

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 9, 2012, 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 2012 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,

Lawyers have left their office,
Farmers have closed their gate.
We're headed for Topeka
Where it is time to legislate.

We've kissed the spouse and hugged the kids,
Again they'll have to learn to wait.
For House and Senate are in session,
And it's time to legislate.

Someone else must run our business,
In their hands they hold our fate;
While we labor in the State House,
And attempt to legislate.

Grant us wisdom, Lord, this session
As we start with fresh new slate;
For constituents are waiting
To see what we'll legislate.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Morris.

President Morris introduced the new reader, Matthew Gleason, who is a second year

law student at Washburn University.

The roll was called with forty senators present as follows;

District

1 Dennis D. Pyle
 2 Marci Francisco
 3 Tom Holland
 4 David Haley
 5 Kelly Kultala
 6 Chris Steineger
 7 Terrie W. Huntington
 8 Thomas C. (Tim) Owens
 9 Julia Lynn
 10 Mary Pilcher-Cook
 11 John Vratil
 12 Pat Apple
 13 Bob Marshall
 14 Dwayne Umbarger
 15 Jeff King
 16 Ty Masterson
 17 Jeff Longbine
 18 Laura Kelly
 19 Anthony Hensley
 20 Vicki Schmidt

District

21 Mark Taddiken
 22 Roger P. Reitz
 23 Robert “Rob” Olson
 24 Pete Brungardt
 25 Jean Kurtis Schodorf
 26 Dick Kelsey
 27 Leslie D. “Les” Donovan, Sr.
 28 Mike Petersen
 29 Oletha Faust-Goudeau
 30 Susan Wagle
 31 Carolyn McGinn
 32 Steve E. Abrams
 33 Ruth Teichman
 34 Terry Bruce
 35 Jay Emler
 36 Allen Schmidt
 37 Ray Merrick
 38 Garrett Love
 39 Stephen R. Morris
 40 Ralph Ostmeier

INTRODUCTIONS

President Morris introduced Dr. Deborah S. Clements, President of the Kansas Academy of Family Physicians. Dr. Clements is the Program Director for the University of Kansas Family Medicine Residency Program and a Professor of Family Medicine at KU.

Also introduced were Diane Minear, Deputy Secretary of the Senate, and Second Lieutenant Don Cackler, who again will be representing the Kansas Highway Patrol in the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris, Emler and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1801—

By Senators Morris, Emler 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,
Jay Scott Emler, majority leader,
Anthony Hensley, minority leader,
Pat Saville, secretary,
Jody Kirkwood, sergeant at arms,
and awaits the pleasure of the House of Representatives.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

The following pre-filed and newly introduced bills and concurrent resolution were introduced and read by title:

SB 249, AN ACT concerning the division of post audit; relating to employees; criminal history record check; amending K.S.A. 46-1103 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 250, AN ACT pertaining to the continuation of health insurance for firefighters, by Senators Faust-Goudeau, Kelsey and A. Schmidt.

SB 251, AN ACT concerning the joint committee on health policy oversight; relating to its duties; sunset; amending K.S.A. 2011 Supp. 46-3501 and repealing the existing section, by Committee on Joint Committee on Health Policy Oversight.

SB 252, AN ACT concerning the rules and regulations filing act; pertaining to the notice period for certain rules and regulations; amending K.S.A. 2011 Supp. 77-415 and 77-421 and repealing the existing sections, by Committee on Joint Committee on Administrative Rules and Regulations.

SB 253, AN ACT requiring communication of mammographic breast density information to patients; amending K.S.A. 40-2230 and repealing the existing section, by Senator Schodorf.

SB 254, AN ACT concerning legislative post audit; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section, by None.

SB 255, AN ACT concerning mortgage registration fees; amending K.S.A. 79-3102 and repealing the existing section, by Senator Kelsey.

SB 256, AN ACT concerning mortgages of real property; relating to entries of satisfaction of mortgage, duties and liabilities of last mortgagee or assignee of record; amending K.S.A. 58-2309a and repealing the existing section, by Senator Kelsey.

SB 257, AN ACT concerning school districts; relating to calculation of local option budget; amending K.S.A. 2011 Supp. 72-6433d and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 258, AN ACT concerning state officers and employees; relating to state universities; relating to certain negotiated contracts, by Committee on Legislative Educational Planning Committee.

