

# Journal of the Senate

## SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 20, 2010—2:30 p.m.

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

Heavenly Father,

Dr. George Washington Carver, an African American who became an Agricultural Chemist, and one of Your most loyal servants, produced hundred of products made from the peanut, pecan, sweet potato, and soybean, shared eight cardinal virtues with one class of his departing students, which he said constituted a lady or a gentleman. Although these virtues were aimed at college graduates, it seemed to me to apply to all of us....

1. Be clean both inside and outside.
2. Neither look up to the rich nor down on the poor.
3. Lose, if needs be, without squealing.
4. Win without bragging.
5. Always be considerate of women, children, and old people.
6. Be too brave to lie.
7. Be too generous to cheat.
8. Take your share of the world and let others have theirs.

Lord, I close with the way he closed his letter: May God help you to carry out these eight cardinal virtues and peace and prosperity be yours through life.

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 bills were introduced and read by title:

**SB 397**, An act concerning the Fort Scott/Bourbon county riverfront authority; relating to taxation; Kansas retailers' sales tax act, political subdivisions thereunder; property tax exemptions; amending K.S.A. 2009 Supp. 79-201a and 79-3602 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 398**, An act concerning corporations; relating to indemnification and advancement of expenses; amending K.S.A. 17-6305 and repealing the existing section, by Committee on Judiciary.

**SB 399**, An act concerning crimes, punishment and criminal procedure; relating to aggravated endangering a child; controlled substances; amending K.S.A. 2009 Supp. 21-3608a, 21-36a01, 21-36a05, 21-36a10 and 21-36a13 and repealing the existing sections, by Committee on Judiciary.

**SB 400**, An act concerning eminent domain; relating to notification of payment of appraisers' award; amending K.S.A. 26-510 and repealing the existing section, by Committee on Judiciary.

**SB 401**, An act concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; creating the Kansas agricultural opportunity act; amending K.S.A. 2009 Supp. 74-8734, 74-8741, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 402**, An act concerning telecommunications; relating to commercial mobile radio services providers; amending K.S.A. 2009 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

**SB 403**, An act concerning the legislature; relating to compensation for legislative officers; amending K.S.A. 46-137e and K.S.A. 2009 Supp. 46-137b and repealing the existing sections, by Committee on Ways and Means.

**SB 404**, An act concerning education; establishing the early high school graduation scholarship program; amending K.S.A. 2009 Supp. 72-6438 and repealing the existing section, by Committee on Ways and Means.

**SB 405**, An act concerning municipalities; concerning official newspapers and official municipality internet web sites; amending K.S.A. 12-1651 and 64-101 and repealing the existing sections, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 393, SB 394, SB 395.**

Education: **SB 385.**

Financial Institutions & Insurance: **SB 388, SB 389, SB 390.**

Judiciary: **SB 386.**

Public Health and Welfare: **SB 391.**

Transportation: **SB 392.**

Ways and Means: **SB 387, SB 396.**

#### CHANGE OF REFERENCE

The President withdrew **HB 2299** from the Committee on **Transportation**, and rereferred the bill to the Committee on **Assessment and Taxation**.

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS PAROLE BOARD

January 15, 2010

Pursuant to the provisions of KSA 22-3710, Robert Sanders, Chairman, submitted the annual report of the Kansas Parole Board for Fiscal Year 2009.

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

#### MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2283**, requests a conference, and has appointed Representatives Powell, Fund and Lukert as conferees on the part of the House.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Lee, Morris, Abrams, Apple, Barnett, Brownlee, Emler, Francisco, Haley, Huelskamp, Huntington, Kelly, Kultala, Lynn, Marshall, McGinn, Ostmeyer, Pilcher-Cook, Reitz, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1804—

A RESOLUTION congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science.

WHEREAS, The Legislature of the state of Kansas enacted legislation in 2006 authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and science education, increase retention of intellectual capital, and promote economic development; and

WHEREAS, The Legislature of the state of Kansas approved five years of funding for the Kansas Academy of Mathematics and Science in 2008; and

WHEREAS, Fort Hays State University is a forward-thinking liberal and applied arts university, and is recognized internationally for offering more than 60 degrees in a technology-rich environment. Fort Hays State University aggressively seeks innovative solutions to meet the educational needs of Kansans and enhance the economic future of the state; and

WHEREAS, The State Board of Regents selected Fort Hays State University as the site to host the Kansas Academy of Mathematics and Science in 2007; and

WHEREAS, Fort Hays State University established the Kansas Academy of Mathematics and Science allowing Kansas to become the sixteenth state in the country with an academic early-entry-to-college program offering a unique residential learning experience for high achieving high school juniors and seniors who are academically talented in science and mathematics; and

WHEREAS, The Kansas Academy of Mathematics and Science provides a unique, hands-on rigorous research environment with PhD. faculty that focuses on academics, research, leadership development and civic engagement allowing Fort Hays State University to cultivate future citizen-leaders; and

WHEREAS, Students who graduate from the Kansas Academy of Mathematics and Science will receive a high school diploma and 68 hours of college credit; and

WHEREAS, The pioneer class of the Kansas Academy of Mathematics and Science convened in the fall semester of 2009 with 26 students, representing all four Kansas congressional districts; and

WHEREAS, The pioneer class of the Kansas Academy of Mathematics and Science will graduate in 2011; and

