

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 29 2008—10:00 a.m.

As provided by **SCR 1627**, the Sine Die Session of the regular 2008 Kansas Senate was called to order by President Morris.

The roll was called with thirty-three senators present.

Senators Allen, Barnett, Brownlee, Donovan, Jordan, Palmer and Steineger were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As You know, our Founders
With You in consultation
Decided on three branches
To govern our new nation.

There was the Executive
And the Legislature,
Plus the Judiciary
To deal with fallen nature.

Almost all the states
Have this organization.
It must have served us well,
Considering its duration.

The problem is, of course,
They seldom all agree.
The reason for this
Is easy enough to see.

Farmers and Attorneys,
Republicans and Democrats
Don't always vote alike,
And we're not surprised at that.

But though we work hard every day
From dawn till setting sun.
We find ourselves at Sine Die,
With some things left undone.

Help us, Lord, to seek Your will,
Our integrity to maintain;
For regardless what we do,
People will complain.

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 bill was introduced and read by title:

SB 704, An act concerning appropriation of water for beneficial use; relating to public wholesale water supply districts located in Douglas county; amending Section 1 of 2008 Senate Substitute for House Bill No. 2860 and repealing the existing section, by Senators Pine, Francisco and Taddiken.

REPORT ON ENGROSSED BILLS

H Sub for SB 365 reported correctly engrossed May 8, 2008.

REPORT ON ENROLLED BILLS

H Sub for SB 81, SB 196, H Sub for SB 365, SB 435, Sub SB 453, SB 531 and SB 586 reported correctly enrolled, properly signed and presented to the Governor on May 9, 2008.

SR 1868, reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 9, 2008.

SCR 1627 reported correctly enrolled, properly signed and presented to the Secretary of State on May 9, 2008.

MESSAGE FROM THE GOVERNOR

SB 23; H Sub for SB 113, SB 178; H Sub for SB 273, H Sub for SB 379, H Sub for Sub for SB 391, H Sub for SB 414 approved on May 9, 2008.

Sub SB 485; SB 570, SB 669, SB 702, SB 703 approved on May 13, 2008.

H Sub for SB 32 approved on May 14, 2008.

H Sub for SB 81; SB 196; H Sub for SB 365; SB 435; Sub SB 453; SB 531, SB 586 approved on May 18, 2008.

MESSAGE FROM THE GOVERNOR

Message to the Senate of the State of Kansas:

Enclosed is Amended Executive Order 06-01, 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 David "Ray" Nimemire, for your information.

Enclosed is Executive Order 07-20, regarding suspension of the following provisions provided by the state of emergency for Allen, Cowley, Elk, Labette, Linn, Miami, Montgomery, Neosho and Wilson counties on June 30, 2007:

1. Requiring an individual to be unemployed for a waiting period of one week before collecting unemployment benefits.
2. Requiring the charging of employer accounts for unemployment insurance benefits paid as a result of a disaster.
3. Requiring the imposition of interest and penalties for failing to file wage reports or make contribution payments under the Employment Security Law for the second and third quarters of 2007.
4. Requiring the payment of fees for the inspection of newly installed or replacement boilers or pressure vessels.

Enclosed is Executive Order 07-21, regarding terms and conditions for the operation and maintenance of child care facilities which promote the "health, safety and welfare" of children.

Enclosed is Executive Order 07-22, regarding displaying the flag at half-staff.

Enclosed is Executive Order 07-23, regarding all efforts to assist and expedite drought relief.

Enclosed is Executive Order 07-24, dedicated to the principles of freedom and equality among all of the citizens of Kansas.

Enclosed is executive Order 07-25, regarding moratorium placed on employee bonuses for the Executive Branch agencies in Fiscal Years 2003 through 2007.

Executive Order 07-26, regarding storm damage for the entire 105 counties and assistance provided in those areas.

Enclosed is Executive Order 08-01, regarding promotion and implementation of effective wind energy policies for the State of Kansas.

Executive Order 08-02, regarding the creation of the Kansas Innovation Consortium (“KIC”) to study innovation-based economic development opportunities for the state.

Enclosed is Executive Order 08-03, regarding the creation of the Kansas Energy and Environmental Policy Advisory Group for the purpose of examining issues related to climate change and energy in Kansas.