SB 259, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; pertaining to employment after retirement for certain school employees; amending K.S.A. 2011 Supp. 74-4937 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 260, AN ACT concerning school districts; relating to special education state aid;

amending K.S.A. 2011 Supp. 72-978 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

On emergency motion of Senator Emler, **SCR 1610**, by Senators Morris, Emler and Hensley as follows, was introduced and adopted by voice vote.

SENATE CONCURRENT RESOLUTION NO. 1610 ----

By Senators Morris, Emler 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 communications the governor may have to present.

The President appointed Senator King and Senator Francisco as senate members of the committee to notify the Governor that the Legislature is organized and ready to receive any communications that the Governor may have to present.

Senator King and Senator Francisco will contact representatives Hayzlett, Vickrey and McCray-Miller, 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 pre-filed bills were referred to Committees as follows:

Financial Institutions and Insurance: **SB 250**

Judiciary: **SB 249**

Natural Resources: **SB 252**

Public Health and Welfare: **SB 251, SB 253**

Ways and Means: **SB 254**

MESSAGE FROM THE GOVERNOR

May 25, 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
Kansas Governor

Member, State Civil Service Board, Carroll Macke (D), Kansas City, pursuant to the

authority vested in me by KSA 75-2929(a), effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2014.

Member, Lottery Commission, Tom Roberts (D), Kansas City, pursuant to the authority vested in me by KSA 74-8709(a), effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2013.

Member, Lottery Commission, Carl Gerlach (R), Overland Park, pursuant to the authority vested in me by KSA 74-8709, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2015.

Executive Director, Lottery Commission, Dennis Wilson (R), Overland Park, pursuant to the authority vested in me by KSA 74-8703, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Public Employees Relations Board, Mark McGivern (R), Topeka, pursuant to the authority vested in me by KSA 75-4323, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2013.

Member, Public Employees Relations Board, Eric Carter (R), Overland Park, pursuant to the authority vested in me by KSA 75-4323, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2015.

Chairman, Kansas Water Authority, Gary Harshberger (R), Dodge City, pursuant to the authority vested in me by KSA 74-2622, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Kansas Electric Transmission, Earnest Lehman (D), Hays, pursuant to the authority vested in me by KSA 74-99d01, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2015.

Member, State Banking Board, Carolyn Dunn, submitted for confirmation by the Senate on May 25, 2011, heard and voted upon to authorize the exercise of powers, duties and functions by the Senate Confirmation Oversight Committee on June 1, 2011, to serve a three year term, to expire March 15, 2013, made by me as the Governor of the State of Kansas, pursuant to law.

Member, State Banking Board, Jeff Whitham, submitted for confirmation by the Senate on May 25, 2011, heard and voted upon to authorize the exercise of powers, duties and functions by the Senate Confirmation Oversight Committee on June 1, 2011, to serve a three year term, to expire March 15, 2014, made by me as the Governor of the State of Kansas, pursuant to law.

June 30, 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
Kansas Governor

Member, University of Kansas Hospital Authority, Robert Honse (R), Lawrence, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2014.

Member, Kansas Public Employees Retirement Board of Trustees, Chris Long (R), Mission Hills, pursuant to the authority vested in me by KSA 74-4905, effective upon the date of confirmation by the Senate, to serve a four year term to expire January 15, 2015.

Alternate Member, Central Interstate Low-Level Radioactive Waste Commission, John Mitchell (R), Lawrence, pursuant to the authority vested in me by KSA 65-34a02, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Kansas Human Rights Commission, Melvin Neufeld (R), Ingalls, pursuant to the authority vested in me by KSA 44-1003, effective upon the date of confirmation by the Senate, to serve a four year term to expire January 15, 2012.

Member, Kansas Human Rights Commission, Josh Ney (R), Lawrence, pursuant to the authority vested in me by KSA 44-1003, effective upon the date of confirmation by the Senate, to serve a four year term to expire January 15, 2014.

July 28, 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
Kansas Governor

Member, Agricultural Remediation Board, Kamyar Nikoo-Manesh (U), Olathe, pursuant to the authority vested in me by KSA 2-3709, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2015.

Member, State Banking Board, Thomas Pitner (D), Hays, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a three year term to expire March 15, 2014.

