

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 9:38 a.m. on January 28, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Doug Taylor, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the Committee:

Rep. Raj Goyle
Pete Bodyk, Kansas Department of Transportation
Ron Gaches, AAA Allied Group
Ed Klumpp, Kansas Association of Chiefs of Police & Kansas Peace Officers Association
Paula Clayton, Director, Bureau of Health Promotions, KDHE
Mike Scott, Director, External Affairs, AT&T
Sandy Branden, Alliance of Automobile Manufactures
Michelle Blasdel
Kaitlin Salyer, Student, St. Thomas Aquinas School, Wichita
Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:

See attached list.

Minutes

Senator Haley moved, Senator Umbarger seconded, to approve the minutes of January 19 and January 20. Motion carried.

Chairman Owens opened the confirmation hearing for John Poertner to the State Board of Indigents' Defense Services. Senator Haley moved, Senator Kelly seconded, to recommend Mr. Poertner for confirmation. Motion carried. (Attachment 1)

Chairman Owens opened the confirmation hearing for Suzanne Valdez to the Crime Victims Compensation Board. Senator Haley moved, Senator Umbarger seconded, to recommend Ms. Valdez for confirmation. Motion carried. (Attachment 2)

Chairman Owens opened the hearing on **SB 351 - Prohibiting texting while driving; penalties**. Jason Thompson, staff revisor, reviewed the bill.

Representative Raj Goyle appeared in support stating there is an overwhelming amount of evidence to confirm the dangers of texting while driving. Research by the Federal Motor Carrier Safety Administration shows that drivers who send and receive text messages take their eyes off the road for an average of 4.6 seconds for every 6 seconds of texting. Kansas is not alone in pursuing common sense restrictions on texting while driving. Now is the time for Kansas to get tough and adopt a solution that will protect Kansas drivers and passengers. (Attachment 3)

Pete Bodyk spoke in favor stating that texting while driving is a very dangerous practice. All it takes is a few seconds of inattentive driving to cause a very serious accident. Nineteen states and the District of Columbia have bans on texting while driving and many others are considering legislation. A law that prohibits texting while driving will contribute to making all travelers in Kansas safer. (Attachment 4)

Ron Gaches appeared on behalf of James Hanni, Executive Vice President of AAA Allied Group. Texting while driving presents a danger to all road users, it is an activity that takes the driver's eyes and mind off the road. AAA has a long standing position of concern for all forms of distractions however, the distractions



CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:38 a.m. on January 28, 2010, in Room 548-S of the Capitol.

involved in text messaging while driving makes it an exceptionally dangerous activity. AAA request the Committee favorably recommend **SB 351** for passage. (Attachment 5)

Ed Klumpp testified in favor stating to be effective, a texting bill must include substantial but reasonable sanctions for violators. Mr. Klumpp voiced concerns with the penalty provisions of the bill indicating SB 351 is the toughest of all the proposed texting bills and the county jails do not have the capacity to jail people for this type of crime. He encouraged enactment of a texting bill but to consider the concerns brought before the Committee. (Attachment 6)

Paula Clayton spoke in support stating motor vehicle crashes are a serious, but preventable, public health problem causing over 350 deaths per year. The data from studies present a convincing picture that a statewide ban will save lives. As texting becomes more and more popular, it is logical to expect the number of lives saved by enactment of this law will increase. (Attachment 7)

Mike Scott appeared in support stating texting is increasingly becoming the way to communicate which means some are doing it at the worst possible time - while driving. A coalition of businesses, government entities, and organizations was formed last fall to address this very topic. In addition, AT&T has launched a nationwide campaign to educate employees, customers, and the general public about using wireless devices safely. Mr. Scott indicated a ban on texting while driving is needed and urged enactment of the bill. (Attachment 8)

Sandy Braden testified in support stating the Alliance of Automobile Manufacturers have long recognized the risks of distracted driving. Members of the Alliance have voluntarily developed and implemented design guidelines for integrated vehicle information systems that allow for the use of communication technologies in a safe, responsible manner. Ms. Braden urged enactment of banning texting while ensuring the use of advanced technologies in the vehicle is not prohibited.. (Attachment 9)

Michelle Bladsell appeared in favor relating her personal experiences as a passenger while the driver was texting. Ms. Bladsell stated cell phone use and texting while driving is dangerous. (Attachment 10)

Kaitlin Salyer testified in support stating that texting is a way of life for teens and they do not differentiate between doing something they consider normal as wrong in certain conditions, like driving. Brains can not compute two similar tasks at once which makes texting while driving extremely dangerous. A Harvard study estimates 2,600 deaths a year can be attributed to inattentive driving. Lives are at stake and people need this extra push to make Kansas a safer place. (Attachment 11)

Helen Pedigo provided neutral testimony identifying areas of concern regarding proportionality. Ms. Pedigo provided several options the Committee may consider to address these issues. (Attachment 12)

Written testimony in support of **SB 351** was submitted by:
Major Mark Bruce, Kansas Highway Patrol (Attachment 13)
Warren Chip Woods, President, Kansas County Highway Association (Attachment 14)
Lee Wright, Farmers Insurance Group (Attachment 15)

There being no further conferees, the hearing on **SB 351** was closed.

The next meeting is scheduled for January 29, 2010.

The meeting was adjourned at 10:30 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-28-2010

NAME	REPRESENTING
Laranda	Eagle
Michelle Blasdel	self
Kaitlin Salyer	
Kallie Cluypp	KDATE
JOHN BOTTENBERG	AT&T
Keely Bell	KDOR DC
Marcy Falster	KDOR
PATRICIA A. SCALIA	BIUS
John Pertwe	Self
Lisa Redigo	Ks Sentencing Commission
Lori Church	KAPCIC
Andy Braden	Alliance for Auto Manu
Tom Sachs	AAA KANSAS
Mike Scott	DT&T
DAN JACOBSEN	AT&T
Dina Fisk	VERIZON WIRELESS
Beth Salyer	
Ed Klumpp	KACP/KPOA/KSA

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: JANUARY 28, 2010

NAME	REPRESENTING
JEREMY S BARCLAY	KDOC
Laura Wilson	Judicial Branch
Richard Samuelson	Kennedy & Assoc.
Bob Keller	JCSO
David Burger	JCSO
Terry Heidner	KDOT
Lindsey Douglas	KDOT
Pete Bodyk	KDOT
Janet Miller	-
Kelsey Williams	
Donna Alvested	USD 493
Joseph Milim	KS BAR ASSN.
Madison Hess	USD 437
Shelby Ross	USD 437
Brenna Scott	USD 437
Clarence Gilbert	USD 394
Katie Gilbert	USD 394
Samantha Meikle	USD 394

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-28-10

NAME	REPRESENTING
Scott Rothblatt	Lurvel Jernol-Walk
James Bidwell Jr.	USD 403
Jenn Brown	Federico Consulting
Steven Chang	USD 429
Krystal Morris	Washburn University
Roxy Johanning	Washburn University
Craig Gunther	Kansas State nurse assoc.
Leri Henry	Sandstone Group LLC
MARK BRUCE	KHP
ARTHUR H. WILBURN JR	KHP
KEVIN GREGG	KMCA
SEAN MILLER	CAPITOL STRATEGIES
DICK CARTER	City of Manhattan

State Board of Indigents' Defense Services

Members:		Appointed by	Number of Appointments	Number of Senate Confirmations
Legislators:	0	Governor	9	9
House:	0			
Senate:	0			
Non-Legislative:	9			
Total Members:	9			

Entity Description

KSA 22-4519 *et seq.* created the nine-member State Board of Indigents' Defense Services appointed by the Governor, subject to confirmation by the Senate as provided in KSA 75-4315b. The Board is a part of the Executive Branch of state government.

Members serve for terms of three years and until their successors are appointed and confirmed.

The membership of the Board is as follows:

- Two members from the first congressional district, of whom one shall be a lawyer registered with the Kansas Supreme Court, and at least one member from each other congressional district in the state;
- At least one member from each county in the state having a population in excess of 100,000, who shall be a lawyer registered with the Kansas Supreme Court, but not more than five members from such counties; and
- Five members who are lawyers registered with the Kansas Supreme Court and four members who are not lawyers.

At any time, no more than five members of the Board may be from the same political party. The members of the Board cannot be employed by a judicial officer or a law enforcement officer. Also, no member of the Board is allowed to serve as an employee of the Board and serve more than two consecutive three-year terms.

Budget Information

The mission of the State Board of Indigents' Defense Services is to provide, in the most efficient manner, counsel and related services for each indigent person accused of a felony and other indigent persons as prescribed by law. The majority of the Board's funding (96 percent) comes from the State General Fund. The FY 2009 appropriation was \$23,326,619; FY 2010, \$23,573,708.

Contact Information

Director of Appointments
Melissa Gregory
Office of the Governor
Room 234 North - Statehouse
Topeka, KS 66612
296-4052
Melissa.Gregory@ks.gov

Senate Judiciary
1-28-10
Attachment 1

State Board of Indigents' Defense Services

Powers and Duties

The Board has the power to:

- Provide, supervise, and coordinate, in the most efficient and economical manner possible, the constitutionally- and statutorily-required counsel and related services for each indigent person accused of a felony and for such other indigent persons as prescribed by statute;
- Establish, in each county or combination of counties designated by the Board, a system of appointed counsel, contractual arrangements for providing contract counsel, or public defender offices, or any combination thereof, on a full-time or part-time basis, for the delivery of legal services for indigent persons accused of felonies;
- Collect payments from indigent defendants as ordered by the court;
- Adopt rules and regulations which are necessary for the operation of the Board in the performance of its duties and for the guidance of appointed counsel, contract counsel, and public defenders. Such rules and regulations shall include:
 - Standards for entitlement to legal representation at public expense;
 - Standards and guidelines for compensation of appointed counsel and investigative, expert, and other services within the limits of appropriations;
 - Criteria for employing contract counsel; qualifications, standards, and guidelines for public defenders, appointed counsel, and contract counsel; and
 - Reimbursement tables which set forth the cost to the Board for each separate category of service provided;
- Prepare and submit to the Governor and Legislature an annual report on the operations of the Board.

In addition to the above powers and duties, the Board approved the development and implementation of the Appellate Defender Office as a statewide office to represent indigent felony defendants on appeal. The Board also created the Death Penalty Defense Unit to provide defense services to persons accused of murder when the potential penalty is death.

Senate Confirmation Information Summary
Prepared and Submitted by the Office of Governor Mark Parkinson

Appointee: John Poertner

Position: Member, State Board of Indigents' Defense Services

Term Length: Three Year

Appointment Date: Upon confirmation by the Senate

Expiration Date: 01/15/2011

Statutory Authority: K.S.A. 22-4519 et seq.

Party Affiliation: Democrat

⇒ **Statutory geographic representation:**

Congressional District: Public Member – 3rd CD

⇒ **Requirements** (*insert any that apply*)

County: Douglas

Size requirement (*if any*): _____

Other, specify: _____

⇒ **Statutory party affiliation requirement:**

5:4

⇒ **Statutory industry or occupation requirements** Two members from each Congressional District – one attorney and one public member who cannot be an attorney. One attorney member from each county > 100,000, but no more than five such members. No judicial/law enforcement officers. Limit of two consecutive three year terms.

Salary:

Predecessor: David Herndon

Board Composition Prior to Confirmation of New Appointee:

State Board of Indigents' Defense Services

1-4

Gov Appts: 9
Total Appts: 9

Term Length: Three Years
Notes: At least one member from each Congressional District. One attorney member from each county > 100,000; but not more than five of such members. One attorney member for the 1st Congressional District. Four public members; one for each Congressional District. Limit of two consecutive 3 year terms

Contact: Pat Scalia, Executive Director
714 SW Jackson, Suite 200
Topeka, KS 66603-3714
785/296-4505

Statute: KSA 22-4519 et seq. **Confirmation:** **Gov Appt Counts** Male/Female 1st--2nd--3rd--4th R/D/U **Board Active**
Party Ratio: 5:4 **Term Limit:** **Reg Board** 6:2 2:1:3:2 3:5:0

** Member fully assumed duties but awaits confirmation by the Full Senate

	<u>County</u>	<u>Affiliation</u>	<u>CD</u>	<u>H</u>	<u>S</u>	<u>Appointment Date</u>	<u>Expiration Date</u>	<u>Reapt</u>
Daniels, Mr. Lawrence P. 1501 Avenue A Dodge City, KS 67801 Work 620-227-7411 Home 620-225-1488 Fax 620-227-0701 Cell 316-259-3254 danlun00@yahoo.com	Ford	D	1	119h	38s	6/18/2008	1/15/2009	<input type="checkbox"/>
	Position: a member Succeeds: himself -- reappointment Appointed By: Governor Nominations: Statutory Remarks: First District Attorney Member Seat #: 006							
Graham, Ms. Ruth E. 3010 Lydia Topeka, KS 66614 Work 785/228-2075 Home 785/273-0913	Shawnee	R	2	52h	20s	3/20/2002	1/15/2005	<input type="checkbox"/>
	Position: a member Succeeds: herself -- reappointed Appointed By: Governor Nominations: Statutory Remarks: Attorney representing county w/population exceeding 100,000 (Shawnee) Seat #: 003							

1-5

	<u>County</u>	<u>Affiliation</u>	<u>CD</u>	<u>H</u>	<u>S</u>	<u>Appointment Date</u>	<u>Expiration Date</u>	<u>Reapt</u>
Herndon, Mr. David L.	Wyandotte	R	3	18h	10s	3/20/2002	1/15/2005	<input type="checkbox"/>
Holliday, Mr. Roy	Johnson	D	3	15h	9s	4/10/2002	1/15/2005	<input type="checkbox"/>
Terrell, Dr. Nathaniel E.	Lyon	D	1	60h	17s	11/9/2004	1/15/2007	<input type="checkbox"/>
Tomasic, Ms. Denise E.	Wyandotte	D	3	36h	5s	5/2/2003	1/15/2006	<input type="checkbox"/>

President, First State Bank □ 650 Kansas Avenue
 Kansas City, KS 66105
 Work 913/371-1242
 Home 913/268-4843
 Fax 913/371-7516

Resign Note:

Position: a member
Succeeds: himself -- reappointed
Appointed By: Governor
Nominations:
Statutory Remarks: Public Member - 3rd CD
Seat #: 004

25900 W. 127th Street
 Olathe, KS 66061-9213
 Work 913/782-1000
 Fax 913/782-0852

Position: a member
Succeeds: Bruce Beye
Appointed By: Governor
Nominations:
Statutory Remarks: Attorney representing county w/population exceeding 100,000 (Johnson)
Seat #: 001

2025 Schaeffer Way
 Emporia, KS 66801
 Work 620/341-5725
 Home 620/343-7020
 terrelln@esumail.emporia.edu

Position: a member
Succeeds: himself -- reappointed
Appointed By: Governor
Nominations:
Statutory Remarks: Public Member - 1st CD
Seat #: 007

3228 North 110th Street
 Kansas City, KS 66109
 Work 913-371-5750
 Home 913-721-1219

Position: a member
Succeeds: herself -- reappointed
Appointed By: Governor
Nominations:
Statutory Remarks: Attorney representing county w/population exceeding 100,000 (Wyandotte)
Seat #: 005

1-6

	<u>County</u>	<u>Affiliation</u>	<u>CD</u>	<u>H</u>	<u>S</u>	<u>Appointment Date</u>	<u>Expiration Date</u>	<u>Reapt</u>
Wachtel, IV, Mr. John V	Sedgwick	D	4	87h	30s	11/9/2004	1/15/2007	<input type="checkbox"/>

12741 Bradford Cr.
 Wichita, KS 67206
 Work 316-267-0331
 Home 316-687-6291
 Fax 316-267-0333
 Cell 316-648-1947
 jvwachtel@kmazlaw.com

Position: a member
Succeeds: Lynn Ward
Appointed By: Governor
Nominations:
Statutory Remarks: Attorney representing county w/population exceeding 100,000 (Sedgwick)
Seat #: 009

Weber, Mr. John R.	Sedgwick	R	4	94h	27s	12/17/2008	1/15/2010	<input type="checkbox"/>
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10514 W. Millpond
 Wichita, KS 67212
 Fax (316) 267-6028
 Cell (316) 648-2118
 business (316) 267-8762
 Home (316) 721-0753
 jweber@weber-corp.com

Position: a member
Succeeds: Mary Rubeck
Appointed By: Governor
Nominations:
Statutory Remarks: Public Member - 4th CD
Seat #:

CURRICULUM VITA

Name: John Poertner
Address: 1646 Hillcrest Rd. Lawrence, KS 66044
Telephone: 785-749-2599
e-mail jpoertner@sunflower.com

SELECTED RECENT CONSULTATIONS – Since 2002

Child Welfare Associates
School of Social Welfare, University of Kansas
United States Department of Health and Human Services
Children and Family Research Center, School of Social Work, University of Illinois at Urbana-Champaign.
First 5 LA – Los Angeles California

TEACHING AREAS: Social policy, child welfare, design and management of social programs, research

PROFESSIONAL EMPLOYMENT

1995- 2002 **University of Illinois at Urbana-Champaign**
School of Social Work
Professor and Interim Dean – 2002 (currently Professor Emeritus)
Professor and Associate Dean 1995-2002
Director of the Children and Family Research Center 2000 – 2002

1983-1995 **University of Kansas:** School of Social Welfare.
Professor, 1991 - 1995
Sabbatical leave and Peace Corps volunteer, 1991-1992
Associate Professor, 1984 - 1991.
Visiting Associate Professor, 1983-1984.

