

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 11, 2008—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Betts, Gilstrap and Jordan were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
It's still happening!
When some folks hear I'm Chaplain,
They ask, "What are you doing there?"
When I tell them, they often say,
"They really do need prayer."
They seem to think the Senate
Needs prayer more than they.
When actually all of us
Need someone to pray!
I know I surely need it
As much as the Senate.
As much as this whole building,
And everybody in it!
The Supreme Court could use it;
The Governor needs our prayer.
All state agencies need it,
And constituents everywhere!
Lord, help us all believe,
And never to deny
That You still answer prayer;
I can personally testify!
I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 586, An act concerning the state corporation commission; relating to nuclear generation facilities; concerning recovery of certain costs; amending K.S.A. 2007 Supp. 66-128 and repealing the existing section, by Committee on Utilities.

SB 587, An act relating to the behavioral sciences regulatory board; providing for the crime of battery against certain persons; concerning continuing education requirements;

amending K.S.A. 2007 Supp. 74-7507 and repealing the existing section, by Committee on Judiciary.

SB 588, An act concerning crimes and punishment; relating to traffic in contraband in a correctional institution; amending K.S.A. 21-3826 and repealing the existing section, by Committee on Judiciary.

SB 589, An act enacting the Kansas landowner and surface owner protection act, by Committee on Judiciary.

SB 590, An act relating to the Kansas criminal justice coordinating council; establishing the substance abuse policy board; amending K.S.A. 2007 Supp. 74-9501 and repealing the existing section, by Senator Journey.

SB 591, An act concerning driver's licenses; relating to restrictions for persons in compliance with a court order; amending K.S.A. 22-3717 and K.S.A. 2007 Supp. 8-237 and 8-2110 and repealing the existing sections, by Senator Journey.

SB 592, An act concerning sales taxation; relating to exemptions; the mirror, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 593, An act concerning sales taxation; relating to exemptions; Kansas legal services, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 594, An act concerning certain county contracts; relating to bidding requirements; amending K.S.A. 19-214 and repealing the existing section, by Senator D. Schmidt.

SB 595, An act concerning agricultural products; relating to labeling requirements; amending K.S.A. 2-2302 and repealing the existing section, by Committee on Ways and Means.

SB 596, An act relating to the board of healing arts; concerning cosmetic or aesthetic purpose included in the practice; amending K.S.A. 65-2869 and 65-5514 and K.S.A. 2007 Supp. 65-2802, 65-2872, 65-2913 and 65-5418 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 597, An act creating the dentistry bridging loan program; establishing terms and conditions for loan agreements, by Committee on Ways and Means.

SB 598, An act concerning drainage and levees; relating to excavation by drainage districts; amending K.S.A. 24-132 and repealing the existing section, by Committee on Ways and Means.

SB 599, An act concerning the display of the flag of the United States at half-staff, by Senators Haley, Barone, Betts, Brownlee, Francisco, Hensley, Kelly, Lynn, Pine, Umbarger, Wilson and Wysong.

SENATE CONCURRENT RESOLUTION No. 1617—

By Committee on Elections and Local Government

A CONCURRENT RESOLUTION supporting a United States congressional apology to Native Americans and offering an apology to native peoples on behalf of the state of Kansas.

WHEREAS, It is time to acknowledge the history of official actions, the wrongful passage of statutes, policies and broken treaties against all native peoples and to extend an apology to them on behalf of the state of Kansas; and

WHEREAS, The founders of the republic, America in it's infancy, expressed their desire for a just relationship with the Indian tribes; and

WHEREAS, Indian tribes provided assistance to help young America grow; and

WHEREAS, Native peoples and non-native settlers engaged in numerous armed conflicts; and

WHEREAS, The state of Kansas violated many of the treaties ratified by congress; and

WHEREAS, The state of Kansas should have addressed broken treaties and many ill-conceived federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and destruction of sacred places; and

WHEREAS, The state of Kansas forced Indian tribes and their citizens to move away from their traditional homelands; and

WHEREAS, Many native peoples suffered during forced removal, including the trail of tears and during massacres in western Kansas; and

WHEREAS, The state of Kansas endeavored to assimilate the natives into the non-native culture by the forcible removal of native children from their families to boarding schools where their native practices and languages were degraded and forbidden; and

WHEREAS, Native peoples are endowed by their creator with certain unalienable rights, and that among those are life, liberty and the pursuit of happiness: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the state of Kansas:

(1) Recognizes the special legal and political relationship the Indian tribes have with Kansas and the solemn covenant with the land we share;

(2) Commends and honors native peoples for the years they lived on the land and produced;

(3) Acknowledges years of official depredations, ill-conceived policies and the breaking of covenants by the government regarding Indian tribes;

(4) Repents of covenant breaking, deceptions and atrocities committed against the native peoples in the name of the state of Kansas and their citizens;

(5) Sincerely apologizes for all action which brought death, harm, humiliation and suffering to the native peoples;

(6) Acknowledges the offenses of the state of Kansas against the Indian tribes in order to bring healing to this land by providing a proper foundation for reconciliation between Kansas and the Indian tribes; and

(7) Desires to build, strengthen and support all endeavors to maintain, encourage and foster a relationship of genuine respect, peace, fellowship and prosperity to all of the peoples of Kansas.

