

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
January 11, 2010—2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and by virtue of his office as President of the Senate, Senator Stephen Morris declared the 2010 Senate to be in session.

President Morris welcomed the Rev. Fred S. Hollomon, who will again serve as the Senate Chaplain and delivered the following invocation:

Heavenly Father,

This may be the session, Heavenly Father, when we find
out what we are made of:

Revenues are lagging,
Property owners mad;
SRS is falling short;
Things are looking bad.

Ethics is an issue
Which could start a battle.
Abortion lines are clearly drawn;
There is no fence to straddle.

Though it's not the first time
Our mettle has been tested;
It may demand the maximum
Of energy invested.

We could use a Solomon
For decisions that we face.
In fact, we may need more than one
Before we leave this place.

Solomon prayed for wisdom
And we, too, stand today
With a prayer for wisdom:
Grant it, Lord, we pray!

For when this session's over,
And the prayers have all been prayed;
It could be we'll discover
The stuff of which we're made.

In the Name of Christ, Amen.

The Pledge of Allegiance was led by President Morris.

President Morris introduced the new reader, Stephen Jones, who is a second year law student at Washburn University.

COMMUNICATIONS FROM SECRETARY OF STATE

STATE OF KANSAS

OFFICE OF THE SECRETARY OF STATE

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that Terrie Huntington, Fairway, Kansas, was appointed by the Governor effective December 21, 2009, for the unexpired term of State Senator for the 7th Senate District, to fill the vacancy created by the resignation of David Wysong.

IN TESTIMONY WHEREOF, I hereto set my hand and caused to be affixed my official seal. Done at the City of Topeka, this 5th day of January, A.D. 2010.

RON THORNBURGH

Secretary of State

OATH OF OFFICE

President Morris introduced the Honorable Robert Davis, Chief Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly appointed senator. Senator Vratil escorted Senator Terrie Huntington to the front of the chamber for the Oath of Office.

The roll was called with thirty-nine senators present as follows:

District	District
1 Dennis D. Pyle	21 Mark Taddiken
2 Marci Francisco	22 Roger P. Reitz
3 Tom Holland	23 Karin Brownlee
4 David Haley	24 Pete Brungardt
5 Kelly Kultala	25 Jean Kurtis Schodorf
6 Chris Steineger	26 Dick Kelsey
7 Terrie Huntington	27 Leslie D. (Les) Donovan, Sr.
8 Thomas C. (Tim) Owens	28 Mike Petersen
9 Julia Lynn	29 Oletha Faust-Goudeau
10 Mary Pilcher-Cook	30 Susan Wagle
11 John Vratil	31 Carolyn McGinn (excused)
12 Pat Apple	32 Steve E. Abrams
13 Bob Marshall	33 Ruth Teichman
14 Dwayne Umbarger	34 Terry Bruce
15 Derek Schmidt	35 Jay Emler
16 Ty Masterson	36 Janis K. Lee
17 Jim Barnett	37 Jeff Colyer
18 Laura Kelly	38 Tim Huelskamp
19 Anthony Hensley	39 Stephen R. Morris
20 Vicki Schmidt	40 Ralph Ostmeyer

INTRODUCTION OF GUESTS

President Morris introduced Dr. Michael Munger, President of the Kansas Academy of Family Physicians. Dr. Munger is a family physician at St. Luke's South Primary Care, Overland Park with hospital affiliations with St. Luke's South Hospital and Shawnee Mission Medical Center. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

On emergency motion Senator D. Schmidt, **SR 1801** by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1801—

By Senators Morris, D. Schmidt and Hensley

A RESOLUTION relating to the organization of the Senate.

Be it resolved by the Senate of the State of Kansas: That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Stephen Morris, president,
John Vratil, vice president,
Derek Schmidt, majority leader,
Anthony Hensley, minority leader,
Pat Saville, secretary,
Jody Kirkwood, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator D. Schmidt, **SR 1802** by Senators Morris, D. Schmidt and Hensley, was adopted by voice vote.