Enclosed is Executive Order 08-04, regarding the reformulation and composition of the Kansas Energy Council for the purpose of collecting and compiling information pertaining to energy resources, including wind and biomass, in the state, as well as the availability, production and use of energy in the state.

Enclosed is Executive Order 08-05, regarding the creation of the Governor’s P20 Education Council.

The President announced the orders are on file in the office of the Secretary of the Senate and are available at any time.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **Senate Substitute for HB 2542**.

The House adopts the conference committee report on **Senate Substitute for HB 2946**.

The House concurs in Senate amendments to **Senate Substitute for HB 2390**.

Adoption of **SCR 1627**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1869—

A RESOLUTION congratulating Farmers Insurance on their extraordinary participation in the March of Dimes “Be a Hero for Babies Day” and recognizing June 3, 2008, as “Be a Hero for Babies Day”.

WHEREAS, The March of Dimes held a fundraiser called, “Be a Hero for Babies Day” which was the largest single day fundraising effort in March of Dimes history. Farmers Insurance, in participating in this event, raised 2.7 million dollars in one day and contributed to the total of 4.5 million dollars — a milestone achievement for the company; and

WHEREAS, The money will support March of Dimes research and education to stem the growing crisis of premature birth, the leading cause of newborn death in the United States. Farmers Insurance matched all public donations up to \$250,000. This amazing achievement for the benefit of children everywhere would not have been realized without the efforts of Farmers Insurance of Kansas, along with the contributions and efforts of a generous public; and

WHEREAS, Through carwashes, golf outings, pancake breakfasts and pie throwing contests, Farmers Insurance agents helped raise the 2.7 million dollars to benefit various March of Dimes programs. One such program is NICU Family Support, which brings hope and comfort to families with a baby in neonatal intensive care units; and

WHEREAS, As the nation’s third-largest personal property and casualty insurance group, Farmers Insurance is committed to improving communities where their customers, agents and employees live and work. Farmers’ commitment to the March of Dimes spans more than a decade and includes more than 12 million dollars in donations and fundraisers; and

WHEREAS, Farmers Insurance and the March of Dimes are recognizing June 3, 2008, as a national “Be a Hero for Babies Day,” with the intent of raising five million dollars through the network of Farmers Insurance agencies and district offices throughout the state of Kansas and the United States for the benefit of the nation’s children; and

WHEREAS, The extraordinary success of “Be a Hero for Babies Day” sends a powerful message that Farmers Insurance is about far more than insurance — that Farmers Insurance

is also about leadership and dedication to the health of our families and youth: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That in recognition of the exceptional contributions made by Farmers Insurance and the March of Dimes in supporting the health of our families and children, both at a state and national level, we hereby salute June 3, 2008, as “Be a Hero for Babies Day” in Kansas and call upon the good people of Kansas to recognize the importance of sustained community involvement in safeguarding the lives of our youngest and most precious citizens.

Be it further resolved: That the Secretary of the Senate be directed to send 5 enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1869** was adopted unanimously.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1870—

A RESOLUTION celebrating and commemorating Mary Shaw for her dedicated service to members and committees of the Kansas State Legislature.

WHEREAS, Ms. Mary Shaw began working for the Kansas Legislature in 1994. Her first position was as a secretary to Representatives Benlon and Plummer. The following session, Ms. Shaw served as secretary to Representatives Humerickhouse and Myers and continued working in that capacity in 1996. That year she also worked as a secretary for Representative Jones; and

WHEREAS, Beginning in 1997, Ms. Shaw began working as a committee secretary. That year she functioned as the secretary for the House Committee on Energy and Utilities and as secretary for Representatives Peterson and Powell; and

WHEREAS, In the 1998 legislative session, Ms. Shaw continued her work as a committee secretary for the House Committee on Energy and Utilities. In 1999, she served as a committee secretary for the House Committee on Taxation for Chairman Adkins. In 2000, she worked for Chairman Adkins again on the House Committee on Appropriations. In the following years, Ms. Shaw worked for the Senate Committee on Ways and Means. She worked in that capacity for both Chairman Morris and Chairman Umbarger; and

