

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 28, 2011, 10:00 a.m.

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

Heavenly Father:

How do I deal with someone with whom I totally disagree?
Who I believe is totally wrong?
When I cannot understand how an intelligent person could possibly hold such views?

Help me, Lord, to listen when I don't want to listen.
To attack the person's position without attacking the person.
To use my head more than my voice.
To be courteous without becoming a doormat.
To be persistent without being patronizing.
To be firm without belittling.
To consult You, Lord, before I start talking.

And most of all, help me to remember that You love me even though You know me so well!

I pray in the Name of Jesus Christ, AMEN

The pledge of allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to introduce his and Michelle's youngest child, Malori Simone Haley, age 9, to the Senate who was present for National Take Your Child To Work Day. Malori is a third grader at English Landing Elementary School.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Utilities: **HB 2390**.

Ways and Means: **HB 2382.**

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

Member, Employment Security Board of Review, Patricia Bossert, to serve a four year term expiring March 15, 2014.

(Commerce)

Member, Kansas Development Finance Authority, Donald Linville, to serve a four year term expiring January 15, 2015.

(Commerce)

Member, Employment Security Board of Review, Hylaurd Wayne Maichel, to serve a four year term to expire March 15, 2015.

(Commerce)

State Librarian, Library, Joanne Budler, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Executive Director, State Gaming Agency, Mark Dodd, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Brigadier General, Kansas National Guard, Keith Lang, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Executive Director, Racing and Gaming, Rick Petersen-Klein, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Member, State Civil Service Board, Phillis Setchell, to serve a four year term expiring, March 15, 2015.

(Federal and State Affairs)

Member, Pooled Money Investment Board, Robert Chestnut, to serve a four year term expiring March 15, 2015.

(Financial Institutions and Insurance)

Secretary, Wildlife and Parks, Robin Jennison, to serve at the pleasure of the Governor.

(Natural Resources)

Member, Kansas Corporation Commission, Mark Sievers, to serve a four year term, expiring March 15, 2015.

(Utilities)

Member, Kansas Public Employees' Retirement Board of Trustees, Terry Matlack, to serve a four year term, expiring January 15, 2015.

(Ways and Means)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1849—

A RESOLUTION congratulating Alyssa Morrison for being crowned 2011 Miss Rodeo Kansas.

WHEREAS, Miss Rodeo Kansas is a young lady who strives to promote the state of Kansas and the sport of professional rodeo, and in so doing, promotes the great western way of life. Miss Rodeo Kansas is a talented, personable horsewoman with a vast knowledge of the sport of rodeo, the equine industry and the state of Kansas. She will have the opportunity to travel, meet new people and garner educational experiences that will lay a solid foundation for her future; and

WHEREAS, Miss Rodeo Kansas portrays exceptional sportsmanship and high moral and ethical character and is able to speak intelligently and display dignity in all situations; and

WHEREAS, The Miss Rodeo Kansas pageant is held annually to select a young lady who has the desire and the enthusiasm to serve as a goodwill ambassador for the sport of rodeo and the state of Kansas; and

WHEREAS, Alyssa Morrison of Bonner Springs, Kansas, was crowned Miss Rodeo Kansas 2011 in Dodge City, Kansas, at the conclusion of a four-day pageant held in conjunction with the Dodge City Roundup Rodeo. Alyssa will travel more than 35,000 miles in 2011 representing Kansas and the sport of professional rodeo; and

WHEREAS, Alyssa is a senior nursing student at Mid-America Nazarene University in Olathe, Kansas. Alyssa will graduate summa cum laude on May 8 with a Bachelor of Science in nursing degree. At MNU, Alyssa is a mentor for incoming freshmen, vice president for MNU's chapter of the Kansas Association of Nursing Students, and was selected for Who's Who Among American College Students; and

WHEREAS, Family has played an enormous role in shaping Alyssa into the person she is today. Alyssa is the proud daughter of Joyce and Al Morrison and sister to Kendra Morrison. She is grateful for their abounding support and encouragement in the pursuit of her dream, as well as through her lifetime; and

WHEREAS, Other prestigious awards and recognitions that Alyssa has earned include: 2008 Pinto of the Year Award (a national award bestowed by the Pinto Horse Association of America); four Registers of Merit achieved by Alyssa's pinto, Indian Rhythm, and entered into his breed registry at the Pinto Horse Association of America in the last two years for Open Pinto Color, Open Disciplined Rail Western, Amateur Disciplined Rail Western, and Amateur Western Horsemanship; nine 2010 Kansas Pinto Year End awards, specifically Champion Amateur Western Discipline Rail 19 & Over, Champion Amateur Western Horsemanship 19 & Over, Champion Barrel Racing, Champion Flag Racing, Champion Pole Bending, Champion Discipline Rail Western, Champion Amateur, Champion Speed Horse, Reserve Champion Western Horse; the 2008 High Point Award at the American Royal (saddle-type); six State Horse Championships at the Kansas State Fair; several top five finishes in both barrel racing and pole bending; District Representative on the Versatility Team at the Kansas State Fair for three years; two State Dog Championships at the Kansas State Fair in obedience; three-time winner of the 4-H Year End High Point, Grand Champion Halter Horse and High Point Exhibitor at the Johnson County Fair; a four-time winner of both year-end top awards in the Kansas State Horse Show Circuit; winner of the Barrel Racing Buckle and a "Walk the Talk Award" finalist at Rodeo Bible Camp; and

