

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 28, 2011, 8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-four senators present.
Senators Abrams, Brungardt, Donovan, Marshall and Steineger were excused.

The President introduced as guest chaplain, Chaplain (COL) Donald F. Davidson, who delivered the invocation.

Good and gracious creator we entrust to your care the men and women who serve in the Kansas National Guard here and abroad. Guard them, care for them, and be with them in their many tasks as they defend our nation and its purposes. Be with those who stand ready to care for our fellow citizens in a time of disaster, and for those who are given the responsibility of security.

We ask your special blessing this day on those elected to serve in this historic chamber. Remind them in the decisions they make of your presence with them.

Bless today our Adjutant General and his family. Give him courage and confidence to face the days ahead with your grace, and your compassion.

All this we ask in your strong name.

AMEN

The pledge of allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 72, AN ACT concerning telecommunications; relating to price deregulation; amending K.S.A. 2010 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION NO. 1602

By Senators Morris, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson,

Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle

A RESOLUTION congratulating the State of Kansas on the Sesquicentennial of its Admission to the Union of the United States of America.

WHEREAS, On January 29, 1861, President James Buchanan signed the bill admitting Kansas to the Union as the 34th state of the United States of America; and

WHEREAS, While on his inaugural journey to Washington, D.C. to take the oath of office, President-elect Abraham Lincoln raised the 34-star flag over Independence Hall in Philadelphia on February 22, 1861, to commemorate Kansas' entry into the Union; and

WHEREAS, On January 29, 2011, the great Sunflower State of Kansas will celebrate its 150th anniversary of statehood; and

WHEREAS, Kansas has the proud distinction of being founded for the cause of the abolition of slavery; and

WHEREAS, Kansas was inhabited long before it became a state and was named for the Kansa Native American tribe; and

WHEREAS, Kansas was at the center of the wagon trails heading west and benefited from the resulting diverse population that settled and prospered on our verdant plains; and

WHEREAS, Kansas has been at the forefront of history in striving for equality and greater rights for all peoples; and

WHEREAS, Kansas ranchers and farmers established an industry that continues to sustain the nation; and

WHEREAS, Kansas' innovative and entrepreneurial spirit has made the state a leader in aviation, education, medicine, the biosciences and energy and alternative energies; and

WHEREAS, Kansans have bravely and honorably served the country in the military since the Civil War; and

WHEREAS, Many notable Kansans have placed the state in the national spotlight, including George Washington Carver, Charles Curtis, Robert J. Dole, Amelia Earhart, Dwight D. Eisenhower, Langston Hughes, Gordon Parks and William Allen White, to name but a very few; and

WHEREAS, The people of the Sunflower State are greatly admired for their resilience, character and many accomplishments throughout the past one hundred fifty years, and congratulations and best wishes are extended to them: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the citizenry of the state of Kansas be congratulated and the state's sesquicentennial celebrated for the progress, prosperity and fulfillment of their loftiest aspirations in the century ahead.

Be it resolved by the Senate of the State of Kansas: That we recognize the historic impact of the sesquicentennial celebration and the significance of our great state to the citizens of Kansas and the United States of America.

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to the Kansas Historical Society, one enrolled copy to Senate President Morris and one enrolled copy to Speaker O'Neal of the Kansas House of Representatives.

On emergency motion of Senator Emler **SCR 1602** was adopted by voice vote.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Education: **SB 68, SB 69, SB 70.**

Ethics and Elections: **SB 66, SB 67.**

Financial Institutions and Insurance: **SB 64, SB 65, SB 71.**

Natural Resources: **ERO 36.**

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

Secretary, Department of Transportation:

Deb Miller, to serve effective upon the date of confirmation by the Senate.
(Transportation)

Secretary, Department of Aging:

Shawn Sullivan, to serve effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. SR 1810—

A RESOLUTION recognizing and commending Dr. John "Doc" Ferguson and the Ferguson family for preserving historical masonry tools used by Dr. John "Doc" Ferguson's grandfather, Nels Ferguson, in the construction of the Kansas state capitol in the 1870s.

WHEREAS, Dr. John "Doc" Ferguson's grandfather, Nels Ferguson, was born in Sweden in 1838 and immigrated to the United States in 1869; and

WHEREAS, Nels Ferguson utilized a collection of four masonry tools in the construction of the Kansas state capitol's west wing in 1879. These four specific masonry tools included a plumb bob, a wooden level, a hand float and a pry bar; and

WHEREAS, Since limestone was the preferred building material in Kansas during the late 19th century, the stone was quarried in Junction City and Cottonwood Falls, Kansas and transported 80 miles to Topeka, Kansas by wagon, riverboat or rail. The limestone was then carved and positioned using horse-drawn cranes; and

WHEREAS, In his work on the Kansas capitol building, Nels Ferguson used his masonry tools to place massive stones and apply mortar. The wooden level and plumb bob were used to ensure proper alignment and the crowbar was used to leverage stones into position. The hand float was used

to help with the finishing work; and

WHEREAS, Nels Ferguson died in 1939 in Kansas at 100 years old and is succeeded by five children and two grandchildren; and

WHEREAS, Dr. John "Doc" Ferguson, the grandson of Nels Ferguson, preserved Nels' four masonry tools used to construct the Kansas statehouse for more than 50 years; and

WHEREAS, Dr. John "Doc" Ferguson held an auction in his hometown of Clyde, Kansas in the summer of 2010. Auctioneer Greg Askren sold Nels Ferguson's four masonry tools to Kansas Senator Mark Taddiken and House Representative Elaine Bowers, who both represent Cloud County, Kansas in the state legislature; and

WHEREAS, The legislators later donated the masonry tool collection to the Kansas Historical Society, where they now reside in the collections of the Society's Kansas Museum of History; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That Dr. John "Doc" Ferguson and the entire Ferguson family be recognized and commended for preserving Nels Ferguson's masonry tool collection used in the construction of the Kansas statehouse, a neoclassical structure that now towers 304 feet above the Kansas prairie; and

Be it resolved by the Senate of the State of Kansas: That we recognize the historic impact of the Ferguson family's preservation of a significant part of Kansas history; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to Dr. John "Doc" Ferguson, one enrolled copy to Beth Tyler, granddaughter of Nels Ferguson and one enrolled copy to the Kansas Historical Society.

On emergency motion of Senator Taddiken **SR 1810** was adopted unanimously.

INTRODUCTION OF GUESTS

President Morris introduced special guests, District Judges Nancy Parrish and Eric Yost, who were senators twenty-five years ago when Kansas was celebrating its 125th birthday.

SWEARING IN CEREMONY OF ADJUTANT GENERAL

President Steve Morris asked Chief Justice Nuss, Brigadier General Lee Tafanelli, Mrs. Tafanelli and family to come forward for the swearing in ceremony for his appointment as Adjutant General of Kansas.

Following the ceremony, Governor Brownback and family participated in the promotion ceremony. Major General Lee E. Tanfanelli, the Adjutant General of Kansas, was then introduced to the Senate.

On motion of Senator Emler, the senate adjourned until 2:30 p.m., Monday, January 31, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*