

# Journal of the House

## ELEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 29, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 118 members present.  
Reps. Hodge and Johnson were excused on verified illness.  
Reps. Davis, Donohoe, Garcia, Lane and Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Barb Sundermeyer, Assistant Pastor, Family Life Church of the Nazarene, Topeka, and guest of Rep. Neufeld:

*“God, our Light and our Protector. The One who gives us grace and glory.  
No good thing will you withhold from those who walk along your paths.”*  
(Psalm 84:11)

How incredibly rich we are, simply because of the wonderful life you have given to each of us!

You already know what each of us individually need for this very day. But we acknowledge a dependence on you through this prayer.

So, as we begin this new day, please bless each one that is present here with:

*Wisdom*, for decisions that are to be made that affect not only ourselves but our entire state.

*Grace*, for a loving, caring attitude toward our fellow Representatives, and

...

*Peace*, in our hearts confidence that what is done in this chamber today is right and good.

I pray this in the name of Jesus the Christ, Amen.

The Pledge of Allegiance was led by Rep. Ward.

### KANSAS DAY SPEECH

There being no objection, the following remarks of Rep. Ruff are spread upon the journal:

#### **Hell Bent for Lawrence: D.R. Anthony rides with news of Kansas Statehood**

As Abraham Lincoln made his way from his beloved home in Springfield Illinois to Washington D.C. the gentle man who was to become our 16th president stopped in Philadelphia on Washington's Birthday. A special ceremony was slated to take place near the flag pole in front of Independence Hall. Rumors of assassination attempts and Southern states secession must have clouded his mind. And yet on Feb. 22, he watched as the American flag was hoisted to the sky to flutter in the breeze before the birthplace of our nation. No doubt his eyes were drawn to the stars filling the field of blue because for the first time the 34th star joined the others. Kansas had been admitted to the Union nearly a month before.

“I am invited and called before you to participate in raising above Independence Hall the flag of our country with an additional star upon it,” he is recorded to have said. “I wish to call your attention to the fact that, under the blessing of God, each additional star added to that flag has given additional prosperity and happiness to our country.”

Additional Prosperity and Happiness. For President Lincoln there must have been times when that potential outcome would have been in grave doubt. Not only for those closely associated with national politics but for those living on the east coast watching Kansas come into the Union from afar. Especially those living in the Kansas Territory must have questioned whether prosperity and happiness would ever come to Kansas.

As we pause on the occasion of our state's 147th birthday, we can truly say Kansas has lived up to President Lincoln's prediction. On this Kansas Day, here in the newly restored Representatives Hall, I am honored to bring you another aspect of that first Kansas Day so many years ago. Because D.R. Anthony's role in our state's founding often elicits no more than a few lines, I wanted to share his story. What may be generally known are his connection to his famous sister, Susan B. Anthony, or his more infamous activities during the Civil War. But my introduction to Col. Anthony as he was commonly known began in the newsroom of his family's newspaper, "the Leavenworth Times."

In December of 1982, I was hired as the City Hall reporter, covering local government and because I was the new hire in the newsroom, I worked Saturdays, putting together the front section of the newspaper. I was also new to Leavenworth, Kansas. As a young wife and mother, I arrived in Kansas in 1976 with my husband who was recently promoted within the Bureau of Prisons assigned to a staff position at the United State Penitentiary at Leavenworth. Frankly, I didn't know much about Kansas except what my father's relatives from southwest Missouri told me. And that wasn't any too flattering.

Still, I arrived in Kansas bearing a great love of history. My mother was a Lincoln scholar, writing and lecturing about Abraham Lincoln for the Lincoln Lore magazine. She was also a classroom teacher. Following my father around the country as he advanced in his career as an Army officer, we visited all Civil War battlefields, local libraries, museums and any cemeteries that looked interesting. All this in search of Civil War history. So it was only natural that once I arrived in the newsroom of the oldest daily newspaper in Kansas that I would look for its connection to the Civil War in particular and Kansas history in general.