Member, Agricultural Remediation Board, Brian Norton (U), Girard, pursuant to the authority vested in me by KSA 2-3709, effective upon the date of confirmation by the

Senate, to serve a four year term to expire March 15, 2014.

Member, Kansas Development Finance Authority, Suresh Kumar (D), Overland Park, pursuant to the authority vested in me by KSA 74-8903, effective upon the date of confirmation by the Senate, to serve a four year term to expire January 15, 2015.

Member, Lottery Commission, Catherine Moyer (D), Ulysses, pursuant to the authority vested in me by KSA 74-8709, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2015.

Member, Agricultural Remediation Board, Laura Pearl (R), St. Mary's, pursuant to the authority vested in me by KSA 2-3709, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2014.

Member, Board of Regents, Kenny Wilk (R), Leavenworth, pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a four year term to expire June 30, 2015.

Member, Board of Regents, Fred Logan (R), Leawood, pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a four year term to expire June 30, 2015.

August 15, 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
Kansas Governor

Member, Board of Regents, Robba Moran (R) Hays, pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a four year term to expire June 30, 2015.

Member, Public Employees Relations Board, Kenneth Gorman (I), Topeka, pursuant to the authority vested in me by KSA 75-4323, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2015.

Member, Public Employees Relations Board, John Bowes (R), Topeka, pursuant to the authority vested in me by KSA 75-4323 effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2014.

August 26, 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
Kansas Governor

Member, University of Kansas Hospital Authority, Kirk Benson (R), Overland Park, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2014.

Member, Indigent Board of Defense Services Penny Moyland (R), Topeka, pursuant to the authority vested in me by KSA 22-4519, effective upon the date of confirmation by the Senate, to serve a four year term to expire January 15, 2014.

December 27, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 11-427 for your information.

Sam Brownback
Governor

The President announced Executive Directive No. 11-427, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review by at any time.

COMMUNICATIONS FROM STATE OFFICERS

OFFICE OF THE ATTORNEY GENERAL

June 8, 2011

Pursuant to KSA 75-711, Derek Schmidt, Attorney General, appointed Kirk Thompson as Director of the Kansas Bureau of Investigation.

KANSAS DEPARTMENT OF REVENUE

July 20, 2011

Nick Jordan, Secretary, pursuant to KSA 75-5105, appointed David Harper as Director of Property Valuation within the Department of Revenue's Property Valuation Division (PVD).

August 15, 2011

Pursuant to KSA 75-5117, Nick Jordan, Secretary, appointed Doug Jorgensen, Director of Alcoholic Beverage Control within the Department of Revenue's Division of Alcoholic Beverage Control (ABC).

POOLED MONEY INVESTMENT BOARD

January 3, 2012

In compliance with KSA 75-4222(h), Scott W. Miller, Director of Investments, submitted a copy of the Annual Report of the Pooled Money Investment Board for Fiscal Year 2011.

OFFICE OF THE ATTORNEY GENERAL

January 5, 2012

In accordance with KSA 75-723, Kansas Attorney General Derek Schmidt, submitted the 2011 Annual Report of the Abuse, Neglect and Exploitation Unit.

KANSAS DEPARTMENT OF CORRECTIONS
COMMUNITY CORRECTIONS SERVICES DIVISION

January 5, 2012

Pursuant to provisions of KSA 75-52,112, Ray Roberts, Secretary of Corrections, submitted the annual report of the Kansas Community Corrections Statewide Risk Reduction Initiative.

KANSAS STATE TREASURER

January 5, 2012

Ron Estes, State Treasurer, submitted the 2011 Annual Report for the Treasurer's Office.

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

January 5, 2012

On behalf of the Co-chairpersons, Senator Jeff King and Representative Mitch Holmes and pursuant to New Sec. 9(g) of Chapter 98, *2011 Sessions Laws of Kansas*, Julian Efir, Principal Analyst, submitted the final report of the Kansas Public Employees Retirement System (KPERs) Study Commission.

January 9, 2012

The Honorable Stephen Morris

President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

As provided in KSA 75-105, I have received from the Honorable Sam Brownback, Governor of the State of Kansas, since the adjournment of the 2011 session of the legislature the following communications:

Executive Directives Nos. 11-419, 11-420, 11-421, 11-422, 11-423, 11-424, 11-425 and 11-426, all relating to Authorizing Personal Transactions and Expenditure of Federal Funds.

