

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 13, 2009—2:30 p.m.

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

Heavenly Father,
In the garden of Gethsemane
Your only begotten Son
Prayed "Not my will,
But thine be done."

So when we pray for anything,
It seems that everyone
Should pray "Not my will
But thine be done."

When we introduce a bill,
Before the process has begun,
We should pray, "Not my will,
But thine be done."

You have a way, O God,
Of blessing anyone
Who always prays, "Not my will,
But only thine be done."

Help us to remember, Lord,
That there are really none
Who can say we've learned to pray,
Until we pray, "Thy will be done."

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCED

President Morris introduced Carl Merrill Lovendahl, Doorkeeper; and Rose Marie Glatt and Shirley Lamott, Journal Clerks.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 20, An act concerning school districts; relating to capital improvements; state aid; amending K.S.A. 2008 Supp. 75-2319 and repealing the existing section, by Committee on Ways and Means.

SB 21, An act concerning school districts; relating to financing the costs of utility services and insurance, by Committee on Ways and Means.

SB 22, An act concerning school districts; relating to the issuance of no-fund warrants, by Committee on Ways and Means.

SB 23, An Act making and concerning appropriations for the fiscal years ending June 30, 2009, and June 30, 2010, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 55-193, 79-2978 and 79-2979 and repealing the existing sections, by Committee on Ways and Means

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Committee of the Whole: **SCR 1601; SR 1803.**

Education: **SB 7, SB 9, SB 10, SB 11.**

Ethics and Elections: **SB 2.**

Federal and State Affairs: **SB 1, SB 3, SB 13.**

Financial Institutions & Insurance: **SB 12.**

Judiciary: **SB 6, SB 8, SB 14, SB 15, SB 17, SB 18, SB 19.**

Public Health and Welfare: **SB 16.**

Transportation: **SB 4, SB 5.**

CHANGE OF REFERENCE

The President withdrew **SB 8** from the Committee on Judiciary, and referred the bill to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

December 23, 2008

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 08-394 for your information.

Kathleen Sebelius
Governor

The President announced Executive Directive No. 08-394, Authorizing Expenditure of Federal Funds as recommended by the President of the Kansas Board of Regents, is on file in the office of the Secretary of the Senate and is available for review by members of the Legislature at any time.

January 12, 2009

Enclosed herewith is a communication pursuant to K.S.A. 22-3703, a report of the only pardon granted by me for the preceding year.

Benito Carrillo, Jr. II
Convicted in 1999 of Driving Under the Influence
Sentenced to probation for the term of one year which was successfully completed
For employment purposes with Aerosystems only

Kathleen Sebelius
Governor

COMMUNICATIONS FROM STATE OFFICERS

KANSAS STATE BOARD OF HEALING ARTS

September 2, 2008

Vinton K. Arnett, Chair, Kansas State Board of Healing Arts, appointed on behalf of the board John D. "Jack" Confer Acting Executive Director at a meeting of the Board June 20, 2008 effective July 14, 2008, to serve at the will and pleasure of the Board subject to the confirmation of the Kansas Senate.

KANSAS DEPARTMENT OF CORRECTIONS

January 2, 2009

Pursuant to provision of KSA 75-52,112, Roger Werholtz, Secretary, Kansas Department of Corrections, submitted a report detailing the progress of the Kansas Community Corrections Statewide Risk Reduction Initiative and the progress of the individual community corrections programs.

POOLED MONEY INVESTMENT BOARD

January 5, 2009

In compliance with KSA 75-4222(h), Elizabeth B. A. Miller, Director of Investments, submitted the Annual Report of the Pooled Money Investment Board for Fiscal Year 2008.

KANSAS WATER OFFICE

January 7, 2009

Tracy Streeter submitted KWO 2009 annual report.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

January 12, 2009

The annual report of the Kansas Department of Wildlife and Parks was submitted by J. Michael Hayden, Secretary, in accordance with KSA 32-844 and 32-845.

