

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 22, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-nine senators present.
Senator Pettey was excused.
Invocation by Father Don Davidson:

Heavenly Father,

We thank you today for the life, words, work and ministry of Martin Luther King who said, "I have decided to stick with love. Hate is too great a burden to bear." Martin Luther King raised the common conscience of a nation reminding us that there is one God and that no matter how we differ, we are all God's children. Help us to consider his life, the tragedy of his death, the enormity of his legacy and the gifts he has left for us and for our children.

Thank you Lord, Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to deliver the following remarks:

Madame President; Gentle Colleagues of the Kansas Senate: Thank you for allowing these, my annual remarks (now, 19th Legislative observation) of the Martin Luther King, Junior Holiday, to be spread upon the Journal. However, this is the first time that this salute has followed, not preceded, the holiday. I appreciate those of you of the Chamber who commented to me. And Madame President and fellow members, here's why ...

Wherever you fall across the political diaspora that's the multi-hued patchwork quilt of our great democracy, by any account yesterday, Monday, January 21, 2013, was an extraordinary day for the United States of America. I mean, here we have the holiday bearing the name of an American who just wanted to insure that justice and equal access and life and liberty and the pursuit of happiness and all of those inalienable rights imagined in our federal Constitution and in subsequent defining papers like the Bill of Rights, that these ideals would not be the sole province of one race or one culture or one religion or one political persuasion or one gender (well, maybe one gender Madame President, but a much deserved subsequent Amendment changed all that!) but that's the

beauty and the bounty of being American and should belong to ALL Americans, irrespective of other pre-existing or adopted conditions that might repress or divide us. Then, of course, on the same day as the Martin Luther King federal holiday, our Nation and our world saw the President of these United States, the most powerful man of the most powerful country on the planet Earth today, inaugurated to a second term of office. When President Barack H. Obama, an American of a decidedly distinct hue and tone from that of his every predecessor, spoke to the Nation during the Inaugural Address, it was an epiphany; a remarkable intertwining of kismet that we, as a great country, are perhaps never likely to see again.

The vision of the framers of our Constitution was once again lived out and on the very day that celebrates and remembers the struggles of but some of the tireless advocates who worked to see it! Extraordinary!

And so, the true meaning of the King Holiday I once again implore this body ... this body and those here gathered to foster and to inculcate in your being throughout the year. We are an inclusive America. We are a broad America. We are the greatest country in the world. And the pinnacle of our strength, like a rope, is composed of many different fibers intertwined. We should share that diversity and celebrate it.

U.S. Senator Lamar Alexander (R-Tennessee) quoted my late uncle, ROOTS author Alex Haley, in his Inaugural Remarks yesterday. Uncle Alex often said "Find the good, and praise it." Isn't it good that we are all, as Americans, able to reach towards points of true freedom? Isn't it good that fewer Americans are dividing ourselves by race or by religion or by culture or creed or, MADAME President, by GENDER. Each American is being judged now by ability or by character instead in OUR proud time?

It IS good, Madame President. It IS the enduring aspiration of America, fellow Senators. So, Let's praise it!

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 54, AN ACT concerning the state board of technical professions; amending K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7016, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7038, 74-7039, 74-7040 and 75-5802 and K.S.A. 2012 Supp. 19-216c, 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the existing sections; also repealing K.S.A. 74-7037 and 74-7042 and K.S.A. 2012 Supp. 74-7041, by Committee on Federal and State Affairs.

SB 55, AN ACT concerning the mortgage registration fee; relating to responsibility for payment of the mortgage registration fee; amending K.S.A. 79-3102 and repealing the existing section, by Committee on Assessment and Taxation.

SB 56, AN ACT concerning county fairs; transferring recognition of county fairs and fair associations from the secretary of agriculture to the board of county commissioners; amending K.S.A. 2012 Supp. 2-127, 2-129, 2-129j, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-144d and 2-158 and repealing the existing sections, by Committee on Agriculture.

SB 57, AN ACT concerning agriculture; relating to animal health; poultry improvement; domesticated deer; amending K.S.A. 47-1704, 47-1712 and 47-1718 and

K.S.A. 2012 Supp. 2-907, 47-1701, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726, 47-1731 and 47-2101 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1732 and 47-1736 and K.S.A. 2012 Supp. 47-619, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672, 47-1701a, 47-1709a, 47-1725a and 47-2101a, by Committee on Agriculture.

SB 58, AN ACT concerning crimes, criminal procedure and punishment; relating to manufacture of methamphetamine; amending K.S.A. 2012 Supp. 21-5703 and 21-6805 and repealing the existing sections, by Committee on Judiciary.