Also, Executive Order No. 11-12, acknowledging a state of emergency resulting from a tornado, large hail and extreme weather affecting the city of Joplin in Jasper County, Missouri, exists and it is necessary to assist and expedite all disaster recovery efforts by ordering conditional and temporary relief from Motor Carrier Rules and Regulations, and shall continue in effect until June 22, 2011 unless extended or rescinded earliest by subsequent executive order, issued June 8, 2011.

Executive Order No. 11-13, declaring that Executive Orders, 11-09, 11-10, and 11-12 shall be extended and shall remain in full force and effect, with no break in application, until August 1, 2011, issued June 22, 2011.

Executive Order No. 11-14, declaring a state of local emergency for Dickinson County, as a result of a train derailment in the Union Pacific Railroad Yard in Herrington, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued June 22, 2011.

Executive Order 11-15, declaring a state of local emergency for Chase County, as a result of a train derailment on the Burlington Santa Fe Railroad line near Cottonwood Falls, Gladstone Station Siding, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued June 22, 2011

Executive Order No. 11-16, declaring a state of local emergency for Shawnee County, as a result of a train derailment in the Union Pacific Railroad Yard at NW 17th Street and Button Road in Topeka, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued June 29, 2011.

Executive Order No. 11-17, declaring a state of local emergency for Wyandotte County, as a result of a train derailment in the Burlington Northern Santa Fe Railroad Argentine Yard in Kansas City, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued June 29, 2011.

Executive Order No. 11-18, declaring a Drought Watch, Drought Warning or Drought Emergency replacing Executive Order 11-06 and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, issued July 1, 2011.

Executive Order No. 11-19, declaring a state of regional emergency for Atchison, Doniphan, Leavenworth and Wyandotte counties as a result of flooding, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued July 1, 2011.

Executive Order No. 11-20, offering a reward of five thousand dollars (\$5,000.00)

for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Pedro Morales in rural Ford county, Kansas, issued July 11, 2011.

Executive Order No. 11-21, offering a reward of five thousand dollars (\$5,000.00) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Jennifer Heckel in Hutchinson, Kansas, issued July 11, 2011.

Executive Order No. 11-22, creating the National Bio and Agro Defense Facility in Kansas Steering Committee, issued July 18, 2011.

Executive Order No. 11-23, establishing the Governor's Economic Advisors Council, issued July 28, 2011.

Executive Order No. 11-24, declaring a state of emergency exists in the state of Missouri, and declaring it necessary to assist and expedite all disaster recovery efforts and the extension of prior conditional and temporary relief as stated in Executive Order 11-10, issued July 28, 2011.

Executive Order No. 11-25, declaring a state of emergency in the state, and as a result, it is necessary to expedite all efforts to transport hay to livestock in drought stricken areas, issued July 28, 2011.

Executive Order No. 11-26, declaring a state of regional emergency existing in Atchison, Doniphan, Leavenworth, and Wyandotte counties as a result of flooding, and as a result, it is necessary to expedite all efforts of restoration of services and relief and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued August 2, 2011.

Executive Order No. 11-27, declaring a Drought Watch, Drought Warning or Drought Emergency replacing Executive Order 11-18 and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, issued August 4, 2011.

Executive Order No. 11-28, acknowledging a state of emergency exists in the states of Nebraska, Oklahoma, Texas, and declaring it necessary to assist and expedite all disaster recovery efforts by providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 2, 2011.

Executive Order No. 11-29, declaring a Drought Watch, Drought Warning or Drought Emergency replacing Executive Order 11-18 and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, issued September 6, 2011.

Executive Order No. 11-30, declaring a state of local emergency for Saline County, as a result of a train derailment near the Union Pacific Railroad Yard at 5th and Decatur Streets in Salina and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 12, 2011.

Executive Order No. 11-31, declaring a state of local emergency for Butler County, as a result of a train derailment on the Burlington Northern Santa Fe Railroad line near Cassoday, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 12, 2011.

Executive Order No. 11-32, declaring a state of local emergency for Coffey County, as a result of a train car maintenance issue on the Burlington Northern Santa Fe

Railroad line near Lebo, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 12, 2011.