WHEREAS, The members of the pioneer class of the Kansas Academy of Mathematics and Science who will graduate in 2011 are: Kaleb Beaugh, Salina; Amanda Berckefeldt, Paola; Leo Budy, Basehor; Emilie Clare, Wichita; Tyler Clark, St. John; Isaac Cook, Olathe; Alexandria Darden, Lansing; Ben Davis, Wichita; Bryant Davis, Wilson; Seth Gooding, Mt. Hope; Alexis Greb-Bonham, Wellington; Whitney Hersh, Topeka; Kassandra Kirk, Hutchinson; Jaeton Martin, Silver Lake; William Morris, Kingman; William Robertson II, Liberal; Carlton E. Savage, Holcomb; Kathryn Schmidt, Atchison; Christian Sellers, Fort Scott; Jennifer Snyder, Kansas City; Bailey Sprickler, Overland Park; Erica Stacey, Great Bend; Mersadez Tanner, Hays and Nicholas Van Swol, Everest. Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the members of the pioneer class of the Kansas Academy of Mathematics and Science as they approach graduation and wish them continued success in their academic and personal pursuits and encourage them to use their significant gifts to improve the future of their home state; and

*Be it further resolved:* That we express gratitude to the educators and support staff of the Kansas Academy of Mathematics and Science who, through their dedication and commitment to excellence in education in the fields of mathematics and science, have brought this program to fruition through the success of the pioneer class. The efforts of the educators and support staff of the Kansas Academy of Mathematics and Science are helping to forge the future for the state of Kansas; and

*Be it further resolved:* That the Secretary of the Senate provide 24 enrolled copies of this resolution to Ron Keller, the Director of the Kansas Academy of Mathematics and Science, for forwarding to each of the 2011 graduates of the Kansas Academy of Mathematics and Science plus 10 copies for the Director of the Kansas Academy of Mathematics, and Science.

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

Senator Lee introduced Dr. Edward H. Hammond, President of Ft. Hays State University. Also introduced were the following Kansas Academy of Math and Science Students from Ft. Hays State University: Kaleb Beough, Amanda Berckefeldt, Leo Budy, Emilie Clare, Tyler Clark, Isaac Cook, Alexandria Darden, Ben Davis, Bryant Davis, Seth Gooding, Alexis Greb-Bonham, Whitney Hersh, Kassandra Kirk, Jaeton Martin, William Morris, William Robertson II, Carlton E. Savage, Kathryn Schmidt, Christian Sellers, Jennifer Snyder, Bailey Spickler, Erica Stacey, Mersadez Tanner and Nicholas Van Swol. The students were congratulated on their achievements.

Committee on Utilities introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1805—

A RESOLUTION urging the leaders of the state of Kansas and the United States to address global climate change while safeguarding American jobs and America's global competitiveness.

WHEREAS, The greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and have surpassed the greenhouse gas emissions of the United States and other developed countries;

WHEREAS, Kansas's greenhouse gas emissions account for only 0.23% of global greenhouse gas emissions; and

WHEREAS, Any system to regulate greenhouse gas emissions must not eliminate American jobs nor diminish the ability of American industry to compete in the global marketplace; and

WHEREAS, Any system to regulate greenhouse gas emissions must reward, not punish, early adopters of energy efficient technologies and practices; and

WHEREAS, Any system to regulate greenhouse gas emissions must adopt an international component to prevent "emissions leakage" and ensure that emissions do not simply migrate to another state or nation; and

WHEREAS, The only manner to quantify these emissions is through a domestic and international greenhouse gas emissions registry that is uniform, transparent, and verifiable; and

WHEREAS, Any system to regulate greenhouse gas emissions must ensure that the adopted regime does not result in the off-shoring of international trade sensitive industries; and

WHEREAS, Manufacturing accounts for \$15.2 billion of Kansas's gross state product and is the number one contributor to the state's economy. Kansas has already lost 20,700 manufacturing jobs since 1998; and

WHEREAS, Any system to regulate greenhouse gas emissions must ensure the availability of sufficient, affordable energy, including clean energy, before restricting emissions in a manner that could reduce the volume of energy available to consumers; and

WHEREAS, Any system to regulate greenhouse gas emissions must provide credits or allowances to support operations that reduce greenhouse gas emissions: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Senate of the state of Kansas and the United States should combat global climate change and reduce greenhouse gas emissions in a manner that promotes American jobs, saves American citizens and industries from higher energy prices, rewards early adopters of efficient practices and technologies, prevents "emissions leakage" and champions the global competitiveness of American industry; and

*Be it further resolved:* That the Secretary of the Senate be directed to send enrolled copies of this resolution to the governor of the state of Kansas, Mark Parkinson, and the Kansas Congressional delegation.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary of Kansas Department of Agriculture: K.S.A. Supp. 74-560

Joshua Svaty, serves at the pleasure of the Governor

Committee on **Assessment and Taxation** recommends **HB 2353**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2353," as follows:

"SENATE Substitute for HOUSE BILL No. 2353

By Committee on Assessment and Taxation

"AN ACT concerning Chautauqua county; relating to financing of jail; retailers' sales tax; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary of Department on Aging: K.S.A. Supp. 75-5903

Martin A. Kennedy, serves at the pleasure of the Governor

Committee on **Ways and Means** recommends **HB 2222**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2222," as follows:

"SENATE Substitute for HOUSE BILL No. 2222

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.";

and the substitute bill be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, January 21, 2010.

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

PAT SAVILLE, *Secretary of the Senate.*

