

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 8, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Merrick and Schodorf were excused.

The President introduced guest chaplain, Military Chaplain Major Lawrence Dabeck, Fort Leavenworth, Kansas, who delivered the invocation.

Almighty God, You are the Father of lights, with whom there is no variation or shifting shadow. You are the One eternal constant and You change not.

But not so with us Lord. We are pulled this way and that. We are daily beset by forces from without and by frailties from within. We come to You to make us steady. Ground us today Lord in this great chamber to be steady in our convictions and to be constant in our compassion. Help us to season justice with mercy. In short, help us to be like Your Son the Lord Jesus Christ.

We come to You this afternoon with empty hands. We cannot do this thing for ourselves, for, "who is sufficient for these things?" Surely not us. Steady our boat in the midst of our storms; command again to the wind and the waves, "Peace, be still," and thanks be to God who gives us the victory through our Lord Jesus Christ, in whose name we ask for Your peace, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Kultala rose on a Point of Personal Privilege to introduce the guest chaplain, Major Lawrence Dabeck's wife, Cathy and son, John, who were also in attendance. Senator Kultala presented Major Dabeck a plaque in recognition for serving as a chaplain today and a reflection of his military service. The Senate welcomed him with a standing ovation.

Senator Morris introduced Carly and Kendall Smith, who were paging today for Senator Reitz. They are the granddaughters of the Secretary of the Senate, Pat Saville.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1617—

By Senators Holland, Faust-Goudeau, Francisco, Haley, Hensley and Steineger

A CONCURRENT RESOLUTION urging congress to pass an amendment to the United States constitution to abolish corporate personhood.

WHEREAS, Government was established to provide a social contract between naturally born persons; and

WHEREAS, The founders of the republic and the signers of the United States constitution clearly and emphatically intended freedom of speech to mean freedom to communicate with and by naturally born persons either directly or through the free press; and

WHEREAS, Free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, Corporations are entirely human-made legal fictions created by the express permission of the citizens of this country and its government; and

WHEREAS, Corporations can exist in perpetuity, can exist simultaneously in many nations, need only profit for survival and exist solely through the legal charter imposed by the government; and

WHEREAS, Corporations are not mentioned in the United States constitution, have never been granted constitutional rights nor have ever been granted authority that exceeds that of the citizens of this country; and

WHEREAS, The United States Supreme Court ruled on January 21, 2010, in *Citizens United v. Federal Election Commission*, that corporations have the same first amendment rights as naturally born persons, and that corporations can spend unlimited amounts of money on elections; and

WHEREAS, Large corporations have used their so-called rights to overturn democratically enacted laws passed at municipal, state and federal levels aimed at curbing corporate abuse, thus rendering local governments ineffective in protecting citizens against corporate harms to the environment, to health, to workers, to independent business and to local and regional economies; and

WHEREAS, There is an unequal playing field that allows corporations to spend without limit to influence elections, candidate selection and policy decisions and to sway votes; and

WHEREAS, Large corporations own most of America's mass media and use that media as a megaphone to loudly express such corporations' political agenda and to convince the citizens of this country that the citizen's role is that of consumer, rather than a sovereign citizen with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning; and

WHEREAS, The United States Supreme Court is misguided in principle, and wrong on the law, because in a democracy the people rule: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That congress is hereby urged to immediately transmit to the

several states for ratification an amendment to the United States constitution to abolish corporate personhood by establishing that the term "person" refers only to naturally born persons, returning our democracy, our elections and our communities to America's naturally born persons, thus reclaiming our sovereign right to self-governance; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: **HB 2550.**

Judiciary: **HB 2396.**

Public Health and Welfare: **SR 1831.**

Ways and Means: **SB 456; HB 2743.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators A. Schmidt, Abrams, Apple, Bruce, Brungardt, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1832**—

A RESOLUTION designating the Honor and Remember Flag as the State of Kansas' emblem of the service and sacrifice by those in the United States Armed Forces who have given their lives in the line of duty.

WHEREAS, While war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicemen; and

WHEREAS, The Honor and Remember Flag, created by Honor and Remember, Inc., is officially recognized to honor fallen members of the United States Armed Forces; and

WHEREAS, The Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights this nation's final tribute to a fallen servicemen and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, The Honor and Remember Flag recognizes all individuals who have died as a result of serving in the United States military dating back to the founding of our nation. The flag serves as a symbol of national gratitude for the hundreds of thousands of brave American men and women who made the ultimate sacrifice to preserve the freedoms we enjoy; and

WHEREAS, The Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen service persons throughout history and the families and communities who mourn their loss: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate the Honor and Remember Flag as the State of Kansas' emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty; and

Be it further resolved: That the Secretary of the Senate shall send fifteen enrolled copies of this resolution to Senator A. Schmidt.

