

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 24, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Severe weather has already claimed some lives and a great deal of home destruction in Alabama, with more predicted to follow.

Also, South Texas is expecting destructive weather today as strong hurricane weather moves up from the Gulf of Mexico.

Since all kinds of severe weather were experienced in our nation during 2011, I felt led to ask You, Lord, to protect the people from death and destruction. No doubt some of the Senators have relatives in the South East as well as Texas.

If it be Your will, O God, I pray that people and their belongings will be spared during this threatening onslaught.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Hensley rose on a Point of Personal Privilege to introduce Elon Torrence his wife, Polly, son and wife, Chuck and Carol Torrence, daughter, Mary Torrence and brother-in-law and wife, Joe and Darlene Pollom.

Senator Hensley made the following remarks:

With us today in the Kansas Senate is Elon Torrence, who is celebrating his 95th birthday.

His two daughters and three sons include Chuck Torrence, who works for Legislative Administrative Services, and Mary Torrence, who is Revisor of Statutes.

Elon is a leading figure of Kansas journalism, having worked for The Associated Press in Topeka for more than 35 years.

He's a living link to some of the biggest and most colorful stories in Kansas in the past 70 years.

If you've heard about the 1951 flood in northeast Kansas that took out the Kansas Avenue bridge, just to the north of here, Elon wrote about it.

If you've read Truman Capote's book, "In Cold Blood," about the infamous 1959 murders of the Clutter family in Holcomb, Elon covered the trial of the killers.

He also covered the deadly Topeka tornado of 1966.

Some of you know about the infamous "Triple Play," the big political scandal that unfolded in this building in January 1957. The chief justice of the Kansas Supreme Court retired, and Governor Fred Hall resigned. Hall was the last sitting governor to lose a primary, and minutes after the lieutenant governor was elevated to governor, he appointed Hall to the Supreme Court. Elon was there.

He had the best timing of any reporter in Kansas. He had a knack for checking in on meetings literally seconds before the main dispute or the loudest argument erupted or the most important vote occurred, even if the meeting had been going on for some time.

Elon was born in Bassett, Nebraska, and graduated from high school in Waterville, in Marshall County. He attended Baker University and graduated from the University of Kansas in 1939.

He worked for the *Garden City Telegram* before and after service in the U.S. Army Air Corps during World War II.

He came to Topeka in 1946, taking a job at the *Topeka State Journal*. A month later, he joined the Associated Press.

Before Elon retired early in 1982, the Parsons Sun praised him as a walking encyclopedia of knowledge about Kansas. It added, "There's a question of whether Kansas can spare his services."

But in retirement, Elon didn't stop serving Kansas. He was a member of the board of the non-profit Delta Dental plan, and he became a member of the Governmental Ethics Commission in 1994 -- serving 16 years.

And, he and his wife, Polly, have been married nearly 67 years.

On behalf of the Kansas Senate, we wish Elon Torrence a Happy 95th Birthday.

Senator V. Schmidt also paid tribute and relayed some of her experiences noting he was a member of her church and recently moved into her neighborhood.

Senator Schodorf rose on a Point of Personal Privilege to introduce Kelly Arnold, Sedgwick County Clerk.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 320, AN ACT concerning the revised Kansas juvenile justice code; relating to probable cause determinations; amending K.S.A. 2011 Supp. 38-2331, 38-2343 and 38-2354 and repealing the existing sections, by Committee on Judiciary.

SB 321, AN ACT concerning criminal procedure; relating to appearance bonds; surety or agent of surety; amending K.S.A. 22-2803 and 22-2809a and K.S.A. 2011 Supp. 22-2802 and repealing the existing sections, by Committee on Judiciary.

SB 322, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; amending K.S.A. 65-409 and K.S.A. 2011 Supp. 8-2107, 8-2110, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b, 21-6614c, 22-2410a, 28-177a, 38-2312a and 38-2312b, by Committee on Judiciary.

SB 323, AN ACT concerning income taxation; relating to credits; certain registered apprenticeships, by Committee on Assessment and Taxation.

