

# Journal of the Senate

FIFTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 29, 2010—10:00 a.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with thirty-eight senators present.  
Senators Colyer and Lynn were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today I thank You for Dr. John Witherspoon, a Presbyterian minister, who came to America from England in 1768 to serve as President of the College of New Jersey which became Princeton University.

He represented New Jersey in Congress and had a deep respect for his fellow Congressmen whom he called statesmen instead of politicians.

I was impressed, O God, by what he called the three indispensable elements of a statesman and patriot:

1. Be an active and sincere promoter of "true and undefiled religion."
2. Avoid profanity and immorality of every kind.
3. If an individual opposes what God stands for, he opposes the very foundation upon which America has built.

Dr. Witherspoon was a signer of the Declaration of Independence. One year later his son was killed in battle;

His property destroyed,

And his beloved college ruined almost beyond recognition.

I've made a hobby, Lord, of studying the founding fathers, and the more I learn, the more I understand why they won a war which they should not have been able to win, and founded a nation that grew to be a magnet for immigrants from all over the world.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 586**.

## CHANGE OF REFERENCE

The Vice President withdrew **S Sub for HB 2650** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Transportation.

## REFERRAL OF APPOINTMENTS

The following appointments made by the Governor, the Senate Minority Leader, the Board of Healing Arts and the Health Policy Authority and submitted to the Senate for confirmation, were referred to Committees as indicated:

*By the Governor:**Pooled Money Investment Board:*

John W. Lehman, Member, effective upon the date of confirmation by the Senate, to serve a four year term ending March 15, 2014.

(Financial Institutions and Insurance)

*State Banking Board:*

Richard Fish, Member, effective upon the date of confirmation by the Senate, to serve a three year term ending March 15, 2010.

(Financial Institutions and Insurance)

*State Public Trust, Treece Buyout Board of Trustees:*

Gene Bichnell, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

(Public Health and Welfare)

*State Public Trust, Treece Buyout Board of Trustees:*

James J. Dahmen, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

(Public Health and Welfare)

*State Public Trust, Treece Buyout Board of Trustees:*

John O. Delmont, Member, effective upon the date of confirmation by the Senate, to fulfill a four year term expiring March 15, 2014.

(Public Health and Welfare)

*State Public Trust, Treece Buyout Board of Trustees:*

Eddie L. Hamilton, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2011.

(Public Health and Welfare)

*State Public Trust, Treece Buyout Board of Trustees:*

Betty J. McBride, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2012.

(Public Health and Welfare)

*By the Senate Minority Leader:**Kansas Bioscience Authority:*

Dan Watkins, Member, effective upon the date of confirmation by the Senate, effective March 15, 2010.

(Commerce)

*By the Board of Healing Arts:**Kansas Board of Healing Arts:*

Kathleen J. Selzler Lippert, Executive Director, effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

*By the Health Policy Authority:**Kansas Health Policy Authority:*

Nicholas M. Kramer, Inspector General, effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Brownlee, Lynn and Colyer introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1870—

A RESOLUTION congratulating and commending the Olathe East High School Girls Cross Country team for winning the 2009 Class 6A Kansas State Cross Country Championship.

WHEREAS, The Olathe East High School Girls Cross Country team won the 2009 Class 6A State Championship at Rim Rock Farm in Lawrence; and

WHEREAS, The Olathe East Running Hawks also won the Blue Valley Invitational, Bishop Miege Invitational, Topeka Seaman Invitational, Haskell University Invitational and Sunflower League and Regional Championships; and

WHEREAS, There is a tradition of excellence with the Cross Country team, placing in the top five teams eight times. They also placed second in the state meet in 2005, won the state title in 2006, and finished third in 2007; and

WHEREAS, The state team roster was: Whitney Ashlock, Kara Bartels, Brenda Ellis, Brooklyn Ellis, Riley Gay, McKenzie Greeley, Brenna McDannold, Darci Miller, Lexi Null, Schyler Slaven, Paige Stein, Natalie Sturd and Jessica Thomas. The head coach was Tony Bozarth and assistant coaches were Glenn Daniels, Shanna Evans and Josie Stiles; and

WHEREAS, Not only did the team demonstrate their excellence in athletics, they also had a team grade point average of 3.5 on a 4.0 scale and participated in many community service projects. The girls are positive role models for their peers and are enthusiastically supported by the Olathe East Cross Country Parents Booster Club, their classmates, teachers and the community of Olathe, who recognize the hard work and dedication that are necessary to compete in such a difficult and intense high school sport: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Olathe East High School Girls Cross Country team for winning the 2009 Class 6A Cross Country State Championship and extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate be directed to send 18 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1870** was adopted unanimously.

The team members and coaches were guests and were recognized with a standing ovation.

Senators Brownlee, Lynn and Colyer introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1871—

A RESOLUTION congratulating the Olathe South High School girls basketball team for winning the 2010 Class 6A State Basketball Championship.