WHEREAS, In addition to her dedicated work for the Kansas State Legislature, Ms. Shaw actively serves in her community and in her church. Recently, she completed her first year at the Lay Leadership Training Institute of the Kansas District of the Lutheran Church—Missouri Synod. Ms. Shaw will graduate in May 2009 and will be able to serve her faith community as a Lay Assistant; and

WHEREAS, Ms. Shaw is active in the church’s Service Guild and Stephen Ministry. She is the co-chair of the 60th Anniversary Committee which is helping to prepare for the church’s 60th Anniversary in June. In addition to these acts of service, Ms. Shaw gives assistance and encouragement to her pastor’s wife, who has Parkinson’s Disease, and coordinates other volunteers to provide assistance. Ms. Shaw frequently offers to bring supper for the pastor’s family, bringing them their favorite dishes. She provides all this service with dedication and grace; and

WHEREAS, Ms. Shaw was married to Jim on September 29, 1979 and survived his passing on June 23, 2003: Now, Therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Ms. Mary Shaw for her dedicated work for the members and committees of the Kansas State Legislature and for her kindness and generosity to all those she serves on a daily basis; and

Be it further resolved: That the Secretary of the Senate be directed to send 4 enrolled copies of this resolution to Senator Dwayne Umbarger.

On emergency motion of Senator Umbarger **SR 1870** was adopted unanimously.

Senator Umbarger recognized Mary Shaw and Senators joined him in honoring her with a standing ovation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1871—

A RESOLUTION congratulating Shirley Simmons upon her retirement after 48 years in business.

WHEREAS, Shirley Simmons, owner and operator of Shirley's Café has been a dedicated business woman in the community of Overbrook and the surrounding area; and

WHEREAS, On February 15, 2008, exactly 48 years after having acquired the business, Shirley retired and closed the cafe; and

WHEREAS, Shirley worked several years for the previous owner and then bought the business on February 15, 1960, after taking out a personal loan while supporting her family as a single mother; and

WHEREAS, Shirley has been a dedicated business woman in the community of Overbrook and the surrounding area and has always been very supportive of anything related to children and youth of the area;

WHEREAS, For 48 years, the residents of Overbrook, their families and friends, and many guests from out of town enjoyed the food and friendly service at Shirley's Café: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Shirley Simmons for her retirement after 48 years of service to the community of Overbrook and the surrounding area and that we wish her well on all her future endeavors; and

Be it further resolved: That the Secretary of the Senate provide 5 copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1871** was adopted unanimously.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Morris and Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1872—

A RESOLUTION recognizing the life and death of James W. Woods, Sr., particularly in light of his dedicated service to the Kansas Senate as Sergeant at Arms.

WHEREAS, James W. Woods, Sr., was born June 11, 1920, in Stafford, Kansas; and

WHEREAS, Woods married Margaret Gates on February 22, 1939, in Raton, New Mexico, and had two sons, James W. Woods, Jr., now deceased, and Glenn Craig Woods; and

WHEREAS, Woods' 43 year career with Santa Fe began in 1940, but was briefly interrupted from 1942 to 1947, when he entered military service; he retired on September 1, 1983, with 43 years of service; and

WHEREAS, Woods remained in the United States Army Reserve program, ultimately serving as Assistant Commandant of the 5047th USAR School in Topeka; he transferred to the Army Retired Reserve in 1972, after obtaining the rank of lieutenant colonel, completing 30 years of service and being awarded the Meritorious Medal; and

WHEREAS, Woods began his service to the Kansas Senate in 1985, became Sergeant at Arms in 1989 and retired from the position in 2001; and

WHEREAS, Woods was an active and ardent member of the National Legislative Services and Security Association (NLSSA), a professional organization of sergeants at arms, security personnel, state police and support service staff of the nation's state legislatures; he held many leadership positions within the group; and

WHEREAS, Woods was recognized by the NLSSA for his outstanding professionalism and integrity and was given its John Everhardt "Trooper" Award for the year 2000; and

WHEREAS, Among his many duties, Woods particularly relished working with the movie crews that came to shoot in the capitol; he worked closely with performers and stars on 1989's Cross of Fire made for TV movie about the Reverend Bird and Lorna Anderson

affair, murders and trials, and on 1993's A Matter of Justice, a made for television movie starring Martin Sheen and Patty Duke; Woods forged a friendship with Ms. Duke, of whom he was particularly fond; and

WHEREAS, Woods made many friends among the legislators, staff and doormen with whom he served and will be remembered for his sincere concern for the well being of those in the Senate, his enthusiasm for the activities of his professional organization, and for his attention to detail: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember and commend James W. Woods, Sr., for his more than 15 years of dedicated service and loyalty to the Kansas Senate, as a Sergeant at Arms, and extend our deepest sympathy to the Woods family and friends; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the Woods family.