1980-1983 **Sangamon State University (Now University of Illinois at Springfield):**
Department of Child, Family and Community Services
Assistant Professor tenured and promoted to Associate Professor - 1983

1976-1979 **University of Illinois at Urbana-Champaign:**
School of Social Work: Research Associate, 1978-1979.
Center for Advanced Study: Resident Associate, 1977-1978.

1968-1980 **Lincoln College, Lincoln, Illinois:**
Taught mathematics and began an associate level program in human services.

1962-1968 Mathematics Instructor.
Lincoln Community High School, Lincoln, Illinois, 1967-1968.
San Jose Community High School, San Jose, Illinois, 1962-1967.

EDUCATION

- 1979 D.S.W. - School of Social Work, University of Illinois at Urbana-Champaign.
1967 M.S. - Mathematics - Illinois State University.
1962 B.S. in Education - Mathematics/Economics - Northern Illinois University

PUBLICATIONS – ARTICLES

- Poertner, J. (in press). Quality Assurance. In. T. Mizrahi and L. Davis (eds.) *Encyclopedia of Social Work, 20th Ed.* New York: Oxford University Press
- Poertner, J., Moore, T., & McDonald, T.P. (2008). Managing for Outcomes: The Selection of Sets of Outcome Measures. *Administration in Social Work, 32*,(4), 5-22.
- McDonald, T.P., Poertner, J., & Jennings, M. (2007). Permanency for Children in Foster Care: A competing risks analysis. *Journal of Social Service Research, 33*,(4),45-56.
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- Poertner, J., Bussey, M., & Fluke, J. (1999). How safe are out-of-home placements. *Children and Youth Services Review Vol. 21, (7)*, 549-563
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- Taber, M., & Poertner, J. (1981, August). Modeling service delivery as a system of transitions: The case of foster care. *Evaluation Review*, 5(4), 546-566.
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BOOK CHAPTERS

- Poertner, J. (in press). Empirically supported management behavior: Review of the research literature on consumer outcomes. In Maria Roberts DeGennaro & Sondra Fogel (Eds.) *Empirically supported interventions for community and organizational change*. Chicago, IL: Lyceum Books
- Poertner, J. (in press). Evidence-Based Policy and Practice in Child Welfare. In M. Testa & J. Poertner (Eds.) *Evidence-based Child Welfare Policy*. New York: Oxford University Press.
- Poertner, J. (2009). Managing for service outcomes: The critical role of information. In *The Handbook of Human Services Management*. R. J. Patti (Editor). Thousand Oaks, CA: Sage Publications.

- Derezotes, D. M., & Poertner, J. (2005) Factors contributing to the overrepresentation of African American children in the child welfare system. In D. Derezotes, J. Poertner & M. Testa (Eds.) *Race Matters: The Overrepresentation of African American Children in the System*. Washington, DC: Child Welfare League of America.
- Harris, G., Tittle, G., & Poertner, J. (2005). Factors that Predict the Decision to Place a Child in Substitute Care In D. Derezotes, J. Poertner & M. Testa (Eds.) *Race Matters: The Overrepresentation of African American Children in the System*. Washington, DC: Child Welfare League of America.
- Poertner, J. (2001) Linking child welfare training and child outcomes. In *Proceedings of the Fourth Annual National Human Services Training Evaluation Symposium* (Johnson, B., Kietzman, K., & Ringuette, K. editors). Berkeley, CA: California Social Work Education Center, University of California, Berkeley, School of Social Welfare, 120 Haviland Hall
- Poertner, J. (2000). Managing for service outcomes: The critical role of information. In *The Handbook of Social Welfare Management*. R. J. Patti (Editor). Thousand Oaks, CA: Sage Publications.
- Pierpont, J., & Poertner, J. (1998). Preventing infant deaths. In *Handbook of pediatric and adolescent health psychology*. Needham Heights, MA: Allyn & Bacon.
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- Gregoire, T., Rapp, C.A., & Poertner, J. (1995). The new management: Assessing the fit of total quality management and social agencies. In *Total quality management in the social service: Theory and practice*. Burton Gummer and Phillip McCollion, (Eds.). Beverly Hills, CA: Sage Publications.
- Early, T., & Poertner, J. (1995). Mental health case management with children with emotional disorders and their families. In Friesen, B. and Poertner, J. (Eds.), *From case management to service coordination for children with emotional, behavioral, or mental disorders: Building on family strengths*. Baltimore, MD: Paul H. Brookes.
- Roberts, C. & Poertner, J. (1995). Creating and maintaining support and structure for case managers: Issues in case management supervision. In Friesen, B. and Poertner, J. (Eds.), *From case management to service coordination for children with emotional, behavioral, or mental disorders: Building on family strengths*. Baltimore, MD: Paul H. Brookes.
- Poertner, J., & Ronnau, J. (1992). A strengths approach to children with emotional disabilities. In D. Saleebey (Ed.), *The strengths perspective in social work practice*. New York: Longman.
- Tricker, R., & Poertner, J. (1992). Substance abuse and the family. In M.J. Fine & C. Carlson, (Eds.), *Handbook of family-school intervention: A family systems perspective*. Boston, MA: Allyn and Bacon.
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for service effectiveness in social welfare organizations (pp. 23-38). NY: The Haworth Press.

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Rapp, C. A., & Poertner, J. (1983). Organizational learning and problem finding. In M. Dinerman (Ed.), *Social work in a turbulent world* (pp. 76-88). Silver Spring, MD: National Association of Social Workers.

Rapp, C. A., & Poertner, J. (1980). Public child welfare in the 1980's: The role of case management. In K. Dea (Ed.), *Perspectives for the future: Social work practice in the 1980's* (pp. 70-81). Washington, DC: National Association of Social Workers.

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Testa, M., & Poertner, J. (Eds.). (in press). *Evidence-based Child Welfare Policy*. New York: Oxford University Press.

Poertner, J., & Rapp, C.A. (2007). *Textbook of social administration: The consumer-centered approach*. Binghamton, NY: The Haworth Press Inc.

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Lovera, A., & Poertner, J. (1992). *Proyectos sociales: diseño, administración, monitoreo*. Asunción, Paraguay.

Rapp, C. A., & Poertner, J. (1992). *Social administration: The client centered approach*. New York: Longman.

Patti, R., Poertner, J., & Rapp, C. (Eds.). (1988). *Managing for service effectiveness in social welfare organizations*. New York: The Haworth Press.

SELECTED FUNDED RESEARCH OR TRAINING PROJECTS

Co-principal Investigator, (with Mark Testa) (2001-2002) (United States Department of Health and Human Services). "Training local communities to use HHS Outcome Indicators."

Principal Investigator, "Children and Family Research Center: (1999-2002) (Illinois Department of Children and Family Services)

Co-Project Director, "Child Welfare Training Partnership" (1995-01) (Illinois Department of Children and Family Services)

Co-Principal Investigator, "Start up of Children and Family Research Center: (1995-1996) (Illinois Department of Children and Family Services)

Co-Project Director, "Supervisor Training," (1992-1996) (Kansas Department of Social and Rehabilitation Services).

Project Director, "Title IV-E Child Welfare Training and Tuition Support Program," (1990-1996) (Youth Services Division, Kansas SRS).

Co-Principal Investigator, "Projects to Improve Services for Families of Children and Youth with Serious Emotional Disturbances" (with Tom McDonald), (1989-1995) (Portland State University).

Principal Investigator. "Evaluation of Prevention Programs," (1987-1993) (Children's Trust Fund of Texas). A project to develop an evaluation system for child abuse prevention programs.

Project Director, Abuse Prevention Program Design and Monitoring, (1984-1993) (Children and Youth Advisory Committee). Assisting the Children and Youth Advisory Committee with decision-making about projects funded under the Kansas Family and Children Trust Fund.

Project Director, "Native American Traineeship Program," (1986-1992) (U.S. Department of Health and Human Services). Traineeships to Native American students to obtain a BSW.

Principal Investigator, "Developing Case Management Services for Children with Emotional Disabilities," 1988-1992 (Division of Mental Health and Retardation Services, Kansas SRS).

Principal Investigator, "Monitoring of Child Abuse Prevention Programs," 1990 (Children's Trust Fund of New Jersey), A project to develop a monitoring system for child abuse prevention program.

Co-Principal Investigator, "Evaluation of Court Appointed Special Advocates Program," 1988 (Kansas City CASA).

Project Director, "Training Judges, Court Services Officers, Volunteers, Attorneys, and Public Child Welfare Workers in Child Welfare and Law to Assure Protection and Permanence for Children," (1986-1988) (U.S. Department of Health and Human Services).

Project Director, "Kansas Child Welfare Training: Improving Services to Minority Children and Families," 1984 (U.S. Department of Health and Human Services). Training for 215 caseworkers and family support workers.

Co-Principal Investigator, "Community Perceptions of Needed Services," 1983 (United Way of Decatur and Macon County, Illinois). A community needs assessment survey, to be used for United Way planning.

Principal Investigator, "Development of a Monitoring System for a Parent Education Service," 1981-1983 (Illinois Department of Children and Family Services). Designed and implemented a purchase of service monitoring system. Consultation on program design and curriculum development was also included.

Co-Principal Investigator, "Abuse and Neglect of the Elderly: A Study of Incidence and Characteristics in Illinois," 1981 (Illinois Department on Aging). A statewide survey to estimate the incidence and characteristics of abuse of older persons in Illinois. Policy analysis and recommendations were also major parts of this study.

Principal Investigator, "Training Needs Assessment of Direct Service Supervisors," 1980 (Illinois Department of Children and Family Services). This was a statewide survey of child welfare supervisors and workers, to determine supervisory training needs.

SELECTED TECHNICAL AND RESEARCH REPORTS - Reports resulting from research and training projects. Authored by various project personnel.

Report on outcomes for children who are the responsibility of the Illinois Department of Children and Family Services (2002, 2001, 2000, 1999, 1998) Prepared for the Illinois Department of Children and Family Services under the auspices of the Children and Family Research Center. Other Center reports are available at <http://cfrcwww.social.uiuc.edu>

An evaluation of clinical practice training transfer (1999). Prepared for the Illinois Department of Children and Family Services under the auspices of the Children and Family Research Center

Assessing the satisfaction of parents of children in substitute care. (1996). Prepared for the Illinois Department of Children and Family Services under the auspices of the Children and Family Research Center

The Strengths Model of Case Management for Youth in the Juvenile Justice System (1996) Prepared for the Kansas Department of Social and Rehabilitation Services

Youth Development Preservice Training Curriculum - Prepared for the United States Peace Corps. (1995)

Over-representation of African-American Children and Youth in Out of Home Placements - Prepared for the Division of Youth and Adult Services, Kansas Department of Social and Rehabilitation Service (1994).

The advocates' guide to analyzing policies and programs for youth with emotional disabilities. Prepared in conjunction with Research and Training Center on Family Support and Children's Mental Health at Portland State University (1990).

What you need to know about your child with an emotional disability and the individualized educational plan. Prepared for the Division of Mental Health and Retardation Services, Kansas Department of Social and Rehabilitation Service (1989).

Family and Children Trust Fund program report. Prepared for the Kansas Children and Youth Advisory Committee, Annual Reports for 1985-1992.

Model child abuse prevention programs. Prepared for the Kansas Children and Youth Advisory Committee (1989).

A quality control system for child abuse and neglect prevention programs: A report to the Children's Trust Fund Council. Report prepared for the Children's Trust Fund of Texas for 1988-1993.

Training manual for family advocacy in-home services. Prepared in cooperation with the Division of Mental Health and Retardation, Kansas Department of Social and Rehabilitation Service (1988).

Measuring outcomes of child abuse prevention programs. Prepared for Kansas Children and Youth Advisory Committee (1988).

Resource training manual for case management with adolescents with emotional problems and their families. Prepared for Division of Mental Health and Retardation Services, Kansas Department of Social and Rehabilitation Service (1988).

Protecting children together: The social worker and the legal system. Prepared for Kansas Department of Social and Rehabilitation Service (1987).

Together to Self Sufficiency: An Independent Living. Lifebook: Health, Employment.

Foster Care Review Board training manual. Prepared for Douglas County Court (1987).

Managing for performance: A primer and training curriculum. A management training manual prepared for the Illinois Department of Children and Family Services (1985).

Child welfare practice handbook. Prepared for the Illinois Department of Children and Family Services (1985).

Beyond housekeeping: Information permanency planning performance and the child welfare manager. Prepared for the Illinois Department of Children and Family Services (1984).

Setting priorities: Community perceptions of needed services. Prepared for the United Way of Decatur, Illinois (1983).

Design and pilot testing of a parent education monitoring system. Prepared for Illinois Department of Child and Family Services (1982).

Abuse and neglect of the elderly: Incidence and characteristics. Legislation and policy recommendations. Prepared for the Illinois Department on Aging, Springfield, Illinois (1981).

Training needs assessment of direct service supervisors in the Department of Children and Family Services, (1980).

SELECTED PRESENTATIONS

Poertner, J. (2002). "Social work practice in the USA." China Youth College for Political Sciences, Beijing China.

Poertner, J. (2002) "An overview of child welfare in the USA." Fudan University, Shanghai China.

- Altshuler, S. J., & Poertner, J. (2000). "The Child Health and Illness Profile: A new tool for assessing well-being in group homes and institutions." New Century Child Welfare and Family Support National Conference, Snowbird Utah
- Poertner, J. (1997). "Future directions in outcome management." American Humane Association Fifth Annual Roundtable on Outcomes Measurement. San Antonio, Texas
- Poertner, J. (1996). "Managing by client outcomes in public child welfare." New Mexico Department of Social Services, Las Vegas, New Mexico
- Poertner, J., & Nyiti, F., (1995). "Developing training materials for Peace Corps Volunteers working in youth development programs" Belize City, Belize
- Jacobs, K., Poertner, J., & McDonald, T., (1994) "Care givers of young children with behavioral and emotional problems." Building on Family Strengths, Portland, Oregon
- Poertner, J., & McDonald, T., (1994) "Social support and stress: Caring for a child with a serious emotional disorder" Building on Family Strengths, Portland, Oregon
- Poertner, J., & Early T., (1993) "Using survival analysis to evaluate case management for youth with serious emotional disturbances: A state perspective. The 6th. Annual Research Conference: A System of Care for Children's Mental Health: Expanding the Research Base.
- Poertner, J. (1992). "Diseño y Evaluación del Proyecto", Mujeres por la Democracia Asunción, Paraguay.
- Early, T., & Poertner, J. (1992) "Mental health case management with children with emotional disorders and their families". Building on Family Strengths: A national conference on Case Management for Children with Emotional, Behavioral or Mental Disorders, Portland, Oregon.
- Carrizosa, S., & Poertner, J. (1990). "Latin American street children: Problem, program and critique." 25th International Congress of the International Association of Schools of Social Work, Lima, Peru.
- Poertner, J. (1989, 1990). "Designing social program," Centro de Informacion y Recursos para el Desarrollo, Asunción, Paraguay.
- Ronnau, J., & Poertner, J. (1989). "The Family Advocacy Case Management Model". Second Annual Research Conference, Children's Mental Health Services and Policy, Tampa, FL.
- Poertner, J. (1988). "Designing and managing effective social programs". Centro de Investigacion de la Conducta Humana, Asuncion, Paraguay.
- Poertner, J. (1987). "Monitoring child abuse prevention programs." National Child Abuse Trust Fund Conference, St. Louis, MO.
- Poertner, J., & Rapp, C. (1985). "Designing social work management information systems: Decision support or surveillance." National Association of Social Workers Professional Symposium, Chicago, IL.

Poertner, J., & Rapp, C. (1984). "A human service formulation for management education". Council on Social Work Education Annual Program Meeting, Detroit, MI.

Poertner, J. (1983). "Purchase of service and accountability: Will they ever meet?" NASW Professional Symposium, Washington, DC. Rapp, C., & Poertner, J. (1982). *Developing competency in managing information: The future is now*. Council on Social Work Education Annual Program Meeting, New York.