Executive Order No. 11-33, declaring a state of local emergency for Pottawatomie County, as a result of a train derailment on the Union Pacific Railroad line near Emmett, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 12, 2011.

Executive Order No. 11-34, declaring a state of local emergency for Wyandotte County, as a result of a train derailment near the 18th Street Terminal on the Union Pacific Railroad line in Kansas City, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 21, 2011.

Executive Order No. 11-35, declaring a state of local emergency for Wyandotte County, as a result of a train derailment in the Argentine Rail Yard on the Burlington Northern Santa Fe Railroad line in Kansas City, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 22, 2011.

Executive Order No. 11-36, declaring a state of local emergency for Shawnee County, as a result of a train derailment near the Union Pacific Rail Yard at 9th and Norris Streets in Topeka, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued September 30, 2011.

Executive Order No. 11-37, declaring a Drought Watch, Drought Warning or Drought Emergency replacing Executive Order 11-18 and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, issued October 5, 2011.

Executive Order No. 11-38, acknowledging a state of emergency exists in the states of Nebraska, Oklahoma, Texas, and declaring it necessary to assist and expedite all disaster recovery efforts by providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued October 5, 2011.

Executive Order No. 11-39, declaring a state of local emergency for Shawnee County, as a result of a train derailment at the Union Pacific Railroad Armourdale Rail Yard at 901 NW North Street in Topeka, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued October 6, 2011.

Executive Order No. 11-40, naming and designating the cemetery on the Kansas Juvenile Correctional Complex grounds as "The Bennie Lee Graham Memorial Cemetery" in memory of Bennie Lee Graham, issued October 18, 2011.

Executive Order No. 11-41, declaring a state of local emergency for Woodson County, as a result of a train derailment on the Union Pacific Railroad line near Yates Center, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued October 18, 2011.

Executive Order No. 11-42, declaring a state of local emergency for Wyandotte County, as a result of a train derailment in the Argentine Rail Yard in Kansas City, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued October 18, 2011.

Executive Order No. 11-43, declaring a state of local emergency for Woodson and Wyandotte Counties, as a result of a train derailment on the Union Pacific Railroad and Burlington Northern Santa Fe Railroad lines, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued October 31, 2011.

Executive Order No. 11-44, declaring a state of local emergency for Wyandotte

County, as a result of a train derailment on the Union Pacific Railroad line in the Armourdale Rail Yard, and a train derailment on the Burlington Northern Santa Fe Railroad line in the Argentine Rail Yard, both in Kansas City, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued October 31, 2011.

Executive Order No. 11-45, declaring a state of local emergency for Saline County, as a result of a train derailment on the Union Pacific Railroad line along Santa Fe Street in Salina, and providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued October 31, 2011.

Executive Order No. 11-46, directing and ordering all non-Regents Executive Branch agency information technology directors and all staff performing information technology functions in all Executive Branch state agencies, departments, or other entities under my jurisdiction shall report directly to the Executive CITO, issued November 7, 2011.

Executive Order No. 11-47, acknowledging a state of emergency exists in the states of Nebraska, Oklahoma, Texas, and declaring it necessary to assist and expedite all disaster recovery efforts by providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued November 15, 2011.

Executive Order No. 11-48, declaring a Drought Watch, Drought Warning or Drought Emergency replacing Executive Order 11-37 and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, issued November 21, 2011.

Executive Order No. 11-49, declaring a state of emergency exists in Kansas and declaring it necessary to assist and expedite all disaster recovery efforts by providing conditional and temporary relief from Motor Carrier Rules and Regulations, issued December 28, 2011.

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 9, 2012

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 2011

Regular Session of the Legislature:

Dennis Taylor, Secretary of Administration, submitted a listing of state owned property for possible sale as identified by state agencies.

Kansas Department of Labor submitted the 2010 Annual Report.

The Johnson County Education Research Triangle Authority, Ed Eilert, Chairman, submitted its annual report concerning the financial activities of the authority.

The Attorney General submitted the 2011 Kansas State Child Death Review Board Annual Report.

The Kansas Public Employees Retirement System submitted the 2011 Comprehensive Annual Financial Report.

