

# Journal of the Senate

## FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 13, 2011 — 2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with thirty-five senators present.

Senators King, Masterson, Morris, Schmidt and Taddiken were excused.

Vice President Vratil introduced as guest chaplain, Rev. Cecil T. Washington, Jr., Senior Pastor at the New Beginning Baptist Church, Topeka, who delivered the invocation.

In Matthew 6, verses 5 through 13; Jesus taught what Prayer should be;...

Verse 5, Vertical in its Direction – God the Father is the audience

5) When you pray, don't be like those show-offs who love to stand up and pray in the meeting places and on the street corners. They do this just to look good. I can assure you that they already have their reward.

Verse 6, Personal in its Connection – Close out any distractions

6) When you pray, go into a room alone and close the door. Pray to your Father in private. He knows what is done in private, and He will reward you.

Verses 7-8, Confident in its Declaration – Know that He hears

7) When you pray, don't talk on and on as people do who don't know God. They think God likes to hear long prayers.

8) Don't be like them. Your Father knows what you need before you ask.

Then in verses 9-13, Jesus gave us this model...

9)....Our Father which art in Heaven, Hallowed be Thy name.

10) Thy kingdom come. Thy will be done in earth, as it is in Heaven.

11) Give us this day our daily bread.

12) And forgive us our debts, as we forgive our debtors.

13) And lead us not into temptation, but deliver us from evil: For Thine is the Kingdom, and the power, and the glory, for ever. Amen.

### POINT OF PERSONAL PRIVILEGE

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

MR. VICE PRESIDENT; GENTLE COLLEAGUES:

Realizing that a shrinking number of you have needed the patience to have had to bear my annual plea to this Chamber and the other for the last now, seventeen (17) years, I rise with a greater sense of urgency towards a certain renewal to ask each of your considered insights and efforts to bring greater

meaning and action to the commemoration of the Dr. King Holiday.

In a week where America has taken, sadly, once again taken the international stage as a purveyor of random, almost incomprehensible, violence and bloodshed.... we here in Kansas, and I, imagine all over the United States, pray for understanding and for peace in Arizona, don't we?

In a word, Mr. Vice President, in our electronic communication world, it stuns me, as a parent of four young children that email alerts from their schools now emphasize them to "Text-A-Tip" if they see or suspect erratic or aggressive behavior in a fellow student. But this is, too sadly, our world. We send them off to school to learn; to absorb knowledge so that one day they might compete in not just a U.S. but in a global employment market and take care of our country, their communities, their families and, in my case, contribute to and maybe even their Dad!

We need to do better... and I believe that with your leadership, we can do better. The principles of non-aggressive, well, certainly non-violent, dispute resolution is practiced in these chambers every year! You can make the King Holiday, this uniquely American holiday woven from the threads of our once diverse cultures and heritages into a beautiful, complex American tapestry,... we can make our Holiday mean something special to our "Text-A-Tip" children. We can, by our urgings and not tongue-in-cheek, wish a productive Dr. King Holiday to our families and especially to our constituencies who look to us for leadership; community leadership. As I've often said, the legacy of Dr. Martin Luther King, Jr. for whose birthday we commemorate is not the sole province of my religion or of yours; working out our problems through understanding and negotiation doesn't belong to only my political party or to your political party; loving our neighbor is not just my racial philosophy but on all races' philosophy... the legacy of the Dr. King Holiday belongs to us all.

The first day of session, Senator Hensley (on behalf of all of us) had this to say: "in speaking to the tragic events in Arizona and violence having no place in our society we may have opponents in politics. But we should never look at another American or another Kansan as our enemy." We in Kansas, in our leadership and by example, can espouse civility and decency. And just last night, during his first State-of-the-State address, Governor Brownback laid out his vision and his blueprint for Kansas repeating that the plan would only be possible with "Courage, Humanity and Hope." These three traits apply I submit not only to our economic conditions but to righting the trending decay in living together as Kansans. For those of us who profess to serve God; a creator of all things and of all people, for those of us who love the Lord who, I believe, loves all creatures in return regardless of gender, or culture or even speech. Our God "hates" no one.

I still believe, honestly I do, I DO, Mr. Vice President that America is the greatest nation on the face of planet Earth. Let there be peace on all of the Earth and let it begin with America... let it begin in Kansas.