SENATE RESOLUTION No. 1802—

By Senators Morris, D. Schmidt and Hensley

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: The members of the 2010 regular session shall occupy the same seats they occupied in the 2009 regular session with the following exception: Senator Huntington, shall occupy seat No. 30.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 340, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6407 and repealing the existing section, by Senator Vratil.

SB 341, An act concerning the division of post audit; relating to the school district audit team; amending K.S.A. 2009 Supp. 46-1132 and repealing the existing section, by Legislative Post Audit Committee.

SB 342, An act concerning cigarette lighters; prohibiting the sale of novelty cigarette lighters, Senator Faust-Goudeau.

SB 343, An act concerning labor and employment; relating to leave for school-related educational activities, by Senator Faust-Goudeau.

SB 344, An act concerning the Kansas Sentencing Commission; relating to duties and functions; amending K.S.A. 74-9103, 74-9105 and 75-7001 and K.S.A. 2009 Supp. 74-9101 and 75-52,144 and repealing the existing sections; also repealing K.S.A. 74-9104, by the Legislative Post Audit Committee.

SB 345, An act concerning criminal procedure; relating to the probation services fee and the community correctional services fee; amending K.S.A. 21-4610a and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

SB 346, An act concerning the department of corrections; relating to the transfer of certain offenders; amending K.S.A. 2009 Supp. 75-5220 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

SB 347, An act concerning postsecondary technical education; relating to the postsecondary technical education authority; amending K.S.A. 2009 Supp. 72-4482 and repealing the existing section, by Legislative Educational Planning Committee.

SB 348, An act concerning controlled substances; relating to certain synthetic cannabinoids; amending K.S.A. 2009 Supp. 65-4105 and repealing the existing section, by Senators V. Schmidt, D. Schmidt and Petersen.

SB 349, An act concerning birth centers; amending K.S.A. 65-501, 65-502, 65-504, 65-505, 65-506, 65-507, 65-508, 65-512 and 65-513 and K.S.A. 2009 Supp. 39-923, 59-2123, 65-525 and 65-67a10 and repealing the existing sections, by Joint Committee on Administrative Rules and Regulations.

SB 350, An act making and concerning appropriations for the fiscal year ending June 30, 2010, for state agencies; authorizing certain transfers, imposing certain restrictions and lim-

itations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 351, An act relating to crimes and punishment; prohibiting text messaging while operating a moving motor vehicle; amending K.S.A. 21-3404 and repealing the existing section, by Committee on Ways and Means.

SB 352, An act concerning law enforcement officers; relating to eligibility and certification; amending K.S.A. 2009 Supp. 74-5605 and 74-5616 and repealing the existing sections, by Senator Hensley.

SB 353, An act concerning trafficking; relating to coercing employment; peonage; human trafficking; aggravated human trafficking; forfeiture; amending K.S.A. 21-3446, 21-3447, 21-4643 and 22-4906 and K.S.A. 2009 Supp. 22-4902, 38-2361, 60-4104, 75-451, 75-452 and 75-453 and repealing the existing sections, by Senator D. Schmidt.

On emergency motion of Senator D. Schmidt, **SCR 1620** by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote.

SENATE CONCURRENT RESOLUTION No. 1620—

By Senators Morris, D. Schmidt and Hensley

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

In compliance with **SCR 1620**, President Morris appointed Senator Bruce and Senator Kultala as Senate members of the committee to notify the Governor that the Legislature is organized and ready to receive any communications the Governor may have to present.

Senators Bruce and Senator Kultala will contact Representatives Hayzlett, Myers and Hawk, members of the House of Representatives appointed to notify the Governor.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

In accordance with Senate Rule 32, the following prefiled bills are referred as follows:

Business and Labor: **SB 343**

Education: **SB 340, SB 341.**

Federal and State Affairs: **SB 342.**

Judiciary: **SB 344, SB 345.**

MESSAGE FROM THE GOVERNOR

July 31, 2009

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Appointments:

Secretary, Department of Agriculture, Joshua Svaty pursuant to the authority vested in me by KSA 74-560, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Ombudsman, State Long-Term Care Ombudsman, Belinda Vierthaler pursuant to the authority vested in me by KSA 75-7304, effective upon the date of confirmation by the Senate, to fulfill an unexpired term ending January 15, 2011.

