

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 22, 2002—2:30 p.m.

The Senate was called to order by Vice-President Sandy Praeger.

The roll was called with forty senators present.

Vice-President Praeger introduced as guest chaplain, President Dave Kerr, who delivered the invocation:

O God, the papers tell us we have a difficult, maybe impossible, task ahead. They tell us we are divided, that we each seek advantage one over another, that politics, not good policy are in our hearts.

But only you can see what's in our hearts Lord. Only you know if we have as our intention to follow the Apostle Paul's admonition to the Philippians:

I urge you then, to make me completely happy by having the same thoughts, sharing the same love, and being one in soul and mind. Don't do anything from selfish ambition or from a cheap desire to boast, but be humble toward one another, always considering others better than yourselves. And, look out for one another's interests, not just for your own.

It's fine for the papers to dither, wring their collective hands, but we, Lord, actually have to deal with these earthly problems, protecting the weak while treating all people fairly. So help us Lord, to listen to your guidance as we labor in the days ahead. Help us to respect and listen to one another. And if we do, Lord, help the papers to notice.

In your son's name, Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 401, An act concerning municipalities; relating to the payment of claims; authorizing school districts to make certain payments; amending K.S.A. 12-105b and repealing the existing section, by Committee on Education.

SB 402, An act concerning charter schools; amending K.S.A. 2001 Supp. 72-1903, 72-1906 and 72-1907 and repealing the existing sections, by Legislative Educational Planning Committee.

SB 403, An act concerning the postsecondary education savings program; amending K.S.A. 2001 Supp. 60-2308 and 75-646 and repealing the existing sections, by Legislative Educational Planning Committee

SB 404, An act concerning taxation; relating to tax credits for required improvements for confined feeding facilities; amending K.S.A. 2001 Supp. 79-32,117 and repealing the existing section, by Special Committee on Agriculture.

SB 405, An act concerning the consumption of alcoholic liquor in certain places; amending K.S.A. 41-719 and repealing the existing section, by Committee on Federal and State Affairs.

SB 406, An act concerning the Kansas racing and gaming commission; relating to the state gaming agency; concerning the executive director of such commission and such agency; amending K.S.A. 2001 Supp. 74-8805 and 74-9804 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 407, An act concerning alcoholic beverages; enacting the beer and cereal malt beverage keg registration act; amending K.S.A. 41-2708 and K.S.A. 2001 Supp. 41-311 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 408, An act relating to income taxation; concerning the definition of business income for purposes of the uniform division of income for tax purposes act; amending K.S.A. 79-3271 and repealing the existing section, by Committee on Assessment and Taxation.

SB 409, An act concerning school districts; relating to school finance; amending K.S.A. 72-6405 and K.S.A. 2001 Supp. 72-6426, 72-6430 and 72-6433 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SCR 1615, SCR 1616.**

Financial Institutions & Insurance: **SB 398.**

Judiciary: **SB 399, SB 400.**

MESSAGE FROM THE GOVERNOR

January 17, 2002

The Honorable Dave Kerr
President of the Senate
State Capitol 3rd Floor
Topeka, Kansas 66612

RE: Communication to the House and Senate pursuant to K.S.A. 22-3703

Dear President Kerr:

This is my report of pardons to the Legislature pursuant to K.S.A. 22-3703. That statute requires that I communicate to both houses at each regular session a list of all persons pardoned by me during the preceding year.

For calendar year 2001, no pardons or clemencies were granted. A total of 15 applications for pardon or clemency were denied.

My policy regarding pardons and clemencies remains the same, i.e., that they should be granted when a gross miscarriage of justice has occurred and all other judicial remedies have been exhausted and have failed to correct the injustice. I have yet to review an application that fits these criteria.

Very sincerely,
BILL GRAVES
Governor

COMMUNICATIONS FROM STATE OFFICERS

KANSAS, INC.
October 2001

Charles R. Ranson, President, Kansas, Inc., submitted the 2001 Annual Report on the state of the Kansas economy.

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.

REMARKS BY SENATOR HALEY

Senator Haley rose on a point of personal privilege with the following remarks:

This afternoon marks the Eighth appeal that the Kansas Legislature has allowed me to request our special emphasis, as *public* servants, for our state holiday commemorating not only the birth, but the life philosophy of an extraordinary American; the Rev. Dr. Martin Luther King, Jr.

Although official recognitions of this holiday were held on yesterday, I rise today to urge our diligence, again as *public* servants, for tomorrow and hence. Before this Holiday blurs into just another "day off work" for many Kansans (or horribly, for many legislators), or becomes just a day for skits and sermons and recitations, we might instead, we *public*

servants who *do* believe in social and economic and political equity; we must focus our minds and our efforts on the message; and not just the man. Born January 15, 1929, Dr. King (who would have been 73 this year) as a preacher; grass roots organizer for social and legal equity; community and family man....accomplished much before he was assassinated at the age of 39. But as Harvard professor Randall Kennedy notes, to portray Dr. King merely as a Nobel Peace Prize winner or an airbrushed or uncomplicated saint, only hastens his perceived irrelevance and ultimately, the irrelevance of the Holiday that bears his name.

Today, gentle colleagues, I urge you to join me in remembering that Dr. King was an agitator, a "boat-rocker", if you will, for that which he believed, and now, an overwhelming majority of Kansans and Americans publicly claim to believe. That Dr. King, who donated his \$100,000 Nobel Peace Prize award to charity and died leaving a widow and four young children practically penniless, was committed to civil rights and to civil liberties and not to inequity or to greed. We need to remember that activism can draw power to us and against us, as the life of this one engineer of a movement that moved congress to pass the Civil Rights Act of 1964 could attest.

As we as a state and as a nation witness civil liberties unravel under the banter of enhanced security and become further swathed in materialism or sit idly by as hate begets violence and that violence even more violence... We, as public servants if for no other reason, can shed our selfishness and our sloth and show to our communities and to our children that the lessons learned and remembered and observed just "yesterday" are relevant and real and necessary to remember today for a still greater Kansas...tomorrow. Thank you

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, January 23, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

