

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 7, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we mature we tend to take pride in our ability to exercise restraint.
We learn to roll with the punches; stay calm under pressure; or as Kipling put it, "To keep our heads, when all around us others are losing theirs and blaming it on us." Or in the current lingo, "Be cool, man."

Composure is an admirable quality most of the time, O God.
But You have shown us that keeping cool, calm, and collected is not always a virtue.
Even Jesus vented his wrath on the money-changers and the Pharisees.
So forgive us, Lord, when we are so stoic nothing outrages us.
When someone is in dire need, we "pass by on the other side."
When we can tolerate injustice with no show of emotion.
Help us to never reach that point, O God, because when we do, we are no longer composed, we have stopped listening to You.

I pray in the Name of Jesus Christ,

AMEN

The pledge of allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 226, AN ACT concerning insurance; providing for coverage of autism spectrum disorder; amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Federal and State Affairs.

MESSAGES FROM THE GOVERNOR

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Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-04 for your information.

Sam Brownback,
Governor

The President announced Executive Order Number 11-04, directing and ordering that all non-Regents human resource directors and staff performing human resource functions of all state agencies, departments or other entities under the Governor's jurisdiction shall report directly to the Director of the Division of Personnel Services.

March 4, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-05 for your information.

Sam Brownback
Governor

The President announced Executive Order No. 11-05, authorizes the Governor's appointment of the Adjutant General of Kansas as the Homeland Security Advisor of the State of Kansas.

COMMUNICATIONS FROM STATE OFFICERS

SECRETARY OF STATE
STATE OF ARIZONA

March 3, 2011

During the first regular session of the State of Arizona Fiftieth Legislature **SR 1001**, a resolution resolving intent to affirm the sovereignty of the state of Arizona under the tenth amendment to the United States Constitution and to oppose the creation of a new Indian Reservation for gaming purposes within the exterior boundaries of a municipality, passed. A copy of the resolution was sent to Senate President Stephen Morris by Ken Bennett, Arizona Secretary of State.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Umbarger and King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. SR 1821—

A RESOLUTION congratulating and commending the Field Kindley Memorial High School Debate Team, Coffeyville, Kansas on winning the 2011 class 4A four-speaker state debate tournament.

WHEREAS, On January 14 and 15, 2011, the Kansas State High School Activities Association held the class 4A state debate tournament at Overland Park-Blue Valley Northwest High School; and

WHEREAS, In compiling a tournament record of 12 wins and only 2 losses, the Field Kindley High School Debate Team won the 2011 Kansas High School class 4A four-speaker state debate tournament; and

WHEREAS, The success of the team is a result of many long hours of hard, concentrated research and practice on the part of the entire Field Kindley debate team and their coaches; and

WHEREAS, This is the fourth four-speaker state debate championship team, and the sixth state debate championship team in the school's history; and

WHEREAS, Each debate team member, their families, the coaches, the school administrators and faculty, and every citizen of this proud community who supported and encouraged the debate team's success, should be recognized and acclaimed for this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Field Kindley High School debate team members, especially those who competed in the class 4A state debate tournament: Tiffany Lin, Eric Mueller, Jordan Mecom, Ben Wright, Grant Hendrix and Taylor Stringer; and Coaches Darrel Harbaugh, Kris Crane and Keith Wilson; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Umbarger.

On emergency motion of Senator Umbarger **SR 1821** was adopted unanimously.

Senator Umbarger introduced and congratulated the Field Kindley Memorial High School Debate Team, Coffeyville, Kansas on winning the 2011 class 4A four-speaker state debate tournament. The following is the debate team: Tiffany Lin, Eric Mueller, Jordan Mecom, Ben Wright, Grant Hendrix and Taylor Stringer. Also in attendance were coaches Darrel Harbaugh and Kris Crane.

Senators King and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. SR 1822—

A RESOLUTION congratulating and commending the Independence High School Debate Team on winning the 2011 class 4A two-speaker state debate tournament.

