

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 31, 2011, 9:00 a.m.

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

Heavenly Father,

I am honored to be a Kansas Senator.
But sometimes the Senate makes me feel like paraphrasing the 23rd Psalm.

The Senate is my shepherd, I want much more.
It maketh me to lie down in exhaustion.
It leadeth me by General Orders.
It restoreth my confusion.
It leadeth me in the path of multiple committee meetings, for fatigue's sake.
Yea, though I walk through the valley of frustration, I will fear no relief, the
Senate offers none.
Its two-thirds majority vote sometimes surprises me.
It prepareth legislation before me in the presence of disappointment.
It anointeth my head with statistics.
My calendar runneth over.
Surely reporters and lobbyists will follow me all the days of my term,
Even if I dwell in the House of the Senate forever.

Although I rarely feel this way, Lord, I am very grateful that You are my real
Shepherd.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2161**.
 Federal and State Affairs: **Sub HB 2178, Sub HB 2229**.
 Judiciary: **HB 2087**.

REPORT ON ENROLLED BILLS

SR 1837, SR 1838, SR 1839, SR 1840, SR 1841, SR 1842 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 31, 2011.

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following senate concurrent resolution was introduced and read.

SENATE CONCURRENT RESOLUTION No. 1608—

By Senators V. Schmidt, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, A. Schmidt, Schodorf, Teichman, Umbarger and Vratil

A CONCURRENT RESOLUTION urging the President of the United States of America and members of the United States Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal fiscal years 2011 and 2012.

WHEREAS, The Kansas legislature supports the positive impacts of the Community Services Block Grant program; and

WHEREAS, Kansas has eight community action agencies that employ nearly 900 Kansans and which helped 1,322 people attain or retain meaningful employment in 2010; and

WHEREAS, Each community action agency is governed by a community-based volunteer board of directors consisting of elected officials, private sector representatives and low-income individuals; and

WHEREAS, In 2010, more than 76,899 individuals in Kansas (over 20,109 households) were helped in their fight for economic stability through services supported by the Federal community service block grant program; and

WHEREAS, More than 81% of the families receiving community action services in Kansas have household incomes at or below 125% of the Federal poverty level (\$23,163 annually for a family of three); and

WHEREAS, Less than 8.5% of those served by Kansas' eight community action

agencies have a two or four-year college degree; and

WHEREAS, More than 74% of the persons served by the eight community action agencies are employed or are receiving social security as their source of income; and

WHEREAS, Federal funding for the eight community action agencies helps generate \$6,347,446 in local and state funding, and \$1,301,670 in private funds; and

WHEREAS, Community Services Block Grant program funding for Kansas' eight community action agencies helps generate \$13,776,916 in in-kind goods and services and donated items; and

WHEREAS, Kansas' community action agencies receive \$5,004,000 in community services block grant program funds to operate community-based services and those funds are the necessary "glue" that enables the eight community action agencies to administer otherwise inaccessible private, state and federally funded programs; and

WHEREAS, President Obama has proposed a 50% reduction of the Community Services Block Grant program funding and to make the remaining funds competitive instead of continuing the current allocation formula that brings stability to Kansas' community and economic development initiatives; and

WHEREAS, The United States House of Representatives propose to eliminate Community Services Block Grant program funding for the remainder of the current Federal fiscal year; and

WHEREAS, The Kansas legislature is supportive of Congress finding effective ways to reduce the federal deficit while protecting the current and future economic security of all Kansans: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature urges the President and the members of the United States Congress not to reduce Community Services Block Grant program funding for federal fiscal years 2011 and 2012 beyond 7% of 2010 funding; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Kansas congressional delegation as well as the President of the United States.

On emergency motion of Senator V. Schmidt **SCR 1608** was adopted by voice vote.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2296**.

Announcing passage of **SB 210, SB 215**.

Also, passage of **SB 36**, as amended by **House Substitute for SB 36; Substitute SB 72**, as amended; **SB 224**, as amended; **SB 227**, as amended.

The House concurs in Senate amendments to **Senate Substitute for HB 2132**.

The House accedes to the request of the Senate for a conference on **SB 93** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2296 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1843 —

A RESOLUTION congratulating and commending the Scott Community High School boys basketball team for winning the 2011 Kansas State High School Activities Association Basketball Championship Class 3A.

WHEREAS, The Scott Community High School boys basketball team won the 2011 Kansas State High School Activities Association Basketball Championship Class 3A with a 55-53 victory over Minneapolis High School in Hutchinson, Kansas; and

WHEREAS, The Scott Community High School boys basketball team delivered the winning basket with just 2.6 seconds remaining in the championship game; and

WHEREAS, This was Scott Community High School boys basketball team's third appearance in a championship game in the last six years and their first title since winning the Class 4A crown in 2006; and

WHEREAS, The members of the championship team are: Kaleb Roemer, Brett O'Neil, Tyler Hess, Ron Baker, Joseph Meyer, Drew Kite, Mason Turner, Jeremy Clinton, Colten Yager, Braeden Robinson, Dalton Buehler and Austin Habiger. The coaches are Glenn O'Neil, Scott Holt and Brian Gentry. The athletic director is Randy Huck. Team managers are Sean Tuttle, Skyler Glenn and Daniell Hutton. The high school's principal is Shelly Turner and superintendent Don Wells: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Scott Community High School boys basketball team and coaches Glenn O'Neil, Scott Holt and Brian Gentry be congratulated for winning the 2011 Kansas State High School Activities Association Basketball Championship Class 3A. Their hard work and athleticism are points of pride for their families, school and community of Scott City, Kansas and Scott County, Kansas. 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 shall send 1 enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1843** was adopted unanimously.