Much to my advantage, the newsroom held all the microfilm copies of the Times dating from March 7, 1857. So every Saturday night after the front page was "put to bed" and while I awaited the first newspapers to come off the press for proofing, I sat at the microfilm reading machine falling in love with Kansas and Leavenworth history. I hadn't been at the newspaper very long before an older gentleman came in the newsroom one evening while I was reading the old newspapers. He must have heard me exclaiming surprise or amazement at what I reading. He tapped me on the shoulder and asked what I was doing.

I stood up, introduced myself and explained that I was learning the history of my new community and newspaper. I was just about to the part when Kansas becomes a free state and it was frankly, getting pretty exciting. He just smiled, telling me he had a personal connection to that very day. What was that? "I'm the grandson of the man who told the free staters in Lawrence that Kansas had been admitted into the Union." Daniel Reed Anthony III asked me if I would like to know something of what he knew of the story. You bet I would.

He reiterated a wonderful story of his grandfather's role on that fateful day. But what stood out in my mind was this expression. "He rode Hell bent to Lawrence." Imagine that, riding hell bent to Lawrence with such great news.

But before I take you riding hell bent to Lawrence with D.R. Anthony, let me set the stage for you in Leavenworth. You see, my adopted hometown of the past 32 years doesn't always get top billing in the telling of Kansas history. For a town that was the first city organized after passage of the 1854 Kansas Nebraska Act, Leavenworth seldom registers up there with Lawrence or Topeka or even Leecompton. But I have a theory about that. You see, Leavenworth suffered because those who founded it were businessmen from Weston, Missouri. And because they were from Missouri, they were proslavery men, wanting the new Territory to come into the Union as a Slave State.

My community is eternally thankful to H. Miles Moore for the history he wrote and the documents he saved on Leavenworth's first 50 years. An attorney in Weston, Moore was among those businessmen who traveled up and down the Missouri River searching for a place to locate a community once the Kansas Nebraska Act passed Congress. With ties to Missouri's senators, these Weston businessmen were probably more motivated by business

interests that proslavery politics. Still, they wanted to be the first to create a town in the Kansas Territory. So naturally, they gravitated to Fort Leavenworth.

Established in 1827 by a young Col. Henry Leavenworth, the fort was created by the Department of the Missouri to secure the safety of Native Americans living in the area and European settlers heading west across what was then considered the Great American Desert. When Henry arrived about 25 miles north of the confluence between the Missouri River and the Kansas River, he decided the Missouri River Valley would be a good location for a fort. The Kickapoo Indians living in the area showed him around the great valley pointing to the water marks on the trees where the Missouri flood waters had gathered. Better think about locating on the other side of the river where the ground is higher, he was advised.

Good advice it was as things turned out. Although in what was termed Indian Territory instead of the newly founded state of Missouri, the site chosen by Henry Leavenworth was located in a beautiful spot high above the Missouri River on its bluffs. Not far from the ruins of the French Fort DeCavinal, where French soldiers and trappers had settled from 1744 to 1764, the location was near a Kickapoo Indian village. It was a natural location for the military outpost. And it became a natural location for a new town.

Once the Kansas Nebraska Act passed May 30, 1854, the Weston leaders set up a town company, sold lots on which stores and homes were built and watched as settlers began arriving by steamboats along the Missouri river. Almost from the start, the politics of the newly formed community became dicey. During the first elections held to select Congressional representatives and Territorial legislators, Missourians swarmed across the river to vote in our elections.

From that point forward political violence marked my Leavenworth community for its first five years. But where was D.R. Anthony? His involvement in early Kansas was a bit sketchier. Although accompanying the first group of New England Immigrant Society settlers coming to Kansas in the summer of 1854, he didn't stay long. What few recollections there are of him at that time commented on his lack of luggage. Most likely that had to do with his plans to return to New York. Although a close associate of Eli Thayer, Anthony returned East to teach school, invest in property and promote settlement in Kansas. By 1857, he was ready to return West, but this time his destination would be Leavenworth. But why? With the Free State headquarters at Lawrence, why not settle among his associates? Credit the opportunity to make money.

You see, Lawrence might have been the Free State hangout, and Leecompton the Territorial Capitol, but Leavenworth was where the money was accumulating. Settlers interested in commerce were bringing their capitol to the city along the Missouri River. Banks started by German immigrants, among them Jews from Bohemia, had provided investment opportunity to a number of entrepreneurs.