CONFIRMATION OVERSIGHT COMMITTEE

Acknowledgment of Release of Tax and Criminal Records Information Form

I, John Poertner acknowledge that as part of the
(print name)

Senate Confirmation Oversight Committee process I will:

- be subject to a criminal records background investigation by the Kansas Bureau of Investigation; and
- have my tax records released by the Kansas Department of Revenue.

Such information will not be released to the general public, but will be made available for review at the appropriate time by:

- Myself;
- My appointing authority;
- Chairperson of the Senate Confirmation Oversight Committee; and
- The Vice Chair of the Senate Confirmations Oversight Committee.

By signing the "Authorization and Certification" section (on page 8) of the Senate Confirmation Oversight Committee questionnaire, the Kansas Department of Revenue will be authorized to release my tax information and the Kansas Bureau of Investigation will be authorized to conduct a criminal background investigation on me and provide that information to the appropriate individuals.

Signature

John Poertner

Date

5/27/2009



CONFIRMATION OVERSIGHT COMMITTEE

APPOINTMENT QUESTIONNAIRE

Full Name: John Poertner
(please include title and middle name along with any names previously used)

Home Address: 1646 Hillcrest Rd Lawrence, KS 66044
(Street Address) (City, State, Zip)

Driver's License Number: [REDACTED] Social Security Number: [REDACTED]

Position to which Appointed: State Board of Judicial Services

Appointing Authority: Governor

* Information on this page will not be made public but is used by the KBI and Department of Revenue.

Received
MAY 28 2009
Governor's Office

(for Committee use only)
 KBI Check: N/A ___ In-Process ___ Complete ___
 DOR Check: N/A ___ In-Process ___ Complete ___

This Questionnaire is to be fully completed by each appointee appearing before the Senate Confirmation Oversight Committee (Committee) and returned to the Committee Chairman's Office. A meeting of the Committee to consider an appointee will not be scheduled until a completed questionnaire and other forms are received by the Chairman. Please answer each question completely to the best of your knowledge. Should a question not be applicable, please so state. Hand-written responses are strongly discouraged. If filling out this form electronically, "□" should be replaced with "X" by the appropriate response on the form. Please contact your appointing authority if you have questions when completing the form.

Full Name: John Poertner
(please include title and middle name along with any names previously used)

Position to which Appointed: State Board of Indigent Services

Appointing Authority: Governor

Home Address: 1646 Hillcrest Rd. Lawrence KS 66044
(Street Address) (City, State, Zip)

Business Name: _____

Business Address: _____
(Street Address) (City, State, Zip)

Position Title: _____

Home Phone: 785-749-2549 Business Phone: _____ Cell Phone: _____

Fax Number: _____ E-Mail Address: jpportner@sonslaw.com

Kansas resident? Yes / No Date of Birth: 8/28/40 Place of Birth: Milwaukee, WI

Registered Voter? Yes Party Affiliation: Democrat

Congressional District: 3 Kansas Senate District: 2 Kansas Representative District: 44

Do you have the legal right to live and work in the United States? Yes / No

Please answer the following questions numbered 1 - 43. Each question MUST BE ANSWERED ON THIS ORIGINAL FORM. If the answers the question are provided on your resume, please state "See Resume" or if you supply additional attachment(s) with answers, please state "See Attachment(s)" on this form.

1. What is your educational background? Doctorate in Social Work from University of Illinois @ Urbana-Champaign (See Resume)
2. Describe your employment experience. Include any expertise related to the position to which you were appointed. See Resumes

3. List any professional licenses that you have obtained and include the number for each license.
None
4. Why do you feel you are a good candidate for the position to which you have been appointed?
My social work background, involvement in public policy
5. What do you see as the purpose or mission of the role to which you have been appointed? —
Contribute to oversight of the defense of military persons
6. Military Service: List rank, date and type of discharge from active service. *Accused of a felony*
 None
7. Government Experience: List any experience or association with local, state or federal government (exclusive of elective public office but including advisory, consulting, honorary, appointed or other part-time service or positions) and include dates of service.
 None *currently serving on SRS - Kansas Child Welfare Quality Improvement Council.*
8. Elective Public Office: List all elective public offices sought and/or held with dates of service.
 None
9. Campaigns: Have you ever played a role or held a position in a political campaign? If so, please identify the candidate(s), the dates of the campaign and describe your involvement.
 No Yes *Canvass for Dennis Moore campaign - 2004*
I have contributed to many political campaigns
10. Honors and Awards: List all scholarships, fellowships, honorary degrees, honorary society memberships and any other special recognition for outstanding service or achievements.
 None
11. Organization Affiliations: List all civic, cultural, educational, charitable, or work-related organizations that you have been associated with in the past ten years. Include any position held in the organization and the dates of service. *Kansas Perceptual Partners - ~~Contract~~ President 2008-09*
 None, ~~Board of Trustees - Treasurer 2007 - contract~~
University of Kansas - contractor See attached
12. Organization Restrictions: To your knowledge, is any organization listed above restricted on the basis of race, color, religion, sex, national origin, disability, marital status or veteran status? If so, please describe.
 No Yes
13. Issues: Have you ever been publicly identified, in person or by organizational membership, with a particularly controversial national or local issue? If so, please describe.
 No Yes *I have written a blog on LJWorld.com on a variety of social service issues, I have also written some letters to the Editor on social service issues.*
14. Submission of Views: Have you ever submitted oral or written views to any governmental authority, whether executive or legislative, or to the news media on any particularly controversial issue other than in an official governmental capacity? If so, please describe.
 No Yes *I have contacted public officials on issues related to social service and environmental issues.*
15. Associations: Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for the position to which you seek to be appointed? If so, please describe.
 No Yes *Long time member ACLU, Planned Parenthood.*

16. Opposition: Do you know of any person or group who might take overt or covert steps to attack, even unfairly, your appointment? If so, please identify and explain the basis for the potential attack.
 No Yes
17. Miscellaneous: List any factors, other than the information provided above, which particularly qualifies you or is relevant to the position to which you are seeking appointment? Include any special skills. *My long time background in child welfare that includes substantial interaction with the legal system.*
 None
18. Relationship to Governmental Employees: Are you or your spouse or other close family members related to any state governmental official or employee? If so, please provide details.
 No Yes
19. Compensation: During the past five years, have you or your spouse or other close family members received any compensation or been involved in any financial transaction with the State of Kansas? If so, please explain. *Contractual consultant with the University of Kansas*
 No Yes
20. Business Relationships: Describe any business relationship, dealing or financial transaction which you have had during the last five years, whether for yourself, on behalf of a client or acting as an agent, which you believe may constitute an appearance of impropriety or result in a potential conflict of interest in the position to which you want to be appointed. If none, please so state.
 None
21. Transactions with Officials: During the past five years, have you or your spouse or other close family members received any compensation or been involved in any financial transaction with any state government official? If so, please explain.
 No Yes
22. Spouse or Other Family Members: If the nature of employment for your spouse or other close family member is related in any way to the position to which you have been appointed, please indicate the employer, the position and the length of time it has been held. If not, please so state.
 No Yes
23. Lobbying Activities: Describe any lobbying activity during the past ten years in which you and/or your spouse have engaged for the purpose of influencing the passage, defeat or modification of any legislative or administrative action. Lobbying activity includes any activity performed as an individual or agent of another individual, or of any organization that involves direct communication with an official in the executive branch of state government or any official of the legislative branch. If none, please so state. *From time to time I have contacted elected officials on issues related to social services and the environment.*
 None
24. Regulated Activities: Describe any interest that you, your spouse or other close family member may have (whether as an officer, owner, director, trustee, or partner) in any corporation, firm, partnership or other business enterprise and any non-profit organization or other institution that is regulated by or receives direct financial benefits from any department or agency of the State of Kansas. If none, please so state.
 None

25. Other: Please describe any other matter in which you are involved that is or may be incompatible or in conflict with the discharge of the duties of the position to which you have been appointed or which may impair or tend to impair your independence of judgment or action in the performance of the duties of that position. If none, please so state.

None

26. Conflict of Interest: How would you resolve any potential conflicts of interest that, while maybe unforeseen at this point in time, could arise? *I would disclose them to the stated director and the rest of the Board.*

27. Citations: Have you ever been cited for a breach of ethics for unprofessional conduct, or been named in a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please provide details.

No Yes

28. Convictions: Have you ever been convicted of or entered a plea of guilty or nolo contendere or forfeited collateral for any criminal violation other than a traffic infraction? (Please include any offenses of driving under the influence, operating while impaired, reckless driving, or the equivalent offenses in other states.) If so, please explain.

No Yes

29. U.S. Military Convictions: Have you ever been convicted by any military court? If so, please provide details.

No Yes

30. Imprisonment: Have you ever been imprisoned, been on probation or been on parole? If so, please provide details.

No Yes

31. Agency Proceedings/Civil Litigation: Are you presently, or have you ever been, a party in interest in any administrative agency proceeding or civil litigation that is related in any way to the position to which you are seeking appointment? If so, please provide details.

No Yes

32. Agency Proceedings and Civil Litigation of Affiliates and Family: a.) Is your spouse or other close family member currently, or ever been, a party in interest in any administrative agency proceeding or civil litigation that is related in any way to the position to which you are seeking appointment? If so, please provide details.

No Yes

b.) Has any business in which you, your spouse, close family member or business associate are or were an officer, director or partner been a party to any administrative agency proceeding or civil litigation relevant to the position to which you are seeking appointment? If so, please provide details. (With respect to this question, you need only consider proceedings and litigation that occurred while you, your spouse, close family member, or business associate were an officer of that business.)

No Yes

33. Other Litigation: a.) Other than the litigation described in question 32, have you or any business in which you are or were an officer, director, or partner been a plaintiff or a defendant in a civil lawsuit? If so, please describe.
 No Yes
- b.) Are you aware of any pending or anticipated litigation against you or any business in which you are an officer, director, or partner? If so, please describe.
 No Yes
34. Drivers License: Has your driver's license ever been suspended or revoked? If so, please describe.
 No Yes
35. Parking Tickets: Do you have outstanding parking tickets from any jurisdiction that have remained unpaid for more than 60 days? If so, please explain.
 No Yes
36. Security Clearance Denial: Have you ever been denied a military or other governmental clearance? If so, please explain.
 No Yes
37. Firings: a.) During the past ten years, have you been fired from a job for any reason? If so, please explain.
 No Yes
- b.) During the past ten years, have you quit a job after being told that you would be fired? If so, please explain.
 No Yes
- c.) During the past ten years, did you leave a job by mutual agreement because of specific problems? If so, please explain.
 No Yes
38. Alimony and Child Support: Are you now, or have you ever been, delinquent in the payment of alimony or child support? If so, please explain.
 No Yes
39. Consumption of Alcohol: Have you ever or are you currently abusing alcohol? If so, please explain.
 No Yes
40. Controlled Substances: Have you ever or are you currently engaged in the illegal use of a controlled substance or abusing the use of a prescribed controlled substance? If so, please explain.
 No Yes
41. Physical Examination: If you receive a conditional offer of appointment or employment, would you be willing to take a physical examination, which may include a drug test?
 No Yes

42. Governmental Delinquencies: Are you delinquent in the payment of any obligation owed to the federal or state government or any political or taxing subdivision or any instrumentality thereof? (Include delinquencies in the payment of: Income, property, or other taxes; exactions, fees or special assessments; loans, including any defaults, on or under loans which are or were made by, guaranteed, insured or subsidized by any unit of government or instrumentality thereof; overpayment of benefits; required payments into or under governmental programs; payments under a diversion arrangement or other repayment schedule.) If applicable, please state whether such delinquency is under formal appeal.

No Yes

43. Other: Please provide any additional information, favorable or unfavorable, which you feel should be considered in connection with your appointment. If none, please so state.

None

Please include resume and completed Statement of Substantial Interest not more than twelve months old.

REFERENCES

Name: James Frazier Knows you how?: Friend

Address: 1820 Alabama Lawrence, KS 66044
(City, State, Zip)

Home Phone: 979-3230 Business Phone: _____

Name: Elizabeth Schultz Knows you how?: Friend

Address: 1545 University Dr Lawrence, KS 66044
(City, State, Zip)

Home Phone: 785-842-1309 Business Phone: _____

Name: Loring Henderson Knows you how?: Friend

Address: 1350 Westbrook St Lawrence, KS 66044
(City, State, Zip)

Home Phone: 785-749-5703 Business Phone: _____

Name: Tom McDonald Knows you how?: Friend

Address: 754 Sunset Dr. Lawrence, KS 66044
(City, State, Zip)

Home Phone: 785-843-5790 Business Phone: _____

AUTHORIZATION AND CERTIFICATION:

The facts set forth in my application are true and complete. False statements, answers, or omissions on this application shall be sufficient cause for nonconsideration or for dismissal after appointment or employment. I also recognize that my selection is based on receipt of satisfactory information from former employers and references, and upon my ability to perform the essential elements, with or without reasonable accommodations, for the position for which I am applying. I herein authorize investigation, without liability, of the information supplied by me in this application for employment or appointment including academic, occupational, health, law enforcement, and government records. I also authorize listed employers and references, without liability, to make full response to any inquiries in connection with this application for appointment or employment. I understand and agree that the terms, conditions, compensation, benefits, hours, schedule, and duration of my appointment or employment may be determined, changed, or modified from time to time at the will of the appointing authority or designee without limitation or condition. I FURTHER CERTIFY THAT I HAVE READ THE FOREGOING PARAGRAPH AND KNOWINGLY MAKE THIS AUTHORIZATION BY SETTING FORTH MY SIGNATURE.

I understand that if I am required to be registered, licensed, or certified by federal or state law or regulation for the position I seek, I will notify the appointing authority immediately if any investigation, limitation, or cancellation of my registration, licensure, or certification occurs. If any investigation, probation, limitation, or cancellation occurs, I understand that my failure to notify my appointing authority as described above will result in the termination of my appointment or employment.

Signature John Portz

Date 5/27/2009

11. Organizational Affiliations

Kansas-Paraguay Partners – member 2002 to present, President 2007 to present

Oread Friends Meeting – Treasurer 2007 to present

University of Kansas, School of Social Welfare – presently a contract evaluator on a federally funded project

United Way of Douglas County – Board member 2006 to present.

Ecumenical Christian Ministries – Treasurer – 2005 to 2007

Kansas Action for Children – Board member 2006 to present.

American Civil Liberties Union – member 1984 to present

Planned Parenthood – member 1984 to present



Sec. of St. bar code

KANSAS GOVERNMENTAL ETHICS COMMISSION

STATEMENT OF SUBSTANTIAL INTERESTS FORM

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by individuals who are required to do so by law. Any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 785-296-4219.

A. IDENTIFICATION: PLEASE TYPE OR PRINT

Poertner John
Last Name First Name MI

Edith Black
Spouse's Name

1646 Hillcrest Rd Lawrence, KS 66044
Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

Lawrence, KS 66044
City, State, Zip Code

785-749-2589
Home Phone Number (include area code) Business Phone Number (include area code)

B. THIS FORM IS REQUIRED TO BE FILED BECAUSE YOU ARE:

(check one or more of the following)

- 1. State Elected Official...
2. Appointed Member of a State Board...
3. Appointed State Position is Subject to Senate Confirmation;
4. Employee of a State Agency or University;
5. General Counsel for State Office;
6. Candidate for State Office;
7. Other (Contractor / Member of Compact).

List Name of Agency, Board, University or Elected Position (You may use abbreviations but not acronyms)

State Board of Independent Services Member.
Agency Division if applicable (May use acronyms) Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

9972

C. OWNERSHIP INTERESTS: List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income, and specific stocks, mutual funds or retirement accounts in which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	PERCENT OF OWNERSHIP INTERESTS	HELD BY WHOM
1. Vanguard	Financial	Mutual Funds Stocks	21%	Both
2. Dominion	Financial	Mutual Funds	21%	Me
3. Fidelity	Financial	Mutual Funds	21%	Both
4. TIAA-CREF	Financial	Mutual Funds	21%	Both
5.				
6.				
7.				
8.				
9.				
10.				

D. GIFTS OR HONORARIA: List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
If you have nothing to report in Section "E"1, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	University of Kansas	Lawrence, KS 66045	consulting
2.			

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here X.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.			
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	Kansas Paragon Partners	President	John Poertner
2.	Kansas Action for children	Director	John Poertner
3.	Deed Friends Meeting	Treasurer	John Poertner
4.	United Way of Douglas County	Director	John Poertner
5.			
6.			
7.			
8.			

