

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 18, 2013, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with forty senators present.

Vice President King introduced as guest chaplain, Reverend Kathleen Whitmore, of the Lowman United Methodist Church, who delivered the invocation:

Gracious and Holy Creator,

We live in a world of constant flux. In the midst of the change and uncertainty, grant us the wisdom to discern good from evil.

May our words, actions and intentions be sincere so all that we do builds up rather than tears down; helps and not hinders. May our decisions be wise so that they promote justice and equality for all your creation.

Help us to see the truth and follow your light. Fill us with compassion for others. Help us to grow ever richer in the love that leads to Your ever lasting Peace. Amen.

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 209, AN ACT concerning government contracts and agreements; relating to public disclosure of bids; contract and economic development agreement requirements or preferences; competitive bid act; amending K.S.A. 2012 Supp. 16-2003, 45-221, 72-6760, 75-3739a and 75-3740 and repealing the existing sections; also repealing K.S.A. 75-3740b and K.S.A. 2012 Supp. 45-221j, 45-221k, 75-3317, 75-3319, 75-3320, 75-3321, 75-3322, 75-3322b, 75-3322c and 75-3740d, by Committee on Ways and Means.

SB 210, AN ACT concerning health information technology; amending K.S.A. 2012 Supp. 65-6821, 65-6822, 65-6823, 65-6824, 65-6825, 65-6828, 65-6829, 65-6830, 65-6831, 65-6832, 65-6833 and 65-6834 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-6826 and 65-6827, by Committee on Ways and Means.

SB 211, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 12-344, 13-1220, 13-1221, 19-2680, 19-3505, 19-3507, 24-504, 25-202, 25-209, 25-212, 25-610, 25-1115, 25-2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419 and 72-8008 and K.S.A. 2012 Supp. 2-624, 12-363, 24-412, 24-414, 24-459, 24-506, 25-213, 25-611, 25-1122,

25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3801 and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037 and 12-1038, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 208**.

Transportation: **SB 207**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 191** from the Committee on **Agriculture**, and referred the bill to the Committee on **Natural Resources**.

The Vice President withdrew **SB 192** from the Committee on **Education**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **HB 2009** from the Committee on **Transportation**, and referred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2030, HB 2066, HB 2213, HB 2228**.

Announcing passage of **HB 2035, HB 2130, HB 2154, HB 2155, HB 2201**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2030, HB 2035, HB 2066, HB 2130, HB 2154, HB 2155, HB 2201, HB 2213, HB 2228 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. **1715**—

A RESOLUTION congratulating and commending the
2012 Kansas Board Certified Teachers.

WHEREAS, Twelve 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 21, 2013; and

WHEREAS, The 2012 Kansas National Board Certified Teachers are: Rachel

Aponso, Horace Mann Dual Language Magnet School, Wichita USD 259; Abbie Carlson, Seaman High School, Seaman USD 345; Lisa Ciminieri, Harmony Elementary School, Blue Valley USD 229; Ashley DeForest, Heartland Elementary School, Blue Valley USD 229; Heather Fleming, Junction City Middle School, Geary County USD 475; Catherine Healy, Sunset Ridge Elementary School, Blue Valley USD 229; Tamara Hedenskog, Stony Point North Elementary School, Kansas City USD 500; Theresa Hime, Pauline South Intermediate School Auburn-Washburn USD 437; Brandi Leggett, Prairie Ridge Elementary School, De Soto USD 232; Erin Pearson, Blue Valley Northwest High School, Blue Valley USD 229; Wendy Ping, Prairie Ridge Elementary School, De Soto USD 232; Leigh Stewart, Independence High School, Independence USD 446; 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 teach their subjects to students most effectively 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 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 12 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 Abrams **SR 1715** was adopted unanimously.

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

SENATE RESOLUTION No. **1716**—

A RESOLUTION congratulating and commending the Kansas recipient of the 2012 Milken Family Foundation Educator Award.

WHEREAS, Michael Berndt, third grade teacher at Prairie Center Elementary School, Olathe USD 233, has been selected as the Kansas recipient of the 2012 Milken Family Foundation 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 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. Michael Berndt 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 Michael Berndt upon his selection as the Kansas recipient of the 2012 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 2012 Milken Educator.

On emergency motion of Senator Abrams **SR 1716** was adopted unanimously.

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

SENATE RESOLUTION No. **1717**—

A RESOLUTION congratulating and commending the 2013 Kansas Cable Telecommunications Horizon Award Program educators.

WHEREAS, Thirty-two 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 the Kansas State Department of Education and the Kansas Cable Telecommunications Association, 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 11th 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: Kebra Claiborne, Americus

Elementary School, North Lyon County USD 251; Sara Goldsby, Heusner Elementary School, Salina USD 305; Katherine Hughes, McPherson Middle School, McPherson USD 418; Jennifer Love, Roosevelt Elementary School, McPherson USD 418; Zana Manche, Goessel High School, Goessel USD 411; Jesse Peters, Susan B. Anthony Middle School, Manhattan-Ogden USD 383; Brandi Rayl, Faris Elementary School, Hutchinson USD 308; Valerie Thomison, Prairie Heights Middle School, Morris County USD 417; and

