

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 16, 2016, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
Roll was called with 39 senators present.
Senator Kelly was excused.
Invocation by Reverend Cecil Washington, Jr.:

Gracious and Almighty Creator, You said in James 4:6, You'd give grace... undeserved favor and power when we embrace an humble disposition. So reveal to us any areas where pride, self-importance or a lack of humility is hindering the flow of Your grace...whether in our homes or in our communities or in these halls. Regardless of where we sit...regardless of our stand, You've established us as one body, with You as the Head. And as You have done within the human body, You have done within this body. You brought us together as members, connecting us to one another, giving each of us unique gifts and abilities, that we might accomplish Your purposes. But, Lord, we struggle with exhibiting the love and humility that it takes to be united. So, please, for the good of the work, and to bring glory to Your name, reveal attitudes or actions or decisions, not in harmony with You. Bring our lives together Lord. And be the glue... the super glue, that unites us to achieve super results. Then, keep us humble. Keep us in the right frame of mind, that Your grace and power will be seen, as You turn impossibles into possibles and into probables and into certainties. Yours for the cause of unity. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 458, AN ACT concerning alcoholic beverages; dealing with beer and cereal malt beverages; amending K.S.A. 41-103 and K.S.A. 2015 Supp. 41-102, 41-304, 41-308, 41-310, 41-2701, 41-2702 and 79-4108 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 459, AN ACT concerning the state fire marshal; relating to certain license fees; amending K.S.A. 2015 Supp. 31-133a and 31-503 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 460, AN ACT concerning social and rehabilitative institutions; relating to appointment of superintendents, physicians, employees and staff; classification under the Kansas civil service act; amending K.S.A. 76-12a02, 76-12a03, 76-12a04 and 76-12a05 and K.S.A. 2015 Supp. 76-12a01 and repealing the existing sections, by

Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1612—

By Senators Holland, Hensley, Bowers, Faust-Goudeau, Francisco,
Haley, Hawk, LaTurner, Longbine, O'Donnell, Olson and Wolf

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the sales and compensating use taxation of food and food ingredients, exemption.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding the new section thereto:

"§14. Sales and Compensating Use Taxation of Food and Food Ingredients; Exemption.

(a) Commencing July 1, 2017, and ending June 30, 2018, the rate of sales and compensating use tax on food and food ingredients shall be 4%.

(b) Commencing on July 1, 2018, and ending June 30, 2019, the rate of sales and compensating use tax on food and food ingredients shall be 2%.

(c) Commencing July 1, 2019, and thereafter, the sale of food and food ingredients shall be exempt from sales and compensating use taxation.

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to provide a phase out of sales and compensating use taxation of food and food ingredients. Commencing July 1, 2019, the sale of food and food ingredients shall be exempt from sales and compensating use taxation.

"A vote for this proposition would provide the rate of sales and compensating use taxation for food and food ingredients to be as follows:

From July 1, 2017, to June 30, 2018, at 4%;

From July 1, 2018, to June 30, 2019 at 2%; and

Commencing July 1, 2019, and thereafter, exempt.

"A vote against this proposition would make no changes in current law and continue the sales and compensating use taxation of food and food ingredients at the same rate as most other taxable items."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Public Health and Welfare: **SB 456**.

Ways and Means: **SB 457**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 161**, and has appointed Representatives Ryckman, Schwartz and Henry as Second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 161** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RON RYCKMAN, JR.

SHARON SCHWARTZ

Conferees on part of House

TY MASTERSON

JIM DENNING

Conferees on part of Senate

On motion of Senator Masterson the Senate adopted the conference committee report on **H Sub SB 161**, and requested a new conference be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **H Sub SB 161**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Abrams introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1764—

A RESOLUTION congratulating and commending the 2015
Kansas National Board Certified Teachers.

WHEREAS, Three of Kansas' finest educators have satisfied the highest professional qualifications of the National Board of Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 18, 2016; and

WHEREAS, The 2015 Kansas National Board Certified Teachers are: Misti Dailey, Tanglewood Elementary School, USD 260 Derby; Jill Holmes, Aubry Bend Middle School, USD 229 Blue Valley; Ami Lin, Trail Ridge Middle School, USD 231 Gardner-Egerton; and

WHEREAS, National Board Certification, a voluntary process established by the National Board of 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 most effectively teach their subjects to students and demonstrate their ability to manage and measure student learning; and

WHEREAS, The National Board of 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 educational 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 Teacher; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored, plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1764** was adopted unanimously.

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

SENATE RESOLUTION No. 1765—

A RESOLUTION congratulating and commending the 2016
Kansas 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 the Kansas State Department of Education and Capitol Federal, 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 14th 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 program, teachers must have successfully completed their first year of teaching and performed in such a way as to distinguish themselves as outstanding. The Kansas Horizon Award Program is a regional competition of four regions corresponding to the United States congressional districts of Kansas. 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: Karisa Cowan, Hoisington Middle School, USD 431 Hoisington; Manuel Estrada Espinoza, Walnut Elementary School, USD 253 Emporia; Aspen Frey, Lincoln Elementary School, USD 418 McPherson; Amalea Peters, Clay Center Middle School, USD 379 Clay Center; Alissa Miller, Emporia Middle School, USD 253 Emporia; Andrew Potts, Kenneth Henderson Middle School, USD 457 Garden City; Allie Ronnebaum, Fort Riley Middle School, USD 475

