

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 25, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Bruce and Lee were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Being elected to this job,
I'd like to do my very best.
But I don't think that will happen
Until by You I have been blest.

Looking to the Proverbs,
I discover what You say;
I hear from You, the Master,
The most revealing way.

If I cry aloud for wisdom,
And regard it as a treasure,
You have promised to provide it
More than I can measure.

You have told me I will understand
What is right and just and fair,
And if I go where You will lead me,
I will find great wisdom there.

Thank You, Lord, for loving me.
You have made it very clear
No other can supply my needs;
No other can erase my fears.

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 and resolution were introduced and read by title:

SB 431. An act concerning property tax; regarding delinquent property taxes; providing for the sale of tax receivables, by Committee on Assessment and Taxation.

SB 432. An act concerning property taxes; delinquent taxes; fees for outsourcing collections; amending K.S.A. 2009 Supp. 79-2401a and repealing the existing section, by Committee on Assessment and Taxation.

SB 433, An act concerning sales taxation; relating to exemptions; Kansas Wildscape Foundation; amending K.S.A. 2009 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 434, An act concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 21-3520 and repealing the existing section, by Committee on Judiciary.

SB 435, An act concerning criminal procedure; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section, by Committee on Judiciary.

SB 436, An act concerning children in need of care; relating to runaways; amending K.S.A. 2009 Supp. 38-2231 and repealing the existing section, by Committee on Judiciary.

SB 437, An act concerning the secretary of state; relating to filing requirements for resident agents; amending K.S.A. 17-6204, 56a-1001 and 56a-1102 and repealing the existing sections, by Committee on Judiciary.

SB 438, An act concerning business trusts; relating to required filings with the office of the secretary of state; amending K.S.A. 17-2030 and repealing the existing section, by Committee on Judiciary.

SB 439, An act concerning the secretary of state; relating to the Kansas register; amending K.S.A. 75-431 and K.S.A. 2009 Supp. 75-430 and repealing the existing sections; also repealing K.S.A. 75-432, by Committee on Judiciary.

SB 440, An act concerning the office of secretary of state; relating to registration of insignias; repealing K.S.A. 75-421, 75-422, 75-423, 75-424, 75-425, 75-426 and 75-427, by Committee on Judiciary.

SB 441, An act concerning corporations and business entities; relating to the merger of limited partnerships; amending section 11 of chapter 47 of the 2009 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 56-1a609, by Committee on Judiciary.

SB 442, An act concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending K.S.A. 2009 Supp. 8-2107, 8-2110, 21-4619, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

SB 443, An act concerning elections; relating to campaign finance; amending K.S.A. 25-4153 and repealing the existing section, by Committee on Education.

SB 444, An act establishing the child witness protection act, by Committee on Ways and Means.

SB 445, An act concerning property tax; relating to exemptions; pertaining to property held by the secretary of transportation; amending K.S.A. 2009 Supp. 79-201a and repealing the existing section, by Committee on Ways and Means.

SB 446, An act concerning the department of administration; relating to approval of state contracts; amending K.S.A. 20-156, 20-1a13, 74-8704, 74-8709, 75-2540, 75-4101a, 76-720 and 76-770 and K.S.A. 2009 Supp. 40-3403, 74-8705, 74-99b16, 75-37,143, 75-4101, 75-4105, 75-5288, 76-760, 76-769 and 76-786 and repealing the existing sections; also repealing K.S.A. 75-3744, by Committee on Ways and Means.

SB 447, An act concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7,129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522, by Committee on Public Health and Welfare.

SB 448, An act concerning use of vital statistics; relating to maternal and child health surveillance and monitoring; amending K.S.A. 2009 Supp. 65-2422d and repealing the existing section, by Committee on Public Health and Welfare.

SB 449, An act concerning audiologists; relating to educational requirements for licensure; amending K.S.A. 65-6505 and repealing the existing section, by Committee on Public Health and Welfare.

SB 450, An act concerning telecommunications; relating to the federal universal service fund, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION No. 1623—

By Committee on Natural Resources

A CONCURRENT RESOLUTION urging the United States Congress to exempt, because of its unique ecosystem and historic significance, the tallgrass prairie in the Flint Hills, from a smoke management plan mandated by the United States Environmental Protection Agency.