G. RECEIPT OF FEES AND COMMISSIONS: List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here X.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. DECLARATION:

I, John Rosertner, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

5/26/2009
Date

John Rosertner
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES _____

Return your completed statement to the Secretary of State, Elections Division, Memorial Hall, First Floor, 120 SW 10th, Topeka, Kansas 66612-1594.

1-32

Crime Victims Compensation Board

Members:		Appointed by	Number of Appointments	Number of Senate Confirmations
Legislators:	0	Attorney General	3	3
House:	0			
Senate:	0			
Non-Legislative:	3			
Total Members:	3			

Entity Description

KSA 74-7303 *et seq* established the three-member Crime Compensation Board appointed by the Attorney General, subject to confirmation by the Senate as provided in KSA 75-4315b.

Except as provided by KSA 46-2601, no person appointed to the Board may exercise any power, duty or function as a member of the Board until confirmed by the Senate. At no time may more than two members of the Board be from the same political party. At least one member of the Board must be a person regularly admitted to practice law in the State of Kansas.

Each member of the Board serves for a term of four years and until a successor is appointed and confirmed. Upon the expiration of any term of office of any member, the Attorney General appoints a qualified successor. In case of a vacancy on the Board prior to the expiration of a term, the Attorney General appoints a successor of similar qualifications to fill the unexpired term.

The terms of members who are serving on the Board on the effective date of the Act will expire on March 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this Act. Thereafter, members are appointed for terms of four years and until a successor is appointed and confirmed.

The Attorney General designates a member of the Board who is regularly admitted to practice law in the State of Kansas to serve as Chairperson at the pleasure of the Attorney General. Members of the Board receive compensation, subsistence allowances, mileage and expenses as provided by KSA 75-3223.

Budget Information

The Crime Victims Compensation Board provides monetary compensation to the victims of crime and protects the Crime Victims Compensation Fund through the collection of court-ordered restitution and fees paid by law offenders. Actual expenditures for FY 2008 totaled nearly \$4.0 million. Expenditure estimates for both FY 2009 and FY 2010 were just slightly more than \$4.0 million.

Contact Information

Asst Attorney General
Dan Gibb
Kansas Attorney General
120 S.W. 10th, Memorial Hall, 2nd Floor
Topeka, KS 66612
296-2215
Dan.Gibb@ksag.org

Senate Judiciary

1-28-10

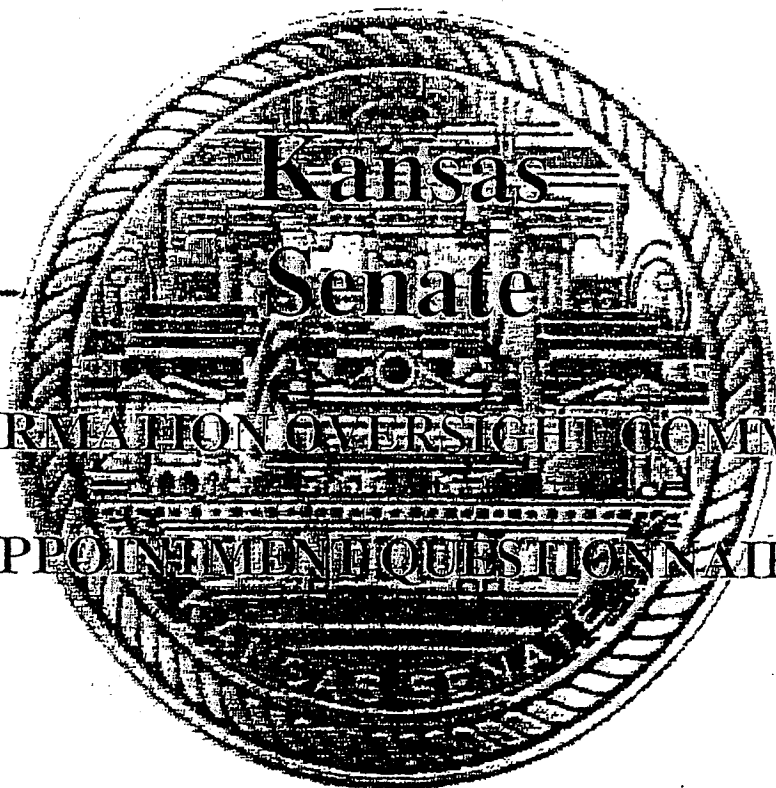
Attachment 2

Crime Victims Compensation Board

Powers and Duties

The Board has the power to:

- Hear and determine all matters relating to claims for compensation;
- Award compensation to persons claiming compensation for economic loss arising from criminally injurious conduct;
- Reinvestigate or reopen claims without regard to statutes of limitation or periods of prescription;
- Request investigations and data from county and district attorneys and law enforcement officers to enable the board to determine whether and the extent to which a claimant qualifies for compensation;
- Publicize the availability of compensation and information regarding the filing of claims; and
- Adopt rules and regulations to carry out the provisions of the law under which the Board was created and the Property Crime Restitution and Compensation Act, including rules for the allowance of attorney fees for representation of claimants, and rules and regulations providing for discovery proceedings, including medical examination.



CONFIRMATION OVERSIGHT COMMITTEE
APPOINTMENT QUESTIONNAIRE

Full Name: Suzanne Valdez
(please include title and middle name along with any names previously used)

Former names: Suzanne Valdez Carey, Suzanne Carey McAllister

Home Address: 4015 West 14th Street Lawrence, Kansas 66049
(Street Address) (City, State, Zip)

Driver's License Number: [REDACTED] Social Security Number: [REDACTED]

Position to which Appointed: Chair, Crime Victims Compensation Board

Appointing Authority: Attorney General Steve Six

* Information on this page will not be made public but is used by the KBI and Department of Revenue.

Crime Victims Compensation Board

Members:		Appointed by	Number of Appointments	Number of Senate Confirmations
Legislators:	0	Attorney General	3	3
House:	0			
Senate:	0			
Non-Legislative:	3			
Total Members:	3			

Entity Description

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The terms of members who are serving on the Board on the effective date of the Act will expire on March 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this Act. Thereafter, members are appointed for terms of four years and until a successor is appointed and confirmed.

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The Crime Victims Compensation Board provides monetary compensation to the victims of crime and protects the Crime Victims Compensation Fund through the collection of court-ordered restitution and fees paid by law offenders. Actual expenditures for FY 2008 totaled nearly \$4.0 million. Expenditure estimates for both FY 2009 and FY 2010 were just slightly more than \$4.0 million.

Contact Information

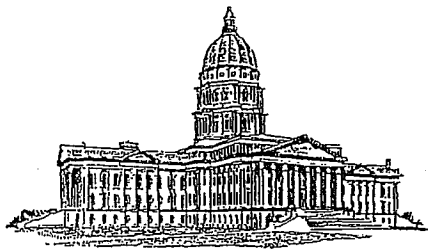
Asst Attorney General
Dan Gibb

Kansas Attorney General
120 S.W. 10th, Memorial Hall, 2nd Floor
Topeka, KS 66612
296-2215
Dan.Gibb@ksag.org

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES

JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR

GORDON L. SELF, ATTORNEY
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES
KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

TO: Confirmation Oversight Committee
FROM: Theresa M. Kiernan, Senior Assistant Revisor of Statutes
RE: Crime Victims Compensation Board
DATE: September 2, 2009

The Crime Victims Compensation Board (Board) was created in 1978 and consists of three members appointed by the attorney general. Members are appointed for terms of four years. The chairperson of the board, who must be admitted to practice law in the state of Kansas, is designated by the attorney general shall designate a member of the board to serve as chairperson; the chairperson serves at the pleasure of the attorney general.

The Board provides victims with financial assistance for loss of earnings and out-of-pocket loss for injuries sustained as a direct result of violent crime. This includes reasonable medical care, mental health counseling or other services necessary as a result of the injury. In the event of the death of the victim, reasonable medical expenses and the partial cost of funeral, burial or cremation is reimbursable. Except for clothing and bedding seized as evidence, personal property loss is not covered.

The powers and duties of the board include the power and duty to:

- (1) Award compensation to persons (claimants) claiming compensation for economic loss arising from criminally injurious conduct.
- (2) Adopt rules and regulations to carry out the provisions of the act under which the board was created and the property crime restitution and compensation act, including rules for the allowance of attorney fees for representation of claimants; and rules and regulations providing for discovery proceedings, including medical examination, consistent with the provisions of this act relating thereto.
- (3) Hear and determine all matters relating to claims for compensation, and the power to reinvestigate or reopen claims without regard to statutes of limitation or periods of prescription.
- (4) Request investigations and data from county and district attorneys and law enforcement officers to enable the board to determine whether and the extent to which a claimant qualifies for compensation.
- (5) Publicize the availability of compensation and information regarding the filing of claims therefor.

A victim is any a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; or (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

A claimant is any of the following persons claiming compensation: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

Criminally injurious conduct is conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state,

possession, or territory of the United States of America may make an application for compensation if:

- (i) The crimes would be compensable had it occurred in the state of Kansas; and
- (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;
- (B) poses a substantial threat or personal injury or death; and
- (C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or
- (2) is an act of terrorism, as defined in 18 U.S.C. 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

Such term does not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-1567 and amendments thereto (DUI offenses), or violations of municipal ordinances prohibiting the acts prohibited by that statute, or violations of K.S.A. 8-1602 (accidents involving a death or personal injury), 21-3404 (involuntary manslaughter), K.S.A. 21-3405 (vehicular homicide) and K.S.A. 21-3414 (aggravated battery) and amendments thereto or when such conduct was intended to cause personal injury or death.

(for Committee use only)

KBI Check: N/A___ In-Process___ Complete___

DOR Check: N/A___ In-Process___ Complete___

This Questionnaire is to be fully completed by each appointee appearing before the Senate Confirmation Oversight Committee (Committee) and returned to the Committee Chairman's Office. A meeting of the Committee to consider an appointee will not be scheduled until a completed questionnaire and other forms are received by the Chairman. Please answer each question completely to the best of your knowledge. Should a question not be applicable, please so state. Hand-written responses are strongly discouraged. If filling out this form electronically, "" should be replaced with "X" by the appropriate response on the form. Please contact your appointing authority if you have questions when completing the form.

Full Name: Suzanne Valdez
(please include title and middle name along with any names previously used)

Position to which Appointed: Chair, Crime Victims Compensation Board

Appointing Authority: Attorney General Steve Six

Home Address: 4015 West 14th Street Lawrence, Kansas 66049
(Street Address) (City, State, Zip)

Business Name: University of Kansas School of Law

Business Address: 1535 West 15th Street Lawrence, Kansas 66045
(Street Address) (City, State, Zip)

Position Title: Clinical Associate Professor / Attorney

Home Phone: 785-749-1895 Business Phone: 785-864-9268 Cell Phone: 785-766-6169

Fax Number: 785-864-5054 E-Mail Address: suzmac@ku.edu

Kansas resident? Yes / No Date of Birth: 1/6/69 Place of Birth: Montebello, CA

Registered Voter? Yes Party Affiliation: Independent

Congressional District: 2nd Kansas Senate District: 2nd Kansas Representative District: 45th

Do you have the legal right to live and work in the United States? Yes / No

Please answer the following questions numbered 1 - 43. Each question MUST BE ANSWERED ON THIS ORIGINAL FORM. If the answers the question are provided on your resume, please state "See Resume" or if you supply additional attachment(s) with answers, please state "See Attachment(s)" on this form.

1. What is your educational background? Please see attached resume.
2. Describe your employment experience. Include any expertise related to the position to which you were appointed. Please see attached resume.

3. List any professional licenses that you have obtained and include the number for each license.
Kansas Supreme Court No. 17799; Missouri Bar No. 48426.
4. Why do you feel you are a good candidate for the position to which you have been appointed?
Please see attached for explanation.
5. What do you see as the purpose or mission of the role to which you have been appointed?
Please see attached for explanation.
6. Military Service: List rank, date and type of discharge from active service.
 None
7. Government Experience: List any experience or association with local, state or federal government (exclusive of elective public office but including advisory, consulting, honorary, appointed or other part-time service or positions) and include dates of service.
 None Please see attached resume.
8. Elective Public Office: List all elective public offices sought and/or held with dates of service.
 None
9. Campaigns: Have you ever played a role or held a position in a political campaign? If so, please identify the candidate(s), the dates of the campaign and describe your involvement.
 No Yes
10. Honors and Awards: List all scholarships, fellowships, honorary degrees, honorary society memberships and any other special recognition for outstanding service or achievements.
 None Please see attached resume.
11. Organization Affiliations: List all civic, cultural, educational, charitable, or work-related organizations that you have been associated with in the past ten years. Include any position held in the organization and the dates of service.
 None Please see attached resume.
12. Organization Restrictions: To your knowledge, is any organization listed above restricted on the basis of race, color, religion, sex, national origin, disability, marital status or veteran status? If so, please describe.
 No Yes
13. Issues: Have you ever been publicly identified, in person or by organizational membership, with a particularly controversial national or local issue? If so, please describe.
 No Yes
14. Submission of Views: Have you ever submitted oral or written views to any governmental authority, whether executive or legislative, or to the news media on any particularly controversial issue other than in an official governmental capacity? If so, please describe.
 No Yes
15. Associations: Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for the position to which you seek to be appointed? If so, please describe.
 No Yes

16. Opposition: Do you know of any person or group who might take overt or covert steps to attack, even unfairly, your appointment? If so, please identify and explain the basis for the potential attack.
 No Yes
17. Miscellaneous: List any factors, other than the information provided above, which particularly qualifies you or is relevant to the position to which you are seeking appointment? Include any special skills. _____
 None Please see attached resume.
18. Relationship to Governmental Employees: Are you or your spouse or other close family members related to any state governmental official or employee? If so, please provide details.
 No Yes
19. Compensation: During the past five years, have you or your spouse or other close family members received any compensation or been involved in any financial transaction with the State of Kansas? If so, please explain.
 No Yes My husband and I are both employed as law professors at the University of Kansas School of Law. *See also attached.*
20. Business Relationships: Describe any business relationship, dealing or financial transaction which you have had during the last five years, whether for yourself, on behalf of a client or acting as an agent, which you believe may constitute an appearance of impropriety or result in a potential conflict of interest in the position to which you want to be appointed. If none, please so state.
 None Please see attached for explanation.
21. Transactions with Officials: During the past five years, have you or your spouse or other close family members received any compensation or been involved in any financial transaction with any state government official? If so, please explain.
 No Yes
22. Spouse or Other Family Members: If the nature of employment for your spouse or other close family member is related in any way to the position to which you have been appointed, please indicate the employer, the position and the length of time it has been held. If not, please so state.
 No Yes Please see attached for explanation.
23. Lobbying Activities: Describe any lobbying activity during the past ten years in which you and/or your spouse have engaged for the purpose of influencing the passage, defeat or modification of any legislative or administrative action. Lobbying activity includes any activity performed as an individual or agent of another individual, or of any organization that involves direct communication with an official in the executive branch of state government or any official of the legislative branch. If none, please so state.
 None Please see attached for explanation.
24. Regulated Activities: Describe any interest that you, your spouse or other close family member may have (whether as an officer, owner, director, trustee, or partner) in any corporation, firm, partnership or other business enterprise and any non-profit organization or other institution that is regulated by or receives direct financial benefits from any department or agency of the State of Kansas. If none, please so state.
 None

25. Other: Please describe any other matter in which you are involved that is or may be incompatible or in conflict with the discharge of the duties of the position to which you have been appointed or which may impair or tend to impair your independence of judgment or action in the performance of the duties of that position. If none, please so state.
 None
26. Conflict of Interest: How would you resolve any potential conflicts of interest that, while maybe unforeseen at this point in time, could arise? Please see attached for explanation.
27. Citations: Have you ever been cited for a breach of ethics for unprofessional conduct, or been named in a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please provide details.
 No Yes
28. Convictions: Have you ever been convicted of or entered a plea of guilty or nolo contendere or forfeited collateral for any criminal violation other than a traffic infraction? (Please include any offenses of driving under the influence, operating while impaired, reckless driving, or the equivalent offenses in other states.) If so, please explain.
 No Yes
29. U.S. Military Convictions: Have you ever been convicted by any military court? If so, please provide details.
 No Yes
30. Imprisonment: Have you ever been imprisoned, been on probation or been on parole? If so, please provide details.
 No Yes
31. Agency Proceedings/Civil Litigation: Are you presently, or have you ever been, a party in interest in any administrative agency proceeding or civil litigation that is related in any way to the position to which you are seeking appointment? If so, please provide details.
 No Yes
32. Agency Proceedings and Civil Litigation of Affiliates and Family: a.) Is your spouse or other close family member currently, or ever been, a party in interest in any administrative agency proceeding or civil litigation that is related in any way to the position to which you are seeking appointment? If so, please provide details.
 No Yes
- b.) Has any business in which you, your spouse, close family member or business associate are or were an officer, director or partner been a party to any administrative agency proceeding or civil litigation relevant to the position to which you are seeking appointment? If so, please provide details. (With respect to this question, you need only consider proceedings and litigation that occurred while you, your spouse, close family member, or business associate were an officer of that business.)
 No Yes