Geary County; Chelsea Willems, Ware Elementary School, USD 475 Geary County; and

Region 2: Barbara Atkins, Robinson Middle School, USD 501 Topeka; Jordan Boyd, Lawrence Free State High School, USD 497 Lawrence; Frances Caudill, Schwegler Elementary School, USD 497 Lawrence; Kara Douglas, Glenwood Ridge Elementary School, USD 458 Basehor-Linwood; Madison Hunter, Galesburg Middle School, USD 101 Erie-Galesburg; Sarah Johnson, Baldwin Junior High School, USD 348 Baldwin; Lara McDonald, Washburn Rural Middle School, USD 437 Auburn-Washburn; Samantha McHenry, Shawnee Heights Elementary School, USD 450 Shawnee Heights; and

Region 3: Lauren Brown, Heatherstone Elementary School, USD 233 Olathe; Jocelyn Cummings, Mission Trail Middle School, USD 233 Olathe; Stefanie Hagemann, Prairie Star Elementary School, USD 229 Blue Valley; Andrew Hulse, Blue Valley High School, USD 299 Blue Valley; Brett Mach, Shawnee Mission Northwest High School, USD 512 Shawnee Mission; Hannah Ozier, Wolf Creek Elementary School, USD 230 Spring Hill; Katie Sutton, Oak Park-Carpenter Elementary School, USD 512 Shawnee Mission; Taylore Weitner, Mill Creek Middle School, USD 232 De Soto; and

Region 4: Daniel Heath, Derby North Middle School, USD 260 Derby; Molly Kretzer, Andale High School, USD 267 Renwick; Tiffany Lippoldt, Skelly Elementary School, USD 490 El Dorado; Kelly McMains, Prairie Creek Elementary School, USD 385 Andover; Andrea Pope, Griffith Elementary School, USD 259 Wichita; Kaitlyn Salazar, Hamilton Middle School, USD 259 Wichita; Jenny Waugh, Circle Oil Hill Elementary School, USD 375 Circle; Eric Weinbrenner, Complete High School Maize, USD 266 Maize: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2016 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate shall send 32 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 Abrams **SR 1765** was adopted unanimously.

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

SENATE RESOLUTION No. 1766—

A RESOLUTION congratulating and commending the
Kansas recipient of the 2015 Milken Educator Award.

WHEREAS, Bill Smithyman, high school language arts teacher at Blue Valley Northwest High School, Blue Valley USD 229, has been selected as the Kansas recipient of the 2015 Milken Educator Award. He will receive an unrestricted award of \$25,000, plus recognition by his 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 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 year at a surprise notification held during an all-school assembly. Foundation representatives and the chief state school officer make the announcements. Bill Smithyman was one of about 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 Bill Smithyman upon his selection as the Kansas recipient of the 2015 Milken 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 2015 Milken Educator, plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1766** was adopted unanimously.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

SB 334, SB 369, SB 370 be passed.

SB 329, SB 337, SB 358, SB 390 be amended by the adoption of the committee amendments, and the bills be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 314** be amended on page 3, in line 7, by striking all after "regular"; in line 8, by striking all before "meetings"; also in line 8, after "force" by inserting ", and requesting reimbursement,"; in line 10, after "thereto" by inserting ", for no more than four meetings"; in line 20, by striking "for local and specialty crop production" and inserting "to expand production and sales of locally grown agricultural products"; in line 21, by striking all after "make"; in line 22, by striking "affordable"; in line 23, after "(3)" by inserting "identification of factors affecting affordability and profitability of locally grown foods;

(4) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 375** be amended on page 1, in line 19, by striking "and manifested during the period from birth to age 18"; in line 36, by striking all after "and";

On page 2, by striking all in line 1; in line 2, by striking "functioning" and inserting "subaverage general intellectual functioning may be established by means in addition to standardized intellectual testing"; and the bill be passed as amended.

Also, **SB 376** be amended on page 1, in line 24, after "system" by inserting ", except as provided in subsection (e)(4)";

On page 2, in line 35, after "and" by inserting "cause the information to be entered

into"; in line 36, after "center" by inserting "as soon as possible after the minimum information to make such entry is received"; and the bill be passed as amended.

Committee on **Education** recommends **SB 388** be amended on page 1, in line 9, after "(CLEP)" by inserting "and receive a credit-granting recommended score as outlined by the American council on education"; in line 11, after the second "be" by inserting "at least equivalent to"; in line 12, after "hours" by inserting "granted"; also in line 12, after the first "the" by inserting "equivalent"; also in line 12, by striking all after "institution"; in line 13, by striking all before the semicolon; in line 15, after "student" by inserting "beyond the limitations placed on such institution by such institution's regional accrediting agency"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2163**, as amended by House Committee, be amended on page 1, in line 7, by striking the first comma and inserting "or"; also in line 7, by striking all after the first "district"; in line 8, by striking all before the period; and the bill be passed as amended.

Also, **HB 2164**, as amended by House Committee, be amended on page 1, in line 7, by striking "\$25,000" and inserting "\$2,500"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 382**, **SB 405** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 423** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

CHANGE OF REFERENCE

An objection having been made to **SB 423** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 17, 2016.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