Member, State Board of Indigents' Defense Services, John Poertner pursuant to the authority vested in me by KSA 22-4519 et seq., effective upon the date of confirmation by the Senate, to serve a term of 3 years.

Member, University of Kansas Hospital Authority, Scott M. Slabotsky pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Parole Board, Michael "Thomas" Sawyer pursuant to the authority vested in me by KSA 22-3707, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Development Finance Authority, Suchitra Padmanabhan pursuant to the authority vested in me by KSA 74-8903, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Technology Enterprise Corporation, Thomas Cohen pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Board of Regents, Christine L. Downey-Schmidt, pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Board of Regents, Robert "Dan" Lykins pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Board of Regents, Juana "Janie" Perkins pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Commissioner, State Corporation Commission, Michael C. Moffet pursuant to the authority vested in me by KSA 74-601, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Electric Transmission Authority, Timothy McKee pursuant to the authority vested in me by KSA 74-99d03, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, University of Kansas Hospital Authority, Thomas E. Murphy III pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, University of Kansas Hospital Authority, Betty T. Keim pursuant to the authority vested in me by KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Health Policy Authority, Dr. Vernon Mills pursuant to the authority vested in me by KSA 75-7401, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Parole Board, Robert Sanders pursuant to the authority vested in me by KSA 22-3707, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, State Court of Tax Appeals, Rebecca Crotty pursuant to the authority vested in me by KSA 74-2433, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Secretary, Department of Aging, Martin A. Kennedy pursuant to the authority vested in me by KSA 75-5903, effective upon the date of confirmation by the Senate.

September 1, 2009

To the Senate of the State of Kansas:

Submitted herewith to the Senate by me, the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Due to the death of Mr. Murphy, I would like to respectfully request that his name be removed from consideration from the following reappointment submitted August 4, 2009.

Member, University of Kansas Hospital Authority, Thomas Edward Murphy pursuant to the authority vested in me by K.S.A. 76-3304, to be effective upon the date of his confirmation by the Senate.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS HEALTH POLICY AUTHORITY**

June 19, 2009

Joe Tilghman, Board Chairman, Kansas Health Policy Authority, announced the appointment of Dr. Andrew Allison, PhD, as the permanent executive director of the agency, subject to confirmation by the Kansas Senate.

OFFICE OF THE ATTORNEY GENERAL

February 25, 2009

Pursuant to KSA 74-7303, Steve Six, Attorney General, submitted for confirmation by the Senate the reappointment of Nan Porter as a member of the Crime Victims Compensation Board, effective March 16, 2009, and will expire March 15, 2013.

March 23, 2009

Pursuant to KSA 74-7303, Steve Six, Attorney General, submitted for confirmation by the Senate the appointment of Suzanne Valdez as Chairperson of the Crime Victims Compensation Board, effective immediately, and will expire March 15, 2012.

**STATE OF KANSAS
SENATE PRESIDENT**

August 14, 2009

In accordance with KSA 75-7401, Senate President Stephen R. Morris, appointed Dr. William A. Reed, to the Kansas Health Policy Authority.

January 11, 2010

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

As provided in K.S.A. 75-105, I have received from the Honorable Mark Parkinson, Governor of the State of Kansas, since the adjournment of the 2009 session of the legislature the following communications:

Executive Directives Nos. 09-398, 09-399, 10-400, 10-401, 10-402, 10-403, and 10-404, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds.

These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

Sincerely,

Pat Saville
Secretary of the Senate

January 11, 2010

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

This letter is to advise you that the Office of the Secretary of the Senate has received the following communications during the interim since adjournment of the 2009 Regular Session of the Legislature:

Office of the Attorney General submitted the 2008 Annual Report of the Consumer Protection Division pursuant to KSA 50-628.

