

# Journal of the Senate

FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 12, 2006—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 Lee and Morris were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,  
When my Senate days are over  
What will be my legacy?  
Will I just be forgotten?  
Or will folks remember me?  
You have made it clear, O God,  
Popularity will not do,  
Woe to you," You have told us,  
"When all are speaking well of you" (Luke 6:26)  
But I also do not want  
To be hated by everyone,  
Nor do I want to be assigned  
Into oblivion.  
I hope I will have gained respect  
By all who served along with me.  
Whether or not they all agreed,  
I hope they enjoyed my company.  
But most of all I covet  
A judgment by the Holy One,  
As I hear You say to me,  
"Well done," my child, "Well done."  
And I pray this in the name of Jesus Christ,  
AMEN

## REMARKS BY SENATOR HALEY

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

Mr. Vice President; Fellow Members of the Kansas Senate:

It should come as no surprise to you nor to anyone in our chamber or to only a few in the chamber across this beautifully renovated rotunda that I rise today on the Senate floor to salute the true meaning and to implore your dedicated attention to the holiday weekend before us.

You know, this is my 12th appeal to our Legislature today; an even half dozen for each year that I was privileged to serve over there in the House and today marks an even half dozen here for each year in the Senate.

And Mr. Vice President and Gentle Colleagues, on this topic I believe today's remarks will serve as my last...at least for awhile. A few minutes from now, I will give it a rest!

Through each year though it has been my annual effort to address the philosophy of human dignity and equality and of civil rights (as I believe best articulated by the legacy of Dr. King) apolitically, without favor to race or to culture or to economic status, religion or creed in America, liberty and justice for all and the declarative assertions of your forefathers attuned to life, liberty and the pursuit of happiness.

These tenets do not belong to my political party or to your political party; these goals are Christian and Jewish and Muslim and Buddhist and many other religions. This holiday does not belong to your race or to my race or my culture or yours...this holiday belongs to *every* American. It belongs to us all.

When Rosa Parks, who by simply refusing to give up her bus seat became inextricably linked to the ascension of a young pastor. Martin Luther King, Jr., died late last year a stark silent reminder to the world of the struggles almost half a century ago.

And no one had to say a word in realizing what is left undone...

The story goes of a man who owned a talkative, creative pet parrot for many years who married a possessive woman. The pet parrot envied the time the new wife took from him and his owner and every morning when the wife would come into the kitchen the parrot would verbally accost her. The parrot would squawk quick pointed remarks like:

"You're ugly" or "you're stupid" or "I hate you."

And the constant repetition played on the wife, it inundated her psyche so much that she complained to her husband who went to his bird and shook the parrot. The man told the parrot that if he uttered just one more insult, just one more time, that he'd give the bird away to a shelter...or worse!

Well the next morning when the wife came down to the kitchen, she looked over at the parrot with a smug self-righteous smirk as *if* to say "well Mr. Parrot, what do you have to say now....?!"

The parrot just looked defiantly back at the wife, stood solidly on his perch and said "*You know!*"

So today then as I stand down from my annual reminder that each of us has a prime responsibility as a leader in our respective communities to unite and to not further divide, I do so realizing that David Haley really no longer has to do the reminding to each of you.

Because, *You* know that King would have us to beat our swords into plowshares or beat those WMD's (Weapons of Mass Destruction) into renewable sustainable energy sources....

Because, *You* know that socially, America remembers and celebrates those who advocate non-violent dispute resolution; or society publically condemns gaping disparity in access *for all* to this great American dream as laid bare to the world in the aftermath of Hurricane Katrina and Rita disaster's....

Look around.....Look around.

You know that there is so much to do to insure every village and every hamlet graduates students of all backgrounds that are functionally literate or that employers hire based on qualifications and not skin color.

As I take my seat I implore each of us to be King for a day and if David Haley does not rise again on a point of personal privilege next year to ask that we all work together to help *our* America to live out the truest meaning of *our* creed....It's alright. You don't need me to remind you. "*You know!*"—David Haley

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and senate concurrent resolution were introduced and read by title:

**SB 356**, An act concerning estate taxation; repealing K.S.A. 2005 Supp. 79-15,100, 79-15,101, 79-15,102, 79-15,103, 79-15,105, 79-15,109, 79-15,111, 79-15,112, 79-15,113, 79-15,116, 79-15,117, 79-15,118, 79-15,119, 79-15,125, 79-15,126, 79-15,128, 79-15,129, 79-15,130, 79-15,131, 79-15,132, 79-15,133, 79-15,134, 79-15,135, 79-15,136, 79-15,137, 79-15,138, 79-15,139, 79-15,140, 79-15,141, 79-15,142, 79-15,143, 79-15,144 and 79-15,145, by Committee on Assessment and Taxation.