33. Other Litigation: a.) Other than the litigation described in question 32, have you or any business in which you are or were an officer, director, or partner been a plaintiff or a defendant in a civil lawsuit? If so, please describe.
 No Yes Please see attached for explanation.
- b.) Are you aware of any pending or anticipated litigation against you or any business in which you are an officer, director, or partner? If so, please describe.
 No Yes
34. Drivers License: Has your driver's license ever been suspended or revoked? If so, please describe.
 No Yes
35. Parking Tickets: Do you have outstanding parking tickets from any jurisdiction that have remained unpaid for more than 60 days? If so, please explain.
 No Yes
36. Security Clearance Denial: Have you ever been denied a military or other governmental clearance? If so, please explain.
 No Yes
37. Firings: a.) During the past ten years, have you been fired from a job for any reason? If so, please explain.
 No Yes
- b.) During the past ten years, have you quit a job after being told that you would be fired? If so, please explain.
 No Yes
- c.) During the past ten years, did you leave a job by mutual agreement because of specific problems? If so, please explain.
 No Yes
38. Alimony and Child Support: Are you now, or have you ever been, delinquent in the payment of alimony or child support? If so, please explain
 No Yes
39. Consumption of Alcohol: Have you ever or are you currently abusing alcohol? If so, please explain.
 No Yes
40. Controlled Substances: Have you ever or are you currently engaged in the illegal use of a controlled substance or abusing the use of a prescribed controlled substance? If so, please explain.
 No Yes
41. Physical Examination: If you receive a conditional offer of appointment or employment, would you be willing to take a physical examination, which may include a drug test?
 No Yes

42. Governmental Delinquencies: Are you delinquent in the payment of any obligation owed to the federal or state government or any political or taxing subdivision or any instrumentality thereof? (Include delinquencies in the payment of: Income, property, or other taxes; exactions, fees or special assessments; loans, including any defaults, on or under loans which are or were made by, guaranteed, insured or subsidized by any unit of government or instrumentality thereof; overpayment of benefits; required payments into or under governmental programs; payments under a diversion arrangement or other repayment schedule.) If applicable, please state whether such delinquency is under formal appeal.
 No Yes

43. Other: Please provide any additional information, favorable or unfavorable, which you feel should be considered in connection with your appointment. If none, please so state.
 None. Please see attached resume.

Please include resume and completed Statement of Substantial Interest not more than twelve months old.

REFERENCES

Name: Shelley Sutton Knows you how?: Friend and Executive Director of CLC
Commission for Kansas
Address: 126 S.W. Courtland Ave. Topeka, Kansas 66606
(City, State, Zip)
Home Phone: 785-224-8069 (cell) Business Phone: 785-357-6510

Name: Webb Hecker Knows you how?: Law School colleague and former
Associate Dean for Academic Affairs
Address: 1535 West 15th Street (KU Law School) Lawrence, Kansas 66045
(City, State, Zip)
Home Phone: 785-842-9389 Business Phone: 785-864-9231

Name: Judge Robert Fairchild Knows you how?: Administrative Judge, Douglas County
Address: 111 E. 11th Street (Judicial Center) Lawrence, Kansas 66044
(City, State, Zip)
Home Phone: 785-842-3919 Business Phone: 785-832-5265

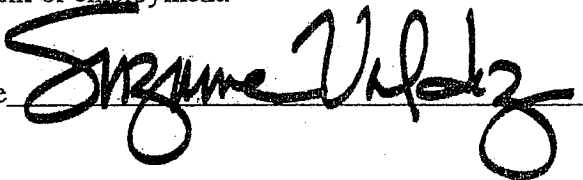
Name: Michael Russell Knows you how?: Chief Deputy, Wyandotte County
District Attorneys Office
Address: 710 N. 7th Street (WyCo Justice Complex) Kansas City, Kansas 66101
(City, State, Zip)
Home Phone: 913-269-8603 (cell) Business Phone: 913-573-2739

AUTHORIZATION AND CERTIFICATION:

The facts set forth in my application are true and complete. False statements, answers, or omissions on this application shall be sufficient cause for nonconsideration or for dismissal after appointment or employment. I also recognize that my selection is based on receipt of satisfactory information from former employers and references, and upon my ability to perform the essential elements, with or without reasonable accommodations, for the position for which I am applying. I herein authorize investigation, without liability, of the information supplied by me in this application for employment or appointment including academic, occupational, health, law enforcement, and government records. I also authorize listed employers and references, without liability, to make full response to any inquiries in connection with this application for appointment or employment. I understand and agree that the terms, conditions, compensation, benefits, hours, schedule, and duration of my appointment or employment may be determined, changed, or modified from time to time at the will of the appointing authority or designee without limitation or condition. I FURTHER CERTIFY THAT I HAVE READ THE FOREGOING PARAGRAPH AND KNOWINGLY MAKE THIS AUTHORIZATION BY SETTING FORTH MY SIGNATURE.

I understand that if I am required to be registered, licensed, or certified by federal or state law or regulation for the position I seek, I will notify the appointing authority immediately if any investigation, limitation, or cancellation of my registration, licensure, or certification occurs. If any investigation, probation, limitation, or cancellation occurs, I understand that my failure to notify my appointing authority as described above will result in the termination of my appointment or employment.

Signature



Date

3/16/09



CONFIRMATION OVERSIGHT COMMITTEE

Acknowledgment of Release of Tax and Criminal Records Information Form

I, Suzanne Valdez acknowledge that as part of the
(print name)

Senate Confirmation Oversight Committee process I will:

- be subject to a criminal records background investigation by the Kansas Bureau of Investigation; and
- have my tax records released by the Kansas Department of Revenue.

Such information will not be released to the general public, but will be made available for review at the appropriate time by:

- Myself;
- My appointing authority;
- Chairperson of the Senate Confirmation Oversight Committee; and
- The Vice Chair of the Senate Confirmations Oversight Committee.

By signing the "Authorization and Certification" section (on page 8) of the Senate Confirmation Oversight Committee questionnaire, the Kansas Department of Revenue will be authorized to release my tax information and the Kansas Bureau of Investigation will be authorized to conduct a criminal background investigation on me and provide that information to the appropriate individuals.

Signature

Suzanne Valdez

Date

3/16/09



Sec. of St. bar code

KANSAS GOVERNMENTAL ETHICS COMMISSION

STATEMENT OF SUBSTANTIAL INTERESTS FORM

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by individuals who are required to do so by law. Any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 785-296-4219.

A. IDENTIFICATION: PLEASE TYPE OR PRINT

Valdez Suzanne
Last Name First Name MI
Stephen R. McAllister
Spouse's Name
4015 West 14th Street
Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number
Lawrence, Kansas 66049
City, State, Zip Code
785-749-1895 785-864-9268
Home Phone Number (include area code) Business Phone Number (include area code)

B. THIS FORM IS REQUIRED TO BE FILED BECAUSE YOU ARE:

(check one or more of the following)

- 1. State Elected Official (Governor, Lt. Governor, Attorney General, Commissioner of Insurance, State Treasurer, Secretary of State, State Senator, State Representative, Member of State Board of Education, or District Attorney);
2. Appointed Member of a State Board, Council, Commission or Authority;
[X] 3. Appointed State Position is Subject to Senate Confirmation;
4. Employee of a State Agency or University;
5. General Counsel for State Office;
6. Candidate for State Office;
7. Other (Contractor / Member of Compact).

List Name of Agency, Board, University or Elected Position (You may use abbreviations but not acronyms)

Crime Victims Compensation Board Chair

Agency Division if applicable (May use acronyms) Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

2 4 7 8

C. OWNERSHIP INTERESTS: List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income, and specific stocks, mutual funds or retirement accounts in which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	PERCENT OF OWNERSHIP INTERESTS	HELD BY WHOM
1. TIAA Cref (Retirement Fund)		100% of own fund		Me
2. TIAA Cref (Retirement Fund)		100% of own fund		Husband
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

D. GIFTS OR HONORARIA: List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here ____.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1. Federalist Society (husband) for speaker honoraria		Husband
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on you or your spouse in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"1, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Douglas County, Kansas	111 E. 11th Street Lawrence	Temp Pro Temp Judge
2.	Angela Stallbaumer	17272 S. Jordan Terr. Scranton Ks	Private Client
	Thompson, Ramsdell & Qualseth PA (husband) 333 W. 9th Street Lawrence Of Counsel		

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"2, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Thompson, Ramsdell & Qualseth PA	333 W. 9th Street Lawrence	Of Counsel (spouse)
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position as officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional pages if necessary to complete this section.

If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	NA		
2.			
3.			
4.			
5.			

G. RECEIPT OF FEES AND COMMISSIONS: List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here ____.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.	Thompson, Ramsdell & Qualseth	333 W. 9th Street	Husband
2.		Lawrence, Kansas 66044	
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. DECLARATION:

I, Suzanne Valdez, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

3/16/09
Date

Suzanne Valdez
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES 10

Return your completed statement to the Secretary of State, Elections Division, Memorial Hall, First Floor, 120 SW 10th, Topeka, Kansas 66612-1594.

2-19

Attachments – Suzanne Valdez

4. Please see resume. I believe my diverse legal experience allows me to effectively see all sides of an issue. I have legal experience in Wyandotte, Leavenworth, Johnson, and Douglas counties. I have worked as a legal aid lawyer representing women in protection from abuse cases. I have also done some defense work, representing defendants in misdemeanor crimes and juveniles in both misdemeanor and felony crimes. Lastly, I have been a prosecutor and have worked closely with victims of crimes. Importantly, I also served as a Temporary Pro Tem Judge in Douglas County from May 2008 through October 2008.

5. In my view (at this early stage), I see the position of Chair as being one of an effective leader who is a good listener and who will listen to the views of all the relevant constituencies, as well as from the people who handle the daily operations of the fund. I also see it being a position of public trust in which the Chair will take into consideration the law, while assisting the Board and the office with dispensing the fund fairly and accurately to those who are entitled to compensation.

19. As well, from May 2006-February 2007, my husband, Steve McAllister was Legislative Counsel and has assisted the Attorney General's Office as a contract employee since May 2007.

20. As you can see from my resume, I served as a Special Prosecutor in the Wyandotte County District Attorney's Office from August 2005-September 2008. At present, I do not have any open cases with the Office.

22. My husband, Steve McAllister, works part-time as a Solicitor General in the Attorney General's Office in which he handles appeals in criminal cases that mainly address constitutional issues.

23. I have not engaged in any lobbying activity, however, my husband, Steve McAllister, has testified on few occasions on matters relating to his role as Legislative Counsel and in his role as Solicitor General of the Attorney General's Office.

26. I believe that there are two kinds of potential conflicts of interest: (1) potential for direct conflict of interest, and (2) the appearance of a potential of conflict of interest. In the first case, if there was a potential for a direct conflict of interest, I would immediately recuse myself from participation in any decision making. In the second, I would immediately disclose to those concerned what could be the appearance of a conflict of interest and then act accordingly, either recusing myself or not depending on the situation.

33. I have been a party in the following legal proceedings:

In the Matter of the Marriage of Carey, Douglas County Case No.
03D1031

This was a divorce case involving myself, as petitioner, and my ex-husband, Brett Carey. We entered into a property settlement agreement and an agreed upon parenting plan for our two children, Brett and Isabel. Since the divorce in 2003, Brett and I remain on a friendly basis and are committed to parenting our children together.

Paul Davis Restoration v. Suzanne and Stephen R. McAllister,
Douglas County Case No. 07SC230

This small claims action was filed by Paul Davis Restoration (PDR) claiming that my husband, Steve, and I owed money for their work in removing mold from the basement of our home. Our defense was that we had paid PDR an amount that was commensurate with the work they completed. We also filed a counter-claim asserting that the work had been done negligently and that we incurred unforeseen and additional costs to rebuild the basement once it was remediated. The small claims judge entered judgment in our favor concerning the plaintiff's claim and entered judgment for the plaintiff on our counter-claim.

SUZANNE VALDEZ

4015 West 14th Street
Lawrence, Kansas 66045
785.864.9268 (work)
785.749.1895 (home)
785.766.6169 (mobile)
suzmac@ku.edu

Professional Experience

- University of Kansas School of Law (clinical faculty, 1999 – present)
Lawrence, Kansas
 - Director, Criminal Prosecution Clinic (2003 – present)
 - Director, Externship Clinic (2008 - present)
 - Instructor: *Practice in Kansas* (upper-level practice/skills course focused on both Kansas procedural and substantive law)
 - Pretrial Advocacy* (upper-level course in which students litigate a civil case and are taught interviewing, negotiating, and drafting skills)
 - Deposition Skills Workshop* (upper-level intensive litigation course designed to provide students with practical exposure to taking and defending depositions)
 - Director, Master of Law & Letters (LL.M) in Elder Law (2003 – 2005)
 - Supervising Attorney, Douglas County Legal Aid Society (Law School's legal aid clinic) (1999 – 2002)
- Temporary Pro Tem District Judge, Douglas County (May 2008 – October 2008)
- Special Prosecutor, Wyandotte County District Attorney's Office (2005 – 2008)
Kansas City, Kansas

Professional Experience (continued)

- Staff Attorney, Kansas Legal Services (1996 – 1999)
Kansas City, Kansas

Education

University of Kansas School of Law (J.D. 1996)

- Kansas Journal of Law & Public Policy
- Hon. Allen J. Minker, Superior Court Judge (Legal Intern)
- Walter Hiersteiner Outstanding Service Award (1 of 4 faculty-selected awards presented at law school hooding ceremony)
- Foulston & Siefkin Excellence in Appellate Advocacy Best Brief Award
- Moot Court Council
- Douglas County Legal Aid Society, Legal Intern
- KU School of Law Long Range Planning Committee, Student Member
- Judge Hugh Means Inn of Court, Student Member

University of Nevada, Las Vegas – B.S. "With High Distinction" in Business Administration, 1991

Publications

Addressing the Pro Se Litigant Challenge in Kansas State Courts
(anticipated publication – April 2009 in KBA Bar Journal)

Some Recent Developments in Kansas Residential Landlord-Tenant Law Including Evictions, 54 KAN. L. REV. 933 (2007)

What's Become of Grandma, Grandpa, and the Troxels? An Update on Grandparent Visitation Rights in Kansas, 75 J. KAN. B. ASS'N 34 (2006)

Practice In Kansas, (2001, 2005) (compilation of course materials covering Kansas law topics including civil procedure, collection of judgments, landlord/tenant, misdemeanor criminal defense, consumer protection, and family law)

The Impact of Clinical Legal Education on Student Trial Practice, 51 KAN. L. REV. 509 (2003)

Publications (continued)

Grandparents' Issues: Kinship Caregiving, Visitation, and Related Matters, Advising the Elderly Client (Chapter 37)(West Group, 2003) (with Laurie Hanson)

A Proposed Third Party Visitation Statute: A Recommendation for Legislative Change in Kansas, 11 KAN J.L. & PUB. POL'Y 485 (2002)

Court-Ordered Grandparent Visitation in Kansas: The Current Law, Children's Advocacy Resource Center Newsletter, Topeka, Kansas

Grandparent Visitation Rights in Kansas: A Review of Troxel v. Granville, 69 J. KAN. B. ASS'N 14 (2000)

Professional Presentations

Panelist, KU Law Women in Law, *Criminal Law Panel*, (October 2008)

Panelist, KU Law Women in Law, *Women in the Legal Profession*, (March 2008)

Presenter, *Grandparent Visitation Rights*, Johnson County Bar Association Family Law CLE Program, Overland Park, Kansas (December 2007) (2 hour CLE)

Presenter, *Grandparent Visitation Rights*, Wichita SRS CLE Program, Wichita, Kansas (November 2007) (1 hour CLE)

Presenter, *Grandparent Visitation Rights*, Kansas Legal Services CLE Program, Pittsburg, Kansas (November 2007) (1.5 hour CLE)

Radio Guest on the topic of Grandparent Visitation Rights in Kansas, *Til Divorce Do Us Part*, a talk radio show that deals with the legal and emotional reality of divorce hosted by Susan Saper Galamba on 1510AM (November 2007)

Presenter, *Recent Developments in Kansas Residential Landlord-Tenant Law, Including Evictions*, University of Kansas School of Law, Continuing Legal Education Program, Lawrence, Kansas (June 2007)(1 hour CLE)

Presenter, *Grandparent Visitation Rights*, Kansas Legal Services Guardian Ad Litem Training, Lawrence, Kansas (December 2006) (2 hour CLE)

