

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 13, 2005—2:30 p.m.

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

Heavenly Father,

As You know I have recently finished reading Your book of Proverbs. I want to thank You for those which I think are appropriate for what we are trying to do here.

Here are a few of them:

Righteousness exalts a nation, but sin is a disgrace to any people. Prov. 14:34

A man of knowledge uses words with restraint, and a man of understanding is even-tempered. 17:27

He who is kind to the poor lends to the Lord, and He will reward him for what he has done. 19:17

...avoid a man who talks too much. 20:19b

A man's steps are directed by the Lord. How then can anyone understand his own way? 20:24

There is no wisdom, no insight, no plan that can succeed against the Lord. 21:30

If you falter in times of trouble, how small is your strength! 24:10

Since You inspired the writer of these proverbs, O God, inspire us to take them to heart.

I pray in Jesus' Name,

AMEN

REMARKS BY SENATOR HALEY

Senator Haley rose on a point of personal privilege to deliver the following remarks:

Mr. President:

This is my 11th opportunity, and potentially my final to plead with you, my colleagues in the Kansas Legislature, to pay more than just "lip service" to the annual observance of the birth of a true and great American.

Although it may sound repetitious to many of you, and to some even who truly hold the truth self-evident that all of us are created equal and are endowed by the Creator with the prospect of life; liberty and pursuit of happiness, an unnecessary reminder.

It is crucial to gently nudge our 14 newly sworn colleagues into the carefully crafted realization, Mr. President, that this Holiday is not the heirloom of my religion or of your religion; that this legacy of Dr. Martin Luther King is not the inured and reserved right of my culture or my clan, Mr. President, or of my race or my gender, or of any *one* of ours' uniquely, but it, this Holiday, belongs to ALL Americans, *To Us All*.

Some people, believe it or not, still just don't get it. Last summer, as an example, I was invited to the office of a lifelong friend now a prominent small businessman in the Kansas City area. In the outer office while I waited, I could not help but notice prominent pictures of Jesus Christ and Dr. Martin Luther King. In the inner office we talked briefly as he scanned through summer job applications; throwing many of them directly in the trash can. Mr. President, when I asked this life-long friend, this prominent Black businessman, with pictures of Christ and King on the wall of his *outer* office, why such immediate rejection, he confided in me there in his *inner* office that he was rejecting many applicants because of their last name, their surnames; or the difficulty of first name pronunciation. He claimed that names, alone, were indicative of ability; or trait; or heritage. After a long talk, I am proud to report today that those prejudices are no longer a part of his employment practices. He indeed now judges more on the content and accomplishment of character. What's in your *inner* office, Mr. President ... Gentle colleagues? Do we pledge allegiance with meaning and sincerity, to *one* nation with liberty and justice for *all*?

A seventh grade poster winner, which is now in our Rotunda, Kansas Thomas West of Washburn Rural Middle School, coined the phrase "Change Lives One Dream at a Time." Open *your* mind and dream. May I add, "Change lives one ACT at a time". Open the minds of the people you know and you meet. Change the status quo of injustice where you find it with an open mind and an active spirit, and Justice *WILL* roll down like water and righteousness and liberty like a mighty, mighty stream. This Holiday, by our example, can be an opportunity to unite the people of our great State and our America. Please, Mr. President, and members of this august body. Join me. Be King for a Day.—Senator David Haley

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 33, An act concerning private construction contracts, enacting the Kansas fairness in private construction contract act, by Committee on Commerce.

SB 34, An act concerning exceptions to disclosure of records; amending K.S.A. 45-229 and repealing the existing section, by Committee on Elections and Local Government.

SB 35, An act regulating traffic; concerning school zones; amending K.S.A. 2004 Supp. 8-2118 and repealing the existing section, by Senator Journey.

SB 36, An act concerning the admission to practice law; requirements; fingerprints and criminal history, by Committee on Judiciary.

SB 37, An act concerning business entities; relating to franchise fees; amending K.S.A. 2004 Supp. 17-1513, 17-1618, 17-2036, 17-2037, 17-2718, 17-4634, 17-4677, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-7510, 17-7512, 17-76,125, 17-76,139, 56-1a606, 56-1a607, 56-1a608, 56a-1201, 56a-1202, 56a-1203 and 75-446 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 17-2036a, 17-7503a, 17-7504a, 17-7505a, 17-7507a, 17-7508, as amended by section 88 of 2004 Senate Bill No. 29, 17-7510a, 17-7512a, 17-76,139a, 56-1a606a and 56-1a607a, by Special Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and ERO were referred to Committees as indicated:

Health Care Strategies: **ERO 33**

Judiciary: **SB 32**.

COMMITTEE OF THE WHOLE

On motion of Senator Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended **SCR 1601** be adopted.

The following amendment to **SCR 1601** was rejected:

Senator V. Schmidt moved to amend the resolution on page 1, in line 22, by striking "(a)"; in line 25, after the period by inserting a quotation mark; by striking all in lines 26 and 27; in line 38, by striking all after the period; by striking all in lines 39 through 41

On roll call, the vote was: Yeas 11, Nays 28, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Betts, Francisco, Goodwin, Haley, Hensley, Kelly, Schmidt V, Schodorf, Steineger, Vratil.

Nays: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Gilstrap, Huelskamp, Jordan, Journey, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Taddiken, Teichman, Umbarger, Wagle, Wilson, Wysong.

Absent or Not Voting: Brungardt.

The motion failed and the amendment was rejected.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Schmidt an emergency was declared by a 2/3 constitutional majority, and **SCR 1601** was advanced to Final Action and roll call.

SCR 1601, A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning marriage.

On roll call, the vote was: Yeas 28, Nays 11, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Gilstrap, Huelskamp, Jordan, Journey, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Allen, Betts, Francisco, Goodwin, Haley, Hensley, Kelly, Reitz, Steineger, Vratil, Wysong.

Absent or Not Voting: Brungardt.

A two-thirds constitutional majority having voted in favor of the resolution **SCR 1601** was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: The sole purpose and intent of **SCR 1601** is to protect and reserve the special status of the institution of marriage in Kansas.—Tim Huelskamp

Senator Palmer requests the record to show she concurs with the “Explanation of Vote” offered by Senator Huelskamp on **SCR 1601**.

MR. PRESIDENT: This is a sad day in the Kansas Senate and a sad day for the State of Kansas. We are unnecessarily considering a constitutional amendment which is intended to discriminate against a disfavored class of people. Never before in the history of this state have we added an amendment to our constitution which pro-actively discriminates against people. To the contrary, we have always tried to avoid such discrimination. The people whom we are discriminating against are not a threat to my marriage or yours. They are not a threat to our children or our communities. They are not a threat to our public safety or our quality of life. Yet, we propose to treat them differently and in an inferior manner. For those reasons, I vote against **SCR 1601**.

There is an even more important reason I am voting against this resolution. One of the first things I remember learning in Sunday school was the Golden Rule - do unto others as you would have them do unto you. Because of the Golden Rule, I vote against this resolution.—John Vratil

Senators Allen, Betts, Francisco, Goodwin, Haley, Kelly and Steineger request the record to show they concur with the “Explanation of Vote” offered by Senator Vratil on **SCR 1601**.

On motion of Senator Schmidt the Senate adjourned until 8:30 a.m., Friday, January 14, 2005.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