On emergency motion of Senator Hensley **SR 1872** was adopted unanimously.

POINT OF PERSONAL PRIVILEGE

The President recognized Senators Journey, Wilson and Betts on a Point of Personal Privilege to announce their retirement from the Senate. Each Senator thanked the other members of the Senate for their counsel, teamwork and many friendships. The Senate honored them with a standing ovation in recognition of their service. Others retiring are Senators Allen, Jordan and Palmer.

REMARKS BY SENATOR BETTS

MR. PRESIDENT: As you know, I will not be returning to the Kansas senate next year to serve the 29th District; however, I will always live to inspire service in the public interest. It pains me to know I will not be celebrating another birthday with Senator Allen next year. It is with honor that I stand before this body, one last time to share with you my appreciation to The Great State of Kansas.

I have been extremely blessed to serve with each of you in the Kansas Senate. The six years of service in both the House and the Senate, has given me knowledge, wisdom and understanding but above all, it has taught me that through faith, prayer, and sacrifice anything is possible.

Senators, you have had an amazing effect on my life, and as long as I live, I will always remember our service together. Of course, we didn't always agree, but when you have forty great Senators serving the citizens of the Great State of Kansas, you almost won't. I commend each of you, because I recognize the sacrifice that it takes to serve the people. I recognize that you don't do this for the glamour, nor do you do it for the pay. You do it because you had the willingness to stand-up, speak up, and lead.

My service in the Kansas legislature has made me a better man, a better human being, and a better leader. It gave me chills when we last adjourned, because I knew that today was coming, and it would be the last time I would be in this chamber with each of you. I can not express to you the ways this journey has enhanced my life. I am thankful to those legislators who shared their lives with me, such legislators are Senator Stan Clark, Representative Judith Showalter, Representative Ted Powers, and Senator Sherman Jones.

I am particularly appreciative of the people who keep the Capitol Machine running, Mrs. Pat Saville and team, legislative staff, legislative research, the revisor of statutes, Sergeants at Arms, and the men and women who keep our capitol beautiful inside and out. It is because of these Kansans, we serve

To my caucus (the fighting ten), and our honorable leader Senator Anthony Hensley, thank you!

To my chairmen and chairwoman, Senators Vratil, Umbarger, Huelskamp, V. Schmidt, and Brungardt, thank you.

To Senator David Haley, thank you for being a great friend and mentor, and the only other member of the African American Legislative caucus.

Mr. President Senator Morris, and Majority Leader Sen. Derek Schmidt, thank you for your leadership by example

It has been an honor to serve this State as a member of the senate. If there were a mission to sum up my purpose for serving, it would be to make Kansas the number one place in the nation to raise a child, and to make the quality of life better for all Kansans.

Thank you Senator's for making my service to the State of Kansas some of the best experiences of my life. Words can not explain how thankful I am to God, the people of Kansas and my family for granting me with such a high honor to serve. May God continue to bless you and show you favor.

Thank you Mr. President.—DONALD BETTS, JR.

REMARKS BY SENATOR HALEY

The Honorable Donald Betts, Jr., Senator from Sedgwick County, the city of Wichita in particular, as most of you know is as fine a senator as any senator who has ever graced this chamber. The youngest senator in history to ever be elected to the Kansas senate; *who* among us would disagree that he has undertaken the challenges of his generation to be heard by those of us, mostly a generation or two removed? And now hearing that call for progress, for a better represented Kansas, for a better America . . . he chooses to leave us. Donald has earned our respect because he is the best of our future. Bright, energetic, conscious, committed, affable . . . as a father, I pray that his attributes will be found in my own children some day.

