

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 26, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Lee was excused.

President Morris introduced as guest chaplain, Jim Young, Southbridge Fellowship Church and President, Capitol Commission, Raleigh, North Carolina, who delivered the invocation:

“Thine, O Lord, is the greatness and the power and the glory and the victory and the majesty, indeed everything that is in the heavens and the earth; Thine is the dominion, O Lord, and Thou dost exalt Thyself as head over all.”

Both riches and honor come from Thee, and Thou dost rule overall, and in Thy hand is power and might; and it lies in Thy hand to make great, and to strengthen everyone.

“Now therefore, our God, we thank Thee, and praise Thy glorious name.”

Father as David’s prayer was from the depth of his heart, may our prayer today represent our hearts as well.

Father I thank you for these men and women who at the direction of Your will have chosen to serve the people of Kansas and in so doing serve our nation which You have uniquely blessed.

Father I ask that you give them and their families the measure of health that will keep them dependent on You, and the measure of wealth that will allow them to continue to serve and honor You.

May Your wisdom direct every decision that is made today and may we all remember the One to whom we owe our all.

We ask these things in the name of the Lord Jesus Christ.

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 451, An act concerning municipal bonds; amending K.S.A. 2009 Supp. 10-106 and repealing the existing section, by Committee on Local Government.

SB 452, An act concerning minors; relating to purchase or consumption of alcoholic beverages by a person less than 18 years of age; detention; amending K.S.A. 2009 Supp. 41-727 and repealing the existing section, by Committee on Federal and State Affairs.

SB 453, An act concerning alcoholic beverages; relating to packaging and warehousing facility permits, by Committee on Federal and State Affairs.

SB 454, An act concerning alcoholic beverages; relating to license fees, term of license and eligibility; amending K.S.A. 41-326, 41-2607 and 41-2629 and K.S.A. 2009 Supp. 41-308a, 41-310, 41-311, 41-317, 41-350, 41-2606, 41-2622 and 41-2623 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 455, An act concerning the civil commitment of sexually violent predators; relating to expert testimony; amending K.S.A. 59-29a03 and 60-456 and repealing the existing sections, by Committee on Judiciary.

SB 456, An act concerning consumer protection; creating the Kansas robo-call privacy act, by Committee on Judiciary.

SB 457, An act concerning compensation of attorneys of indigent defendants; amending K.S.A. 22-4507 and 22-4508 and repealing the existing sections, by Committee on Judiciary.

SB 458, An act concerning criminal procedure; relating to admissibility and certification of forensic examinations; allowing interactive video testimony in limited instances; amending K.S.A. 2009 Supp. 22-3437 and repealing the existing section, by Committee on Judiciary.

SB 459, An act concerning juvenile offenders; relating to right to jury trial; amending K.S.A. 2009 Supp. 38-2344, 38-2357, 38-2364, 38-2365 and 38-2373 and repealing the existing sections, by Committee on Judiciary.

SB 460, An act concerning children; relating to permanency; priority of certain orders; amending K.S.A. 38-1116 and 60-3103 and K.S.A. 2009 Supp. 38-1121, 38-2201, 38-2202, 38-2203, 38-2208, 38-2212, 38-2242, 38-2243, 38-2251, 38-2255, 38-2258, 38-2264, 38-2272, 38-2273, 38-2279, 38-2304, 38-2305, 38-2361 and 60-1610 and repealing the existing sections, by Committee on Judiciary.

SB 461, An act concerning district magistrate judges; relating to compensation thereof; amending K.S.A. 2009 Supp. 75-3120k and repealing the existing section, by Committee on Ways and Means.

SB 462, An act regulating traffic; concerning liability for damage to highway or structure; amending K.S.A. 8-1913 and repealing the existing section, by Committee on Transportation.

SB 463, An act concerning county bonded debt limits; amending K.S.A. 2009 Supp. 10-306 and repealing the existing section, by Committee on Local Government.