Be it further resolved: That nothing in this resolution authorizes any claim against the United States or Kansas or their citizens or serves as a settlement of any claim against the United States or Kansas or their citizens.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 585**.

MESSAGE FROM THE HOUSE

Announcing the House accedes to the request of the Senate for a conference on **SB 366** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

Announcing passage of **HB 2637**.

Also, passage of **SB 157**.

Passage of **SB 49**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2637 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Barone introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1812—

A RESOLUTION honoring Frank Bozick as the oldest living World War II veteran in the state of Kansas.

WHEREAS, Frank Bozick, son of Frank and Teresa Bozick, immigrants from Slovenia, then a part of Austria-Hungary but now an independent country, was born February 11, 1903, in Frontenac, Kansas; and

WHEREAS, After his father's death, Mr. Bozick helped support his mother and siblings by working in a small independent coal mine; and

WHEREAS, Mr. Bozick then went to the Central Automobile and Tractor Division of the Pittsburg Business College where he became a mechanic. Mr. Bozick first worked for

the Williams Garage and then later was employed by Louis Hebenstriet in Frontenac. Mr. Bozick then went on to spend 18 months in Detroit working for Ford before coming back to Kansas and working on steam engines for the Kansas City Southern Railroad until he was laid off in 1932. In 1934, Mr. Bozick opened his own gas station at the corner of Rose and Broadway in Pittsburg, Kansas. When his store opened, gas sold for \$.08 per gallon. Mr. Bozick spent a total of 42 years in the gas and tire business; and

WHEREAS, In December 1943, at the age of 38, Mr. Bozick was drafted into the United States Army. While serving in the army, Mr. Bozick was stationed in Ohio, Kentucky, and Europe, where he hit the beaches of Normandy just a few days after the D-Day invasion. Mr. Bozick's time in Europe also sent him to Paris, France, where he arrived only two days after the city was liberated from the Nazis; and

WHEREAS, Mr. Bozick's time in the army ended in June of 1946 as a Sergeant, 1st class. For his actions while in service to his country, Mr. Bozick earned a European theater ribbon and a good conduct medal; and

WHEREAS, Mr. Bozick is an active member of American Legion, John F. Derby Post 43 in Frontenac, Kansas, and was acquainted with the family of the fallen World War I soldier for whom the post was named: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor Frank Bozick as the oldest living World War II veteran in the state of Kansas, we thank him for his service, and we wish him a continued life of helpful activity and service; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Frank Bozick, 306 S. Jefferson, Frontenac, KS 66763.

On emergency motion of Senator Barone **SR 1812** was adopted unanimously.

Representing the Frontenac American Legion on behalf of Frank Bozick were Buzz Hill and Martin Dupslaff.

REPORT ON ENGROSSED BILLS

SB 48, SB 411, SB 423, SB 444 reported correctly engrossed February 8, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 26**, as amended by Senate Committee; **SB 27, SB 28**, as amended by Senate Committee; **SB 29, SB 98, SB 199, SB 200, SB 227, SB 241, SB 256, SB 261, SB 278**, as amended by Senate Committee; **SB 290, SB 314**, as amended by Senate Committee; **Substitute for SB 331; SB 370, SB 386** be not passed.

Committee on **Commerce** recommends **SB 438** be amended on page 1, in line 14, preceding the period, by inserting “, volunteer certified emergency medical services attendant, as defined in K.S.A. 65-6112, and amendments thereto, volunteer reserve law enforcement officer or volunteer part-time law enforcement officer. The provisions of this section shall not apply to an employer when the employee is employed by the employer as a full-time firefighter or law enforcement officer”;

In the title, in line 9, preceding the semicolon, by inserting “, law enforcement officers and emergency medical services attendants”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 476** be passed.

Committee on **Utilities** recommends **HB 2066**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2066,” as follows:

“SENATE Substitute for HOUSE BILL No. 2066

By Committee on Utilities

“AN ACT concerning the environment; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a and 66-1,184 and repealing the existing sections.”;

and the substitute bill be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 12, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

