

# Journal of the Senate

## FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 15, 2009—2:30 p.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with thirty-four senators present.  
Senators Brungardt, Holland, Lynn, Morris, Pyle and Reitz were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I want to ask a blessing on  
The new Senators who number ten.  
Three of them are women,  
Seven of them are men.

Tim Owens and Jeff Colyer  
Are both from Overland Park.  
Use them as only You can  
To strike a positive spark.

Holland, Abrams, and Kultala  
Come from different cities:  
Kansas, Baldwin, and Arkansas;  
May they shine in their committees.

Ty Masterson's from Andover,  
Bob Marshall's from Fort Scott,  
Dick Kelsey is from Goddard.  
Help them contribute a lot.

Faust-Goodeau is from Wichita,  
Pilcher-Cook is from Shawnee.  
Bless both of them as they serve,  
And may all of them pray for me!

I ask this in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

### **POINT OF PERSONAL PRIVILEGE**

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

**MR. VICE PRESIDENT; GENTLE COLLEAGUES:**

Let me thank each of you (especially the newest members of this body) for allowing me this annual plea without objection. After fifteen years now in this Legislature of commemorating the King holiday (and the weekend that will precede it), frankly, I am joyfully aware that some of us here are ALREADY in step with the concepts of Equality . . ." with Liberty and Justice for ALL. But then, there too, after all of these years, a decade and a half, sadly,

I realize that many of you all never, perhaps ever, will . . . And so sadly, after *fifteen* years of raising this Point, I realize that some here within the leadership of Kansas, will never be leaders, in your own Districts . . . in your own *communities* for that matter, for sharing the importance of this Holiday with your families and constituents. The Dr. King Birthday holiday truly epitomizes America's strength, which we as a productive country have, *because* of such rich diversity. You know, there are many holidays all over the world. Some (like Christmas and New Year's, etc.) shared with people of other countries and even other lands; some different but shared in their own way (like Independence or Labor Days, etc.) in other countries . . . but the uniqueness of this Holiday belongs *strictly* to the United States of America; it doesn't belong to my religion nor to yours; it doesn't belong to my political persuasion and it doesn't belong to yours, the King Holiday is red AND it's blue AND it's purple; it belongs to you, it belongs to me and to ALL of us UNIQUELY . . . as Americans. And once again I'm simply here to plead with each of you, as colleagues and as leading Kansans to claim with special pride Ownership of this Holiday and promote cultural awareness and inclusion throughout our borders. Give it your energy, CIVIC SERVICE energy. That force you exert, redoubling in your neighbor, will expand exponentially. Now, that's the greatest of all potential renewable energy sources! And you know last year, 2008, was a renewal year, Mr. Vice-President.

Personally, I have never really been more proud of this country.

The world watched our American democracy debate with issue after issue on CONTENT and NOT (well at least not to a large extent) on color or gender or age or race. Almost by change (many would contend by necessity), Americans put a lot of "-isms" to rest; at least for awhile last year during our presidential election.

Where fear had divided, hope instead united and Americans judged the messages and not just the messengers, no matter their age or gender or race.

But despite this broadening in our national psyche, despite an unprecedented outcome in any previous presidential race, you know Mr. Vice-President that there is so much left to accomplish. To keep the spirit of the Rev. Dr. Martin Luther King, Jr. Holiday alive and well this weekend should not be another "day off", but a "day on." Your leadership, no our leadership is required across our State in each of our cities and villages to remind our constituents, our neighbors and our friends that the legacy of Dr. King is the legacy of a united America. This holiday, which bears but one man's name, was accomplished by so many many people; who sacrificed and labored; time and resources and even reputation for the creed that is uniquely America. That we are all endowed by our Creator with inalienable rights; rights such as Liberty, Freedom and Justice . . . without partiality to one's color or one's creed. As the elected stewards of our great State, I pray that we exert our abilities to do our best to insure that in this, our time, and in this our place . . . that with God's grace . . . that we too can make a difference. Please. Have a reflective and active King Holiday.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 30**, An act concerning surplus property of the state; amending K.S.A. 2008 Supp. 75-6606 and repealing the existing section, by Committee on Ways and Means.