SB 59, AN ACT concerning the attorney general; relating to payment of reward for persons providing certain information, by Committee on Judiciary.

SB 60, AN ACT concerning open records; relating to requests for criminal justice information; amending K.S.A. 2012 Supp. 45-220 and repealing the existing section, by Committee on Judiciary.

SB 61, AN ACT concerning crimes, punishment and criminal procedure; relating to human trafficking; human trafficking advisory board; establishing the human trafficking victim assistance fund; creating the crime of commercial sexual exploitation of a child; relating to selling sexual relations, promoting sexual relations, buying sexual relations; children in need of care; staff secure facilities; amending K.S.A. 22-2530 and K.S.A. 2012 Supp. 12-4106, 12-4120, 12-4516, 21-5301, 21-5302, 21-5303, 21-5401, 21-5502, 21-6419, 21-6420, 21-6421, 21-6614, 21-6626, 21-6627, 21-6806, 21-6815, 22-2515, 22-3601, 22-3717, 22-3901, 22-4902, 22-4906, 38-2202, 38-2231, 38-2232, 38-2242, 38-2243, 38-2255, 38-2312, 38-2361, 41-311, 41-2601, 60-4104 and 68-2255 and repealing the existing sections, by Committee on Judiciary.

SB 62, AN ACT concerning utilities; relating to the Kansas corporation commission; gas pipeline safety; amending K.S.A. 66-1,154 and 66-1,157a and K.S.A. 2012 Supp. 66-1,153 and repealing the existing sections, by Committee on Utilities.

SB 63, AN ACT concerning elections; relating to voting; regarding penalties for voting crimes; concerning prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2012 Supp. 25-1128 and 25-2507 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 64, AN ACT concerning elections; relating to party affiliation; amending K.S.A. 25-3304 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1606
By Senator Pilcher-Cook

A CONCURRENT RESOLUTION honoring pregnancy maintenance
resource centers in Kansas and across the United States.

WHEREAS, The life-affirming impact of pregnancy maintenance resource centers on the women, men, children and communities they serve is considerable and growing; and
WHEREAS, Pregnancy maintenance resource centers serve women in Kansas and

across the United States with integrity and compassion; and

WHEREAS, More than 2,500 pregnancy maintenance resource centers across the United States provide comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional and spiritual needs; and

WHEREAS, Pregnancy maintenance resource centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community, health care and support services; and

WHEREAS, Many medical pregnancy maintenance resource centers offer ultrasound and other medical services; and

WHEREAS, Many pregnancy maintenance resource centers provide information on adoption and adoption referrals to pregnant mothers; and

WHEREAS, Pregnancy maintenance resource centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn child; and

WHEREAS, Pregnancy maintenance resource centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

WHEREAS, Pregnancy maintenance resource centers provide important support and resources for women who choose childbirth over abortion; and

WHEREAS, Pregnancy maintenance resource centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

WHEREAS, Many pregnancy maintenance resource centers provide grief assistance for women and men who regret the loss of their children from past choices they have made; and

WHEREAS, Many pregnancy maintenance resource centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

WHEREAS, Federal and state governments are increasingly recognizing the valuable services of pregnancy maintenance resource centers through the designation of public funds for such organizations; and

WHEREAS, Pregnancy maintenance resource centers operate primarily through reliance on the voluntary donations and time of caring individuals who are committed to caring for the needs of women and promoting and protecting life; and

WHEREAS, There are a number of pregnancy maintenance resource centers that deserve recognition in our state: Pregnancy Resource Center of Southeast Kansas, of Iola, Kansas; Raven Aid for Moms, Benedictine College, of Atchison, Kansas; Birthright, of Great Bend, Kansas; Catholic Social Service, of Great Bend, Kansas; Birthline, of Fort Scott, Kansas; Bethlehem House, of El Dorado, Kansas; Birthline, of El Dorado, Kansas; Pregnancy Care Center of Butler County, of Augusta, Kansas; Catholic Charities, of Concordia, Kansas; Family Life Services, of Arkansas City, Kansas; Birthright, of Pittsburg, Kansas; Vie Medical Clinic, of Pittsburg, Kansas; Birthright, of Lawrence, Kansas; Pregnancy Care Center, of Lawrence, Kansas; Birthright, of Hays, Kansas; Catholic Charities, of Hays, Kansas; Mary Elizabeth Maternity Home, of Hays, Kansas; ABC Pregnancy Care Center, of Garden City, Kansas; Catholic Social Service, of Garden City, Kansas; Birthright, of Dodge City,