WHEREAS, The Flint Hills region of Kansas contains the world's largest share of the remaining tallgrass prairie, and is the only place where that habitat is in landscape proportions. Only 4% of North America's pre-settlement tallgrass prairie survives to this day, and 80% is located in Kansas; and

WHEREAS, The Flint Hills region is also home to certain declining avian species such as the greater prairie chicken and Henslow's sparrow that cannot continue to exist without large expanses of native tallgrass prairie in an original state, Further, it is a significant corridor for migrating shorebirds such as the American Golden Plover, the Buff-breasted Sandpiper, and the Upland Sandpiper; and

WHEREAS, Beginning in the mid-19th century, cattlemen understood that the richness of the Flint Hills grasses depended on a good spring burn—something they learned from the Native Americans. Fire still thrives in the Flint hills because the ranchers, and others using the land, know that the natural ecosystem depends on fire; and

WHEREAS, Ranchers, land owners and conservation groups use prescribed burns to mimic the seasonal fires that have shaped the tallgrass prairie for thousands of years. Areas not burned for several years develop mature grasses and thicker, thatch-like vegetation which habitat is preferred by invasive species; and

WHEREAS, The Flint Hills is one of the few places in the United States where the prevailing agricultural system works essentially in tandem with an ancestral native ecosystem, preserving most of its complexity and the dynamic processes that helped shape it; and

WHEREAS, Because of the uniqueness of the Flint Hills tallgrass prairie and the historic manner in which the tallgrass prairie has been managed by fire, existing prescribed burn practices should be allowed to continue without a federally prescribed "smoke management plan": Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the United States Congress to exempt the tallgrass prairie of the Flint Hills from a smoke management plan mandated by the United States Environmental Protection Agency; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of the United States Environmental Protection Agency, and each member of the Kansas Congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 425.**

Assessment and Taxation: **SB 427, SB 428, SB 429, SB 430.**

Ethics and Elections: **SB 426.**

Financial Institutions & Insurance: **SB 424.**

MESSAGE FROM THE GOVERNOR

January 21, 2010

Pursuant to KSA 22-3703, Governor Mark Parkinson reported the only pardon granted by him for the preceding year was for Samuel Jarvis Hunt.

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.

COMMUNICATIONS FROM STATE OFFICERSSTATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

January 21, 2010

Pursuant to KSA 75-723, Lucy Mills, Coordinator, Abuse, Neglect and Exploitation Unit of the Office of Kansas Attorney General Steve Six, submitted its Annual Report to the Legislature for the period of July 1, 2008 to June 30, 2009. The report may be accessed on the website of Attorney General Six at <http://www.ksag.org/files/ANE>.

KANSAS HEALTH POLICY AUTHORITY

January 22, 2010

In compliance with KSA 75-6509 Mike Michael, Deputy Director, State Employee Health Plan, submitted a compact disc (cd) containing the Kansas State Employees Health Care Commission 2009 Annual Report.

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.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION congratulating Guy and Mae's Tavern.

WHEREAS, Guy and Mae's Tavern has been family owned and operated in Williamsburg, Kansas since 1973; and

WHEREAS, Various celebrities have enjoyed Guy and Mae's barbeque, including Jeff Gordon, George Brett, and Doc Severinsen, Johnny Carson's bandleader from the earlier days of "The Tonight Show"; and

WHEREAS, Guy and Mae's Tavern has been honored in Kansas! Magazine and People Magazine; and

WHEREAS, The most popular dish at Guy and Mae's Tavern is the pork spare ribs because they are tender, tasty, and have a slow cooked smoky hickory flavor; and

WHEREAS, The barbeque sauce at Guy and Mae's Tavern is a special secret family recipe developed by Mae many years ago; and

WHEREAS, Guy and Mae's Tavern has been honored by the Kansas Sampler Foundation as one of the 8 Wonders of Kansas cuisine: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Guy and Mae's Tavern in Williamsburg, Kansas for excellence in barbequing which resulted in being honored as one of the 8 Wonders of Kansas cuisine; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Derek Schmidt.

On emergency motion of Senator D. Schmidt **SR 1807** was adopted unanimously.

Senator D. Schmidt introduced Mae Kesner, owner of Guy and Mae's tavern in Williamsburg, Kansas. Also introduced were: Diana Macoubrie, Judy Simpson, Ty Thompson, Lori Thompson, Ernie Macoubrie and Amy Macoubrie, all affiliated with Guy and Mae's tavern.

REPORT ON ENGROSSED BILLS

SB 348 reported correctly engrossed January 22, 2010.

REPORT ON ENROLLED BILLS

SR 1803, SR 1804, SR 1806 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 25, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 360, SB 371** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 26, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*
PAT SAVILLE, *Secretary of the Senate.*

