate offices: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Mr. Patrick Duffy upon his selection as 2010 national distinguished principal of the year for Kansas by the national association of elementary school principals and the 2009 Kansas distinguished principal of the year by the Kansas association of elementary school principals; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled
On emergency motion of Senator McGinn **SR 1827** was adopted unanimously.

Senator McGinn introduced and congratulated Patrick Duffy for being named the 2010 National Distinguished Principal of the Year for Kansas and the 2009 Kansas Distinguished Principal of the Year by the National and Kansas associations of elementary school principals. His wife, Pam Duffy, Darrel and Mary Anna Kellerman, retired Hesston principal and his wife, Former Representative Don Schroeder were also

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

SENATE RESOLUTION No. **1828**—

A RESOLUTION congratulating and commending Mr. Larry Thompson, Jr.

WHEREAS, Larry Thompson, Jr. was named 2011 MetLife principal of the year by the Kansas Association of Secondary School Principals; and

WHEREAS, Mr. Thompson earned his associate's degree from Garden City Community College, his bachelor's degree from the University of Nebraska-Omaha and his master's degree from the Southwestern Oklahoma State University; and

WHEREAS, Mr. Thompson has served as an educator for 23 years: Four years as a social studies teacher in schools in the states of Georgia and Nebraska, four years as a special education teacher at Newton High School, six years as principal for Eby Learning Center on the campus of United Methodist Youthville in Newton, Kansas, and nine years as principal at Hesston High School; and

WHEREAS, Mr. Thompson has been a leader in education for his students, staff and community. As principal of Hesston High School, Mr. Thompson instituted an effective school discipline program, emphasizing prevention while building strong relationships with students. The effective school discipline program is used in hundreds of Kansas schools across the nation. In Hesston High School, the effective school discipline program not only taught staff how to interact tactfully and professionally with students, but also strengthened the staff's ability to interact with one another. Mr. Thompson utilized the building leadership team to promote collaboration to support academic and behavioral initiatives. By using collaborative processes, Mr. Thompson and the building

leadership team developed a tiered intervention system to support the learning needs of students who were struggling with reading skills. Mr. Thompson spearheaded the one-to-one laptop program for high school students. As the lead person in this effort, Mr. Thompson worked together with a team of eight to set an improved vision for integrating technology and learning; and

WHEREAS, The MetLife/NASSP National Principal of the Year program began in 1993 as a means to recognize outstanding middle level and high school principals. The program annually honors secondary school principals who have succeeded in providing high-quality learning opportunities for students as well as demonstrating exemplary contributions to the profession; and

WHEREAS, Each of the 50 states, the District of Columbia and the Department of Defense Education Activity select one middle level and one high school principal to represent their state for this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Mr. Larry Thompson, Jr. upon his selection as 2011 MetLife principal of the year by the Kansas Association of Secondary School Principals; and

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

On emergency motion of Senator McGinn **SR 1828** was adopted unanimously.

Senator McGinn introduced and congratulated Larry Thompson for being named the 2011 MetLife Principal of the Year by the Kansas Association of Secondary School Principals. Also in attendance were his wife, Angela Thompson, Darrel Kellerman and Mary Anna, retired Hesston principal and his wife and Former Representative Don Schroeder. The Senate recognized Larry Thompson with a standing ovation.

REPORT ON ENROLLED BILLS

SB 272, SB 289 reported correctly enrolled, properly signed and presented to the governor on March 2, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2430** be amended on page 1, in line 12, by striking "(1)"; in line 13, by striking "through school year"; also in line13, by striking "2014-2015" and inserting "or each school year thereafter"; by striking all in lines 16 through 19; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2429** 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, Tuesday, March 6, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