WHEREAS, The Olathe South High School girls basketball team won the 2010 Kansas State High School Activities Association Class 6A State Basketball Championship with a 54-49 victory over Wichita Heights High School in the state championship game at White Auditorium in Emporia; and

WHEREAS, The Olathe South girls basketball team finished the season with a record of 24-1. Olathe South has a history of excellence in girls basketball, having won 10 Sunflower League championships, and finishing second in the state tournament in 2000, 2007 and 2009; and

WHEREAS, The members of the championship team are: Kelsey Balcom, Megan Balcom, Navia Palu, Ebonee Bell, Brooke Rinehart, Natalie Knight, Laura McKnight, Dani Burselon, Brittany Jacobson, Vickie Dolan, Alex Hugo and Riley White. The head coach is Steve Ingram and the assistant coaches are Mike Allen, Megan Grisell and Crystal Wittlinger; and

WHEREAS, Not only did the team win the championship, but Natalie Knight also won the Olathe News girls basketball player of the year for the second straight season, as well as earning the Kansas City Star's All-Metro girls player of the year award and the Greater Kansas City Basketball Coaches Association (GKCBCA) DiRenna Award, which awards the city's top player; and

WHEREAS, The GKCBCA also awarded Coach Ingram the Eddie Ryan Coaching Award, and the Kansas City Star awarded him the All-Metro girls basketball coach of the year. Coach Ingram has been coaching the Falcons for 21 years, and had 10 state tournament

appearances and eight Sunflower League titles. He has had at least 21 wins six seasons in a row, and now has a state championship as well: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Olathe South High School girls basketball team and Coach Steve Ingram be congratulated for winning the 2010 Kansas High School Activities Association Class 6A State Basketball Championship. Their hard work and athleticism are points of pride for their families, school and the community of Olathe. We extend our best wishes for their continued success and happiness in the future; and

*Be it further resolved:* That the Secretary of the Senate be directed to send 18 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1871** was adopted unanimously.

The team members and coaches were guests and were recognized with a standing ovation.

Senators Brownlee, Lynn and Colyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1872—

A RESOLUTION congratulating and commending the Olathe East High School girls track and field team for winning the 2009 Class 6A title.

WHEREAS, The Olathe East High School girls track and field team won the 2009 Kansas State High School Activities Association Class 6A state championship for the second year in a row. The team gained its championship status by competing at the state meet which was held at Cessna Stadium in Wichita, where they dominated the competition, finishing with 95 points, which was 36 more than second-place Leavenworth; and

WHEREAS, Although the championship was the result of the participation of all team members, significant contributions were made by Breeana Coleman, who was a member of the second place 400 relay team and placed first in the 100, 200 and 100 hurdles; Ashley Reid took third place in the triple jump and won the high jump; Courtney Reinke, who placed first in the triple jump; Casey Epps, who placed fourth in the 1,600 and 800; Chelsey Borders, who placed fourth in the 100 and sixth in the 200; Jessica Medlin, who placed third in the javelin; Brenda Ellis and Brooklyn Ellis, who placed third in the 4 by 800 relays; Jenny Pinkston, who placed fourth in the high jump; and Kayla Hannam, who placed fifth in the high jump. Team members Kaylyn Williams, Precious Ojiaka and Megan Powell also competed; and

WHEREAS, The head coach was Mike Wallace, and assistant coaches were Jeff Meyers, Glenn Daniels, Shanna Evans, Tony Bozarth, Nathaniel Thuston and Mike Stephens; and

WHEREAS, The members of this outstanding team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Olathe East High School girls track and field team and Coach Wallace upon being the 2009 Kansas State High School Activities Association Class 6A state champion and wish them continued success and happiness in the future; and

*Be it further resolved:* That the Secretary of the Senate be directed to send 22 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1872** was adopted unanimously.

The team members and coaches were guests and were recognized with a standing ovation.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1873—

A RESOLUTION congratulating and commending the Thomas More Prep-Marian High School team for winning the Class 3A KSHSAA State Scholars' Bowl.

WHEREAS, The Thomas More Prep-Marian High School Scholars' Bowl team won the regional championship in the Scholars' Bowl, and then advanced to win the state

championship at the 2010 Kansas State High School Activities Association Class 3A State Scholars' Bowl tournament in February; and

WHEREAS, The competition consists of teams of students answering questions in several categories, such as social studies, science and health, mathematics, language arts, fine arts and current events; and

WHEREAS, Thomas More Prep-Marian won four out of five matches in the tournament, beating Wichita-Independent in the final match to win the championship. The win resulted in medals for each team member and a trophy to be displayed in the school. The team ended their season with an overall record of 69-12; and

WHEREAS, The team members are Matthew Applequist, Alex Becker, Nathan Lawson, Jin Lim, Kaleb Stark and Tanner Younie. The coach is Don Hageman: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Thomas More Prep-Marian Scholars' Bowl team for winning the state championship, we commend them for their hard work and dedication in being outstanding role models to their peers and extend our best wishes for their continued success and happiness in the future; and

*Be it further resolved:* That the Secretary of the Senate be directed to send 8 enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1873** was adopted unanimously.

On motion of Senator D. Schmidt, the Senate recessed until 3:30 p.m.

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### AFTERNOON - SESSION

The Senate met pursuant to recess with President Morris in the chair.

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS HUMAN RIGHTS COMMISSION

April 29, 2010

Pursuant to KSA 44-1004 (13), William V. Minner, Executive Director, submitted the Annual Report for the Fiscal Year 2009 July 1, 2008 - June 30, 2009.

##### KANSAS DEPARTMENT OF CORRECTIONS

April 30, 2010

In accordance with the provisions of KSA 60-4117, Roger Werholtz, Secretary of Corrections, submitted the report of the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2008 through December 1, 2009.

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.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Friday, April 30, 2010.

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

PAT SAVILLE, *Secretary of the Senate.*