I recall Senator Gooch sharing with me that part of his decision to run again was to assist me during my first term in the senate and I remember thinking something like "aww . . . I'd be ok either way. I've been in the house for six years. I know the games the legislature plays, especially with a progressive agenda . . ." But, I was wrong. I learned the senate is different . . . and Senator Gooch helped me side step a few of your treacherous land mines of feigned superiority or of ingrained inequality or, sometimes, simply, ignorance or indifference. The matriculation of Representative Betts to Senator Betts is a testament to Legislative prowess, intestinal fortitude and courage.

Donald came to this chamber and asked me "do you think we can sponsor together a bill to ban racial profiling in Kansas, David?" Knowing this chamber, I had no hope inside; but I didn't want to let my seat mate down and I signed on. And the legislature passed it! Kansas never withdrew from investing our funds in the regime of South African apartheid. But Donald Betts believed that Kansas' KPERS in *this* generation should not be stigmatized with the tacit support of genocide in the Sudan. Did we change it? Yes, we did. Can we bring hope to the downtrodden of this state? Yes . . . we can. The Kansas Senate black caucus is greatly diminished by the leaving of this champion. But, we imagine tomorrow . . . Betts'.

Knocking down stereotype and disbelief faced in a seemingly uncertain future against a backdrop of misgivings and wealth and position and attainment, Betts gives me faith to go on. . .

Lord knows, I'm going to miss him "Like dry earth misses the rain" . . . but this . . . Legislature is a better place and Kansas is a better state and I'm a better man because Betts has served here . . . that he passed this way . . . he reminds me that our tomorrows do hold *real* hope and that successors are equipped to lead . . . that, indeed, all is not lost . . . that against seemingly insurmountable obstacles that if to him whom so little was given that he can be all and so much more that certainly to those to whom much is given.

We have no excuse, no room not to push on to the broader, more inclusive, and equity-driven, "liberty & justice *for all*", tomorrow . . . on the horizon. Betts . . . for the future.

The other day Donald asked me why we were given our name tags from our desks and I quipped "It's in case you get somewhere and forget who you are!" I look at him and I know as you must know Mr. President, and I take relief in knowing, that Senator Betts will always know wherever he goes who he is and whose he is. Yes . . . he will and in Him, and in young men and women paying increasingly greater attention to the power of voting and the dynamic of politics . . . we have the opportunity to change the politics of yesteryear into a greater and once again respected and stronger America . . . that yes, . . . we really can. It is in this mind today; still. And in my almost unspeakable, my utter grief . . . that . . . in

my overwhelming despair in his leaving the Senate . . . I find a small comfort. Godspeed, my brother senator.—DAVID HALEY

There being no further business to be considered, Senator D. Schmidt moved, as provided in **SCR 1627**, the Senate adjourn Sine Die. The motion prevailed.

President Morris thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2008 Session of the Kansas Senate adjourned Sine Die."

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor on House Bill No. 2019, AN ACT concerning elections; amending K.S.A. 25-4502 and 25-4503 and K.S.A. 2007 Supp. 25-1122, 25-1123, 25-2908, 25-3002 and 25-4501 and repealing the existing sections, was received on May 18, 2008 and read on May 29, 2008.

Message from the Governor

We have a rich history and tradition in Kansas of working to increase citizen participation in our democracy. Voting has become easier and more convenient in our state over the past decade due to measures like advance voting.

Here in Kansas and across the country, we have seen a record number of new voters active in the election process. Secretaries of State across the country are anticipating record-breaking turnout in November. We must take advantage of this opportunity to engage the next generation of leaders and decision makers in the political process, and ensure their participation continues throughout their lifetimes.

Additionally, no elected official should support enacting new laws discouraging or disenfranchising any American who has been legally voting for years. I cannot support creating any roadblock to prevent our citizens from adding their voices to the democratic discourse that makes our nation great.

The Secretary of State's office is charged with the oversight of elections in Kansas and our hard working county clerks and election officials deserve thanks for ensuring the integrity of the democratic process. I have the utmost confidence in their diligence to guarantee secure and fair elections across our state. HB 2019 seeks to solve a problem of voter fraud which does not exist in our state due to the tireless efforts of our local election officials.