**SB 357.** An act concerning income taxation; relating to failure to file return or filing incorrect or insufficient return; penalties; amending K.S.A. 2005 Supp. 79-3228 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 358.** An act concerning taxation; relating to filing certain returns and remitting tax payments by electronic means; amending K.S.A. 2005 Supp. 75-5151 and 79-3298 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 359.** An act concerning taxation; relating to refund funds; limitations; amending K.S.A. 12-1694a, 12-16,100, 79-6a09, 79-3461 and 79-41a09 and K.S.A. 2005 Supp. 79-15,113, 79-32,105, 79-3311, 79-3491a, 79-3620, 79-3710, 79-4227 and 79-4711 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 360.** An act concerning eminent domain; relating to tax incentives; amending K.S.A. 2005 Supp. 12-1773 and 12-1774 and repealing the existing sections, by Senator Pyle.

**SB 361.** An act amending the Kansas air quality act; providing judicial review of agency action to court of appeals; when; amending K.S.A. 65-3008a and 65-3013 and repealing the existing sections, by Committee on Utilities.

**SB 362.** An act concerning solid waste; relating to solid waste disposal areas; amending K.S.A. 65-3407 and 65-3415b and K.S.A. 2005 Supp. 65-3402 and repealing the existing sections, by Committee on Utilities.

**SB 363.** An act repealing K.S.A. 12-16,115; concerning cities and municipalities; relating to civil penalty for sale, manufacture or distribution of imitation firearms, by Senator Journey.

**SB 364.** An act concerning information technology projects of state agencies; amending K.S.A. 2005 Supp. 75-7201, 75-7210 and 75-7211 and repealing the existing sections, by Joint Committee on Information Technology.

SENATE CONCURRENT RESOLUTION No. 1615—

By Senator Journey

A PROPOSITION to amend section 6 of article 6 of the constitution of the state of Kansas, relating to school finance.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 6. Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall ~~make suitable provision~~ provide for finance of the educational interests of the state *in the manner and amount as determined solely by the legislature*. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this amendment is to provide that the financing of educational interests of the state shall be in the manner and amount determined solely by the legislature.

“A vote for this amendment would provide that the financing of the educational interests of the state would be solely determined by your representatives and senators in the Kansas legislature.

“A vote against this amendment would continue in effect the current interpretation by the Kansas Supreme court that this provision of the Kansas constitution requires the Kansas legislature to make suitable provision for the finance of the educational system of the state in an amount determined by the court.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2006 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 351, SB 352, SB 353, SB 354, 355.**

Utilities: **SB 349, SB 350.**

#### COMMUNICATIONS FROM STATE OFFICERS

##### DEPARTMENT OF TRANSPORTATION

January 11, 2006

In compliance with K.S.A. Supp. 68-2315 as amended, Deb Miller, Secretary of Transportation, submitted KDOT's annual report presenting future financial strategy, and describing other initiatives and issues of importance to the Department.

##### KANSAS WATER AUTHORITY

January 11, 2006

Steve Irsik, Chairman, Kansas Water Authority, has submitted the 2006 Annual Report on priorities of the Kansas Water Plan.

The Vice President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 40** be amended on page 1, in line 14, by striking “2004 Supp.”; in line 15, before “Upon”, by inserting “(a)”; in line 19, by striking all after “or” where it appears the first time; in line 20, by striking “tioner” and inserting “affiant”; following line 29, by inserting:

“(b) The mailing requirement of subsection (a) may be waived if:

(1) The surviving spouse is the petitioner or affiant; and

(2) a statement that the surviving spouse is aware that under K.S.A. 59-6a201 through 59-6a217, and amendments thereto, the surviving spouse may have a right to take a share of property owned by the decedent at death, in whole or in part, and of transfers of property made by the decedent prior to death is:

(A) Included in the petition for letters of administration, the petition for probate of a will, the petition for an order refusing to grant letters of administration or the affidavit pursuant to K.S.A. 59-618a, and amendments thereto; or

(B) included in an affidavit filed in the matter within 10 days after issuance of letters of administration, issuance of letters of testamentary, issuance of an order refusing to grant letters of administration or the filing of an affidavit pursuant to K.S.A. 59-618a, and amendments thereto.”;

Also on page 1, in line 30, by striking “2004 Supp.”;

In the title, in line 10, by striking “2004 Supp.”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:30 a.m., Friday, January 13, 2006.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.  
PAT SAVILLE, *Secretary of the Senate*.