**SB 31**, An act concerning behavioral sciences; relating to continuing education requirements; amending K.S.A. 2008 Supp. 65-6313 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 32**, An act concerning evidence in civil actions; expression of apology, sympathy, compassion or benevolent acts by health care providers not admissible as evidence of an admission of liability or as evidence of an admission against interest, by Committee on Public Health and Welfare.

**SB 33**, An act concerning the board of pharmacy; relating to fingerprinting and criminal history record checks; regulating pharmacy technicians; term and membership of the board; amending K.S.A. 74-1603 and 74-1604 and K.S.A. 2008 Supp. 65-1663 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 34**, An act concerning open records; relating to the exceptions to disclosure; amending K.S.A. 2008 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2008 Supp. 45-229c, by Special Committee on Judiciary.

**SB 35**, An act concerning municipal bonds; interest rates; amending K.S.A. 2008 Supp. 10-1009 and repealing the existing section, by Committee on Commerce.

**SB 36**, An act concerning cities and counties; relating to the transportation development district act; special assessments; amending K.S.A. 2008 Supp. 12-17,143, 12-17,145 and 12-17,148 and repealing the existing sections, by Committee on Commerce.

**SB 37**, An act regulating traffic; concerning golf carts; amending K.S.A. 2008 Supp. 8-126, 8-128, 8-1486 and 8-2118 and repealing the existing sections, by Senator Lee.

**SB 38**, An act concerning hospital districts; relating to the formation of a hospital district in Linn county, by Committee on Ethics and Elections.

**SB 39**, An act concerning certain municipalities; relating to the investment of public moneys; amending K.S.A. 2008 Supp. 12-1677b and repealing the existing section, by Committee on Education.

**SB 40**, An act repealing K.S.A. 2008 Supp. 72-9910 and 72-9911; relating to the at-risk education council, by Committee on Education.

**SB 41**, An act repealing K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c; relating to certain school districts and the powers and duties thereof, by Committee on Education.

**SB 42**, An act concerning elections; relating to the arrangement of certain offices on ballots; amending K.S.A. 2008 Supp. 25-611 and repealing the existing section, by Committee on Education.

**SB 43**, An act concerning elections; relating to campaign finance; amending K.S.A. 25-4153 and repealing the existing section, by Committee on Education.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 29**.

Financial Institutions & Insurance: **SB 24**.

Judiciary: *SB 26, SB 27, SB 28*.

Public Health and Welfare: **SB 25**.

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS ADJUTANT GENERAL'S DEPARTMENT

Tod M. Bunting, Major General, Kansas National Guard, The Adjutant General, submitted the 2008 Annual Report for the Kansas Adjutant General's Department.

##### KANSAS CORPORATION COMMISSION

January 7, 2009

As directed by the 2008 Legislature in **SB 570**, Section 6(a), Commissioners Thomas E. Wright, Chairman; Michael C. Moffet and Joe F. Harkins, submitted a report to the Legislature concerning the availability of Broadband services in the State of Kansas.

##### KANSAS ELECTRIC TRANSMISSION AUTHORITY

January 12, 2009

Representative Carl Dean Holmes, Chairperson, submitted a report of the KETA's third full year of activities.

##### KANSAS DEVELOPMENT FINANCE AUTHORITY

January 13, 2009

On behalf of the Kansas Development Finance Authority, Stephen R. Weatherford, submitted the audited Annual Report for the fiscal year ended June 30, 2008.

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.

**REPORT ON ENROLLED BILLS**

**SR 1801, SR 1802, SR 1803, SR 1804** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 15, 2009.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 16, 2009.

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

PAT SAVILLE, *Secretary of the Senate*.

