

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 18, 2011 — 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty Senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I want to thank You for receiving Martin Luther King as one of Your Beloved children upon his repentance and faith in Jesus Christ. I thank You for inspiring this Baptist preacher to lead his flock to engage in non-violent protest to the demeaning racial segregation which produced inhuman treatment to black adults and children.

I thank You that in this letter he demonstrated a tolerant but explicit detail of why he could not submit to the white clergy who called on him to give segregation some time to work. His response was classic; “I have found that “wait” means “never”!”

I thank You, Lord, that toward the end of his letter he wrote, “I have no despair about the future. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom.”

Although segregation is no longer legal, You know better than any of us that there are still white people who do not care to befriend black people.

Help us, Lord, to never judge any people by the color of their skin.
I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was lead by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 23, AN ACT concerning juvenile offenders; relating to jury trials; amending K.S.A. 2010 Supp. 38-2344 and 38-2357 and repealing the existing sections, by Committee on Judiciary.

SB 24, AN ACT concerning domestic relations; relating to recodification of certain domestic relations matters; amending K.S.A. 20-164, 20-165, 20-302b, 23-4,118, 60-1606, 60-1613 and 60-1620 and K.S.A. 2010 Supp. 12-5005, 60-1629 and 60-3107 and repealing the existing sections; also repealing

K.S.A. 23-101, 23-201, 60-1608, 60-1611, 60-1612 and 60-1616 and K.S.A. 2010 Supp. 60-1610, by Committee on Judiciary.

SB 25, AN ACT concerning alcoholic beverages; authorizing issuance of special event retailers' license for sales of cereal malt beverage; amending K.S.A. 2010 Supp. 41-2703 and repealing the existing section, by Committee on Federal and State Affairs.

SB 26, AN ACT concerning the state lottery; relating to security audits; background investigation requirements; amending K.S.A. 74-8707 and repealing the existing section, by Committee on Joint Committee on Legislative Post Audit.

SB 27, AN ACT concerning school districts; relating to the program weighting; amending K.S.A. 2010 Supp. 72-6413 and repealing the existing section, by Committee on Education.

SB 28, AN ACT concerning interest earnings raised by the Johnson county education research triangle authority sales tax; amending K.S.A. 19-5003 and repealing the existing section, by Committee on Legislative Education Planning Committee.

SB 29, AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 65-4105 and 65-4113 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 30, AN ACT concerning 911 emergency services; prepaid wireless fees, collection and distribution; amending K.S.A. 2010 Supp. 12-5322, 12-5324, 12-5331 and 75-5133 and repealing the existing sections, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 18, SB 19, SB 20, SB 21, SB 22.**

Ethics and Elections: **SB 17**

Financial Institutions and Insurance: **SB 14, SB 15**

Ways and Means: **SB 16**

MESSAGE FROM THE GOVERNOR

January 12, 2011

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.

Sam Brownback
Governor

Secretary, Department of Agriculture, Dale Rodman (R) Horseshoe Bay, 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.

Secretary, Department of Commerce, Pat George (R) Dodge City, pursuant to the authority vested in me by KSA 74-5002a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Labor, Karin Brownlee (R) Olathe, pursuant to the authority vested in me by KSA 75-5701, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Revenue, Nick Jordan (R), Shawnee, pursuant to the authority vested in me by KSA 75-5101, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Administration, Dennis Taylor, (R) Topeka, pursuant to the authority vested in me by KSA 75-3702a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Commissioner, Securities Commission, Aaron Jack (R) Topeka, pursuant to the authority vested in me by KSA 75-6301, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Adjutant General, Lee Tafanelli, pursuant to the authority vested in me by KSA 48-203 and KSA 75-4315a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF ADMINISTRATIONS

January 13, 2011

Kent E. Olson, Director, Division of Accounts and Reports, submitted the 57th Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2010. The report is available on line at <http://da.ks.gov/ar/finrept>.

KANSAS CORPORATION COMMISSION

January 14, 2011

As directed by the 2008 Legislature in KSA 66-1250 through 1254, Commissioners Thomas E. Wright, Chairman; Joseph F. Harkins and Ward Loyd submitted a report to the Legislature concerning the availability of Broadband services in the State of Kansas.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

January 10, 2011

In accordance with KSA 32-844 and 32-845, J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, submitted a report regarding land acquisition and renewals.

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.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. SR 1804—

A RESOLUTION congratulating and commending Tad Felts for being

inducted into the Kansas Association of Broadcasters Kansas Broadcasting Hall of Fame.