Kansas; Catholic Social Service, of Dodge City, Kansas; Life Care Center for Women, of Ottawa, Kansas; Birthline, of Junction City, Kansas; Precious Beginnings Pregnancy Center, of Ulysses, Kansas; Health Ministries Clinic, of Newton, Kansas; Heartland Pregnancy Care Center, of Newton, Kansas; Crisis Pregnancy Center, of Jackson County, Kansas; Advice and Aid Pregnancy Center, of Shawnee, Kansas; Catholic Charities of Northeast Kansas, of Overland Park, Kansas; Christian Family Services, Inc., of Overland Park, Kansas; LDS Family Services, of Overland Park, Kansas; Birthright, of Leavenworth, Kansas; Catholic Charities of Northeast Kansas, of Leavenworth, Kansas; Saint Vincent Clinic, of Leavenworth, Kansas; Birthright, of Emporia, Kansas; Catholic Charities of Northeast Kansas, of Emporia, Kansas; Family Life Services, of Emporia, Kansas; Heart Choices, of Beloit, Kansas; Midwest Pregnancy Care Center, of Coffeyville, Kansas; Midwest Pregnancy Care Center, of Independence, Kansas; Birthline, of Chanute, Kansas; Pratt Family Life Center, of Pratt, Kansas; Birthright, of Hutchinson, Kansas; Open Door Pregnancy Care Center, of Hutchinson, Kansas; Catholic Charities, of Manhattan, Kansas; Life Choice Ministries, of Manhattan, Kansas; Pregnancy Testing Center, of Manhattan, Kansas; Catholic Charities, of Salina, Kansas; Pregnancy Service Center, of Salina, Kansas; A Better Choice, of Wichita, Kansas; Birthline, of Wichita, Kansas; Catholic Charities, of Wichita, Kansas; Choices Medical Clinic, of Wichita, Kansas; Gerard House, of Wichita, Kansas; Guadalupe Clinic, of Wichita, Kansas; Pregnancy Crisis Center of Wichita, Inc., of Wichita, Kansas; Birthline, of Liberal, Kansas; Birthright, of Topeka, Kansas; Caring Pregnancy Options, of Topeka, Kansas; Catholic Charities of Northeast Kansas, of Topeka, Kansas; Rachel's Tea House Crisis Pregnancy Center, of Kansas City, Kansas; Life Support Center, of Johnson, Kansas; Birthline, of Wellington, Kansas; Emergency Pregnancy Service, of Colby, Kansas; Angels of Grace Family Service Center, of Kansas City, Kansas; Catholic Charities of Northeast Kansas, of Kansas City, Kansas; Adoption Center, of Kansas, of Wichita, Kansas; American Adoption, of Overland Park, Kansas; Grace Center, Inc., of Kansas City, Kansas; Wyandotte Pregnancy Clinic, of Kansas City, Kansas; and Your Choice Pregnancy Resource Center, of Kansas City, Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature strongly supports pregnancy maintenance resource centers in their unique, positive contributions to the individual lives of women, men and of babies – both born and unborn; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature commends the compassionate work of tens of thousands of volunteers and paid staff at pregnancy maintenance resource centers in Kansas and across the United States; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature encourages the Congress of the United States and other federal and state government agencies to grant pregnancy maintenance resource centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature disapproves of the actions of any national, state or local group attempting to prevent pregnancy maintenance resource

centers from effectively serving women and men facing unplanned pregnancies; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each pregnancy maintenance resource center in Kansas, to Governor Brownback, to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

On motion of Senator Pilcher-Cook an emergency was declared, the rules suspended and **SCR 1606** was adopted by voice vote.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 48, SB 53.**

Ethics, Elections and Local Government: **SB 45.**

Financial Institutions and Insurance: **SB 51, SB 52.**

Judiciary: **SB 47, SB 49.**

Natural Resources: **SB 50.**

Public Health and Welfare: **SB 46.**

MESSAGE FROM THE GOVERNOR

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 42 and the Governor's Message for that ERO for your information.

Governor's Message Executive Reorganization No. 42 January 18, 2013

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 42 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

The post audit report regarding the Juvenile Justice Authority released this summer highlighted how the decades-old social services approach taken by policy makers and previous administrations failed to provide the safety and security that our juvenile offenders require and deserve. The audit clearly shows that juvenile offenders must be served by a professional corrections agency.

This re-organization calls for the facilities and programs administered by the Juvenile Justice Authority to be transferred to the Department of Corrections. Moving JJA to KDOC will increase the emphasis on safety while continuing to provide programs proven to get our youth back on the right path. It will also provide opportunities to strengthen public safety, build upon successes realized through a minimal administrative consolidation of functions two years ago, and provide for the unique needs of these two populations.