SB 324, AN ACT concerning the board of pharmacy; relating to licensure of pharmacists and registration of pharmacist interns; amending K.S.A. 65-1632 and 65-1644 and K.S.A. 2011 Supp. 65-1643, 65-1645 and 65-1663 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 325, AN ACT concerning controlled substances; relating to schedules IV and V; amending K.S.A. 2011 Supp. 65-4111 and 65-4113 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 326, AN ACT concerning dental hygiene; relating to services for school children; amending K.S.A. 2011 Supp. 65-1456 and repealing the existing section, by Committee on Public Health and Welfare.

SB 327, AN ACT concerning prescription drugs; relating to the prescription monitoring program; amending K.S.A. 2011 Supp. 65-1683, 65-1685 and 65-1693 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 328, AN ACT concerning prescription of drugs; relating to electronic prescription; amending K.S.A. 65-4123 and K.S.A. 2011 Supp. 65-1626 , 65-1637 and 65-4101 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 329, AN ACT concerning historic properties; relating to projects within the environs of such properties; amending K.S.A. 75-2729 and K.S.A. 2011 Supp. 75-2724 and repealing the existing sections, by Committee on Transportation.

SENATE RESOLUTION No. 1805—

By Committee on Transportation

A RESOLUTION supporting livable streets policies.

WHEREAS, The state of Kansas recognizes the importance of livable streets that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders, drivers and people of all ages and abilities, including children, youth, families, older adults and individuals with disabilities; and

WHEREAS, A safe and complete bicycle, pedestrian and transit system is important to the economy and economic development of Kansas; and

WHEREAS, Bicycling and walking are essential to millions of Kansans as basic transportation and enjoyed by millions of Kansans as healthful recreation and as part of a healthy lifestyle; and

WHEREAS, Walking and bicycling improve the public health and reduce treatment costs for conditions associated with reduced physical activity, including obesity, heart disease, lung disease and diabetes; and

WHEREAS, Promoting walking, bicycling and transit for transportation improves the environment, reduces congestion, reduces the need for expensive expansion of our road and highway systems; and

WHEREAS, Citizens with disabilities often rely on walking, bicycling and transit to meet basic transportation needs and to make connections with the transit system, and face great obstacles within our current transportation system, and benefit greatly from complete and well designed accommodations for bicycling and walking; and

WHEREAS, The principles of livable streets are designed to create a transportation network that meets the needs of all users of the state's transportation system; pedestrians of all ages and abilities, bicyclists, disabled persons, drivers and commercial drivers; and

WHEREAS, The term "livable streets" means creating roads, streets and communities where all road users can feel safe, secure and welcome on our roads and streets and throughout our communities; and

WHEREAS, Coordination and cooperation among many different agencies and municipalities are required to fully implement livable streets and create a complete, connected and safe transportation network for walking and bicycling; and

WHEREAS, The cities of Leawood, Roeland Park, Topeka and the Unified Government of Wyandotte County have adopted "complete streets" or livable streets policies: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby declare our support for livable streets policies and urge their adoption at the local, metropolitan, regional, state and national levels; and

Be it further resolved: That the Senate of the State of Kansas encourages and urges the United States department of transportation, the Kansas department of transportation, the governing bodies of metropolitan planning organizations, regional planning commissions, municipalities and other organizations and agencies that build, control, maintain or fund roads, highways and bridges in Kansas to adopt livable streets policies and to plan, design, build and maintain their road and street system to provide complete, safe access to all road users; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to the Secretary of the United States department of transportation, the director of each metropolitan planning agency and regional planning commission in the state of Kansas and the president of the Kansas league of municipalities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 317**.

Commerce: **SB 318**.

Federal and State Affairs: **SB 319**.

Natural Resources: **SB 316**.

MESSAGES FROM THE GOVERNOR

January 17, 2012

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 12-428 for your information.

Sam Brownback,
Governor

The President announced Executive Directive No. 12-428, authorizing expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at any time.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 266** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Wednesday, January 25, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

