

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, June 4, 2009—10:00 a.m.

As provided by **SCR 1619**, the Sine Die Session of the regular 2009 Kansas Senate was called to order by President Stephen Morris.

The roll was called with thirty senators present.

Senators Colyer, Donovan, Lee, Ostmeyer, V. Schmidt, Schodorf, Steineger, Teichman, Wagle and Wysong were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Once more we've been informed
The budget's come up short.
Reducing programs for the needy
Could be our last resort.

Many of us have thought for years
That our government's been forced to do
What we Christians and our churches
Could contribute much more to.

In the book of Matthew (25:31-46)
Jesus makes it clear
Who will inherit His kingdom
When judgement day is here.

Those who feed the hungry
And take care of the sick;
Who give the thirsty water
Are those whom Jesus picked.

Also those who house the homeless,
And furnish clothing for those in need,
Who visit those in prison
Have served the Lord in deed.

Help us, Lord, to do our part
To help take up the slack
By increasing our donations
So the needy will not lack.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

The House adopts **SCR 1619**.

REPORT ON ENGROSSED BILLS

SB 41, SB 336 reported correctly engrossed May 11, 2009.

SB 33 correctly re-engrossed May 11, 2009.

H Sub for SB 51, H Sub for SB 168 reported correctly engrossed May 12, 2009.

SB 84 correctly re-engrossed May 12, 2009.

REPORT ON ENROLLED BILLS

SB 33, SB 41; H Sub for SB 51; SB 84; H Sub for SB 168; SB 171, SB 336 reported correctly enrolled, properly signed and presented to the Governor on May 15, 2009.

SR 1892, SR 1893, SR 1894, SR 1895, SR 1896 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 13, 2009.

SCR 1619 reported correctly enrolled, properly signed and presented to the Secretary of the State on May 14, 2009.

MESSAGE FROM THE GOVERNOR

SB 33, SB 41 approved on May 21, 2009.

SB 84, SB 336; House Substitute for Senate Bill 168 approved on May 22, 2009.

MESSAGE FROM THE GOVERNOR

May 12, 2009

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 09-397 for your information.

Sincerely,

MARK PARKINSON
Governor

The President announced Executive Directive No. 09-397, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

MESSAGE FROM THE GOVERNOR**Veto Message for House Substitute for SB 51:**

The state should not take action that limits the ability of cities to pursue developments that will lead to economic growth, especially during these difficult economic times. Cities in Kansas must have the flexibility to annex property that will allow growth and economic development. Planning for growth in a way that promotes the health, safety and public welfare of its citizens and neighbors also is a fundamental responsibility of cities.

I support the procedural safeguards for landowners whose property is annexed over their objection that are contained in **House Substitute for SB 51**. I also support the provisions limiting a city's future ability to annex a narrow corridor of land to reach a non-contiguous tract of land, and the provisions dealing with rural water districts. I hope the Legislature will focus on these aspects of **House Substitute for SB 51** during the next legislative session.

I am concerned that the provisions in **House Substitute for SB 51** that prohibit a city from annexing more than 65 acres of land devoted to agricultural use may prevent cities from growing in ways that would greatly benefit the economy. I have confidence that the current requirement for a county commission to approve a city's proposed annexation of property in the unincorporated county provides a safeguard from unreasonable annexation attempts.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **House Substitute for Senate Bill 51**.

Vetoed: May 22, 2009
Signed: Mark Parkinson, Governor

MESSAGE FROM THE GOVERNOR

Veto Message for SB 171:

This legislation contains a provision which I would be happy to sign into law, the opportunity for overseas and military voters to vote more easily. Allowing federal service voters to register and send ballots by e-mail will make it easier for more Kansans living abroad to participate. Fortunately, the Legislature still has time to send me these provisions in a clean bill before the 2010 elections.

However, this legislation also contains provisions which will discourage advance voting, burdening the democratic process in Kansas. Last year, more than 70 percent of registered voters in Kansas participated in the Presidential election. During that election, as with all elections before it, there was no conclusive evidence of voter fraud in Kansas. Despite this lack of a problem, **SB 171** seeks to find a solution by adding affidavits and signature lines to an already crowded return envelope for an advance ballot. These unnecessary hurdles will inevitably confuse voters and discourage many of them from voting.

County election officials have suggested repeatedly that there is not conclusive evidence of voter fraud in Kansas. In fact, more and more Kansans are voting early; this is a trend we should be encouraging, not disrupting.

Again, I look forward to working with the Legislature next session to sign into law legislation that involves more people in our democracy, without creating new and needless obstacles to the voting process. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **SB 171**.

Vetoed: May 22, 2009
Signed: Mark Parkinson, Governor

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kultala, Brownlee, Faust-Goudeau, Francisco, Kelly, Lee, Lynn, McGinn, Pilcher-Cook, V. Schmidt, Schodorf, Teichman and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1897—

A RESOLUTION recognizing the 90th anniversary of the passage of the 19th Amendment to the United States Constitution.