Kansas Bureau of Investigation submitted a report regarding the status of the KBI State Forfeiture Fund in compliance with KSA 60-4117.

Kansas Department of Corrections submitted a report detailing the progress of the Kansas Community Corrections Statewide Risk Reduction Initiative pursuant to provisions of KSA 75-52,112.

Kansas Development Finance Authority submitted the Annual Report for the fiscal year ending June 30, 2009.

Kansas Pooled Money Investment Board submitted the Annual Report of the Pooled Money Investment Board for Fiscal Year 2009 in compliance with KSA 75-4222(h).

Kansas Public Employees Retirement System's Comprehensive Annual Financial Report for FY ending June 30, 2009.

Kansas State Treasurer submitted the 2009 Annual Report.

State of Alaska, Office of the Lieutenant Governor Craig E. Campbell, submitted a copy of House Joint Resolution No. 27, stating that the Tenth Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more. This resolution serves as Notice and Demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

Sincerely,

Pat Saville

Secretary of the Senate

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

REPORTS OF STANDING COMMITTEES

Committee on Confirmation Oversight begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas Electric Transmission Authority: K.S.A. 2009 Supp. 74-99d03

Timothy E. McKee, term expires March 15, 2013

Kansas Health Policy Authority: K.S.A. 2009 Supp. 75-7401

Dr. Vernon Mills, term expires March 15, 2013

Kansas Parole Board: K.S.A. 22-3707

Robert Sanders, term expires January 15, 2012

Michael "Thomas" Sawyer, term expires January 15, 2011

State Board of Regents: Section 2 of Article 6 of Constitution of the State of Kansas and K.S.A. 74-3202a

Christine L. Downey-Schmidt, term expires June 30, 2013

Robert Daniel Lykins, term expires June 30, 2013

Juana "Janie" Perkins, term expires June 30, 2013

State Court of Tax Appeals: K.S.A. 2009 Supp. 74-2433

Rebecca Crotty, term expires January 15, 2013

State Corporation Commission: K.S.A. 74-601

Michael C. Moffet, term expires March 15, 2012

University of Kansas Hospital Authority: K.S.A. 2009 Supp. 76-3304

Betty T. Keim, term expires March 15, 2012

By the Attorney General:

Crime Victims Compensation Board: K.S.A. 74-7303

Nan Porter, term expires March 15, 2013

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives:

Be it resolved by the House of Representatives of the State of Kansas:

That the chief clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Michael O'Neal, speaker
 Arlen Siegfried, speaker pro tem,
 Ray Merrick, majority leader,
 Paul Davis, minority leader
 Susan Kannarr, chief clerk
 Wayne Owen, sergeant at arms,
 and await the pleasure of the Senate.

Announcing adoption of **HCR 5024**, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, and the appointment of

Governor: Hayzett, Myers and Hawk to escort the Governor

to escort the Lt. Governor: Vickrey, Aurand and Mah

to escort the Supreme Court: Brookens, King and Ruiz

to escort the Senators: Horst, Mast and Menghini

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5024, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor was introduced and read by title.

On motion of Senator D. Schmidt, an emergency was declared, the rules suspended and **HCR 5024**, was adopted by voice vote.

In compliance with **HCR 5024**, President Morris appointed Senator Reitz and Senator Holland to escort the Governor; Senator Wagle and Senator Faust-Goudeau to escort the Lieutenant Governor; and Senator Apple and Senator Kelly to escort the Supreme Court.

The President announced the Senate would recess until 6:15 p.m., for the purpose of a joint meeting with the House of Representatives to hear the State of State Address by Governor Mark Parkinson.

MESSAGE FROM THE HOUSE

Announcing the adoption of **SCR 1620**, a concurrent resolution relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications, and the appointment of Representatives Hayzlett, Myers and Lane as members of the committee to wait upon the Governor.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 12, 2010.

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

PAT SAVILLE, *Secretary of the Senate.*

