

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 13, 2006—2:30 p.m.

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

Heavenly Father,

Yesterday was President Abraham Lincoln's one hundred and ninety-seventh birthday anniversary. Today my prayer consists of excerpts from his Proclamation on Prayer and Fasting spoken on April 30, 1863 in the middle of the Civil War.

"It is the duty of nations as well as of men to owe their dependence upon the overruling power of God, to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon; and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord.

"...We have been recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth, and power as no other nation has ever grown; but we have forgotten God.

"...We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us:

"It behooves us, then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.."

I pray his words in the Name of Jesus Christ,

AMEN

(Copied from PRAYERS OF THE PRESIDENTS by Dr. Larry Keefauver)

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 547, An act enacting the pharmacy benefits manager registration act, by Committee on Financial Institutions and Insurance.

SB 548, An act repealing K.S.A. 50-115; concerning recovery of certain damages in antitrust cases, by Committee on Ways and Means.

SB 549, An act concerning libraries; creating the state library of Kansas board and providing for the powers and duties thereof; abolishing the state library advisory commission and the Kansas library network board; amending K.S.A. 75-2546, 75-2548, 75-2549, 75-2549b, 75-2550, 75-2550a, 75-2551, 75-2552, 75-2576 and 75-2577 and K.S.A. 2005 Supp.

75-2562 and repealing the existing sections; also repealing K.S.A. 75-2578, 75-2579, 75-2580, 75-2581, 75-2582, 75-2583, 75-2584 and 75-2586, by Committee on Ways and Means.

SB 550. An act concerning form of statutory and legal documents; prescribing certain duties on the judicial council; amending K.S.A. 19-4710, 19-4712, 19-4713, 19-4715, 19-4738 and 38-133 and K.S.A. 2005 Supp. 26-506 and repealing the existing sections, by Committee on Judiciary.

SB 551. An act concerning tax credits; relating to reporting requirements as a condition of claiming certain tax credits; amending K.S.A. 74-50,132 and K.S.A. 2005 Supp. 79-32,153 and 79-32,160a and repealing the existing sections, by Committee on Commerce.

SB 552. An act concerning sales taxation; relating to sales tax exemption for certain sales of clothing, personal computers and school supplies; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, by Senator Brownlee.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 544.**

Elections and Local Government: **SB 545.**

Public Health and Welfare: **SB 546.**

MESSAGE FROM THE GOVERNOR

February 8, 2006

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 2006-03 for your information.

KATHLEEN SEBELIUS
Governor

The President announced Executive Order No. 06-03, Declaring a Drought Warning or Drought Watch for the counties identified; and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch or Warning level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, is on file in the office of the Secretary of the Senate and available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS WATER OFFICE

February 9, 2006

Tracy Streeter, Director, submitted five water supply contracts negotiated under the provision of the State Water Plan Storage Act (K.S.A. 82a-1301 *et al.*) and approved by the Kansas Water Authority during calendar year 2005. K.S.A. 82a-1307 states in part:

On or before the 30th calendar day of each legislative session, the director shall transmit to the house of representatives and the senate of this state, and to the secretary of state, copies of each contract made and executed under K.S.A. 82a-1305, and amendments thereto, since the 30th day of the regular legislative session occurring most recently prior to such transmission. . . . At any time after the 30th calendar day of the regular legislative session when a contract is transmitted as provided in this section, the legislature may disapprove and revoke such contract by adoption of a concurrent resolution so providing. No contract under K.S.A. 82a-1305, and amendments thereto, shall be subject to revocation by the legislature after the 90th calendar day of such regular legislative session.

The five water supply contracts negotiated are:

Between the State of Kansas and Jost Farms for an Interim Irrigation Water Supply from Marion Lake (Surplus Water Purchase Contract Number 05-1); between the State of Kansas and Jost Farms for an Interim Irrigation Water Supply from Marion Lake (Surplus Water Purchase Contract Number 05-2); between the State of Kansas and D. Randall Heilman for an Interim Irrigation Water Supply from Council Grove Lake (Surplus Water Purchase Contract Number 05-4); between the State of Kansas and Rural Water District No. 3 of Osage County, Kansas for a Public Water Supply from Pomona Reservoir (Water Purchase Contract Number 05-5); between the State of Kansas and City of Harveyville, Wabaunsee

County, Kansas for a Public Water Supply from Melvern Reservoir (Water Purchase Contract Number 05-6).

SOCIAL AND REHABILITATION SERVICES

February 10, 2006

Gary Daniels, Acting Secretary, submitted a report concerning legislature expenditure data regarding Home and Community Based Services/Developmental Disability special tier rates.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

REFERRAL OF WATER SUPPLY CONTRACTS

The President referred the Water Supply Contracts submitted by Tracy Streeeter, Director, Kansas Water Office, to the Committee on Natural Resources.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2583, HB 2759, HB 2794, HB 2611, HB 2732.**

The House nonconcurrs in Senate amendments to **HB 2352**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2583, HB 2759, HB 2794, HB 2611, HB 2732 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2352**.

The President appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1811—

A RESOLUTION congratulating and commending the 2006 Horizon Award Program educators.