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

SENATE RESOLUTION No. 1844 –

A RESOLUTION congratulating the Ness City High School boys track and field team for winning the 2010 State Championship Class 1A.

WHEREAS, The Ness City High School boys track and field team placed first at the 2010 Kansas State High School Activities Association Track Meet at Cessna Stadium in Wichita; and

WHEREAS, The Ness City High School boys track and field team scored 62 points,

which was well ahead of the second place finisher, Ashland High School, who had 45 ½ points; and

WHEREAS, The members of the championship team are: Kyle Calvin, Colton McNinch, Joe Flax, Dustin Foster, Austin Gabel, Clay McIntosh, Gage Kepple, Drew Pfannenstiel, Garrett Flax, Dalton Gantz, Wyatt Beckman, Case Beckman and Skyler Kraft. The alternates are Tucker VonLehe and Josh Snodgrass. The head coach is Patrick Younger and the assistant coaches are Val Kepple and Merris Schaub; and

WHEREAS, Although the championship was a result of the participation of all team members, significant contributions were made by Gage Kepple, who earned first place in the 100 and third place in the 200. He was also a member of the 4 x 100 relay team that placed first, along with Garrett Flax, Drew Pfannenstiel and Dalton Gantz. The 4 x 400 relay team of Case Beckman, Dustin Foster, Clay McIntosh and Skyler Kraft came in third. Colton McNinch placed second in the 3,200 and in the 1,600. He was also a member of the 4 x 800 relay team that earned second place, along with Joe Flax, Wyatt Beckman and Kyle Calvin. Kyle Calvin also placed third in the 3,200; 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 the Ness City High School boys track and field team and Coach Younger upon being the 2010 Kansas State High School Activities Association Class 1A state champion and wish them continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1844** was adopted unanimously.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1845—

A RESOLUTION designating May as Lupus Awareness Month.

WHEREAS, Every year, the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, Lupus is an acute and chronic autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body; and

WHEREAS, Lupus can affect any part of the body, including the skin, lungs, heart, kidneys, and brain; causing seizures, strokes, heart attacks, miscarriages and organ failure; and

WHEREAS, Despite striking mostly women of childbearing age, no one is safe from lupus. African-Americans, Hispanics, Asians and Native Americans are two to three times more likely to develop lupus – a disparity that remains unexplained; and

WHEREAS, Lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of lupus. Symptoms, such as fatigue, skin rashes, joint pain

and hair loss mimic other conditions and appear differently in different people. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis as there is no single test to diagnose lupus; and

WHEREAS, A late diagnosis of lupus contributes to significant disability and death. If left untreated, the health consequences of lupus can be devastating and potentially fatal. People with lupus suffer tremendous emotional and physical pain, one in four are permanently disabled, and thousands die each year from lupus complications; and

WHEREAS, The awareness of lupus is extremely low, as only one in five Americans is aware of lupus symptoms and health effects. Young women ages 18-34 are least aware of lupus, yet they are the group most often affected, and nearly all Americans lack the understanding of the serious and life-threatening complications of lupus; and

WHEREAS, Recent medical advances in the treatment of lupus have been recently announced and signify the potential for an improvement in the standard of treatment for this dreaded disease: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate the month of May as Lupus Awareness Month in the State of Kansas and that we urge all Kansans to observe this month by educating themselves on the symptoms and impact of lupus, and to join the Lupus Foundation of America in supporting programs of research, education, and community service; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1845** was adopted unanimously.

SPECIAL REMARKS

MR. PRESIDENT: It is an honor for me to have this opportunity to say a few words about **SR 1845**. This resolution designates May as National Lupus Awareness Month to show our support for the nearly 1.5 million Americans who have Lupus. This disease mainly affects women of childbearing age, however, no one is safe from Lupus. One of our own colleagues in the House, Representative Gail Finney, of Wichita, suffers from this chronic autoimmune disease and suffers its effect every day. It has been found that African-Americans, Hispanics, Asians and Native Americans are two to three times more likely to develop Lupus, although it is unknown why. The awareness of Lupus is extremely low, as only one in five Americans is aware of Lupus symptoms and the health effects of this disease. Symptoms, such as fatigue, skin rashes, joint pain and hair loss mimic other conditions and are often not associated with Lupus. People with Lupus suffer emotional and physical pain, one in four is permanently disabled, and thousands die each year from Lupus complications. As we designate May as National Lupus Awareness Month, let us all become more aware, and make others more aware of this painful disease. – OLETHA FAUST-GOUDEAU

REPORTS OF STANDING COMMITTEES

Committee on **Local Government** recommends **HB 2267** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL NO. 2267,” as follows:

“SENATE Substitute for HOUSE BILL NO. 2267

By Committee on Local Government

“AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 58-4608, 58-4610 and 58-4618 and repealing the existing sections.”;

And the substitute bill be passed.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Friday, April 1, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

