

# Journal of the Senate

## SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 20, 2009—2:30 p.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-nine senators present.  
Senator Bruce was excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

An event has taken place  
Which has no precedent.  
An African-American  
Is now our President.

It's a milestone for our country,  
For sixty years ago  
There were many places  
African-Americans couldn't go.

Regardless of whom we voted for  
As the President of our nation,  
We should all be thankful  
For progress in race relations.

Much credit must be given  
To Martin Luther King  
Who lived and died while striving  
To "Let Freedom Ring."

But we never should forget  
He was a gospel preacher  
Who learned from You, O God,  
The freedom of human creatures.

So thank You for ordaining  
That any citizen You create,  
Could some day be elected  
President of the United States!

I pray this in the Name of Jesus,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

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

The following bills were introduced and read by title:

**SB 46**, An act concerning port authorities; relating to sale of certain real or personal property; amending K.S.A. 12-3412 and repealing the existing section, by Committee on Transportation.

**SB 47**, An act concerning utilities; relating to telecommunications; concerning local exchange carriers satisfaction of carrier of last resort obligations; amending K.S.A. 2008 Supp. 66-2009 and repealing the existing section, by Committee on Utilities.

**SB 48**, An act concerning telecommunications; relating to enhanced wireless 911 service; concerning certain fees and disposition thereof; relating to audits of certain systems; definitions; amending K.S.A. 12-5301 and 12-5304 and K.S.A. 2008 Supp. 12-5322, 12-5323, 12-5332, 12-5334, 12-5338, 12-5358 and 12-5361 and repealing the existing sections, by Committee on Utilities.

**SB 49**, An act relating to insurance; concerning mental health and alcoholism, drug abuse or other substance use disorder benefits; amending K.S.A. 2008 Supp. 40-2,105a and 40-2258 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 50**, An act concerning insurance; pertaining to risk-based capital requirements; establishing a trend test calculation; amending K.S.A. 40-2c05 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 51**, An act concerning wildlife and parks; relating to clothing requirements while hunting deer or elk; amending K.S.A. 32-1015 and repealing the existing section, by Committee on Natural Resources.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Judiciary: **SB 44**, **SB 45**.

#### CHANGE OF REFERENCE

The President withdrew **SB 32** from the Committee on **Public Health and Welfare**, and referred the bill to the **Committee on Judiciary**.

#### COMMUNICATIONS FROM STATE OFFICERS

##### KANSAS CORPORATION COMMISSION

January 14, 2009

As directed by the 2008 Legislature in **SR 1832**, Commissioners Thomas E. Wright, Chairman; Michael C. Moffet and Joe F. Harkins submitted a report concerning Pay Stations for Utility Payments in the State of Kansas.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1805—

A RESOLUTION congratulating and commending the members of the 2009 Kansas Teacher of the Year Team.

WHEREAS, The Kansas State Department of Education sponsors the Kansas Teacher of the Year program which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two Teachers—one elementary and one secondary—in each of the state's four United States congressional districts were selected as finalists for recognition as Kansas Teacher of the Year, the Kansas Teacher of the Year being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded The Hubbard Foundation Kansas Teacher of the Year Ambassadorship which enables the person selected to devote significant time during the second semester to activities to support the mission of the program. The

2009 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 22, 2008. All members received a cash award as well as mementos of the events; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers presented by the ING Foundation; and

WHEREAS, The 2009 Kansas Teacher of the Year is Cynthia J. Couchman, Buhler USD 313, and the regional finalists are Mary F. Bradshaw, Newton USD 373, Walter L. Cochran, Gardner Edgerton USD 231, Marilyn B. Fox, Manhattan-Ogden USD 383, Mary Martha Good, El Dorado USD 490, Jennifer Hartman, De Soto USD 232, Julie C. Miller, Paola USD 368 and Cynthia L. Venard, Dodge City USD 443: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the members of the 2009 Kansas Teacher of the Year Team and wish Mrs. Couchman success in the national competition; and

*Be it further resolved:* That the Secretary of the Senate provide eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2009 Kansas Teacher of the Year Team.

On emergency motion of Senator Schodorf **SR 1805** was adopted unanimously.

The 2009 Kansas Teacher of the Year and the 2009 Kansas Regional Teachers of the Year were guests and were recognized with a standing ovation.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 14** be amended on page 1, in line 32, by striking “and”; in line 33, by striking “legislature” and inserting “house of representatives”; also in line 33, by striking “legislative coor-”; in line 34, by striking “dinating council” and inserting “speaker of the house of representatives; and

(7) one member of the senate appointed by the president of the senate”;

On page 2, in line 3, by striking “the governor,”; and the bill be passed as amended.

Also, **SB 19** be amended on page 2, in line 37, after the comma by inserting “the attorney general,”; in line 39, after the comma by inserting “any assistant attorney general if authorized by the attorney general,”;

On page 4, in line 31, after the comma by inserting “the attorney general, or”; in line 35, after the semicolon by inserting “any assistant attorney general if authorized by the attorney general and while actually engaged in the duties of their employment,”;

On page 5, in line 32, after the first comma by inserting “the attorney general,”; in line 33, by striking the comma; in line 34, after the comma by inserting “any assistant attorney general if authorized by the attorney general,”; in line 35, by striking the comma; and the bill be passed as amended.

#### REMARKS BY SENATOR HALEY

Mr. President:

Today, it is with a sense of great anticipation that I (or perhaps *any* legislator, for that matter) utter the complete title and name of “President Barack Obama” for the *first* time before the Kansas legislature.

(But, I imagine this won’t be the only, or last, time I do invoke his name!) Earlier, many of us watched as President Obama took the oath of office and with it the decidedly arduous task of leading this nation out of what any sane person would agree are some difficult times for the United States of America. The mantra for the campaign for the first American of African descent to hold the office was clear: To provide “Change . . . We can believe in” and the resounding response from the majority of voting America was belief in the *genuineness* of the Obama appeal. Without recounting the issues of economy; or conflicts; or dependency here . . . polls suggest most Americans overwhelmingly want to see “change” to policies that have failed. We’ve got to do differently than we’ve done before. To meet these challenges, we’ve got to do better. America has to do better.

Now I know Mr. President that President Obama wasn’t voting Kansans choice to bring about change. And I realize too that each of us here are serving by the benefit and at the

mercy of those same voters. Many of them (but hopefully not many of you here) for purely partisan (and some worse) reasons don't want to see the Obama administration meet any measure of success.

The President, prophetically, has this to say; "The road ahead will be long. Our climb will be steep. We may not get there in one year or even one term, but America—we as a people will get there. There will be setbacks and false starts. There are many who won't agree with every decision or policy I make as president, and we know that government can't solve every problem. But I will always be honest with you about the challenges we face. I will listen to you, especially when we disagree. And above all, I will ask you join in the work of remaking this nation the only way it's been done in America for 221 years—block by block, brick by brick, calloused hand by calloused hand."

I call on us all to put aside the rancor or partisanship and to pull together for a change this session to restore the greatness that is a solvent compassionate Kansas and a stronger America under the new leadership of this President who has begun to bring about that change this country seeks and many feel that our country in so many ways desperately needs. Kansas does not exist in a vacuum; we are one . . . of many. After all, ultimately we are now drawing closer as one America. Different races, different cultures, different religions, political parties and creeds maybe, but one America . . . United States of America.

"Ich bin America"

"Yo soy America"

"Je suis America"

"I am America." We are America.

God Bless the 40th President and his administration; great state of Kansas and the United States of America.

Thank you, Mr. President

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 21, 2009.

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

PAT SAVILLE, *Secretary of the Senate.*