Region 2: Ashley Clark, Sunflower Elementary School, Paola USD 368; Tanay Forsberg, Rochester Elementary School, Seaman USD 345; James Gilpin, Erie High School, Erie-Galesburg USD 101; Phillip Kuchar, Prairie View Middle School, Prairie View USD 362; Sandra Martinie, McCune Attendance Center, Cherokee USD 247; Scott Peavey, Tonganoxie High School, Tonganoxie USD 464; Madison Shipley, Washburn Rural High School, Auburn-Washburn USD 437; Whitney Waters, Pauline Central Primary School, Auburn-Washburn USD 437; and

Region 3: Lindsey Demke, Shawnee Mission Northwest High School, Shawnee Mission USD 512; Dr. Christopher Jenson, Blue Valley Southwest High School, Blue Valley USD 229; Alyssa Meyer, Mill Valley High School, De Soto USD 232; Jennifer Mitchell, Wyandotte High School, Kansas City USD 500; Kayla Rausin, Gardner Elementary School, Gardner-Edgerton USD 231; Andrea Reinhard, Indian Valley Elementary School, Blue Valley USD 229; Jason Utlaut, Bonner Springs Elementary School, Bonner Springs USD 204; Kody Willnauer, Regency Place Elementary School, Olathe USD 233; and

Region 4: Jennifer Cole, Clark Davidson Elementary School, Goddard USD 265; Nichole Jensen, Andale Elementary/Middle School, Renwick USD 267; Hope Kessinger, Andover Central High School, Andover USD 385; Erin Lewis, El Paso Elementary School, Derby USD 260; Sarah McDaniel, Wichita High School South, Wichita USD 259; Jason Ramey, Pray-Woodman Elementary School, Maize USD 266; Brianna Reyes, Valley Center Middle School, Valley Center USD 262; Betsy Robb, Maize South Middle School, Maize USD 266: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2013 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 32 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 1717** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 73** be amended on page 4, in line 19, by striking "sixth" and inserting "fourth"; in line 21, after "therein" by inserting ", until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be determined by using the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein"; in line 25, by striking "sixth" and inserting "fourth"; in line 26, after "impairment" by inserting "until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be combined pursuant to the sixth edition of the American medical association guides to the evaluation of permanent impairment,";

On page 6, in line 2, by striking "sixth" and inserting "fourth"; in line 4, after "therein" by inserting ", until January 1, 2015, but for injuries occurring on and after January 1, 2015, based on the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein";

On page 7, in line 3, by striking all following the period; by striking all in lines 4 and 5;

On page 9, following line 8, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 44-520 is hereby amended to read as follows: 44-520.

(a) (1) Proceedings for compensation under the workers compensation act shall not be maintainable unless notice of injury by accident or repetitive trauma is given to the employer by the earliest of the following dates:

(A) 30 calendar days from the date of accident or the date of injury by repetitive trauma;

(B) if the employee is working for the employer against whom benefits are being sought and such employee seeks medical treatment for any injury by accident or repetitive trauma, 20 calendar days from the date such medical treatment is sought; or

(C) if the employee no longer works for the employer against whom benefits are being sought, ~~20~~ 10 calendar days after the employee's last day of actual work for the employer.

Notice may be given orally or in writing.

(2) Where notice is provided orally, if the employer has designated an individual or department to whom notice must be given and such designation has been communicated in writing to the employee, notice to any other individual or department shall be insufficient under this section. If the employer has not designated an individual or department to whom notice must be given, notice must be provided to a supervisor or manager.

(3) Where notice is provided in writing, notice must be sent to a supervisor or manager at the employee's principal location of employment. The burden shall be on the employee to prove that such notice was actually received by the employer.

(4) The notice, whether provided orally or in writing, shall include the time, date, place, person injured and particulars of such injury. It must be apparent from the content of the notice that the employee is claiming benefits under the workers compensation act or has suffered a work-related injury.

(b) The notice required by subsection (a) shall be waived if the employee proves that: (1) The employer or the employer's duly authorized agent had actual knowledge of the injury; (2) the employer or the employer's duly authorized agent was unavailable to receive such notice within the applicable period as provided in paragraph (1) of subsection (a); or (3) the employee was physically unable to give such notice.

(c) For the purposes of calculating the notice period proscribed in subsection (a), weekends shall be included.";

On page 16, in line 31, by striking all following the period; by striking all in lines 32 and 33; in line 35, after "44-510e," by inserting "44-520,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "disqualification;" by inserting "notice of injury requirements;" in line 6, after "44-510e," by inserting "44-520,"; and the bill be passed as amended.

Committee on **Education** recommends **SB 104** be amended on page 2, in line 30,

after the second "technology" by inserting "or other process"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SR 1711** be amended on page 1, in line 7, by striking "expensive, unsuccessful and"; in line 9, after "Kansas" by inserting "adjacent"; in line 33, after "introduced" by inserting "; and

WHEREAS, Limiting the size of the management zone to the size of the conservation zone is inconsistent with protection for adjacent landowners provided by the established larger sizes of a current buffer area at a current reintroduction site in Kansas; and

WHEREAS, The safe harbor agreement should include adequate safeguards, such as a binding written agreement, for non-participating landowners to have authorization for incidental take of black-footed ferrets"; and the resolution be adopted as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice Jeff King in the chair.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m. Tuesday, February 19, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

DIANE MINEAR, *Secretary of the Senate.*