Presenter, *Grandparent Visitation Rights*, Kansas Legal Services Guardian Ad Litem Training, Wichita, Kansas (November 2006) (2 hour CLE)

Professional Presentations (continued)

Presenter, *Grandparent Visitation Rights in Kansas, Recent Developments*, University of Kansas School of Law, Continuing Legal Education Program, Lawrence, Kansas (June 2006) (1 hour CLE)

Presenter, *Grandparent Visitation Rights – An Update*, Kansas Legal Services Guardian Ad Litem Training, Wichita, Kansas (December 2004) (1 hour CLE)

Presenter, *Practical Skills Program: Nuts & Bolts, Kansas Civil Procedure*, Wichita Bar Association, Wichita, Kansas (October 2004) (1 hour CLE; drafted written materials currently used by various sponsors of practical skills programs)

Presenter, *An Update on Grandparent Visitation Rights*, Southwest Bar Association Annual Meeting & CLE Program, Dodge City, Kansas (September 2004) (1 hour CLE)

Lecturer, *A Survey of American Law*, La Trobe University, Melbourne, Australia (July 2004) (presented lectures on family law, administrative law, and civil procedure)

Presenter, *Grandparent Visitation Rights in Kansas*, Best of CLE Live! Kansas Trial Lawyers Association, Overland Park, Kansas (June 2004) (1 hour CLE)

Presenter, *Update on Grandparent Visitation Rights in Kansas*, Kansas Trial Lawyers' Association Family Law Teleconference, (March 2004) (1 hour CLE)

Presenter, *An Update on Grandparent Visitation Rights*, Telephonic CLE Program, Kansas Trial Lawyers Association (February 2004) (1 hour CLE)

Presenter, *Winning Isn't Everything: Ethical Challenges Faced by Young Lawyers*, Best of CLE Live! Kansas Trial Lawyers Association, Overland Park, Kansas (June 2003) (1 hour CLE)

Presenter, *Grandparent Visitation Rights, Recent Developments*, University of Kansas School of Law, Continuing Legal Education Program, Lawrence, Kansas (June 2003) (1 hour CLE)

Presenter, *Whose Kids Are They Anyway? Third Party Custody Rights in Kansas*, Hot Topics in Family Law, Kansas Trial Lawyers Association, Overland Park, Kansas, (March 2003) (1 hour CLE)

Professional Presentations (continued)

Presenter, *Ethics in Domestic Relations Matters*, Southwest Bar Association SKI CLE Program, Frisco, Colorado, (January 2003) (1 hour CLE)

Presenter, *Grandparent Visitation Rights in Kansas*, Kansas Bar Association's Current Issues in Elder Law, Lawrence, Kansas (November 2002) (1 hour CLE)

Presenter, *Grandparent Visitation Rights*, Kansas Legal Services Guardian Ad Litem Training, Salina, Kansas (September 2002) (1 hour CLE)

Presenter, *Landlord/Tenant Law in Kansas: Recent Developments*, University of Kansas School of Law, Continuing Legal Education Program, Lawrence, Kansas (June 2002) (1 hour CLE)

Presenter, *Family Law Update*, Ellis County Bar Association's Thirteenth Annual Legal Education Seminar, Hayes, Kansas (May 2002) (1 hour CLE)

Presenter, *Grandparent Visitation Rights*, Kansas Legal Services Guardian Ad Litem Training, Chanute, Kansas (April 2002) (1 hour CLE)

Presenter, *Grandparent Visitation Rights*, Kansas Trial Lawyers' Association Annual Family Law Seminar, Wichita, Kansas (March 2002) (1 hour CLE)

Presenter, *Grandparent Visitation Rights in Kansas*, Senior Citizen Law Project, Kansas Legal Service, Topeka, Kansas (November 2001) (1 hour CLE)

Presenter, *Third Party Visitation Rights: The Current Law*, Lindsborg Women Attorney's Conference, Lindsborg, Kansas (July 2001) (1 hour CLE)

Presenter, *Family Law: Recent Developments*, University of Kansas School of Law, Continuing Legal Education Program, Lawrence, Kansas (June 2001) (1 hour CLE)

Awards

KU School of Law, Moreau Award for Excellence and Commitment in Advising Students (student selected: 2002)

KU School of Law, Immel Award for Teaching Excellence (faculty selected: 2000)

Awards (continued)

Hooder, KU School of Law, December Graduation Ceremony (student selected: 2003)

Student Marshal, KU School of Law, December Graduation Ceremony (student selected: 2002, 2007)

Service to the Bar

Kansas Supreme Court Self-Represented Study Committee (member of committee convened by Kansas Supreme Court in 2007 and charged with addressing the challenges of self-represented persons in the Kansas courts)

American Bar Association, Accreditation Site Inspection Team for Southern Illinois School of Law (November 16-19, 2008) (member of ABA-appointed team that visited and reviewed all aspects of law school's operations for compliance with ABA legal education standards)

American Bar Association, Accreditation Site Inspection Team for University of Houston Law Center (November 5-8, 2006)

American Bar Association, Accreditation Site Inspection Team for Widener University School of Law (Wilmington, Delaware and Harrisburg, Pennsylvania, February 12-16, 2006)

Kansas Continuing Legal Education Commission

- Appointed by the Kansas Supreme Court for two 3-year terms beginning July 1, 2001
- Chair (three consecutive years, 2003-06)
- Alternative CLE Programs Task Force (2001-05)

Kansas Trial Lawyers Association

- Chair, Family Law Section (2003-04)

Kansas Judicial Council, Family Law Advisory Committee

- Appointed 2003 – present
- Advised committee of possible recommendations for legislative change to Kansas grandparent visitation statutes in light of *Troxel v. Granville* (2001, 2003)

Service to the Bar (continued)

- Forms Subcommittee (appointed in 2007 to draft Kansas PFA/PFS and divorce forms to be used by pro se litigants and attorneys)

Judicial Nominating Commission for the Seventh Judicial District

- Elected lawyer member for 3-year term, 2002 – 05

Service to KU

University of Kansas, Athletic Department NCAA Certification Review

- Steering Committee (appointed by Chancellor Robert Hemenway, 2008 – present)
- Chair, Diversity Issues Subcommittee

University of Kansas School of Law

- Rice Scholarship Selection Committee (2009)
- Faculty Recruitment Committee (2001 – 06)
- Admissions Committee (2004 – 07)
- Student Recruitment Committee (1999 – 04)
- Curriculum Review Committee (2000 – 01)
- Faculty Advisor to HALSA (Hispanic American Law Students Association, 2000 – 07)
- Reunions Committee, Chairperson (2002 – 03)
- Technology Committee (2006 – 07)

University of Kansas, University Judicial Board (panel of faculty and students appointed to handle grievances filed by university faculty, students, and staff)

- Chair, Judicial Board Panel (2003 – 04)

University of Kansas Mock Trial Team, Faculty Advisor (2006 – 08)

Service to Community

- El Centro, Inc. (1996 – 99) (provided pro bono legal services to Spanish speaking clients in Kansas City, Kansas)
- Volunteer parent at Corpus Christi School in Lawrence, Kansas
- Parent volunteer lunch coordinator for Corpus Christi School (2007 – 2008)
- Mentor to Hispanic American undergraduate and law students

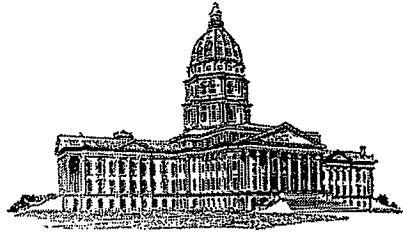
Bar Admissions

- Kansas (1996)
- U.S. District Court for the District of Kansas (1996)
- Missouri (1997)
- Western District of Missouri (1997)
- Supreme Court of the United States (2003)

(2.9)

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. 10TH AVENUE
TOPEKA, KANSAS 66612
(785) 296-7885
goyle@house.state.ks.us



214 S. LOCHINVAR
WICHITA, KANSAS 67207
(316) 681-8133

RAJ GOYLE
87TH DISTRICT

**TESTIMONY IN SUPPORT OF SB 351
JANUARY 28, 2010**

I am here to testify in support of legislation that address a pressing concern: the increasing level of distracted driving resulting from texting while driving.

I would like to begin by sharing testimony from a fellow Wichitan and student at Wichita State University, Sahar Eshghi:

"I would like to thank this Committee for letting me share my story. I hope my story will give you insight into the affects of texting while driving.

During the month of November I was isolated to a hospital bed at Wesley Medical Center due to an accident on October 31st. On the last day of October two of my friends and I were running errands and making plans for the evening. The driver of the vehicle was not drinking, nor was she on drugs, she was simply engaging in a typical and seemingly innocent activity – texting while driving. I never gave her actions a second thought. Going 60 miles per hour we crashed into another vehicle stopped at a red light. In a split second my femur was shattered. The accident resulted in emergency surgery and my femur being replaced with a metal rod. I tell you my story because I almost lost my life. Please take action today to ensure no more Kansans are injured or die on our streets."

In January, 17-year-old Shannon Bowmaker, a high school junior, was riding in a car driven by her 17-year-old friend when he ran a stop sign and collided with a pickup truck.¹ Shannon's friend was texting while driving. Although Kansas instituted a ban on the use of all wireless electronic devices by drivers younger than 17, this law did not prevent Shannon's friend from texting while driving, as SB 351 would.

Studies by the Pew Research Center's Internet and American Life Project indicate that texting while driving is no longer exclusive to young teens, noting: "The frequency of teens reporting parent cell-phone use behind the wheel in our focus groups was striking, and suggested, in many cases, that texting while driving is a family affair."²

There is an overwhelming amount of evidence to confirm the dangers of texting while driving. An 18-month study using video cameras in the cabs of truck drivers found that a driver is 23 times more likely to have an accident while texting. Research by the Federal Motor Carrier Safety Administration shows that drivers who send and receive text messages take their eyes off the road for an average of 4.6 seconds out of every 6 seconds while texting.³ At typical highway speeds of 55 miles per hour in this amount of time, a driver travels the length of a football field, including the end zones, without looking at the road when texting and driving.⁴

¹ Stan Finger, "Teen Dies from Injuries Suffered in Wednesday Collision," The Wichita Eagle, January 14, 2010.

² Pew Research Center's Internet and American Life Project, "Teens and Distracted Driving: Major Findings – Distracted Drivers with Teens as Passengers."

³ Matt Richtel, "In Study, Texting Lifts Crash Risk by Large Margin," New York Times, July 27, 2009.

⁴ Joan Lowy, "DOT Bars Commercial Drivers from Texting at Wheel," Associated Press, January 26

as is not alone in pursuing common sense restrictions on texting while driving. The Governors Highway Safety Association reports that 19 states and the District of Columbia have already prohibited all drivers from texting behind the wheel.⁵ Furthermore, on October 1, 2009, President Obama issued an executive order banning federal employees from texting while driving.⁶ And just this week on Tuesday, January 26, 2010, the federal government banned texting by bus drivers and commercial truckers. Violators could face penalties up to \$2,750.⁷

In addition to the injuries and deaths caused by texting while driving, there is also a fiscal impact. The National Safety Council estimates 1.6 million crashes – or 28% of all accidents – are caused by cell phone use with nearly one million of those accidents caused by texting. U.S. Transportation Secretary Ray LaHood estimated that cell phone use is a factor in “342,000 auto accident injuries and costs \$43 billion each year in property damage, lost wages, medical bills and loss of life”.⁸

Now is the time for Kansas to get tough and adopt a solution that will protect Kansas drivers, their loved ones and their personal property. I urge this committee to support Senate Bill 351.

⁵ Governors Highway Safety Association, Cell Phone Driving Laws.

⁶ The White House, Office of the Press Secretary, Executive Order, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009.

⁷ Larry Copeland, “Feds Ban Texting by Truck, Bus Drivers,” USA Today, January 26, 2010.

⁸ Ashley Halsey III, “Tighter Cellphone Laws Might Face Static,” The Washington Post, August 13, 2009.

**TESTIMONY BEFORE
SENATE JUDICIARY COMMITTEE
REGARDING SENATE BILL 351
RELATED TO TEXTING WHILE DRIVING**

January 28, 2010

Mr. Chairman and Committee Members:

I am Pete Bodyk, Manager of the Kansas Department of Transportation's Traffic Safety Section. I am here to provide testimony in support of Senate Bill 351, prohibiting texting while driving.

Reading, writing, or sending text messages while driving is a very dangerous practice. A study conducted by Virginia Tech and the National Highway Traffic Safety Administration (NHTSA) found that nearly 80 percent of traffic crashes are caused by some form of driver inattention within three seconds before the crash. All it takes is a few seconds of inattentive driving to cause a very serious accident. To compound the problem, a recent survey showed 46 percent of teens admitted to texting while driving. Texting and emailing while driving is a growing phenomenon that not only puts the inattentive driver at risk, but also endangers other travelers on the road.

Nineteen states and the District of Columbia ban texting while driving, nine states ban texting while driving by novice drivers, and numerous other states are currently considering bans. The department seeks to make our roads as safe as possible for the motoring public. However, with all of the safety programs that are available, only so much can be accomplished without laws that inform people of what is an acceptable, safe, legal way to conduct themselves when driving in Kansas. A law that prohibits texting while driving will contribute to making all travelers in Kansas safer.

Thank you for your time. I will gladly stand for questions at the appropriate time.



TESTIMONY, SB 351
Presented by James R. Hanni,
Executive Vice President, AAA Allied Group
January 28, 2010
Senate Transportation Committee

AAA is pleased to be part of a broad-based coalition of organizations with expertise and interest in the traffic safety consequences of texting and emailing while driving and supports SB 351 as an effective way to address this new and growing concern on Kansas roadways.

Why is a ban on text messaging necessary?

Two recent surveys of the motoring public by the AAA Foundation for Traffic Safety show that 21 percent of motorists of all ages admit to text messaging while driving. Young drivers are more likely than older drivers to text message. Nearly *half* of drivers ages 18 to 24 admit text messaging while driving at least occasionally.

Texting while driving presents a danger to all road users due to the significant time involved in writing, reading and sending messages – all activities that take the driver’s eyes – and mind – off the road.

AAA has a long standing position of concern for all forms of distractions, not singling out one over the other but rather of having a comprehensive approach to legislative, administrative and educational efforts to deal with distracted driving. However, the significant cognitive, visual and physical distractions involved in text messaging while behind the wheel make it an exceptionally dangerous activity, which stands out among other distractions as a danger needing special attention in law.

The research on texting while driving

Ample research now makes texting while driving a clear and present danger. The AAA Foundation for Traffic Safety analyzed data from a 2006 Virginia Tech Transportation Institute (VTTI) study involving 100 drivers in natural settings and found that taking one’s eyes off the road for more than two seconds doubles the risk of a crash. Earlier this year, the Institute found that commercial truck drivers who are texting while driving are 23 times more likely to crash. Researchers also found that a driver spends an average of nearly five seconds (4.6) looking at a texting device and not on the road. That’s long enough for a vehicle going 55 miles per hour to travel the length of a football field without having any cognitive, visual or physical driver connection with what’s going on around the vehicle and in the roadway.

Why a texting ban and not one for cell phones?

There is both strong scientific and public support for banning texting by drivers. In addition to the significant risks posed by texting drivers, the strong public support for these laws and the rapid expansion in texting by the public lead AAA to support these laws. In a variety of studies over the past few years 87-96 percent of Americans believe that text messaging while driving should be illegal. At the enactment of Utah’s law, a Dan Jones & Associates poll released showed 91 percent support for the law.

The risks posed by texting and cell phone use differ and are apparent in both the available texting-specific research and the simple mechanics of the two activities. The 23-fold

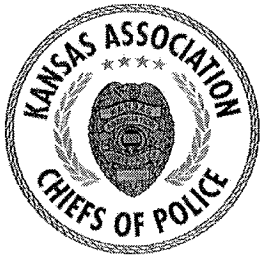


increase in crash risk among text messaging commercial truck drivers studied by VTTI greatly exceeds the four-fold increase in risk researchers associate with cell phone use by drivers. Studies have shown mixed results for the effectiveness of handheld cell phone bans. There is not strong public support for full cell phone bans.

The effectiveness of text messaging bans

In anticipation of California's passage of a ban on text messaging while driving in that state, the Auto Club of Southern California conducted a series of on-the-street surveys using systematic random samples of 16,500 vehicles passing seven roadside sites in Orange County. Conducted during five time periods – June, July and October, 2008 (pre-ban) and May and July, 2009, post-ban – vehicles were observed at varying times of day and on varying roadways to provide an overall look at in-vehicle texting. The number of drivers observed text-messaging pre-ban dropped by 70 percent in the post-ban surveys. Through August, only 1,061 texting tickets were issued statewide, a testament to the effectiveness of California's *primary* enforcement law.