WHEREAS, Alyssa is also a graduate of Mill Valley High School in Shawnee and graduated as valedictorian in 2007; and

WHEREAS, Alyssa is enthusiastically looking forward to her year as Miss Rodeo Kansas 2011, eager to embrace every opportunity that arises, sharing her passion of

rodeo and the western way of life: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Alyssa Morrison for her achievement as Miss Rodeo Kansas 2011; and

Be it further resolved: That the Secretary of the Senate shall send six enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1849** was adopted unanimously.

Senator Holland and members of the Senate welcomed and recognized Alyssa Morrison for her outstanding talents of becoming crowned 2011 Miss Rodeo Kansas. Also introduced were her parents, Al and Joyce Morrison and family friend, Jamie Knabe. All were acknowledged with a standing ovation.

ORIGINAL MOTIONS

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2044**.

The President appointed Senators Umbarger, Marshall and Kultala as second conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **S Sub for HB 2049**.

The President appointed Senators Senator V. Schmidt, Senator Brungardt and Senator Kelly as second conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2119**.

The President appointed Senators Teichman, Masterson and A. Schmidt as second conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

The President withdrew **HB 2392** from the Committee on **Assessment and Taxation** and re-referred the bill to the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1850—

A RESOLUTION declaring April 28, 2011 as Workers' Memorial Day in Kansas.

WHEREAS, The Kansas AFL-CIO and its affiliated unions are joining in a nationwide effort to commemorate workers injured, disabled or killed on the job and focus attention on what needs to be done to prevent senseless deaths and injuries; and

WHEREAS, Each April 28th, since 1989, Workers' Memorial Day has been observed in nearly one hundred countries and officially endorsed by the International Confederation of Free Trade Unions; and

WHEREAS, April 28th falls on the anniversary of the enactment of federal

legislation creating the Occupational Safety and Health Administration (OSHA), which was signed into law by President Richard Nixon on April 28, 1971; and

WHEREAS, Since its inception, OSHA has assisted employers and employees in creating better working conditions and has helped cut workplace fatalities by more than 60% and occupational injury and illness by 40%; and

WHEREAS, Despite OSHA's best efforts, each year 5,000 workers nationwide die from job-related injuries and illnesses and millions more are injured. One hundred thousand more die a slow death from cancer, lung disease or other disabling conditions caused by exposure to toxins at work; and

WHEREAS, Last year, 76 of our fellow Kansans lost their lives in the workplace and an additional 38,200 sustained injury or illness because of their workplace; and

WHEREAS, Today, April 28, 2011, the 40th anniversary of the Occupational Safety and Health Act, Kansas workers will remember those who have suffered and died in the workplace. They will also join their brothers and sisters all across this country in a renewed commitment to prevent those tragedies from happening again: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember the American workers who have been injured, disabled or killed on the job by declaring April 28, 2011 as Workers' Memorial Day in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to the Kansas AFL-CIO, 2131 S.W. 31st Street, Topeka, KS 66611.

On emergency motion of Senator Hensley **SR 1850** was adopted unanimously.

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

SENATE RESOLUTION No. 1851—

A RESOLUTION encouraging agency cooperation in the development of 4-H projects in south Johnson County.

WHEREAS, The Johnson County Extension Education Foundation provides grant funds to help 4-H students and their families design agricultural projects that will be available for use by community members; and

WHEREAS, These grant funds have been awarded in cooperation with the city of Overland Park and the Prairie Moon 4-H Club project leaders in south Johnson County; and

WHEREAS, Kemper Farm in Overland Park would be a unique and beneficial site for the 4-H students to create such agricultural projects specifically designed for that site. Upon approval by the city, Kemper Farm's 300 acres could be made available for use for these agricultural projects; and

WHEREAS, The state of Kansas has numerous agricultural agencies that may be able to facilitate the provision of resources for use at this unique site, and at no cost to these agencies, in cooperation with the project designers and partners; and

WHEREAS, Through such cooperation, the state of Kansas may be able to provide assistance toward the development of avenues for its citizens to better understand and celebrate the state's proud and nation-leading agricultural heritage and resources; and

WHEREAS, In the spirit of the governor's recent executive restructuring order for agricultural agencies, there are potential financial benefits when state agencies partner with city and community leaders for such purposes: Now, therefore,

Be it resolved by the Senate of the State of Kansas: We encourage Kansas state

agencies to cooperate with Prairie Moon 4-H project representatives in their efforts to explore the manner in which Kemper Farm may be utilized for the development of resources and public platforms for family and community projects; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Merrick.

On emergency motion of Senator Merrick **SR 1851** was adopted unanimously.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Friday, April 29, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