WHEREAS, Tad Felts, a Phillipsburg radio broadcaster, was inducted by the Kansas Association of Broadcasters into the KAB Kansas Broadcasting Hall of Fame in a ceremony in Wichita on October 17, 2010. Hall of Fame inductees are selected based upon their contributions to the broadcasting profession, their broadcast career, their recognition and awards received and their exemplary participation in local, state or national activities and organizations; and

WHEREAS, Tad began his radio career in Garden City at KIUL as a sophomore in high school in 1948, working for free after school and at night. During his time at KIUL his primary duties were cleaning the floors and playing records. He then went on to Fort Hays State University in 1951, where he went to work for KAYS. Tad then went to work in Goodland in 1964 at KLOE and came to Phillipsburg in 1968 before spending two years in Idaho. He returned to Phillipsburg in 1972, where he has continued to worked for KKAN and KQMA; and

WHEREAS, Tad is the news and sports director for both KKAN and KQMA, is involved in year-round coverage of events and sports in North Central Kansas and still hosts a daily radio talk show which he began in 1972 called the TADPOLL; and

WHEREAS, Tad's coverage of the harvest in the fields, fair reports, parades, the yearly visit to New York City and Washington, D.C., with students from the area high schools, and many high school sporting events have entertained and informed listeners across North Central Kansas; and

WHEREAS, Tad has received numerous honors from both the community and profession, including three Sports Broadcaster of the Year Awards, KAB and AP news coverage, the Elmer "Carp" Carpenter Award from the Kansas High School Athletic Directors and 10 Phillips County Extension Council Outstanding Service Awards. The Kansas Association of Broadcasters has also awarded Tad the Hod Humiston Sportscaaster Award for outstanding contributions to Kansas sports broadcasting and the Sonny Slater Award for contributing years of service to his community and his industry: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Tad Felts for his induction into the Kansas Association of Broadcasters Kansas Broadcasting Hall of Fame, and wish him continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Janis K. Lee.

On emergency motion of Senator Lee **SR 1804** was adopted unanimously.

Senator Lee introduced and congratulated Tad Felts for being inducted by the Kansas Association of Broadcasters into the KAB Kansas Broadcasting Hall of Fame.

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

SENATE RESOLUTION No. SR 1805—

A RESOLUTION congratulating and commending the members of the 2011 Kansas Teacher of the Year Team.

WHEREAS, The Kansas State Department of Education sponsors the Kansas Teacher of the Year program which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two Teachers – one elementary and one secondary – in each of the state's four United States congressional districts were selected as finalists for recognition as Kansas Teacher of the Year, the Kansas Teacher of the Year being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded The Hubbard Foundation Kansas Teacher of the Year Ambassadorship which enables the person selected to devote significant time during the second semester to activities to support the mission of the program. The 2011 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 20, 2010. All members received a cash award as well as mementos of the events; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers sponsored by the ING Foundation and Target in partnership with the University of Phoenix Foundation and People to People Ambassador Programs; and WHEREAS, The 2011 Kansas Teacher of the Year is Curtis Chandler, Wamego USD 320, and the regional finalists are Nikki M. Chamberlain, Salina USD 305; Kim A. Morrissey, Wichita USD 259; Holly R. Schreiber, De Soto USD 232; C. Dow Tate, Shawnee Mission USD 512; Jodi A. Testa, Geary County USD 475; Lu Anne Vides, El Dorado USD 490 and Linda G. Wiersma, Paola USD 368: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2011 Kansas Teacher of the Year Team and wish Mr. Chandler success in the national competition; and

Be it further resolved: That the Secretary of the Senate provide eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2011 Kansas Teacher of the Year Team.

On emergency motion of Senator Schodorf **SR 1805** was adopted unanimously.

Senator Schodorf introduced and congratulated Mr. Curtis Chandler, 2011 Kansas Teacher of the Year from Wamego. Also congratulated were the following regional finalists: Nikki M. Chamberlain, Salina; Kim A. Morrissey, Wichita; Holly R. Schreiber, DeSoto; C. Dow Tate, Shawnee Mission; Jodi A. Testa, Geary County; LuAnne Vides, El Dorado and Linda G. Wiersma, Paola.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** 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 appointments:

By the Governor:

State Court of Tax Appeals, Judge: K.S.A. 2010 Supp. 74-2433

Trevor Wohlford, serves a term ending January 15, 2013

State Court of Tax Appeals, Chief Hearing Officer: K.S.A. 2010 Supp. 74-2433

Janis Lee, serves a term ending January 15, 2013

Committee on **Judiciary** 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 appointments:

By the Governor:

Member, State Board of Indigent Defense Services: K.S.A. 22-4519

John Robert Weber, term expires January 15, 2013

Member, State Board of Indigent Defense Services: K.S.A. 22-4519

James Colgan, term expires January 15, 2012

On motion of Senator Emler the Senate adjourned until 2:30 p.m. Wednesday, January 19, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

