

# Journal of the Senate

THIRTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 27, 2009—8:00 a.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with twenty-nine senators present.  
Senators Barnett, Brownlee, Brungardt, Colyer, Huelskamp, Kelsey, Lynn, Pyle, V. Schmidt, Taddiken and Wagle were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

While at home over the week-end spare the Senators from constituents  
who think they are in Washington.

Please remind constituents  
That whether marketing or farming,  
Senators cannot be blamed  
For the economy or global warming.

And also remind constituents  
That Senators can't be blamed  
For what goes on in Washington,  
They are really not the same.

And please remind constituents  
Senators deal with Kansas land,  
And cannot be responsible for  
Iraq or Afghanistan.

And, Lord, please help constituents  
To remember if they can  
Not to ask their Senator  
To greet Roberts and Moran!

I ask this 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 were introduced and read by title:

**SB 294**, An act concerning state agencies; relating to the whistleblowers act; employee award program; amending K.S.A. 2008 Supp. 75-2973 and 75-37,105 and repealing the existing sections, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1611—

By Senators Petersen, Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Holland, Huelskamp, Kelly, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer,

Pilcher-Cook, Pyle, D. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle and Wysong

A PROPOSITION to amend section 4 of the bill of rights of the constitution of the state of Kansas, relating to the right to bear arms.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 4 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 4 *Individual right to bear arms; armies.* ~~The people have the right to bear arms for their defense and security.~~ *A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose;* but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this amendment is to preserve constitutionally the right of a person to keep and bear arms for the defense of self, family, home and state, and for all other lawful purposes, including hunting and recreation.

“A vote for this amendment would constitutionally preserve the right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.

“A vote against this amendment would provide for no constitutional right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 291.**

Judiciary: **SB 292.**

Transportation: **SB 293.**

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1834—

A RESOLUTION congratulating and commending Ed Dwight.

WHEREAS, Ed Dwight was born and raised in Kansas City, Kansas and attended Bishop Ward High School and Kansas City Kansas Community College before leaving for military service; and

WHEREAS, Ed Dwight's numerous accomplishments, which include being a former Air Force test pilot, America's first African American astronaut trainee, a computer systems engineer, an aviation consultant, a restaurateur, a real estate developer and a construction entrepreneur, truly make him a “Renaissance” man; and

WHEREAS, For the past 35 years, Mr. Dwight has used his talents to become an internationally recognized sculptor whose works depict the contributions and accomplishments of African Americans; and

WHEREAS, Mr. Dwight's first serious artistic endeavor began with a commission to create a sculpture of George Brown, Colorado's first African American Lieutenant Governor, which was soon followed by a second commission by the Colorado Centennial Commission for a series of bronzes, entitled "Black Frontier Spirit in the American West", depicting the contributions of African Americans to the opening of the West; and

WHEREAS, Ed Dwight has crafted numerous public art projects throughout the country, including the first bi-national monument in Detroit, Michigan and Windsor, Canada dedicated to the International Underground Railroad Movement; the African American History Monument on the Capitol Grounds in Columbia, South Carolina and a memorial to the first African American legislator in Ohio, George Washington Williams, installed in the State Capitol in Columbus, Ohio; and

WHEREAS, Ed Dwight is currently working on one of the largest memorials to date in the United States, which honors Dr. Martin Luther King, Jr., and will be installed in Denver, Colorado; and

WHEREAS, Mr. Dwight continues to strive toward the creation of the only tribute to African Americans on the Washington Mall, the Black Revolutionary War Patriots Memorial which honors the 5,000 African Americans that served and fought with George Washington in the Revolutionary War, contributing to the birth of the Nation. The tribute will be located between the Lincoln Memorial and the Washington Monument in Washington, D.C.; and

WHEREAS, Ed Dwight's outstanding works of art and contributions to society have made this "Renaissance" man an enormous asset to Kansas and the country: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Ed Dwight for his outstanding accomplishments and thank him for his many contributions to Kansas and the entire country; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1834** was adopted unanimously.

Senators Owens, Donovan, Emler, Faust-Goudeau, Haley, Hensley, Kelly, Kelsey, Kultura, Lee, McGinn, Ostmeyer, Pilcher-Cook, Reitz, D. Schmidt, Schodorf, Umbarger and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1835—

A RESOLUTION urging the Government of Turkey to uphold and safeguard religious and human rights without compromise; cease its discrimination of the Ecumenical Patriarchate; grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate.

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members world-wide with more than 2 million members in the United States; and

WHEREAS, Since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

WHEREAS, This religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government; and

WHEREAS, The Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals and from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today; and

WHEREAS, The Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy; and

WHEREAS, The Turkish government has confiscated nearly 94 percent of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

WHEREAS, The European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005; and

WHEREAS, The European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law and respect for and protection of minorities and human rights; and

WHEREAS, The Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

WHEREAS, Orthodox Christians in Kansas and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

WHEREAS, The Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion", by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we urge the Government of Turkey to uphold and safeguard religious and human rights without compromise; cease its discrimination of the Ecumenical Patriarchate; grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate; and

*Be it further resolved:* That the Secretary of the Senate is directed to provide an enrolled copy of this resolution to the President of the United States, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States and to the members of the Kansas Congressional Delegation.