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

WHEREAS, The Kansas Horizon Award program, sponsored by the 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 fourth 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 as 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: Michael Flenthrope, Marysville Jr/Sr High School, Marysville, USD 364; Angela Larson, Maynard Early Childhood Center, Emporia, USD 253; Lisa Maser, Salina High School South, Salina, USD 305; Jennifer McVey, Lincoln Elementary School, Junction City, USD 475; Jacy Murphy, Grace E. Stewart Elementary School, Salina, USD 305; Kimberlee

Osenga, Fort Riley Middle School, Junction City, USD 475; and Janelle Robson, Park Elementary School, Lyons, USD 405; and

Region 2: Jolie Ann Darby, Washburn Rural Middle School, Auburn Washburn, USD 437; Tracy Homan, Fort Scott High School, Fort Scott, USD 234; Sarah Jensen, Shawnee Heights Elementary School, Shawnee Heights, USD 450; April Kohrs, Baldwin Elementary School, Baldwin City, USD 348; Gena Mathes, Elmont Elementary School, Seaman, USD 345; Lori Nelson, Prairie View High School, LaCygne, USD 362; and Erin Pittenger, Amanda Arnold Elementary School, Manhattan-Ogden, USD 383; and

Region 3: Valerie Adams, Midland Trail Elementary School, Turner-Kansas City, USD 202; Kristie Apperson, Crestview Elementary School, Shawnee Mission, USD 512; Jennifer Fimmen, Lakewood Middle School, Overland Park, USD 229; Meghann Maddux, Southwest Jr. High School, Lawrence, USD 497; Kim Prier, Clark Middle School, Bonner Springs, USD 204; Kyle Sonnedecker, Sunflower Elementary School, Lawrence, USD 497; Gavin Spake, Heartland Elementary School, Overland Park, USD 229; and Cory Wurtz, Mill Valley High School, DeSoto, USD 232; and

Region 4: Livia Custer, Cheney Elementary School, Cheney, USD 268; Rochelle Gray, IXL Elementary School, Arkansas City, USD 470; Scott Lee, Meadowlark Elementary School, Andover, USD 385; Sarah Lehman, Valley Center High School, Valley Center, USD 262; Diane Moser, Maize High School, Maize, USD 266; Adam Sisson, Horace Mann Dual Language Magnet, Wichita, USD 259; Troy Smith, Burrton Middle School, Burrton, USD 369; and Sarah Tucker, Andover High School, Andover, USD 385: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2006 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide 30 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 1811** was adopted unanimously.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1812—

A RESOLUTION congratulating and commending the 2005 Kansas National Board Certified teachers.

WHEREAS, Twenty-nine 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 2005 Kansas National Board Certified Teachers are: Linda Ackerman, Garden City Sr. High School, Garden City USD 457; Tina Brewer, Lincoln Elementary School, Concordia USD 333; Denise Campbell, Indian Valley Elementary School, Blue Valley USD 229; Tonya Campbell, West Indianola Elementary School, Seaman USD 345; Tonia Carlson, Wabaunsee Sr. High School, Mill Creek Valley USD 329; Erin Compton, Campus High School, Haysville USD 261; Merrilee Copeland, Wichita Northwest High School, Wichita USD 259; Meggin DeMoss, Rose Hill Primary School, Rose Hill USD 394; Jennifer Duke, Blue River Elementary School, Blue Valley USD 229; Amy Farthing, Stanley Elementary School, Blue Valley USD 229; Tonya Graham, Garnett Elementary School, Garnett USD 365; Theresa Grospitch, Blue Valley West High School, Blue Valley USD 229; Jennifer Hare, Cedar Hill Elementary School, Blue Valley USD 229; Lori Heger, Maize East Elementary 5-6 School, Maize USD 266; Erin Jurand, Lincoln Elementary School, Geary County Schools USD 475; Cheryl Kerns, Blue Valley West High School, Blue Valley USD 229; Christina Khan, Blue Valley West High School, Blue Valley USD 229; Diane Liebsch, Atchison Middle School, Atchison USD 409; Barbara McAleer, Harmony Middle School, Blue Valley USD 229; Marilyn McComber, Emporia High School, Emporia USD 253; Kathleen McCullough, Harmony Middle School, Blue Valley USD 229; Janis Mertes, Vermillion Primary K-1 School, Maize USD 266; Gregory Mittman, Valley Center Middle

School, Valley Center USD 262; Diana Oertle, Westside Elementary School, Pittsburg USD 250; Kamiel Rawie, Cedar Creek Elementary School, Olathe USD 233; Stephen Smith, Mclean Science/Technology Magnet Elementary School, Wichita USD 259; Lori Teig, Stanley Elementary School, Blue Valley USD 229; Wendy Trail, Maize Sr. High School, Maize USD 266; and Colleen Zink, Stilwell Elementary School, Blue Valley USD 229; 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 29 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 1812** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 324, SB 329, SB 344, SB 352; Sub SB 370; SB 412, SB 413, SB 418, reported correctly engrossed February 10, 2006.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SCR 1620** be adopted.

Also, **SB 500** be amended on page 1, in line 23, after "any" by inserting "fee"; and the bill be passed as amended.

Committee on **Education** recommends **SB 481** be passed.

Committee on **Public Health and Welfare** recommends **SB 470** be amended on page 7, in line 22, after "or" by inserting: "if the temporary licensee does not take the license examination within six months subsequent to the date of issuance of the temporary license and no extenuating circumstances have been approved by the board,";

On page 9, in line 13, after "or" by inserting: "if the temporary licensee does not take the examination within the first 12 months subsequent to the issuance of the temporary license and no extenuating circumstances have been approved by the board,"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 463** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 463," as follows:

"Substitute for SENATE BILL No. 463

By Committee on Utilities

"AN ACT repealing K.S.A. 50-675a; concerning telemarketing; relating to the notification requirements of telecommunications carriers.";

and the substitute bill be passed.

Also **HB 2673** 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 D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 14, 2006.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