Several grist mills, a handful of other manufacturing companies, plus a number of commercial companies had filled the city lots that sold so briskly in 1854. Steam boats arrived throughout the day bringing settlers not only to new homes in Leavenworth but those seeking homesteads on the western prairie.

Anthony arrived with money to invest, insurance to offer and in need of land to sell. Although passionate about the Free State cause of Kansas, his letters home tell of investments, land deals and business propositions. Among those he was investing for was his sister, Susan B. Anthony. Their letters at this time reveal an affectionate bond and business connection. He was making money with Susan's inherited capitol, which was a good thing because her activities for women's suffrage came at a price. However, Anthony was careful not to allow his interest in making Kansas a free state interfere with his ability to make money. By 1859, he owned 1,211 acres of land within 25 miles of Leavenworth.

That land speculation and money lending placed his faith as a Quaker in question after his arrival in Kansas. After his first 18 month in the Territory he reported to sister, Susan, that he had attended services but twice. "Spent Sunday in a pious way, cost me only 25 cents, church is cheaper than the Theater, although the acting is not near as good." Having moved away from his Quaker roots, he often expressed admiration for the "wonderful power and great influence for the good of the Catholic Church." And the government also earned

his praise for protecting every man to the fullest for the enjoyment of his individual opinion and convictions.”

When it came to Anthony’s opinions and convictions, he often needed some sort of protection, one he usually found at the end of a gun. D.R. Anthony was not afraid to carry a firearm and used it when needed. Anthony was also not afraid to support the newly formed Republican Party. Leavenworth in 1859 was still Democratic and proslavery with city elections going in their favor although Republicans did well elsewhere in the state. As the 1860 presidential election began to come into focus, Abraham Lincoln arrived in Kansas. Anthony accompanied Mark Delahay to Doniphan in December 1859 to welcome Lincoln and take him south to Leavenworth.

He recalled in later years that Lincoln was not the impressive man the next few years would make him. “He was made up of head, hands, feet and length. The lines that gave his face and figure majesty of sadness were yet to come.”

What would give Anthony’s reputation as a pistol packing editor was also yet to come. Although active in Leavenworth Republican politics, his business interests did not include journalism until 1861. A close friendship with St. Joseph editor D.W. Wilder prompted the pair to start publishing *the Daily Conservative* the day before Kansas became a state.

Setting up their printing offices in a two-story wood framed building on Main Street facing the Levee, Wilder and Anthony were ready to cover all the news that was fit to print. And what timing they had. Both men knew the Kansas bill was before Congress. Both men had watched the intrigue surrounding the bill’s consideration before the House of Representatives and the Senate. Both men knew well the history of the four state constitutions considered in the six years since Kansas opened as a Territory. So both men expected news of Kansas admission into the Union to come at any time.

The news would come from Leavenworth attorney, Congressman Marcus Parrot who had led the fight for Kansas statehood at every turn. In January 1861 only two telegraph wires reached Kansas and both were in Leavenworth, one at the fort and the other to the *Daily Conservatives*. Congress had passed the Kansas bill on January 26th but President Buchanan did not sign the document until January 29th.

Once that signature was affixed to the document, Parrott wired Anthony who was anxiously awaiting the news. For the most part, he had prepared the one-page broadsheet extra. Once the final confirmation arrived, he finished setting the type. By the afternoon, nearly 5,000 copies had been printed.

At this point, Anthony stuffed the broadsheets into his saddle bags, and started “Hell Bent” for Lawrence.

Several descriptions of that nine hour ride say it was accomplished in a blinding snow storm. He arrived about nine in the evening at the Eldridge Hotel, where the Territorial Legislature had been meeting.

Benjamin Stimpson recalled 25 years later that he was among the first to receive the news of Kansas statehood. Greeted with great excitement, Anthony handed out the special edition then began celebrating. Stimpson said after midnight very few of his fellow legislators remember much, having consumed quite a lot of spirits in the celebration. Towns’ people opened their homes, spilled onto the streets and walked from home to home to congratulate one another.