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

SENATE RESOLUTION No. 1836—

A RESOLUTION congratulating and commending  
the Goodland High School girls golf team.

WHEREAS, The Goodland High School girls golf team won the 2008 3A Golf State Championship; and

WHEREAS, The Goodland Cowgirls captured first place at the State Championship with a team score of 416, six strokes ahead of second place; and

WHEREAS, The team members are Kirsten Topliff, Chelsie Gausman, Andrea Roeder, Natasha Hillman, Amber Douglas and Katlyn Topliff; and

WHEREAS, Head Coach Connie Livengood has provided the instruction and guidance to the team that has made this incredible season possible; and

WHEREAS, The Goodland community, whose support for the team has been instrumental to its success, is extremely proud of the team's dedication and effort; and

WHEREAS, Golf requires great mental toughness and fortitude, necessitating these athletes to dedicate many hours to fine-tune their swings and short game: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Goodland High School girls golf team for winning the 2008 3A Golf State Championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Ralph Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1836** was adopted unanimously.

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

## SENATE RESOLUTION No. 1837—

A RESOLUTION congratulating and commending the Scott Community High School boys track and field team.

WHEREAS, The Scott Community High School boys track and field team won the 2008 3A Track and Field State Championship; and

WHEREAS, The Scott Community High School Beavers had a dominating performance, capturing medals in 10 events, including seven gold medals; and

WHEREAS, The team members are Trace Kendrick, Chance Chelemedos, Calvin Hughes, Bill John, Cosme Chavez, Ian Huck, Winston Sattler, Levi Kuntzsch, Pedro Medellin, Colter Wright, Andrew Augerot, Brenton Carson, Sam McDaniel and Miles Pearson; and

WHEREAS, Head Coach Jim Turner and assistants Glen O'Neil, Jennifer Rose, Kevin Reese and Brent Harrel have provided the instruction and guidance to the team that have made this incredible season possible; and

WHEREAS, The Scott County community, whose support for the team has been instrumental to its success, is extremely proud of the team's dedication and effort; and

WHEREAS, Track and field is one of the more grueling high school sports, requiring these outstanding athletes to dedicate many hours to training; Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Scott Community High School boys track and field team for winning the 2008 3A Track and Field State Championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Ralph Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1837** was adopted unanimously.

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

## SENATE RESOLUTION No. 1838—

A RESOLUTION congratulating and commending the Ness City High School boys cross-country team.

WHEREAS, The Ness City High School boys cross-country team won the 2008 1A Cross-Country State Championship; and

WHEREAS, The Ness City Runnin' Eagles had a dominating performance with Colton McNinch taking first place, Kyle Calvin finishing third and Dustin Schuler capturing fourth; and

WHEREAS, The team members are Colton McNinch, Kyle Calvin, Dustin Schuler, Dustin Foster, Josh Snodgrass, Case Beckman and Drew Clarke; and

WHEREAS, Head Coach Patrick Younger and Assistant Coach Jeff Zook have provided the instruction and guidance to the team that have made this incredible season possible; and

WHEREAS, The Ness City community, whose support for the team has been instrumental to its success, is extremely proud of the team's dedication and effort; and

WHEREAS, Cross-country is one of the more grueling high school sports, requiring these outstanding athletes to dedicate many hours to training; Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Ness City High School boys cross-country team for winning the 2008 1A Cross-Country State Championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Ralph Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1838** was adopted unanimously.

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

## SENATE RESOLUTION No. 1839—

A RESOLUTION congratulating and commending the Greeley County High School girls cross-country team.

WHEREAS, The Greeley County High School girls cross-country team won the 2008 1A Cross-Country State Championship; and

WHEREAS, The team members are Madison Moser, Kennedy Schneider, Carly Robertson, Jasmine Dixon, Sarah Jamison, Carissa Ochsner, Morgan Schmidt and Megan Shafer; and

WHEREAS, Head Coach Greg Cook has provided the instruction and guidance to the team that has made this incredible season possible; and

WHEREAS, The Greeley County community, whose support for the team has been instrumental to its success, is extremely proud of the team's dedication and effort; and

WHEREAS, Cross-country is one of the more grueling high school sports, requiring these outstanding athletes to dedicate many hours to training; Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Greeley County High School girls cross-country team for winning the 2008 1A Cross-Country State Championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Ralph Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1839** was adopted unanimously.

#### **REPORT ON ENROLLED BILLS**

**SR 1831, SR 1832, SR 1833, SR 1834** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 27, 2009.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, March 2, 2009.

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

PAT SAVILLE, *Secretary of the Senate.*