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 COMMITTEE

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 appointments:

By the Governor:

Agricultural Remediation Board: K.S.A. 2011 Supp. 2-3709

Brian Norton, term expires March 15, 2014

Kamyar Nikoo-Manesh, term expires March 15, 2015

Laura Pearl, term expires March 15, 2014

Board of Indigents' Defense Services: K.S.A. 22-4519

Penny Moylan, term expires January 15, 2014

Central Interstate Low-Level Radioactive Waste Commission: K.S.A. 2011 Supp. 65-34a02

John Mitchell, serves at the pleasure of the Governor

Kansas Board of Regents: K.S.A. 74-3202a

Fred Logan, term expires June 30, 2015

Kenny Wilk, term expires June 30, 2015

Robba Moran, term expires June 30, 2015

Kansas Development Finance Authority: K.S.A. 74-8903

Suresh Kumar, term expires January 15, 2015

Kansas Electric Transmission Authority: K.S.A. 2011 Supp. 74-99d03

Earnest Lehman, term expires March 15, 2015
 Kansas Human Rights Commission: K.S.A. 44-1003
 Josh Ney, term expires January 15, 2014
 Melvin Neufeld, term expires January 15, 2012
 Kansas Lottery Commission: K.S.A. 74-8709
 Carl Gerlach, term expires March 15, 2015
 Catherine Moyer, term expires March 15, 2015
 Tom Roberts, term expires March 15, 2013
 Kansas Lottery Commission, Executive Director: K.S.A. 2011 Supp. 74-8703
 Dennis Wilson, serves at the pleasure of the Governor
 Kansas Public Employees Retirement Board of Trustees: K.S.A. 74-4905
 Chris Long, term expires January 15, 2015
 Kansas Water Authority: K.S.A. 2011 Supp. 74-2622
 Gary Harshberger, serves at the pleasure of the Governor
 Public Employees Relations Board: K.S.A. 2011 Supp. 75-4323
 Eric Carter, term expires March 15, 2015
 Mark McGivern, term expires March 15, 2013
 John Bowes, term expires March 15, 2014
 Kenneth Gorman, term expires March 15, 2015
 State Banking Board: K.S.A. 74-3004
 Carolyn Dunn, term expires March 15, 2013
 Jeff Whitham, term expires March 15, 2014
 Thomas Pitner, term expires March 15, 2014
 State Civil Service Board: K.S.A. 75-2929a
 Caroll Macke, term expires March 15, 2014
 University of Kansas Hospital Authority: K.S.A. 2011 Supp. 76-3304
 Kirk Benson, term expires March 15, 2014
 Robert Honse, term expires March 15, 2014
 By the Secretary of Revenue:
 Director of Alcoholic Beverage Control: K.S.A. 2011 Supp. 75-5117
 Doug Jorgensen, serves at the pleasure of the Secretary
 Director of the Division of Property Valuation: K.S.A. 2011 Supp. 75-5105
 David Harper, serves at the pleasure of the Secretary
 By the Kansas Attorney General:
 Director of the Kansas Bureau of Investigation: K.S.A. 2011 Supp. 75-711
 Kirk Thompson, serves at the pleasure of the Attorney General

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
Jene Vickrey, speaker pro tem,
Arlen Siegfried, 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 5028**, 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 and for the purpose of hearing a message from the Supreme Court.

The following escorts are appointed for the State of the State:

To escort the Governor: Reps. Hayzlett, Vickrey and Henderson
To escort the Lt. Governor: Reps. Landwehr, Mast and Slattery
To escort the Supreme Court: Reps. Sloan, Siegfried and Tietze
To escort the Senators: Reps. Aurand, Schwartz and Wetta

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1610**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2012 session of the Legislature is duly organized and ready to receive communication.

Also, announcing the appointment of Representatives Hayzlett, Vickrey and McCray-Miller to notify the Governor.

HCR 5028, providing for joint sessions of the Senate and House of Representatives for the purpose of hearing a message from the Governor and for the purpose of hearing a message from the Supreme Court, was introduced and read by title.

On emergency motion of Senator Emler, **HCR 5028** was adopted by voice vote.

The President appointed Senator Huntington and Senator A. Schmidt to escort the Governor; Senator Marshall and Senator Faust-Goudeau to escort the Lt. Governor and Senator Owens and Senator Kultala to escort the Supreme Court.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Tuesday, January 10, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