WHEREAS, On June 4, 1919, the 19th Amendment to the United States Constitution, which stated that “the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex,” passed both houses of Congress and was sent to the states for ratification; and

WHEREAS, Kansas ratified the 19th Amendment on June 16, 1919, and it went into effect on August 18, 1920; and

WHEREAS, Kansas was also a leader in pushing for the passage of the Equal Rights Amendment and was one of the first states to ratify it, doing so on March 28, 1972; and

WHEREAS, The women’s suffrage movement was founded in the mid-19th century by women who had become politically active through their work in the abolitionist and temperance movements. In July 1848, 240 women suffragists, including Elizabeth Cady Stanton and Lucretia Mott, met in Seneca Falls, New York, to assert the right of women to vote; and

WHEREAS, In 1869, the National Woman Suffrage Association, led by Susan B. Anthony and Elizabeth Cady Stanton, was formed to push for an amendment to the United States Constitution. Another organization, the American Woman Suffrage Association, led by Lucy Stone, was organized in the same year to work through the state legislatures. In 1890, these two societies merged to form the National American Woman Suffrage Association; and

WHEREAS, By the beginning of the 20th century, the role of women in American society was changing drastically; women were working more, receiving a better education, bearing fewer children and several states had authorized female suffrage. In 1913, the National Woman's party organized the voting power of these enfranchised women to elect congressional representatives who supported woman suffrage and by 1916, both the Democrat and Republican parties openly endorsed female enfranchisement, leading to the passage of the 19th Amendment in 1919; and

WHEREAS, The State of Kansas has a proud tradition of pushing for equal rights for all citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the 90th anniversary of the passage of the 19th Amendment, granting women the right to vote, and that we acknowledge the contributions made by the state of Kansas towards equality for all; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senators Kelly Kultala and Marci Fancisco.

On emergency motion of Senator Kultala **SR 1897** was adopted unanimously.

VETOES SUSTAINED

President Morris announced the time had arrived for reconsideration of **H Sub for SB 51**, An act concerning local governments, relating to boundary issues, amending K.S.A. 12-519, 12-520b, 12-521, 12-531 and 12-532 and K.S.A. 2008 Supp. 12-520, 82a-612 and 82a-646 and repealing the existing sections, having been read on June 4, 2009.

No motion having been offered to reconsider, President Morris announced the Governor's veto of **H Sub for SB 51** was declared sustained.

President Morris announced the time had arrived for reconsideration of **SB 171**, An act concerning elections; pertaining to efficiency in handling ballots from military personnel and other official services absentee voters; pertaining to advance voting ballots; pertaining to candidate filing deadlines; amending K.S.A. 25-205, 25-1218 and 25-4004 and K.S.A. 2008 Supp. 25-1124, 25-1128 and 25-1216 and repealing the existing sections, having been read on June 4, 2009.

No motion having been offered to reconsider, President Morris announced the Governor's veto of **SB 171** was declared sustained.

There being no further business to be considered, Senator D. Schmidt moved, as provided in **SCR 1619**, the Senate adjourn Sine Die. The motion prevailed.

President Morris thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2009 Session of the Kansas Senate adjourned Sine Die."

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

PAT SAVILLE, *Secretary of the Senate.*

MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor **Senate Substitute for HB 2373**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, and June 30, 2014, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 12-5256, as amended by section 136 of 2009 Senate Substitute for House Bill No. 2354, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354, 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 79-4801, as amended by section 145 of 2009 Senate Substitute for House Bill No. 2354, and repealing the existing sections; also repealing section 102 of 2009 Senate

Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79- 2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354, received on May 22, 2009, read on June 4, 2009.

Message from the Governor

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Substitute for House Bill No. 2373 with my signature approving the bill, except for the items enumerated below.

Department of Education—KPERs—School Employer Contributions

That portion of Section 36(a) that reads as follows has been line-item vetoed:

“For the fiscal year ending June 30, 2010 \$1,850,000”

This FY 2010 appropriation for the KPERs—School employer contribution was accounted for in the agency’s lapse contained in Section 36(b). In order to appropriate only those monies absolutely necessary, I hereby line-item veto this appropriation.

Members were given the opportunity to reconsider the line item veto. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

Kansas State University

Section 70(c) has been line-item vetoed in its entirety:

Financing of the Salina Aeronautical Center located at Kansas State University’s Salina Campus is a lease purchase agreement that is by its nature equivalent to a debt service agreement. The 2009 Legislature intended that funding of debt service should not be lapsed, and I concur with that intent. In that spirit, I therefore find it necessary to veto this lapse so that this obligation can be met.

Members were given the opportunity to reconsider the line item veto. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

Department of Health and Environment

Section 89 has been line-item vetoed in its entirety:

“Regardless of one’s views on whether abortion should be allowed in this country, hopefully we can all agree that we should make every effort to prevent unplanned pregnancies. Access to affordable family planning services and contraceptives is critical if we are to continue reducing the number of abortions that occur in this state.

“This section would prohibit distribution of Title X moneys to private family planning providers unless they are either a hospital or provide comprehensive primary and preventative care in addition to family planning services. This proviso would prevent funding for two facilities of other eligible family planning providers. These facilities do not perform abortions, and by law, Title X funding cannot be used for abortion services.

“Both of these facilities provide affordable access to contraceptives and family planning services for women who are significantly below the poverty level. These women are most at risk for unplanned pregnancies. The family planning services provided by these facilities help lower the likelihood of unplanned pregnancy, and thus reduce abortions. Eliminating funding for programs intended to reduce the number of unplanned pregnancies does nothing to help reduce abortions in Kansas.

“I am also concerned this proviso violates Title X of the Public Service Act. The facilities ineligible for funding under this proviso are, by law, eligible under Title X to receive the grants. The Public Service Act is clear that states are not permitted to refuse the award of Title X funding to entities that meet the statutory requirements for the grants. I therefore find it necessary to line-item veto this proviso.”

Members were given the opportunity to reconsider the line item veto. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

MARK PARKINSON
Governor

REPORT ON ENROLLED BILLS

SR 1897 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 5, 2009.