Leavenworth also erupted in celebration once the *Daily Conservative* emerged with news of Statehood. Free State supporters had located the old Kickapoo cannon, wheeled it to the Levee Landing and prepared it for firing. And what did they use as cannon fodder? They used the Territorial Statue books from the proslavery Legislature. Tearing apart several stacks of statute books, the cannon was loaded, pointed toward Missouri and fired over and over again. The symbolism of firing proslavery statutes toward Missouri was not missed by those cheering the activity.

So there you have it. Leavenworth’s contribution to the day Kansas became a state.

Rep. Ballard led the members of the House in singing “Home on the Range” in honor of Kansas Day.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2697**, An act concerning campaign finance; pertaining to the reporting of certain contributions; amending K.S.A. 25-4148a and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2698**, An act concerning certain automated telephone calls; amending K.S.A. 50-670 and repealing the existing section, by Representatives C. Holmes and Loganbill.

**HB 2699**, An act concerning insurance; relating to time limits in which insurers can recoup certain erroneously made payments; amending K.S.A. 40-2442 and K.S.A. 2007 Supp. 40-2228h and repealing the existing sections, by Committee on Insurance and Financial Institutions.

**HB 2700**, An act concerning community corrections; relating to placement of offenders; amending K.S.A. 2007 Supp. 75-5291 and repealing the existing section, by Committee on Judiciary.

**HB 2701**, An act concerning laboratory analysis fees; amending K.S.A. 2007 Supp. 28-176 and repealing the existing section, by Committee on Judiciary.

**HB 2702**, An act concerning dentists and dentistry; relating to excepted acts and reciprocity; amending K.S.A. 65-1423 and 65-1434 and repealing the existing sections, by Committee on Health and Human Services.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Appropriations: **HCR 5030**.

Energy and Utilities: **HB 2692**.

Health and Human Services: **HB 2695**.

Insurance and Financial Institutions: **HB 2696**.

Taxation: **HB 2694**.

Education Budget: **HB 2693**.

**MESSAGE FROM THE GOVERNOR**

January 17, 2008

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Directive No. 08-387 for your information.

EXECUTIVE DIRECTIVE No. 08-387

Authorizing Fund Transfers

KATHLEEN SEBELIUS

*Governor*

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

**COMMUNICATIONS FROM STATE OFFICERS**

From the Kansas Health Policy Authority, 2008 KPHA Annual Legislative Report.

From Senator Nick Jordan, Chairperson, Math and Science Education Advisory Committee, Report of the Advisory Committee on Math and Science Education to the 2008 Kansas Legislature; and report on The Talent Imperative, Building Kansas' Capacity in Mathematics, Engineering, Technology and Science.

From Helen Pedigo, Executive Director, Kansas Sentencing Commission, 2008 Report to the Kansas Legislature.

From Marcia Nielsen, Ph.D., MPH, Executive Director, Kansas Health Policy Authority, 2008 KPHA Annual Legislative Report.

From Carol Foreman, Deputy Secretary, Kansas Department of Administration, Administrative Services, Annual Report 2007 — Business As Usual.

From the Kansas Health Policy Authority, Premium Assistance Fact Sheet, "Kansas Healthy Choices."

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 366** be amended on page 1, in line 15, by striking "2006" and inserting "2007";

On page 4, in line 25, by striking "2006" and inserting "2007";

In the title, in line 11, by striking "2006" and inserting "2007"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2703**, An act concerning lotteries; relating to a state owned and operated lottery gaming facility; amending K.S.A. 2007 Supp. 74-8702, 74-8734, 74-8737 and 74-8766 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2704**, An act relating to motor vehicles; providing for an In God We Trust license plate, by Committee on Transportation.

#### SPECIAL COMMITTEE APPOINTMENTS

In accordance with House Rule 1103, Speaker Neufeld has established a **Select Committee on Corrections Reform and Oversight**. The following have been appointed to serve: Rep. Owens, Chair; Rep. Johnson, Vice Chair; Reps. M. Holmes, Grange, Dahl, Colloton; Rep. Henry, Ranking Minority; Reps. Pauls and Garcia.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, January 30, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