I am encouraged with the Legislature's action to change the date of the 2012 presidential preference primary to the first Saturday in February. However, I find it unfortunate that this measure, which would help boost voter turnout and participation in the future, is coupled with burdensome provisions prohibiting many across our state from exercising their right to vote. I encourage the Legislature to take action on this matter next session, and include funding for the primary in the FY 2012 budget.

It is my belief that HB 2019 goes against our state's long standing tradition of striving to achieve greater voter participation in our democratic process. The needless, additional identification requirements of HB 2019 will only work to disenfranchise many of the electorate and serve as a barrier to their participation in the democratic process.

Therefore, pursuant to Article 2, Section 14 of the Kansas Constitution, I veto House Bill 2019.

Vetoed: May 18, 2008

Signed: Kathleen Sebelius
Governor

Members were given the opportunity to reconsider **House Bill No. 2019**. There being no motion to reconsider **House Bill No. 2019**, the veto was sustained.

MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor on **Senate Substitute for House Bill No. 2412**.

AN ACT enacting the economic stimulus act of 2008; encouraging certain commercial enterprises and creation of jobs; amending the Kansas investments in major products and comprehensive training act (IMPACT); relating to intermodal transportation and the financing thereof; providing for certain sales tax refunds; concerning energy conservation and efficiency, air emissions and electric generation and transmission; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a, 66-1,184, 74-616, 74-50,104, 74-50,107 and 79-3279 and repealing the existing sections, was received on May 16, 2008 and read on May 29, 2008.

Message from the Governor

Legislators who promote the expansion of coal-fired plants in Kansas have again made a strategic decision with HB 2412. Rather than working toward a compromise solution, legislative leaders recklessly chose to jeopardize important initiatives for businesses and communities across our state by combining them with energy legislation I have previously vetoed twice.

Their action has raised concerns, voiced by key legislative proponents of the coal measures, that this bill violates Article 2, Section 16, of the Kansas Constitution, which prohibits two subjects in a bill. I take these concerns very seriously in determining whether a bill that comes to my desk meets a minimum threshold of constitutionality. Like every member of the Kansas Legislature, I am sworn to uphold the Kansas Constitution, and cannot support a measure that blatantly contradicts our founding document.

However, I remain very supportive of many provisions contained within HB 2412 and hope to work with the Legislature, businesses and communities in the future to pass these important measures.

Included in HB 2412 is a provision proposed by my administration to provide more flexibility within the IMPACT program at the Department of Commerce. Changes to the IMPACT program would provide the Department with the tools they need to recruit and retain businesses in our state and dedicate more support to rural and small businesses. Because I believe this measure to be essential to the continued effectiveness of the IMPACT program, I have asked the Department propose these changes again next year for the new Legislature to consider.

The provision contained in HB 2412 extending the 2009 sunset on the single-factor corporation income tax apportionment formula continues to be a helpful tool to help locate new facilities in Kansas. This measure deserves serious consideration by the Legislature and my Administration, and I look forward to getting the opportunity to do so next year.

Under my direction, various state agencies including the Kansas Department of Transportation, Kansas Department of Commerce and the Kansas Development Finance Authority have been working over the past several months with local officials and legislators to promote the development of the proposed intermodal facility in Gardner. I am disappointed legislative leaders chose to impede their hard work by inserting this funding mechanism only within this bill. I remain supportive of this project and encourage the county commissioners to continue discussion with local and state officials to ensure this project moves forward.

Finally, the telecommunications industry has been working on various proposals to enhance their investments in Kansas. It is my hope that the Legislature and I will have the opportunity to consider these proposals on their own merit in the future.

Once again, this maneuver has done nothing to address the issues at hand - developing comprehensive energy policy, providing base-load energy power for Western Kansas, implementing carbon mitigation strategies and capitalizing on our incredible assets for additional wind power. Furthermore, expanding the legislative involvement in the utility business and putting the regulatory permitting process into the hands of a Legislature whose membership changes every two years would set a dangerous precedent. Increasing utility rates for Kansas ratepayers for the sole benefit of one company is unacceptable. Kansas can do

better, and I remain hopeful we can still have a meaningful discussion about a true compromise.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto Senate Substitute for House Bill 2412.