KANSAS CORPORATION COMMISSION

January 12, 2009

Doug Louis, Director, Conservation Division of the Kansas Corporation Commission, submitted the Conservation Division Abandoned Oil and Gas Well Remediation Site Status Report.

KANSAS, INC.

Gene Argo, Co-Chair, Kansas, Inc., submitted the 2008 Annual Report.

KANSAS SENTENCING COMMISSION

January 12, 2009

Helen Pedigo, Executive Director, Kansas Sentencing Commission, submitted the 2009 Report to the Legislature.

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 COMMITTEES

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:

Central Low-Level Radioactive Waste Commission: K.S.A. 2008 Supp. 65-34a02

Shari Feist Albrecht, member, serves at the pleasure of the Governor

John William Mitchell, alternate member, serves at the pleasure of the Governor

Kansas Agricultural Remediation Board: K.S.A. 2008 Supp. 2-3709

Larry S. Shivers, term expires March 15, 2012

Kansas Bioscience Authority: K.S.A. 2008 Supp. 74-99b04

Sandra Airene Lawrence, term expires March 15, 2012

John W. Carlin, term expires March 15, 2012

Kansas Court of Tax Appeals, Chief Hearing Officer: K.S.A. 2008 Supp. 74-2433

Trevor Wohlford, term expires July 1, 2012

Kansas Electric Transmission Authority: K.S.A. 2008 Supp. 74-99d03

Leslie W. Evans, term expires March 15, 2012

Kansas Human Rights Commission: K.S.A. 44-1003

Terry Lee Crowder, term expires January 15, 2011

Kansas Inc.: K.S.A. 2008 Supp. 74-8001
 Patricia Bossert, term expires January 15, 2012
 John A. Pilla, term expires January 15, 2012
 Kansas National Guard, Brigadier General: K.S.A. 2008 Supp. 48-208
 Col. Norman E. Steen, serves at the pleasure of the Governor
 Kansas Technology Enterprise Corporation: K.S.A. 2008 Supp. 74-8101
 Dr. Bruce D. Dallman, term expires January 15, 2012
 Pooled Money Investment Board: K.S.A. 75-4221a
 Norman B. Dawson, term expires March 15, 2012
 J. Thomas Thull, term expires March 15, 2012
 Public Employee Relations Board: K.S.A. 2008 Supp. 75-4323
 Kenneth W. Gorman, term expires March 15, 2011
 State Banking Board: K.S.A. 74-3004
 Michael R. Downing, term expires March 15, 2011
 Winton A. Winter, Jr., term expires March 15, 2011
 Melvin G. Minor, term expires March 15, 2011
 State Board of Indigents' Defense Services: K.S.A. 22-4519
 Lawrence P. Daniels, term expires January 15, 2009
 John R. Weber, term expires January 15, 2010
 State Civil Service Board: K.S.A. 75-2929a
 Correne K. Green, term expires March 15, 2010
 Robert B. VanCleave, term expires March 15, 2010
 University of Kansas Hospital Authority: K.S.A. 2008 Supp. 76-3304
 Gregory Michael Graves, term expires March 15, 2011
 Robert W. Honse, term expires March 15, 2010
 Sharon Lindenbaum, term expires March 15, 2011
 By the Board of Healing Arts:
 Kansas Board of Healing Arts, Executive Director: K.S.A. 2008 Supp. 65-2878
 John Douglas (Jack) Confer, serves at the pleasure of the Board of Healing Arts

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the Chair.

On motion of Senator Emler the following report was adopted:
 Recommended **SCR 1601** be adopted.
 Recommended **SR 1803** be adopted.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SCR 1601**, **SR 1803** were advanced to Final Action and roll call.

SCR 1601, A CONCURRENT RESOLUTION adopting Joint Rules for the Senate and House of Representatives for the 2009-2010 biennium.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wysong.

Absent or Not Voting: Taddiken.
 The resolution was adopted.

SR 1803, A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2009 regular session of the Legislature.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wysong.

Absent or Not Voting: Taddiken.

The resolution was adopted.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 14, 2009.

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

PAT SAVILLE, *Secretary of the Senate.*