AAA is pleased to support SB 351 and hopes the Senate Transportation Committee favorably recommends the bill for passage.



Kansas Association of Chiefs of Police

PO Box 780603, Wichita, KS 67278 (316)733-7301

Kansas Peace Officers Association

PO Box 2592, Wichita, KS 67201 (316)722-8433



January 28, 2010

TESTIMONY TO SENATE JUDICIARY SUPPORTING TEXTING WHILE DRIVING LAW SB351

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association supports enacting an effective texting while driving ban. SB351 is one of several bills proposing such legislation. To be effective, a texting bill must include substantial but reasonable sanctions for violators. While we have some concerns with the penalty provisions of this bill, we will leave it to the wisdom of the legislature if this is the appropriate public policy on this issue.

This bill is the toughest of all the texting ban bills in regards to sanctions. We are not convinced criminal sanctions are appropriate for this violation. For example, the second and subsequent offenses will be class B misdemeanors. It is highly unlikely judges will put anyone in jail for texting while driving, and frankly our county jails do not have the capacity to jail people for this type of crime. Class C and class B misdemeanors also carry a monetary penalty of up to \$500 and \$1000 respectively. There is no set fine for these offenses. This will result in fines being assessed inconsistently across the state. As provided in K.S.A. 21-2501(a)(1), class B misdemeanors also require fingerprinting, usually accompanied with mug shot photograph, of the defendant. This will take substantial time of law enforcement and the courts. We believe a traffic infraction addresses these concerns as it would have a standard fine set in K.S.A. 8-2118 and does not require fingerprinting.

The bill calls for the crime to be a class A misdemeanor if the defendant inflicted "serious bodily injury upon another person" as the result of texting while driving. Class A misdemeanors also require fingerprinting, carries a fine of up to \$2500 and jail time up to one year. This obviously is a more serious result of the violation and perhaps these sanctions are justified and the inconsistency of sentencing may be acceptable in these serious cases. Our concern with this section is the term "serious bodily injury" which appears to be undefined. That term is used in five statutes that we are aware of: K.S.A. 8-1019 DUI victim impact statement; K.S.A. 38-1664 Juvenile Code; K.S.A. 38-2335 Juvenile Code; K.S.A. 72-89c02 school safety violations; and K.S.A. 72-911a schools-special education. Only K.S.A. 72-991a offers a definition of this term and that is by referencing United States Code and applying the definition only to that section of law. Of course the DUI law K.S.A. 8-1001 uses the term "serious injury" which it defines. Criminal law primarily uses "bodily harm" or "great bodily harm." The point is the legislative intent of "serious bodily injury" is not clear. We suggest considering the term "serious injury" and the definition in K.S.A. 8-1001 because it is traffic and collision related. However, great bodily injury may be more appropriate if intent is to place this in the criminal code. Either will work and will add consistency.

Other texting bills include HB2132, HB2439, and HB2441. HB2132 was introduced last year and makes the violation a traffic infraction. HB2439 makes the violation a traffic infraction and was put together by a coalition of law enforcement, telecoms, safety experts, automobile manufacturers, and KDOT. HB2441 appears to be an identical bill to SB391.

We ask the committee to consider our concerns but we also are urging the legislature to support passing one of the texting while driving bills this year.

Ed Klumpp
Legislative Liaison
eklumpp@cox.net

Senate Judiciary

1-28-10

Attachment 6



Mark Parkinson, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Testimony on SB 351

Presented to
Senate Judiciary Committee

By
Paula Clayton, Director of Bureau of Health Promotion
Kansas Department of Health and Environment

January 28, 2010

Chairman Owens and members of the committee, I am Paula Clayton, Director of Bureau of Health Promotion, for the Kansas Department of Health and Environment. I am pleased to present testimony today in support of SB 351 which proposes to prohibit text messaging while operating a moving motor vehicle.

Motor vehicle crashes are a serious, though preventable, public health problem, causing over 350 deaths in Kansas each year. Unintentional injuries kill more Kansans ages 1 – 34 years than any other cause, and motor vehicle crashes result in nearly half of these deaths.

Text messaging while driving is a fairly new phenomenon. It is one of the fastest growing forms of communication in the United States. In 2008, 385 billion text messages were sent in the United States. In 2009 this number almost doubled to 771 billion.

The data from studies to date present a convincing picture that a statewide ban on text messaging will, indeed, save lives. Findings from these studies indicate that the risk of collision associated with texting while driving is surprisingly high, and is higher than other distractions.

The Virginia Tech Transportation Institute conducted a study of commercial vehicle operators, whose results were documented by video camera recordings. A similar study conducted by the University of Utah, measured the differences in breaking distances between drivers who were texting and those who were not. By applying the increased risk statistics from those studies to KDOT crash data, it becomes clearly apparent that Kansans who text are between six and 23 times more likely to be involved in a crash compared to those are driving normally (without distractions).

BUREAU OF HEALTH PROMOTION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 230, TOPEKA, KS 66612-1377

Voice 785-296-8916 Fax 785-296-8059

Senate Judiciary

1-28-10

Attachment 7

Kansas	Range between
Crashes Avoided	2,981 - 5,381
Injury Crashes Avoided	291 - 4,138
Fatal Crashes Avoided	7 - 29
*Estimated numbers	

Using these data, and assuming for a moment that users of text messaging comply fully with a ban on text messaging while driving, we can expect that in Kansas this law will save between seven and 29 lives per year. As texting becomes even more popular, it is logical to expect the number of lives saved by the law to increase, compared to having no law at all.

Thank you again for the opportunity to provide this information to the committee. I will now stand for questions.



Mike Scott
Director
External Affairs

AT&T Ka.
734 Vermont
Lawrence, KS 66044

785.749.7106 Phone
ms4602@att.com

Testimony of Mike Scott, Director-External Affairs, AT&T Kansas
In support of SB 351 – Banning Texting While Driving
Before the Senate Judiciary Committee
January 28, 2010

Mr. Chairman and Members of the Committee,

My name is Mike Scott and I'm Director-External Affairs for AT&T Kansas and a proponent of SB 351. I appreciate this opportunity to speak with you regarding the very important issue of banning texting while driving.

BACKGROUND

Texting is increasingly becoming the way many communicate. According to CTIA, the international association for the wireless telecommunications industry, text messaging has experienced a tenfold increase in the past three years. It is becoming the way many people communicate today, which means some of us may be doing it at the worst possible time – while driving. The statistics on the risks of texting and driving are clear. A driver who sends text messages while driving is 23 times more likely to be in a crash than one who does not, according to a study by Virginia Tech Transportation Institute. These statistics on the risks of texting and driving indicate this is an important issue to address.

We certainly feel that way at AT&T as do many other Kansas businesses and organizations. That's why this past fall a coalition was formed to address the very real problem of texting while driving. Our coalition developed legislation very similar to the bill you are hearing about today. That bill – HB 2439 -- has already been introduced and had a hearing in the House Transportation committee.

Our coalition had one goal in mind when we developed our legislation and that was to ban texting while driving and to make Kansas roads safer for all drivers -- not just those doing the texting. I believe we put aside our own self-interests and came up with a bill, like this one, that is good for all Kansans.

Our coalition currently consists of the following businesses and organizations -- Kansas AAA, League of Kansas Municipalities, Farmer's Insurance, Sprint, Kansas Department of Transportation, Alliance of Automobile Manufacturers Association, city of Shawnee, city of Manhattan, Kansas Association of Chiefs of Police, Kansas Sheriff's Association, Kansas Peace Officers Association, Kansas Association of Counties, Kansas Highway Patrol and AT&T.

As you can see, this is a well-rounded group that includes businesses, travel, cities, counties, the state transportation department, law enforcement and insurance. A few cities in Kansas are now considering local ordinances that would restrict texting while driving. But it's the desire of our coalition for the Kansas legislature to pass a state law banning texting while driving that applies consistently to all areas of Kansas rather than a patchwork of local ordinances.

PROPOSAL

As I mentioned earlier, the proposed legislation before you is very similar to the House bill our coalition developed. The biggest differences I can see are the penalties associated with a violation. The Senate bill has a misdemeanor stair-step process for the infraction with possible suspension of driving privileges for 90 days. It also has an involuntary manslaughter provision. Our coalition considered having misdemeanor criminal offenses but settled on a fixed fine amount of \$100 per offense. However, this is purely a legislative policy issue that we would be happy with either way.

AT&T EFFORTS TO BAN TEXTING WHILE DRIVING

I'd also like to mention my own company's efforts to ban texting while driving. At first, it might seem a little unusual for a wireless phone company like AT&T to help curtail the use of a service that it sells. Don't get me wrong; at AT&T we want our customers to use our products and services. We just want them to be used safely.

We have launched a nationwide campaign to educate our own employees, our customers (youth, teens and adults) and the general public about using wireless devices safely. There are many different elements of our campaign but we believe it has the potential to reach millions and, hopefully, help generate a change in thinking and behavior of all wireless users.

SUMMARY

A ban on texting while driving is important and very much needed. Now is the right time to make it Kansas law. According to the Governor's Highway Safety Association currently 19 states plus the District of Columbia ban texting while driving. We'd like for Kansas to join the list.



**Testimony of Sandy Braden
Gaches, Braden and Associates
On behalf of the Alliance of Automobile Manufacturers
In Support of Senate Bill 351
Before the Senate Judiciary Committee
January 28, 2010**

Mr. Chairman and Committee Members, thank you for the opportunity to provide testimony to the Senate Judiciary Committee today on behalf of the members of the Alliance of Automobile Manufacturers in support of SB351, an act to prohibit text messaging while operating a moving motor vehicle. The Alliance of Automobile Manufacturers (the Alliance) is an association of 11 vehicle manufacturers including BMW Group, Chrysler Group LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota and Volkswagen Group of America.

Alliance members have long recognized the risks of distracted driving and support a ban on both texting and calling using a hand-held mobile telephone while driving. Support for this initiative has been an ongoing effort at the Alliance. In 2002, voluntary safety guidelines to enhance driver focus when using telematics were developed by the Alliance and peer-reviewed by the Intelligent Transportation Society of America, the Society of Automotive Engineers, the Consumer Electronics Association, AAA, the National Safety Council, AIAM and the Truck Manufacturers Association. The Alliance committed to comply with these guidelines to the National Highway Traffic Safety Administration (NHTSA). These guidelines were updated in 2003 and finalized in 2006.

Members of the Alliance have voluntarily developed and implemented design guidelines when designing their vehicles to provide for integrated vehicle information systems that allow for the use of communication technologies in a safe, responsible manner. Many of these current and new safety technologies and enhancements use wireless communications as a backbone; providing automatic crash notification, road hazard notification and real-time road navigation. As such, the Alliance supports an approach that addresses the issue while preserving these technologies designed to enhance safety.

The Alliance has taken steps at the federal level to support limiting distracted driving. First, the Alliance has announced support for federal legislation sponsored by Senator Chuck Schumer (D-NY) and Representative Carolyn McCarthy (D-NY) that would encourage a more rapid transition to hands-free and voice-activated technologies. The Alliance has also been working with NHTSA and others since December, 2009 to develop model language at the federal level to ban texting while driving.

Additionally, as recently as September 30, 2009, the Alliance participated in the Distracted Driving Summit held by the U.S. Department of Transportation in Washington, DC, where the emphasis was to ensure that drivers must have "eyes on road" to respond to road conditions and to insure that vehicle integrated technologies are designed to help drivers keep their eyes on the road. A copy of their presentation is attached.

At that Summit, The Alliance provided a three point action plan, which includes:

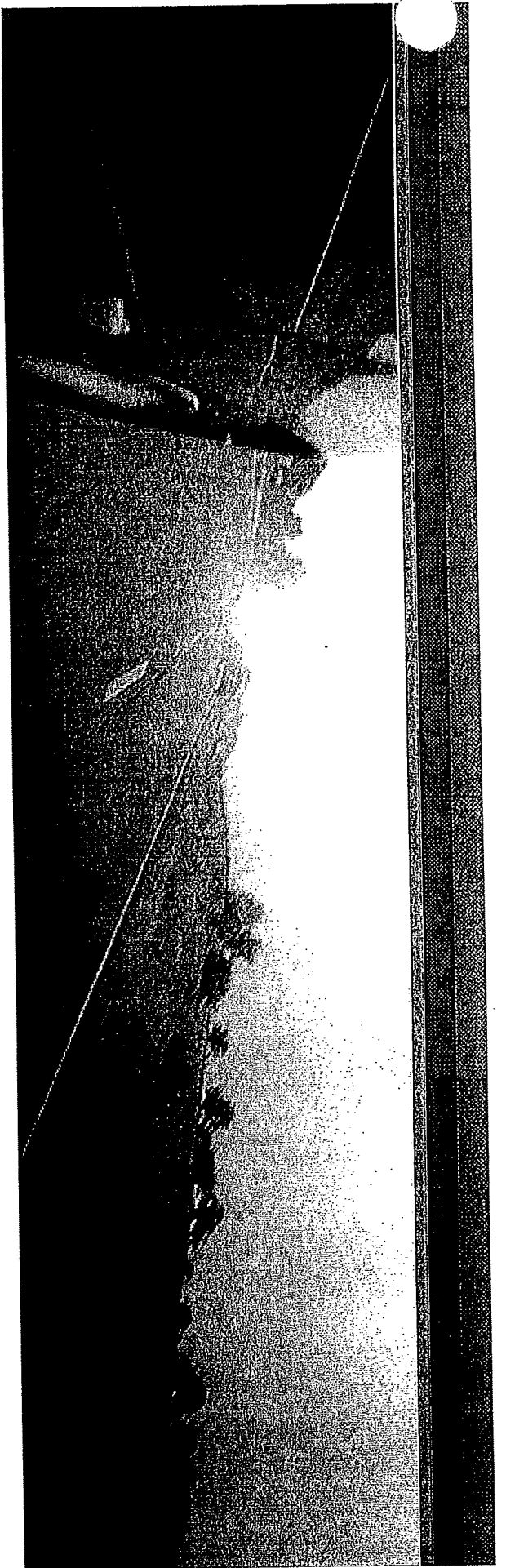
1. **Appropriate Laws with a High Visibility Enforcement**, supporting adoption and enforcement of a ban on texting while driving using a hand-held device;
2. **Consumer Education**, supporting education for drivers on the risks of driving distractions, including text messaging, hand-held mobile telephone use, eating, grooming, etc.
3. **Technology**, supporting continued research that promotes further understanding of driver behaviors and to ensure these actions do not preclude safety benefits of advance wireless technologies

It is important to focus on the subject of this bill, to support the adoption and enforcement of a ban on texting while driving using a hand-held device and to not eliminate the use of technologies, existing and yet to be developed, that assist in the goal of safe driving in Kansas.

The Alliance asks your support in providing a ban on texting while driving using a hand-held device. At the appropriate time, we would like to discuss a couple of additions to the language, to ensure that the use of advanced technologies in the vehicle is not prohibited.

Thank you and I will be available to answer any questions.

Sandy Braden
Gaches, Braden and Associates
825 S Kansas Suites 500
Topeka, Kansas 66612
1-785-233-4512
1-785-806-2680



HELPING TO KEEP “Eyes On Road”

Distracted Driving Summit

U.S. Department of Transportation

DRIVING INNOVATION®

Renaissance Hotel
Washington, DC
September 30, 2009

Concern: “Eyes off Road”

Principal Contributor to Crashes

“An important finding... is that 80 percent of all crashes... involved the driver looking away from the forward roadway just prior to the <crash>.”