SB 464, An act concerning payment of taxes; amending K.S.A. 24-623 and 79-2301 and K.S.A. 2009 Supp. 8-173 and repealing the existing sections, by Committee on Local Government.

SB 465, An act concerning cities; relating to certain nuisance abatement procedures; amending K.S.A. 12-1617f and K.S.A. 2009 Supp. 12-1617e and repealing the existing sections, by Committee on Local Government.

SB 466, An act concerning elections; pertaining to voter identification; pertaining to advance voting; pertaining to HAVA compliance; pertaining to mail ballot elections; pertaining to party affiliation declarations; amending K.S.A. 25-2354 and 25-3304 and K.S.A. 2009 Supp. 25-433 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-1216, 25-2309, 25-2908 and 25-3002 and repealing the existing sections, by Committee on Ethics and Elections.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 431, SB 432, SB 433, SB 445.**

Ethics and Elections: **SB 443.**

Judiciary: **SB 434, SB 435, SB 436, SB 437, SB 438, SB 439, SB 440, SB 441, SB 442, SB 444.**

Natural Resources: **SCR 1623.**

Public Health and Welfare: **SB 447, SB 448, SB 449.**

Utilities: **SB 450.**

Ways and Means: **SB 446.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1808—

A RESOLUTION congratulating Benedictine College for its 152 years of service to the people of Kansas.

WHEREAS, Benedictine College, located in Atchison, Kansas, is one of the oldest colleges in Kansas, founded in 1858 and it recently celebrated its sesquicentennial; and

WHEREAS, Benedictine College was renamed in 1971 as a result of the merger of St. Benedict's College for men founded in 1858 and Mount St. Scholastica College for women founded in 1923; and

WHEREAS, Benedictine College, (Mount St. Scholastica College) is the alma mater of 2004 Nobel Peace Prize winner Wangari Maathai, Class of 1964; and

WHEREAS, Benedictine College has achieved the highest undergraduate enrollment in its history at 1,430 full-time students; and

WHEREAS, Benedictine College has brought two national championships back to the state of Kansas, the 1954 and 1967 NAIA National Basketball Championships; and

WHEREAS, Benedictine College has been named one of the top Catholic colleges in America by the Newman Guide to Choosing a Catholic College; and

WHEREAS, Benedictine College has been named to the first tier of America's Best Colleges by U.S. News & World Report; and

WHEREAS, Benedictine College was named a leader in educational excellence in the book, *Colleges of Distinction*; and

WHEREAS, Benedictine College is one of only 82 colleges nationwide to be named a McGowan Scholar School; and

WHEREAS, Benedictine College was named a best buy in faithfulness and affordability by the Center for the Study of Catholic Higher Education; and

WHEREAS, The Benedictine Education Department received an exemplary rating and was nationally recognized by the National Council for the Accreditation of Teacher Education; and

WHEREAS, Benedictine College is home to the Discovery Program, a dynamic experiential learning program that fosters student research beyond the classroom; and

WHEREAS, Natural science majors at Benedictine College continue on to graduate and professional schools at nearly twice the national average; and

WHEREAS, Benedictine College athletes are consistently honored for their academics and sportsmanship; and

WHEREAS, The Benedictine College Chamber Singers, a select choir, has traveled to Italy many times, singing from Venice to Rome and performing for the Pope; and

WHEREAS, Benedictine College is one of the few Catholic liberal arts schools in the country to offer an engineering program and multiple engineering majors: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Benedictine College for its outstanding service to the people of Kansas for providing excellence in higher education for over 152 years.

On emergency motion of Senator Brungardt **SR 1808** was adopted unanimously.

Senator Brungardt introduced Steve Minnis, President of Benedictine College and Kim Shankman, Dean of Benedictine College. Also representing Benedictine College were the following: Tim Andrews, Linda Henry, Matt Jackson, Keith Jaloma, Steve Johnson, Courtney Marshall, Andy Morgentern, Rosemary Wilkerson and Joe Wurtz.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 388** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 27, 2010.

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

PAT SAVILLE, *Secretary of the Senate.*

