

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 12, 2012, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Brungardt and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Help us to keep things in perspective.....

Help us to be concerned without being noseey.
To be honest without being brutal.
To be determined without being bullheaded.
To be smart without being deceptive.
To be bold without being rude.
To be unique without being weird.
To be outspoken without being obnoxious.
To be friendly without being possessive.
To be wise without being overbearing.
To be kind without being proud.

And if I can't accomplish any of these, give us insight into solutions.

I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 272, AN ACT concerning water; relating to administrative division of water right; fee; multi-year flex accounts; amending K.S.A. 2011 Supp. 82a-736 and repealing the existing section, by Committee on Agriculture.

SB 273, AN ACT concerning costs for examination of an insurance company;

amending K.S.A. 2011 Supp. 40-223 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 274, AN ACT concerning alcoholic beverages; relating to temporary permits under the club and drinking establishment act; authorizing extended permits; amending K.S.A. 2011 Supp. 41-2645 and repealing the existing section, by Committee on Federal and State Affairs.

SB 275, AN ACT concerning alcoholic beverages; repealing statutes pertaining to salesperson's permits; repealing K.S.A. 41-333, 41-334, 41-335, 41-336, 41-337, 41-338, 41-339, 41-340 and 41-341, by Committee on Federal and State Affairs.

SB 276, AN ACT concerning alcoholic beverages; relating to the employment of certain individuals by licensees under the club and drinking establishment act; amending K.S.A. 41-2610 and repealing the existing section, by Committee on Federal and State Affairs.

SB 277, AN ACT concerning alcoholic beverages; relating to the licensing of microdistilleries; amending K.S.A. 41-304, 41-316 and 41-320 and K.S.A. 2011 Supp. 41-102, 41-310, 41-317 and 41-319 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 278, AN ACT concerning school districts; relating to policies against bullying; amending K.S.A. 2011 Supp. 72-8256 and repealing the existing section, by Committee on Education.

SB 279, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawful sexual relations; amending K.S.A. 2011 Supp. 21-5512 and repealing the existing section, by Committee on Judiciary.

SB 280, AN ACT concerning commitment of sexually violent predators; relating to evaluations; testimony of expert witnesses; amending K.S.A. 59-29a05 and K.S.A. 2011 Supp. 59-29a06 and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 267**

Commerce: **SB 268**

Federal and State Affairs: **SB 269, SB 270**

Financial Institutions and Insurance: **SB 263, SB 264, SB 265, SB 266**

Natural Resources: **SB 271**

COMMUNICATIONS FROM STATE OFFICERS

SENATE PRESIDENT

January 12, 2012

For the purpose of creating a public forum for the debate, analysis, study and review of the various tax proposals which will be considered by the Senate during the 2012 Legislative Session, I have requested that the following individuals meet as a Tax Working Group periodically throughout the 2012 Legislative Session:

Senator Les Donovan, R-Wichita, Chair
 Senator Dick Kelsey, R-Goddard
 Senator Jeff Longbine, R-Emporia
 Senator Vicki Schmidt, R-Topeka
 Senator Tom Holland, D-Baldwin City
 Barbara Allen, Overland Park
 Allen Ford, Lawrence
 Lisa Haffner, Wichita
 Willis Heck, Newton
 Dennis Lauver, Salina
 Cecil O'Brate, Garden City
 Jeff Preisner, Topeka
 Ronald C. Shortridge, Satana

I have asked the Tax Working Group to study the various tax proposals and from their expertise, business experience and community involvement provide to the Senate Committee on Assessment and Taxation a report on their findings and recommendations.

Sincerely,

Stephen R. Morris
 Senate President

DEPARTMENT OF CORRECTIONS

January 10, 2012

Pursuant to KSA 75-52,148, Ray Roberts, Secretary of Corrections, submitted a report regarding Crimes Committed by Sex Offenders While in Custody.

The Vice President announced the above reports are on file in the office of the Secretary of the Senate and may be reviewed at any time.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By Kansas Attorney General:

Crime Victim's Compensation Board: K.S.A. 74-7303

Tom Williams, term expires March 15, 2014

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to deliver the following remarks in honor of Martin Luther King's birthday:

Mr. Vice President and fellow members of the Kansas Senate:

Frankly, it is with some trepidation that I return to this annual oral, and written, appeal; this once yearly plea with each of you...to pause, to reflect and to LEAD on this Holiday before us this weekend. Thank you for allowing this reiteration though, my eighteenth(18) consecutive.

This year though is a renewal year; Mr. Vice-President. An election year, both National and State, and a chance to keep right on doing what's been working well for us all or to decide to go in a new direction and try something that we haven't tried before and bring about change.

As we approach the Dr. Martin Luther King, Jr. Holiday weekend again, I fully realize that many of you are already in tune with the precepts of equality and of justice for all and live out the Spirit of the Holiday; to share with all Kansans, no all AMERICANS, a sense of brotherly and sisterly love regardless of race, creed, color, gender, orientation or income.

In this renewal year, in our Kansas, where power and perceived privilege can lob with callous disregard and forward offensive messages electronically that stereotype language or demeanor and degrade fellow Americans; where a "boys-can-still-be-boys" mentality set fire to an innocent man of a differing race without major impunity in KANSAS; and in our Nation where maids and other servants in OUR country take the blame for sexual and other assaults perpetrated against them by rich, perceived powerful, majority figures, yet, in our Nation and where people, who have done no wrong, can be stopped and questioned by police only because of the color of their skin ... and other atrocities too heinous to reiterate and too numerous to name are allowed ONLY because, we, Americans...allow ourselves to let income or race or religion empower and divide us from our fellow Kansans, our fellow Americans ... Mr. Vice-President.

In this renewal year, we can truly show leadership in our respective communities by mentioning to some of our constituent's perhaps shocked surprise that the brotherhood of all humans is not a passing fad. The somber observance of the unique tapestry of culture and race that is America is the Spirit of the King Holiday and what a leader you have been OR you COULD be, fellow Senators, to make the Dream live and breathe ... in YOUR backyard.

Today, now on the Great Mall of the U.S. Capitol in Washington, D.C., now stands a Memorial to Dr.King. Impressive in its' stature, it is a great rock. Hewn emerging from the rock is the image and likeness of the face and torso of Dr. King. An inspirational inscription is there and it reads : " Out of a mountain of despair, a stone of hope ." When we as humans find ourselves in despair, in injustice, we turn to family and/or to our faith and/or to our freedoms for comfort, for support, for resolution. Dr. King's last book, entitled "Where Do We Go From Here?" poses a question that our leadership can begin to answer for all Kansans, that we are determined to unite and not to divide, this weekend and throughout the year. This Holiday doesn't belong to my religion or to yours, it doesn't belong to my race or to my culture or to my generation or to my gender exclusively or to yours...it belongs to us all. No, we ALL have work to do in order to live out the dream of brotherhood and sisterhood of all of our earthly kin. The dream of Dr. King remains deeply rooted in the American psyche of life, liberty and the pursuit of happiness.

I continue to hope the best for Kansas and, too, for America, the greatest State in the

best country on the face of the globe. We as the elected leaders, as ambassadors of our respective fellow Kansans, if you will Mr. Vice-President, should not go throughout this Holiday with tongue-in-cheek or cast off appreciation of a time of reflection and of aspiration which will make our nation stronger. By so serving then one day it might be said of each of us that during our Time and in service to our State with God's grace we too actually did make a difference.

Please! Have and hold a reflective, a reverent, a safe and productively active King Birthday.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, January 13, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