On emergency motion of Senator A. Schmidt **SR 1832** was adopted unanimously.

Senator A. Schmidt made the following remarks:

Today in our presence are the family members of our brothers and sisters who have given their lives in service to our Nation. We have had several occasions to honor such service in this chamber and to show our deep respect and sense of honor for their service and sacrifice as well as the sacrifice of their families. Today we honor their service and sacrifice by adopting a symbol known as the Honor And Remember Flag as the Kansas emblem for their sacrifice. A replica of that flag is on your desk. It has already been endorsed by Vietnam Veterans of America, the Air Force Association, the Association of the US Army, Association of the US Navy, Military Officers Association of America, American Gold Star Mothers, Bugles Across America, the Retired Enlisted Association, Son's of the American Revolution National Society, and many more. This morning the Kansas House adopted the Flag on a unanimous vote. If we adopt this flag today we will be the 10th state to do so.

The flag was designed by George Lutz, Gold Star father of Corporal Anthony Lutz II who gave his life in Fallujah, Iraq. George has traveled the country with this symbol and his message. If I can quote from his comments to the Governor this morning, "The Honor and Remember Flag is a symbol of gratitude when there are no words to say. It replaces no other flag and it flies below any flag that it flies with because it is the foundation of all service – love of country." Not much more needs to be said, so let me introduce the Gold Star Family members, those who have lost loved ones in service to our nation: Fellow Senators, I would like to introduce the family members who we refer to as GOLD STAR mothers, fathers, grandparents of our fallen Veterans.

Dennis and Betty Wright, Gold Star Parents of Private Shawn Wright, Diana Pitts and Kathie Echols, Gold Star mother and grandmother of Corporal David Unger, Sun Rodgers, Gold Star Mother of Sergeant Ricky Rodgers, Amber Mena, wife of Sergeant Ralph Mena, Anita Dixon, Gold Star mother of Sergeant Evan Parker, and Belinda Paauwe, Gold Star mother of Sergeant Michael Paauwe.

I would also like to point out other veterans and members of the Patriot Guard who often escort our fallen on their final journey to their resting place. Our humble thanks to them and to all our Gold Star Families with us here today.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2422, HB 2481**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2422, HB 2481 was thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

Sub SB 71 reported correctly engrossed March 7, 2012.

SB 250, SB 413, SB 438 reported correctly engrossed March 8, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2618** be passed.

Also, **HB 2507** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 311**, be amended as recommended by the Senate Committee on Ways and Means as reported in the Journal of the Senate on February 10, 2012, and the bill, as printed with amendments by Senate Committee, be further amended on page 8, in line 26, after "fund" by inserting "account"; in line 35, after "fund" by inserting "account"; in line 38, after "fund" by inserting "account"; in line 40, after "fund" by inserting "account"; in line 41, by striking "for a competitive grant program"; by striking all in lines 42 and 43;

On page 9, by striking all in lines 1 through 10; and inserting "made to participate in air passenger service support agreements with the growth organization of Topeka/Shawnee county, inc., and airlines providing air passenger service at Topeka forbes field airport, related to any quarter during fiscal year 2012 when flights provided by an airline that is a party to an air passenger service support agreement are filled to less than 70% of capacity, or as determined under a formula finalized and agreed upon by the growth organization of Topeka/Shawnee county, inc., in such support agreements: *Provided however*; That no expenditures shall be made from the air service incentive fund account unless the growth organization of Topeka/Shawnee county, inc., has made payments to such airlines for such purpose of \$250,000 or more for fiscal year 2012: *Provided further*; That expenditures from the air service incentive fund account to such airlines for such purpose for fiscal year 2012 shall not exceed \$1,000,000: And provided further, That any unencumbered balance in the air service incentive fund account of the state economic development initiatives fund that was available to be expended during fiscal year 2012 to provide air passenger service at Topeka forbes field airport in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013, for the same use and purpose as the same was heretofore appropriated: *And provided further*; That, the growth organization of Topeka/Shawnee county, inc., shall submit an annual report to the legislature on or before January 1, 2013: *And provided further*; That during the 2013 regular legislative session such annual report shall be delivered and the growth organization of Topeka/Shawnee county, inc. shall appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding such annual report: *And provided further*; That the secretary of commerce shall conduct an independent review of the financial reports submitted by the growth organization of Topeka/Shawnee county, inc., as well as an analysis of the data used by the growth organization of Topeka/Shawnee county, inc.; *And provided further*; That the secretary of commerce shall submit a report and appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding

these matters: *And provided further*, That the secretary of commerce shall develop and implement the necessary procedures to conduct such a review."; and the bill be passed as amended.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, March 9, 2012.

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

PAT SAVILLE, *Secretary of the Senate*.