Vetoed: May 16, 2008

Signed, Kathleen Sebelius
Governor

There being no motion to reconsider **Senate Substitute for House Bill No. 2412**, the veto was sustained.

MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor on **House Bill No. 2683**, AN ACT concerning elections; pertaining to vacancy in the office of United States representative; pertaining to vacancy in the position of United States senator; pertaining to the presidential primary; amending K.S.A. 25-101b, 25-318, 25-3501, 25-4502 and 25-4503 and K.S.A. 2007 Supp. 25-4501 and repealing the existing sections, was received on May 18, 2008 and read on May 29, 2008.

Message from the Governor

In Kansas, vacancies in the office of United States Senator have been filled by a temporary appointment by the governor since 1927. The appointee serves as senator until the next election of representatives in Congress, at which time the vacancy is filled by election and the elected senator takes office as soon as he or she receives his or her certificate of election.

This statute has been used effectively several times since its passage 81 years ago, including:

In 1929, Senator Charles Curtis resigned and Senator Henry Allen was appointed to fill the vacancy by Governor Clyde Reed.

In 1949, Senator Harry Darby was appointed by Governor Frank Carlson to fill the vacancy caused by the death of then Senator Clyde Reed.

In 1962, Senator James Pearson was appointed by Governor John Anderson to fill the vacancy caused by the death of Senator Andrew Schoeppel.

In 1978, Senator James Pearson resigned and Senator Nancy Landon Kassebaum was appointed to the vacancy by Governor Robert Bennett.

In 1996, Senator Robert Dole resigned and Senator Sheila Frahm was appointed to the vacancy by Governor Bill Graves.

This process has served the citizens of Kansas well. Absent any compelling public policy reason to change this statute at this time, and pursuant to Article 2, Section 14 of the Kansas Constitution, I veto House Bill 2683.

Vetoed: May 18, 2008

Signed: Kathleen Sebelius
Governor

Members were given the opportunity to reconsider **House Bill No. 2683**. There being no motion to reconsider **House Bill No. 2683**, the veto was sustained.

MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor on **Senate Substitute for House Bill No. 2802**, AN ACT concerning energy; relating to conservation and electric generation and efficiency and air emissions; imposing certain charges and providing for distribution thereof, was received on May 16, 2008 and read on May 29, 2008.

Message from the Governor

Though this attempt at crafting energy policy for the state has small steps in the right direction, I cannot support the legislative companion to this bill, which puts the regulatory permitting process into the hands of a part-time Legislature.

Additionally, this legislation not only contains a rate increase on every Kansas utility customer but directs the majority of these taxpayer receipts to a fund used solely for the benefit of one electric company. Throughout this entire Session, the Legislature has failed to craft a comprehensive energy policy for our state. Here, nearing the end, their one statewide policy is to raise the electric bill of every Kansan.

This bill also expands the suggested legislative intrusion in the business of power companies by mandating Sunflower offer electricity generated at the new plants to utilities across the state, without any assurances in regard to price, availability or transmission lines. Having the Legislature dictate the business decisions of private companies establishes another questionable precedent that could hinder the recruitment of other businesses to our state. Clearly Kansas can do better.

I appreciate the legislative endorsement of my work with utility companies to enact renewable portfolio standards across our state. And I believe we should work together to address many of the issues raised with this legislation, including an analysis of carbon emissions in our state, expanding weatherization assistance programs to encourage energy efficiency and research in the field of renewable energy.

However, by attempting to force Kansans to pay for another state's power, legislative leadership has failed to move our state forward strategically. I remain ready and willing to work with all of the energy producers in Kansas to find that common ground on which true progress can be built. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto Senate Substitute for House Bill 2802.

Vetoed: May 16, 2008

Signed, Kathleen Sebelius
Governor

Members were given the opportunity to reconsider **Senate Substitute for House Bill No. 2802**. There being no motion to reconsider **Senate Substitute for House Bill No. 2802**, the veto was sustained.

