

# Journal of the Senate

FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 15, 2010—8:00 a.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with twenty-seven senators present.  
Senators Barnett, Brownlee, Brungardt, Colyer, Faust-Goudeau, Huntington, Lynn, Masterson, McGinn, Morris, Ostmeyer, Taddiken and Wagle were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we complete our first week,  
Give us some rest at home.  
Help us to relax in the city  
Or out where the buffalo roam.

May we not be asked questions  
Whose answers we do not know.  
And spend quality time with family  
Away from mountains of snow.

Help us return on Tuesday  
Rested and ready to go.  
Lord, give us enthusiasm;  
Help us apply what we know.

We pray by the end of next week,  
We begin to see a small light.  
Back at the end of the tunnel  
Where it seems to be getting bright!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 381**, An act concerning crimes, punishment and criminal procedure; relating to justified threat or use of force; amending K.S.A. 21-3211, 21-3212, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218 and 21-3219 and repealing the existing sections, by Senators D. Schmidt and Petersen.

**SB 382**, An act concerning the housing loan deposit program; relating to requirements for borrowers; amending K.S.A. 2009 Supp. 75-4277 and 75-4279 and repealing the existing sections, by Committee on Ways and Means.

**SB 383**, An act concerning fire safety and fire prevention; relating to school buildings; amending K.S.A. 2009 Supp. 31-150 and repealing the existing section, by Committee on Education.

**SB 384.** An act concerning telecommunications; modifying requirements for telecommunications carriers and local exchange carriers; amending K.S.A. 2009 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **SB 378, SB 379.**

Business and Labor: **SB 377.**

Judiciary: **SB 368, SB 369, SB 370, SB 371, SB 372, SB 373, SB 374, SB 375, SB 376; SCR1621, SCR 1622.**

Natural Resources: **SB 380.**

Transportation: **SB 367.**

Utilities: **SB 366.**

Ways and Means: **SB 365.**

#### CHANGE OF REFERENCE

The Vice President withdrew **SB 179** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Federal and State Affairs.

The Vice President withdrew **SB 250, SB 251, SB 258** and **SB 325** from the Committee on Commerce, and referred the bills to the Committee on Business and Labor.

#### REPORT ON ENROLLED BILLS

**SCR 1620** reported correctly enrolled, properly signed and presented to the Secretary of State on January 15, 2010.

#### MESSAGE FROM THE GOVERNOR

The following executive orders were received from Governor Kathleen Sebelius:

Executive Order 07-27, establishing the Statewide Interoperability Executive Committee ("SIEC")

Executive Order 08-07, declaring a Drought Warning for Grant, Hamilton, Morton, Stanton and Stevens counties in the Southwest and a Drought Watch for Greeley, Scott and Wichita counties in the West Central part of the state and in Finney, Haskell, Kearny, Meade and Steward in the Southwest. The order remains in effect for 60 days or until revised or rescinded by a subsequent Executive Order.

Executive Order 08-08, declaring the state will expand the current certification program to include additional certification for Women Business Enterprises ("WBEs") and Minority Business Enterprises ("MBEs").

Executive Order 08-09, continuing the moratorium on employee bonuses for Fiscal Year 2009 and maintaining the dollar amount limit that was established in Fiscal Year 2006.

Executive Order 08-10, authorizing all full-time, classified and unclassified employees in the Executive Branch of the State of Kansas to spend up to 90 minutes of regularly scheduled work time per pay period for the purpose of working with an approved mentoring program.

Executive Order 08-11, declaring a Drought Warning for Grant, Morton, Stanton and Stevens counties in the Southwest and a Drought Watch for Greeley and Wichita counties in the West Central part of the state and in Hamilton, Haskell, Kearny, Meade and Steward in the Southwest. The order remains in effect until October 31, 2008 or until revised or rescinded by a subsequent Executive Order.

Executive Order 08-12, establishing the Kansas Partnership for Accessible Technology ("Partnership").

Executive Order 08-13, rescinding the force and effect of Executive Order No. 08-06 promulgated by the Governor of the State of Kansas and abolishing the Kansas Energy Council created by such Executive Order.

Executive Order 09-01, creating the Facilities Closure and Realignment Commission.

Executive Order 09-02, creating the Kansas Coalition for Children in Nature ("KCCN").

The following executive orders were received from Governor Mark Parkinson:

Executive Order 09-03, supporting, encouraging and approving the mutually agreed-to cross-evaluation of programs between the state department of education and the state board of regents.

Executive Order 09-04, continuing the moratorium on employee bonuses for fiscal year 2010.

Executive Order 09-05, establishing the Kansas Mentors with the Kansas Mentors Leadership Council serving as the main advisory body.

Executive Order 09-06 continuing Governor's Military Council, through February 28, 2011, unless rescinded earlier or lengthened by executive order.

Executive Order 09-07 offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Jeffrey Rogers.

Executive Order 09-08 adopting a Leave Advancement policy whereby agency appointing authorities may provide paid leave to employees who have exhausted their own accrued leave.

Executive Order 09-09 designating United Way of the Plains as the lead entity for 2-1-1 Kansas as identified in the Calling for 2-1-1 Act of 2009.

Executive Order 09-10 offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Beverly Logan.

The above Executive Orders are on file in the office of the Secretary of the Senate and are available for review at anytime.

#### **REMARKS BY SENATOR HALEY**

Mr. President:

Thank you for allowing this written reiteration of this, my sixteenth (16) consecutive, plea to the Kansas Legislature that we, collectively as true stewards of public service, might bring greater and more sincere meaning to the Rev. Dr. Martin Luther King, Jr. Birthday Holiday.

As I have urged with an appeal to the reason of your leadership in each of your Districts, this observance, this uniquely *American* Holiday does not belong to my religion or to yours, it doesn't belong to my race or to my culture or to my generation or to my gender exclusively or to yours . . . it belongs to us all. The principles of non-violent dispute resolutions do not belong to a political party whose leadership starts a war against an undetermined country nor do these principles belong to a political party whose leadership ironically wins a "peace" prize while assigning massive troops into hostile conflict. No, we ALL have work to do in order to live out the dream of brotherhood and sisterhood of all of our earthly kin. The dream of Dr. King remains deeply rooted in the American psyche of life, liberty and the pursuit of happiness. The true beauty found in a qualified diversity and of inclusion so eloquently espoused in King's passage ". . . content of character and not color of skin . . ." and which my late uncle *Roots* author Alex Haley extols too in all of us to "Find the good and Praise it."

I continue to hope the best for Kansas and too for America, the greatest state in the best country. We as the elected leaders, as ambassadors of our respective fellow Kansans if you will Mr. President, should not go throughout this Holiday with tongue-in-cheek or cast off appreciation of a time of reflection and of aspiration which will make our nation stronger. By so serving then one day it might be said of each of us that during our Time and in service to our State with God's grace we too actually did make a difference.

Please have and hold a reflective, a reverent, a safe and productive and an active King Day.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 19, 2010.

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

PAT SAVILLE, *Secretary of the Senate.*