While there are some distinct differences in program needs and management strategies for juveniles, and we will continue the rehabilitation of the juvenile

population, it is imperative that basic safety and security practices are routinely employed in correctional environments. Many steps have recently been taken to improve the quality of juvenile corrections and a consolidation will make both agencies stronger and better equipped to provide comprehensive corrections in the State of Kansas.

With a broader organizational base, we can focus on the work necessary to make the Kansas juvenile justice system a nationally-recognized model—one that promotes public safety through sound correctional practices and reduces recidivism through the provision of well researched, evidence-based services. The youth, families, staff, and citizens of the State of Kansas deserve nothing less.

My administration looks forward to working with the Kansas Legislature on this longer term, structural solution to the issues at JJA.

Section 1. (a) The Juvenile Justice Authority created by K.S.A. 75-7001, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all of the jurisdiction, powers, functions and duties of the juvenile justice authority and the commissioner of juvenile justice are hereby transferred to and conferred and imposed upon the department of corrections and the secretary of corrections.

(c) Except as otherwise provided by this order, the department of corrections and the secretary of corrections shall be the successor in every way to the jurisdiction, powers, duties and functions of the juvenile justice authority and the commissioner of juvenile justice in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such jurisdiction, powers, duties and functions by or under the authority of the department of corrections and the secretary of corrections shall be deemed to have the same force and effect as if performed by the juvenile justice authority or the commissioner of juvenile justice, respectively, in which such jurisdiction, powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided by this order, whenever the juvenile justice authority, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of corrections.

(e) Except as otherwise provided by this order, whenever the commissioner of juvenile justice, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of corrections.

(f) All rules and regulations, internal management policies and procedures (IMPP), facility orders and post orders of the juvenile justice authority which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, internal management policies and procedures (IMPP), facility orders and post orders of the department of corrections until revised, amended, revoked, or nullified pursuant to law.

(g) All orders and directives of the juvenile justice authority or the commissioner of juvenile justice in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of corrections or secretary of corrections until revised, amended or nullified pursuant to

law.

(h) On the effective date of this order, the department of corrections shall succeed to whatever right, title or interest the juvenile justice authority has acquired in any real property in this state, and the department of corrections shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the juvenile justice authority or the commissioner of juvenile justice to acquire, hold or dispose of real property or any interest therein, the department of corrections shall succeed to such power or authority.

(i) The department of corrections and the secretary of corrections shall be continuations of the juvenile justice authority and the commissioner of juvenile justice.

Section 2. (a) All officers and employees in the juvenile justice authority who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the department of corrections unless the secretary of corrections determines that some officers or employees are not performing necessary services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of corrections may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees in the juvenile justice authority transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the juvenile justice authority prior to the date of transfer.

(c) The Memorandum of Agreement between the Kansas Juvenile Justice Authority and Kansas Department of Administration and Teamsters Union Local #696 that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

(d) The Memorandum of Agreement between the State of Kansas and the Kansas Organization of State Employees that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

Section 3. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department of corrections shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the department of corrections from the juvenile justice authority. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

Section 4. (a) The department of corrections shall have the legal custody of all

records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the juvenile justice authority and any agency or office transferred thereto under previous law.

(b) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Section 5. (a) On and after the effective date of this order, the balance of all funds appropriated and reappropriated to the juvenile justice authority or any juvenile correctional facility or program is hereby transferred to the department of corrections and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to the acts of the legislature, all fees, grant funds, and loan repayment funds in the juvenile justice authority dedicated to programs affected by this order shall be transferred to the department of corrections.

(c) On and after the effective date of this order, the liability for all accrued compensation or salaries of officers and employees who are transferred to the department of corrections under this order shall be assumed and paid by the department of corrections.

Section 6. (a) All jurisdiction, powers, functions and duties relating to juvenile correctional facilities and institutions as defined in K.S.A. 38-2302, and amendments thereto, are conferred and imposed upon the secretary of corrections to be administered within the department of corrections as provided by this order.

(b) The secretary of corrections may adopt rules and regulations for the government, regulation and operation of such institutions. The secretary of corrections may adopt rules and regulations relating to all persons admitted to such institutions.

(c) The secretary of corrections may enter into an educational services contract with a unified school district, another public educational services provider or a private educational services provider for an institution pursuant to competitive bids or by negotiation as determined by the secretary of corrections. Each such educational services contract is exempt from the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

(d) The secretary of corrections shall not issue a pass, furlough or leave to any juvenile placed in an institution except as needed for such juvenile to obtain medical services or to reintegrate such juvenile into the community. If any juvenile is issued a pass, furlough or leave, such juvenile shall be accompanied by a staff member or other designated adult.