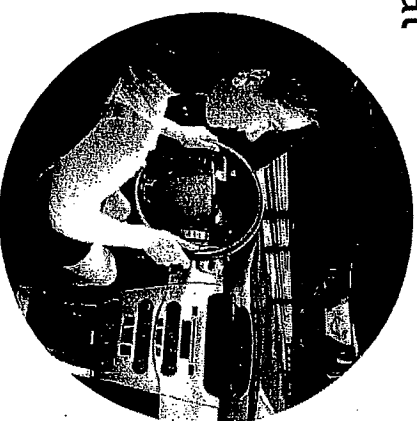
-VTTI 100 - Car Study (DOT HS 810 593)



- Drivers must have “eyes on road” to respond to road conditions
- Potential exists for information and communications technology to take the driver’s eyes off the road
- Vehicle-integrated technologies are designed to help drivers keep their eyes on the road

Helping to Keep “Eyes on Road” Driver Focus-Telematics Guidelines

- April 2000 initiated development of Driver Focus-Telematics (DF-T) Guidelines based on scientific research
 - Guidelines 1st ever to provide specific performance criteria/verification procedures for visual-manual interaction with in-vehicle information & communications systems
 - Commitment made to NHTSA in 2002
 - Alliance members engineering new vehicles in accordance with the DF-T Guidelines
- The Alliance committed to update the DF-T Guidelines as scientific understanding of driver distraction evolves

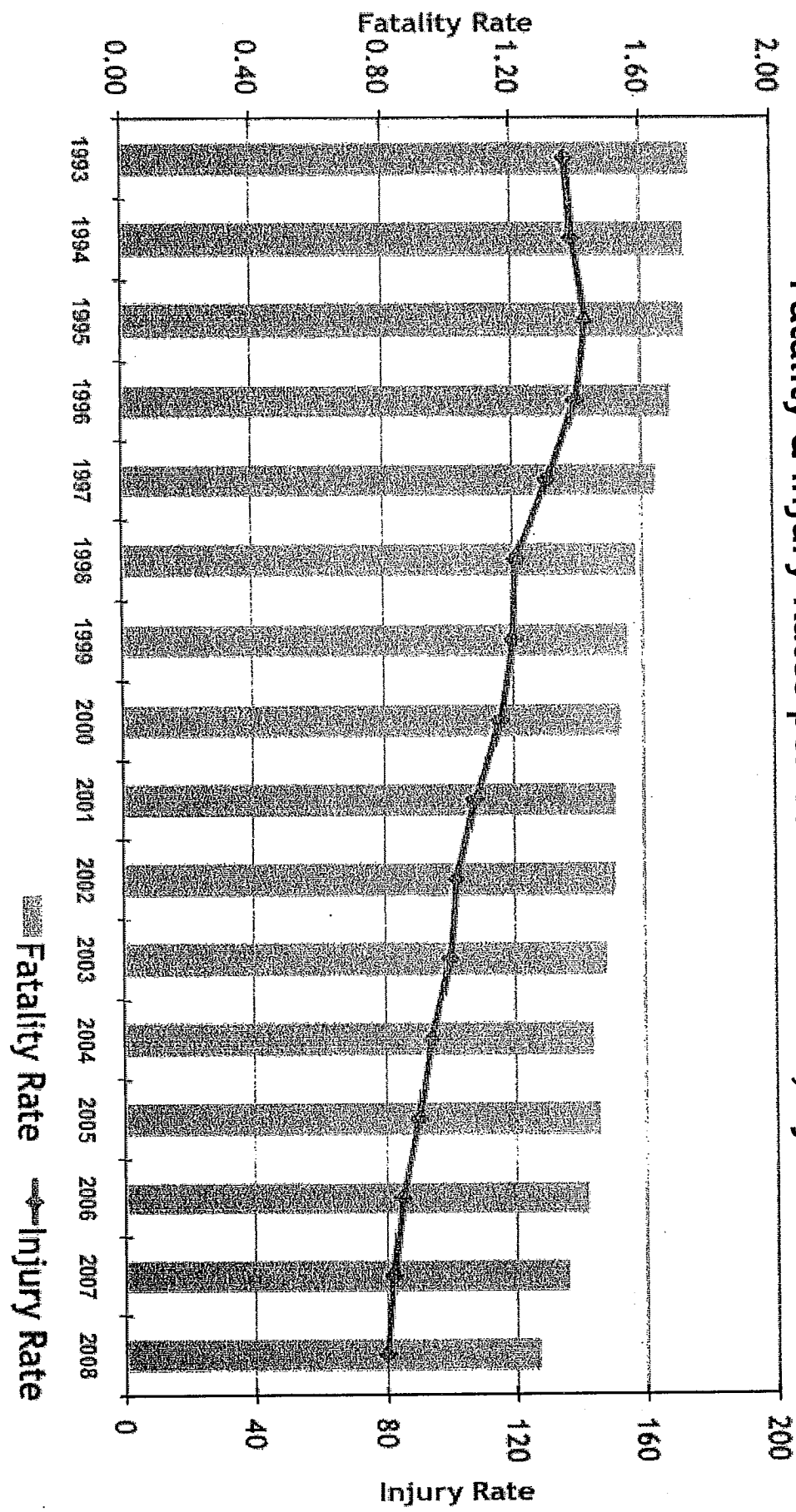


Helping to Keep “Eyes on Road” Driver Focus-Telematics Guidelines

24 PRINCIPLES			OBJECTIVES
SEC	ITEM	QTY	
1	Installation	5	Ensure system design/location compatible with driving task
2	Information Presentation	4	Presentation of information so as not to impair driver's visual, cognitive, or auditory/ability to safely perform driving task
3	Interaction w/ Controls & Displays	6	System interactions designed so that driver is able to safely operate vehicle comfortably and confidently
4	System Behavior	3	Presence, operation, or use of system does not interfere with other vehicle controls
5	System User Information	6	Provide customers with safety-relevant information on the use of telematics systems

Responsible, Realistic Action Necessary Need Data-Driven, Science-Based Policies

Fatality & Injury Rates per 100 Million VMT, by Year



Source: FARS, NASS GES / FHWA

QUESTIONS?

AUTO ALLIANCE DRIVING INNOVATION®

BMW Group



CHRYSLER



Mercedes-Benz



mitsubishi
MOTORS

PORSCHE

TOYOTA

VOLKSWAGEN
GROUP OF AMERICA

Statement of Principles, Criteria and
Verification Procedures on Driver-
Vehicle Information and
Communication Systems

Including
3006 U.S. Patent Sections

Driver Focus-Telematics Working Group
June 26, 2006

Responsible, Realistic Action Necessary Preserve Opportunities to Enhance Safety

- Current in-vehicle safety technologies and applications use wireless communications as a backbone to enable:
 - Automatic crash notification (ACN)
 - Road hazard notification
 - Real-time road navigation

- Future advanced technologies such as U.S. DOT's IntelliDriveSM:
 - Wireless applications will provide connectivity between and among road users
 - Will enable real-time crash avoidance/active safety applications and improve mobility



9-10

Alliance Recommendations

3 - Point Action Plan

- 1 **Appropriate Laws with High-Visibility Enforcement**
 - **SUPPORT ADOPTION & ENFORCEMENT OF:**
 - Ban on texting while driving using a hand-held device; and
 - Ban on calling while driving using a hand-held device unless in hands-free mode
- 2 **Consumer Education**
 - Support education for drivers on the risks of driving distractions
(text messaging, hand-held cell phone use, eating, grooming, etc.)
- 3 **Technology**
 - Support continued research that promotes further understanding of driver behaviors
 - Ensure actions do not preclude safety benefits of advanced wireless technologies *(e.g., IntelliDriveSM and further innovations)*

MR Chairman and Committee Members... Thank you for giving me the opportunity to speak today.

My name is Michelle Blasdel I would like to share my experience with the dangers of cell phone use while driving. I met an individual who asked me to ride along with him while at work driving a semi-truck for a local company. I quickly learned that this individual would use his cellphone all day and every day he ^{as} drove. He would look up information morning news and weather, read forums of web sites, text to other semi driver of various companys. He would call and talk to others also. The phone would always be in his hand. Numerous times the semi would cross the middle line or go off the shoulder. Even though the company he worked for would send out a letter to not use cellphones while working, it would be disregarded.

Later there were opportunities to travel in his personal truck. One incident he was talking on the phone, he decided to take a drink of his coffee in mid sentence and using his knee to drive. I had to take the coffee away. There were no hands on the wheel and he was exiting and merging with a highway.

The next truck ride he we asked that he not to use the phone while my teenage son and I were riding. He wanted to use the phone that I was holding. While the truck was on cruise at 70miles an hour, he jumped across our laps, no hands on the wheel, for the phone causing it to drop to the floor. Thankfully he pulled over to fix ^{the} phone. I jumped out and told him we would find another ride if he had to use the phone while driving.

One more incident he jumped me for the phone, which put him in court receiving a restraining order to have no contact with my son and I.

I do realize how dangerous cell phone use is while driving and wish for you to pass this SB351.

Testimony of Kaitlin Salyer regarding Senate Bill 351

Why Senate Bill 351 is important:

- “Teens can not differentiate between doing something normal or wrong”
- Brains can not compute two similar tasks at once
- Harvard study: 2,600 deaths a year – lives are at stake
- People need this extra push in the right direction



KANSAS

KANSAS SENTENCING COMMISSION

MARK PARKINSON, GOVERNOR

Honorable Ernest L. Johnson, Chair
Honorable Richard M. Smith, Vice Chair
Helen Pedigo, Executive Director

SENATE JUDICIARY COMMITTEE
Senator Tim Owens, Chair
TESTIMONY AND AMENDMENT REQUEST
SB 351 Texting While Driving
Helen Pedigo, Executive Director
January 28, 2010

Mr. Chair and committee members, thank you for the opportunity to testify before you today on behalf of the Kansas Sentencing Commission, to identify areas of concern with regard to Senate Bill 351. The Kansas Sentencing Commission is a 17-member board comprised of criminal justice professionals, including local and state partners, members of all three branches of government, and the public.

First, in New Section 2, on page 2 of the bill, the penalty for a death resulting from texting while driving, a severity level 4 person felony in the bill, is the same penalty as a death in the commission of a DUI. A death as a result of any other reckless driving act, for example speeding, is included in K. S. A. 21-3404, involuntary manslaughter, a severity level 5 person felony. One might argue that a higher level of culpability is involved in K. S. A. 21-3442, involuntary manslaughter in the commission of a DUI, a severity level 4 person felony, when a driver who has been drinking has the bad sense to get behind the wheel of an automobile. While the element of bad judgment exists in both crimes, texting and other reckless acts do not include the additional culpability issue of diminished capacity because of alcohol or drugs ingested prior to driving.

If the committee decides to place the death as a result of texting, at severity level 5, then border boxes provide judicial discretion to sentence appropriately to the situation. If the committee agrees, an amendment would be needed to include the behavior described by the bill into K. S. A. 21-3404, involuntary manslaughter, and strike New Section 2, on page 2, lines 22 through 25 of the bill.

Another option to consider is including texting into K. S. A. 8-1566, reckless driving, attached. A death in the commission of reckless driving is already included in the involuntary manslaughter statute (Section 3 of the bill). This would set a severity level 5, person felony penalty for texting and driving that results in a death.

Second, with regard to New Section 1(d)(3) on page 2, lines 9 through 11 of the bill, it would appear that a violation when such person has inflicted serious bodily injury upon another person as a result of such violation, a class A misdemeanor, would preclude a prosecutor from charging this crime as a reckless aggravated battery, a person felony, a severity level 5 or 8 person felony, depending on the level of harm suffered by the victim. This violation is covered by current statutes, so it would appear that this paragraph is unnecessary, would jeopardize prosecution for more serious crimes, and should be stricken.

Thank you for your time, and I'd be happy to answer questions.

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<http://www.kansas.gov/ksc>

Senate Judiciary

1-28-10

Attachment 12



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8-1566

Chapter 8.--AUTOMOBILES AND OTHER VEHICLES

Article 15.--UNIFORM ACT REGULATING TRAFFIC; RULES OF THE ROAD

8-1566. Reckless driving, penalties. (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Except as provided in K.S.A. 8-2,142, violation of this section is a misdemeanor. Upon a first conviction of a violation of this section, a person shall be sentenced to not less than five days nor more than 90 days imprisonment or fined not less than \$25 nor more than \$500, or both such fine and imprisonment. On a second or subsequent conviction of a violation of this section, a person shall be sentenced to not less than 10 days nor more than six months imprisonment, or fined not less than \$50 nor more than \$500 or both such fine and imprisonment.

History: L. 1974, ch. 33, § 8-1566; L. 1984, ch. 39, § 8; L. 1989, ch. 38, § 41; Jan. 1, 1991.

12-2

**Written Testimony on Senate Bill 351
Senate Judiciary Committee**

**Prepared by
Major Mark Bruce
Kansas Highway Patrol**

January 28, 2010

The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony regarding Senate Bill 351. The provisions of this bill generally prohibit the operator of a motor vehicle from texting while driving. It also includes a significant penalty for a basic violation which is enhanced should text messaging be a factor contributing to the death of another.

The KHP supports this committee's efforts to prohibit a distracted driving activity that is known to be a frequent factor in and cause of traffic crashes. According to the U.S. Department of Transportation, there are three major types of distractions engaged in by motor vehicle operators:

- Visual: *taking your eyes off the road*
- Manual: *taking your hands off the wheel*
- Cognitive: *taking your mind off what you're doing*

Individually, any one of these distractions is hazardous to the driver of a vehicle and all those sharing the road with him or her. Unfortunately, texting and driving routinely includes all of the distracted driving "ingredients" that have been proven time and time again to be a "recipe" for disaster.

The KHP believes that the committee has accurately assessed the threat posed to public safety when driving is mixed with text messaging. This is reflected in the penalty sections of the bill which not only address a "basic" violation but also specifically include involuntary manslaughter provisions to encompass a texting driver who causes a fatality traffic crash.

Again, the Kansas Highway Patrol appreciates the opportunity to provide its input regarding this bill. We applaud your efforts to promote and improve the safety of the motoring public.

###

Kansas County Highway Association

Chip Woods, President

Dale Pfannenstiel, President Elect

Tom Kramer, Secretary-Treasurer

1115 W. Avenue A, McPherson, KS. 67460-5241

January 28, 2010

RE: Senate Bill 351
Texting prohibition

Dear Chairman Owens and Committee Members:

I am the Lyon County Engineer and the President of the Kansas County Highway Association. The Kansas County Highway Association consists of the County Engineers and Road Supervisors of Kansas counties. The counties maintain 109,000 miles of road and 19,650 bridges. That is 87 % of the road mileage in Kansas, and 77% of the state's bridges.

The Kansas County Highway Association supports Senate Bill No. 351, which prohibits texting while operating a motor vehicle. Driving is a serious endeavor that can turn tragic in an instant of inattention. This is especially true on two lane rural roads where speeds are high and where the roads may not have shoulders. A driver has many distractions such as passengers, radio, and cell phone. But only dialing the cell phone and texting requires the full attention of the driver for a relatively long period of time.

Any action that would reduce driver distractions will result in fewer deaths and injuries on our roads and that is the reason we think SB 351 is a good bill.

We ask the committee to support the legislation and pass it on to the House for their consideration.



Warren Chip Woods, P.E. & L.S.
President, KCHA
Lyon County Engineer, Surveyor, & A.D.A. Coordinator

Senate Judiciary

1-28-10

Attachment 14



FARMERS

11880 College Boulevard
Suite 201
Overland Park, Ks. 66210
Bus 913.234.3902
Fax 913.339.9558

January 28, 2010

To: Chairman Owens and Senate Judiciary Committee

From: Lee Wright, Farmers Insurance Government Affairs Representative

Subject: Prohibiting Texting while Driving – SB 351

Position: Support

Mr. Chairman and members of the Committee. Thank you for allowing Farmers Insurance to provide written testimony in **support** of legislation prohibiting texting while driving, as found in **SB 351**. Farmers is a personal and commercial lines property and casualty insurer writing business in Kansas and serving our state's insurance consumers since 1930.

It has become clear from the increasing body of safety research and studies that motorists, using wireless telecommunication devices to text while driving, pose a serious danger to the driving public.

A recent study completed by University of Utah psychologists determined motorists who write text messages while driving are six times more likely to crash than those who don't text while driving. The researchers found that texters, while in a driving simulator, had more crashes, responded more slowly to brake lights in cars in front of them, and showed impairment in forward and lateral control than did drivers who talked on a cell phone while driving or drove without texting.

Another study conducted by Clemson University using driving simulators found drivers texting or using iPods caused the drivers to cross the center line or leave their lane roughly 10 percent more than those drivers simply talking on cell phones.

Senate Judiciary

1-28-10

Attachment 15

U.S. Department of Transportation Secretary, Ray LaHood held a recent national summit on distracted driving that was immediately followed by President Obama's Executive Order banning federal employees from text messaging while driving on official business when using either a government vehicle or a government supplied electronic communication device.

In 2009, the Virginia Tech Transportation Institute (VTTI) released the results from their comprehensive study based on real-world driving conditions and data. Their studies of light vehicle drivers and truck drivers manually manipulating cell phones indicated text messaging on a cell phone to be associated with the highest risk for a crash or near crash event of all cell phone related tasks. Based on the findings from research studies, VTTI recommends texting should be banned in moving vehicles for all drivers.

We agree with VTTI's recommendation and we share their same concern that texting has the potential to create a true crash epidemic if the popularity of texting continues to grow and the generation of frequent text message senders reach driving age in large numbers.

Farmers believes it is time for Kansas to join the nineteen other states and Wash. D.C. who have passed legislation to ban text messaging while driving.

We urge your support of Senate Bill 351.

Thank you.