WHEREAS, Independence High School students Dalton Mott and Skylar Stacy are the 2011 two-speaker Class 4A state champions in debate. They are the first Independence High School debate team to win the state title in the school's history; and

WHEREAS, On January 14 and 15, 2011, the Kansas State High School Activities Association held the class 4A state debate tournament at Overland Park-Blue Valley Northwest High School; and

WHEREAS, The coach for the Independence High School debate team is Roni

Burris, the principal for Independence High School is Mitch Shaw, and the assistant principal for Independence High School is Mike Long; and

WHEREAS, Dalton is a four-year debater and previously qualified for two other state tournaments. Skylar is a three-year debater and made his first appearance at this state tournament. Together, they advanced into the round of 16 as the eighth seed and made it to the finals where they defeated Michael Mays and Ryan Jones from Rose Hill High School on a 2-1 ballot decision; and

WHEREAS, Each debate team member, their families, the coaches, the school administrators and faculty, and every citizen of this proud community who supported and encouraged the debate team's success, should be recognized and acclaimed for this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dalton Mott and Skylar Scott for winning the 2011 two-speaker Class 4A state debate championship and their coach Roni Burris; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1822** was adopted unanimously.

Senator King introduced and congratulated Dalton Mott and Skylar Stacy on winning the 2011 class 4 A two-speaker state debate tournament from Independence High School. Also in attendance was Roni Burris, Coach and Mike Long, Assistant Principal.

Senators King and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. SR 1823—

A RESOLUTION congratulating and commending the Caney Valley High School debaters.

WHEREAS, Caney Valley High School students Kurt Lockwood and Jessica Wells are the 2011 two-speaker class 3-2-1A state champions in debate, and were the only undefeated team in the tournament; and this team is the second team from Caney Valley High School to win this state title in the school's history; and

WHEREAS, Caney Valley High School students Bruce Williams and Caleb McIntosh placed third in the two-speaker class 3-2-1A debate tournament, and were undefeated until the semifinal round where they lost to the Silver Lake debate team, which was the team Lockwood and Wells beat in the tournament finale; and

WHEREAS, On January 14 and 15, 2011, the Kansas State High School Activities Association held the class 3-2-1A state debate tournament at Overland Park-Blue Valley Northwest High School; and

WHEREAS, For both teams, the coach is Amber Toth and the assistant coach is Tina McCammon; and

WHEREAS, Each debate team member, their families, the coaches, the school administrators and faculty, and every citizen of this proud community who supported and encouraged the teams' successes, should be recognized and acclaimed for this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and

commend Kurt Lockwood, Jessica Wells, Bruce Williams and Caleb McIntosh, and their coaches Amber Toth and Tina McCammon; and

Be it further resolved: That the Secretary of the Senate shall send seven enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1823** was adopted unanimously.

Senator King introduced and congratulated Kurt Lockwood and Jessica Wells from Caney Valley High School for being the 2011 two-speaker class 3-2-1A state champions in debate. Caleb McIntosh and Bruce Williams were also congratulated for placing third in the two-speaker class 3-2-1A debate tournament. Also in attendance were coach Amber Toth and assistant coach Tina McCammon.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2038**, (Corrected), **HB 2057**, **HB 2151** be passed.

Committee on **Natural Resources** recommends **SB 152** be passed.

Committee on **Public Health and Welfare** recommends **SB 92** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 92," as follows:

"Substitute for SENATE BILL NO. 92

By Committee on Public Health and Welfare

"AN ACT concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 2010 Supp. 65-1901, 65-1902, 65-1905 and 65-1912 and repealing the existing sections.";

and the substitute bill be passed.

Also, **HB 2049** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2049," as follows:

"SENATE Substitute for HOUSE BILL NO. 2049

By Committee on Public Health and Welfare

"AN ACT concerning controlled substances; amending K.S.A. 2010 Supp. 21-36a05, 21-36a06 and 65-4105 and repealing the existing sections.";

and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

Sub SB 72; SB 114, SB 193 reported correctly engrossed March 4, 2011

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Tuesday, March 8, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