Please... Have a reverent and productive King Holiday weekend.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 6**, AN ACT concerning criminal procedure; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section, by Committee on Judiciary.

**SB 7**, AN ACT concerning driving under the influence; creating the crime of refusing to submit to a test to determine the presence of alcohol or drugs; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 8-241, 8-285, 8-1008, 8-1009, 8-1016, 8-1017, 8-1501, 12-4413, 12-4414, 12-4415, 12-4416, 22-2908, 22-2910, 22-3610, 22-4704 and 22-4705 and K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 8-235, 8-262, 8-2,142, 8-2,144, 8-1001, 8-1012, 8-1013, 8-1014, 8-1015, 8-1020, 8-1021, 8-1022, 8-1102, 12-4104, 12-4106, 12-4516, 12-4517, 22-2802, 22-2909, 22-3717, 28-176, 60-427, 74-2012 and 74-7301 and sections 14, 48, 254, 285, 292 and 299 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas, 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 8-1020a, 8-1567, 21-4704 and 22-3717c, by Committee on Judiciary.

**SB 8**, AN ACT concerning information technology; relating to information technology projects; amending K.S.A. 2010 Supp. 75-7201 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

**SB 9**, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-235, 60-249, 60-260, 60-270, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a, by Committee on Judiciary.

**SB 10**, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; Edwards county; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Ways and Means.

**SB 11**, AN ACT concerning school districts; relating to transportation of pupils residing on the Leavenworth military reservation, by Committee on Ways and Means.

**SB 12**, AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, by Committee on Ways and Means.

**SB 13**, AN ACT concerning postsecondary technical education; amending K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-614, 71-620, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-6214, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222 and 76-768 and repealing the existing sections; also repealing K.S.A. 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430, 72-

4431, 72-4432, 72-4433 and 76-781, by Committee on Legislative Educational Planning Committee.

SENATE CONCURRENT RESOLUTION No. **SCR 1601**—

By Senator Kelsey

A CONCURRENT RESOLUTION rescinding the action of the legislature of the state of Kansas petitioning congress to call a convention for the purpose of proposing amendments to the constitution of the United States.

WHEREAS, The legislature of the state of Kansas, in adopting senate concurrent resolution No. 1661 on April 26, 1978, applied to congress to call a convention for the purpose of proposing an amendment to the constitution of the United States to require that, in the absence of a national emergency, the total of all appropriations made by congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year, and such amendment to the United States constitution could be proposed without the necessity of calling a constitutional convention which might relegate to itself the power to rewrite the United States constitution: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature rescind its action on April 26, 1978, by which it adopted senate concurrent resolution No. 1661, and

*Be it further resolved:* That duly attested copies of this resolution be immediately transmitted by the secretary of state to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, and to the legislatures of all other states of the United States.

**MESSAGES FROM THE GOVERNOR**

December 28, 2010

*Message to the Senate of the State of Kansas*

Enclosed herewith is Executive Directive No. 10-418 for your information.

Sincerely,

MARK PARKINSON

*Governor*

Vice President Vratil announced Executive Directive No. 10-418, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

January 7, 2011

Enclosed herewith is a communication pursuant to KSA 22-3703, a report submitted by JaLynn Copp, Chief Counsel, of the pardons granted by Governor Mark Parkinson for the preceding year.

Orvel Baldrige

Convicted in 1975 of Aggravated Battery

John Manning  
Convicted in 1969 of First Degree Robbery

Frederick Johnson  
Convicted in 1969 of First Degree Robbery

### COMMUNICATIONS FROM STATE OFFICERS

Kansas Board of Pharmacy  
January 10, 2011

Debra L. Billingsley, Executive Secretary, Kansas Board of Pharmacy, submitted the report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion.

KANSAS PRESCRIPTION DRUG MONITORING PROGRAM  
January 2011

The Advisory Committee of the Kansas Prescription Drug Monitoring Program submitted a Legislative Report.

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

### REPORT ON ENROLLED BILLS

**SR 1801, SR 1802, SR 1803** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 13, 2011.

On motion of Senator Emler, the Senate adjourned until 8:30 a.m., Friday, January 14, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