MESSAGE FROM THE HOUSE

Announcing the veto message from the Governor on **Senate Substitute for House Bill 2946**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2007 Supp. 74-99b16 and section 86 of 2008 Senate Bill No. 534 and repealing the existing sections, was approved by the Governor on May 22, 2008, except for the following line item vetoes:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return House Bill No. 2946 with my signature approving the bill, except for the items enumerated below.

Department of Administration Expanded Lottery Act Revenues Fund

Sections 19 (e), (f), (g), (h) and (i) have been line-item vetoed in their entirety.

As I stated in my previous message, current law already defines how new receipts from gaming activity will be administered and how they can be spent. Creating additional funds and further stipulations would limit the flexibility of future Legislatures to target gaming receipts toward the most important and pressing needs of the state. For this reason, I again find it necessary to veto this portion of the bill.

Homeland Security Funds Use of Federal Funds

Section 47 has been line-item vetoed in its entirety.

This section places unnecessary limits on how the state budgets for homeland security. Restricting how state funds can be used in this area may not serve the best interests of our future security.

**Adjutant General
Unmanned Aerial Vehicles**

Section 14 (b) has been line-item vetoed in its entirety.

This \$500,000 expenditure was added very late in the appropriations process with little review, and it was financed from the Economic Development Initiatives Fund, which the Legislature has overspent by over \$1 million. The procurement of unmanned aerial vehicles may be a worthy project for future consideration, but should not be done without an adequate source of financing. Eliminating this expenditure in FY 2009 does not completely balance the Economic Development Initiatives Fund. I will work with the economic development agencies and the Division of the Budget to recommend a revised budget for this fund to present to the 2009 Legislature.

**Department of Wildlife and Parks
Cabin Program**

Section 21 (g) has been line-item vetoed in its entirety.

This provision unnecessarily restricts the authority of the Kansas Department of Wildlife and Parks to provide public services and manage agency resources in the most efficient manner.

Members were given the opportunity to reconsider the line items to **Senate Substitute for House Bill 2946** There being no motion to reconsider the line items vetoes were sustained.

MESSAGE FROM THE HOUSE

Announcing the following bills are hereby transmitted to the Senate with final disposition:

Senate Bills died in House Committees: **SB 4, SB 17, SB 22, SB 38, SB 41, SB 48, SB 56, SB 73, SB 74, SB 77, SB 79, SB 87, Substitute SB 97, SB 99, SB 107, SB 123, SB 131, SB 133, SB 135, SB 136, SB 143, Substitute SB 152, SB 153, SB 158, SB 159, SB 160, SB 165, SB 184, Substitute SB 194, SB 195, SB 210, SB 242, Substitute SB 266, SB 283, SB 291, SB 298, SB 319, SB 320, Substitute SB 323, SB 335, SB 338, SB 342, SB 346, SB 347, SB 358, SB 371, SB 373, Substitute SB 375, SB 381, SB 382, Substitute SB 383, SB 384, SB 399, SB 403, SB 407, Substitute SB 409, SB 415, SB 420, SB 425, SB 454, SB 457, Substitute SB 458, SB 459, SB 460, SB 461, SB 479, SB 486, SB 487, SB 489, SB 492, Substitute SB 501, SB 507, SB 517, SB 527, SB 529, SB 538, SB 541, SB 544, SB 548, SB 554, SB 560, SB 566, SB 574, SB 575, Substitute SB 577, SB 581, SB 582, SB 588, SB 590, SB 591, SB 597, SB 615, SB 620, SB 628, SB 629, SB 637, SB 638, SB 640, SB 647, SB 650, SB 651, SB 652, SB 655, Substitute SB 662, SB 673, SB 675, SB 676, SB 677, SB 679, SB 689, SB 692, SB 693, SB 696.**

Senate Concurrent Resolutions died in House Committees: **SCR 1610, SCR 1618, SCR 1620, SCR 1625.**

Senate Bills stricken from the Calendar: **SB 127, SB 363, House Substitute for SB 385, House Substitute for SB 397, SB 656, SB 670, SB 672.**

Senate Bills died in Conference Committee: **House Substitute for SB 169, House Substitute for SB 189, House Substitute for SB 329, SB 444, SB 476, SB 510, SB 580.**

REPORT ON ENROLLED BILLS

SR 1869, SR 1870 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 29, 2008.

SR 1871, SR 1872 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 30, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

