

# Journal of the Senate

TWELFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, January 26, 2011, 2:30 p.m.

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

Heavenly Father,

We have a new Governor,  
Sam Brownback is his name  
He has his work cut out for him,  
He knew it when he came.

Governors have to do their best  
To keep the budget in the black;  
For the next four years it's up to  
Governor Sam Brownback.

Not all the Senators will agree  
That the Governor is on track.  
Probably no one knows that better  
Than Governor Sam Brownback.

But I pray that every Senator  
Will not show any slack  
In doing what they believe is best  
To keep our state on track.

Lord, I've prayed so many times  
That nothing else compares  
With keeping our Governor and Legislators  
In our daily prayers.

I pray in the Name of Jesus Christ,

AMEN

The pledge of allegiance was led by Vice President John Vratil.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 59**, AN ACT concerning taxation; relating to delinquent or unpaid taxes and overpayment of taxes; pertaining to the rate of interest; amending K.S.A. 79-2968 and repealing the existing section, by Assessment and Taxation.

**SB 60**, AN ACT concerning criminal procedure; relating to appeals; amending K.S.A. 22-3601 and repealing the existing section, by Committee on Judiciary.

**SB 61**, AN ACT concerning income taxation; relating to credits; individual development accounts; contribution amounts; amending K.S.A. 2010 Supp. 74-50,208 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 62**, AN ACT concerning civil procedure; relating to the Kansas standard asset seizure and forfeiture act; court costs; amending K.S.A. 2010 Supp. 60-4107 and 60-4109 and repealing the existing sections, by Committee on Judiciary.

**SB 63**, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; amending section 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2010 Supp. 21-3516, by Committee on Judiciary.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Education: **SB 51**, **SB 57**.

Federal and State: **SB 53**, **SB 54**.

Judiciary: **SB 52**, **SB 55**, **SB 56**,

Transportation: **SB 58**,

Ways and Means: **ERO 35**.

#### **CHANGE OF REFERENCE**

The Vice President withdrew **SB 42** from the Committee on Commerce (Separately) and the Committee on Ways and Means (Separately) and rereferred the bill to the Committee on Ways and Means (Separately) and the Committee on Commerce (Separately).

#### **COMMUNICATIONS FROM STATE OFFICERS**

##### **KANSAS INSURANCE DEPARTMENT**

January 25, 2011

Sandy Prager, Commissioner of Insurance, submitted the 2010 Year Fiscal End Report on the Kansas Workers' Compensation Fund.

The Vice 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.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. SR 1809—

A RESOLUTION congratulating KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake in Glen Elder-Beloit, Kansas, as 2010 Kansas Association of Broadcasters (KAB) Award Winners for Excellence in radio broadcasting.

WHEREAS, the KAB announced the 2010 KAB Award Winners for Excellence in radio broadcasting for the past year on October 18, 2010; and

WHEREAS, KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake in Glen Elder-Beloit, Kansas, won a total of twelve awards in the small market radio station category, five of which were 1st place awards; and

WHEREAS, KD Country 94.1 KDNS-FM earned the prestigious honor of being named the Small Market Radio Station of the Year, and also was awarded 1st Place in the following categories: Sports Play-by-Play for the station's 8-Man Division II All-Star Game coverage by Dusty Deines, Wade Gerstner, Eric Allgood, and Mike Schrant; Complete Severe Weather Coverage by Wade Gerstner; Sixty Second Commercial with Jaybird's Chicken by Wade, Mandy and Noah Gerstner; Public Service Announcement with Mitchell County Partnership for Children by Dusty Deines, Wade Gerstner and Dawn Chandler; and Editorial/Commentary "Why Saving the Big 12 was a Good Move" by Wade Gerstner; and

WHEREAS, KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake also received seven other notable awards: 2nd Place in Spot News for coverage of the Wilson Opera House Fire by Mike Schrant; 2nd Place in Public Affairs Program for Mike Schrant's interview of Beloit Police Department Chief of Police Ryan Stocker on area scams; 2nd Place in Play-by-Play sports coverage of Beloit at Norton Football Playoffs by Wade Gerstner and Todd Clover; Honorable Mention in Play-by-Play sports coverage of Beloit Girls State Basketball by Wade Gerstner; 2nd Place in Station Website, [www.kdcountry94.com](http://www.kdcountry94.com), by Derek Nester and Dusty Deines; Honorable Mention in Complete Newscast with Mike Schrant; and Honorable Mention in Complete Sportscast with Dusty Deines; and

WHEREAS, such honorable awards represent the diversity of the stations' broadcasts, from news, music, sports, weather and commentaries, and that this vast subject matter broadcast coverage demonstrates the high quality of audio content to local Kansas citizenry: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake be congratulated for their service to Kansas communities for their excellent broadcasting, programming, and reporting; and

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

On emergency motion of Senator Lee **SR 1809** was adopted unanimously.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** 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:

Department of Revenue, Secretary: K.S.A. 2010 Supp. 75-5101

Nick Jordan, serves at the pleasure of the Governor

Committee on **Ethics and Elections** recommends **SB 17** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 14, SB 15** be passed.

Committee on **Judiciary** recommends **SR 1807** be amended on page 1, in line 2, by striking "case" and inserting "cease"; in line 4, after "recognition" by striking the semicolon and inserting a comma; and recommends adoption of the resolution.

#### **REPORT ON ENROLLED BILLS**

**SR 1808** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 26, 2011.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Thursday, January 27, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