(e) The secretary of corrections shall implement an institutional security plan designed to prevent escapes and to prohibit contraband and unauthorized access to the institution and, within the limits of appropriations, construct perimeter fencing as required by the institutional security plan.

(f) The secretary of corrections, by rules and regulations, shall establish a rigid grooming code and shall issue uniforms to juvenile offenders in an institution.

(g) The Larned juvenile correctional facility shall be under the supervision and control of the secretary of corrections in accordance with K.S.A. 76-3203, and amendments thereto.

(h) The Kansas juvenile correctional complex shall be under the supervision and control of the secretary of corrections in accordance with K.S.A. 76-3203, and amendments thereto.

(i) The department of corrections shall be the successor in every way to the jurisdiction, powers, duties, and functions of the juvenile justice authority pertaining to the programs and operation of juvenile correctional facilities and institutions. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department of corrections shall be deemed to have the same force and effect as if performed by the juvenile justice authority in which such powers, duties, and functions were vested prior to the effective date of this order.

Section 7. The secretary of corrections shall promulgate rules and regulations for the juvenile intake an assessment system and programs concerning juvenile offenders in accordance with K.S.A. 75-7023, and amendments thereto.

Section 8. The secretary of corrections shall administer the provisions of the revised Kansas juvenile justice code in accordance with K.S.A. 75-7024, and amendments thereto.

Section 9. The secretary of corrections shall administer regional youth care and rehabilitation facilities in accordance with K.S.A. 75-7025, and amendments thereto.

Section 10. The secretary of corrections shall administer supplemental youth care facilities in accordance with K.S.A. 75-7026, and amendments thereto.

Section 11. The secretary of corrections shall administer residential care facilities for children and youth established by and in accordance with K.S.A. 75-7028, and amendments thereto.

Section 12. The secretary of corrections shall administer community planning teams, juvenile justice programs, the juvenile justice community planning fund, and the juvenile justice community initiative fund in accordance with K.S.A. 75-7033, and amendments thereto.

Section 13. The secretary of corrections shall administer all grants under K.S.A. 75-7038 through 75-7053, and amendments thereto.

Section 14. The secretary of corrections shall administer community graduated sanctions and prevention programs and the community advisory committee in accordance with K.S.A. 75-7056, and amendments thereto.

Section 15. The Kansas advisory group on juvenile justice and delinquency prevention will report to the secretary of corrections in accordance with K.S.A. 75-7007, and amendments thereto.

Section 16. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2013, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 18th day

of January 2013.

BY THE GOVERNOR
Sam Brownback

KRIS W. KOBACH
Secretary of State

BRAD BRYANT
Assistant Secretary of State

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Abrams and Masterson introduced the following Senate resolution, which was read:

A RESOLUTION congratulating and commending the members
of the 2013 Kansas Teacher of the Year team.

WHEREAS, The Kansas state department of education sponsors the Kansas Teacher of the Year program which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two teachers – one elementary and one secondary – in each of the state's four United States congressional districts were selected as finalists for recognition as Kansas Teacher of the Year, the Kansas Teacher of the Year being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded the Hubbard Foundation Kansas Teacher of the Year Ambassadorship which enables the person selected to devote significant time during the second semester to activities to support the mission of the program. The 2013 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 17, 2012. All members received a cash award as well as mementos of the events; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers sponsored by the ING Foundation and Target in partnership with the University of Phoenix Foundation and People to People Ambassador Programs; and

WHEREAS, The 2013 Kansas Teacher of the Year is Dyane Smokorowski, Andover USD 385, and the regional finalists are Ramie Allison, Haysville USD 261; Sarah Berblinger, Buhler USD 313; Sibyl "Sue" Commons, Baxter Springs USD 508; Judy Domke, Blue Valley USD 229; Scott Keltner, Eudora USD 491; Colleen Mitchell, Emporia USD 253 and Laura Moyers, Leavenworth USD 453: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2013 Kansas Teacher of the Year team and wish Mrs. Smokorowski success in the national competition; and

Be it further resolved: That the Secretary of the Senate provide eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2013 Kansas Teacher of the Year team.

On motion of Senator Abrams an emergency was declared, the rules suspended and **SR 1705** was adopted by voice vote.

The teachers were acknowledged with a standing ovation.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m, Wednesday, January 23, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

DIANE MINEAR, *Secretary of the Senate.*

