

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 28, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-six senators present.
Senators Fitzgerald, Haley, Longbine and Olson were excused.
Invocation by Father Don Davidson:

The prophet Micah exhorts us “To act justly and to love mercy and to walk humbly with your God,” and so with that advice we begin another week. As we move forward we face the unknown difficulties. We humans, not matter of our intentions, cannot always see what is to come or have plans at the ready. We must rely on you, Oh Lord, our faith gives us sight and our humility gives us the chance to perceive the wonder of your work and the mystery of your love. Help us to continue to walk in your Name. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

SB 80, AN ACT concerning grand juries; amending K.S.A. 22-3002, 22-3003, 22-3004, 22-3005, 22-3006, 22-3007, 22-3009, 22-3010, 22-3011, 22-3012, 22-3013 and 22-3014 and K.S.A. 2012 Supp. 22-3001 and 22-3008 and repealing the existing sections, by Committee on Judiciary.

SB 81, AN ACT concerning open records; relating to public officials' identifying information; amending K.S.A. 2012 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, by Committee on Judiciary.

SB 82, AN ACT concerning energy; relating to renewable energy portfolio standards; amending K.S.A. 2012 Supp. 66-1258 and repealing the existing section, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION No. 1607—

By Senators Holland, Faust-Goudeau, Francisco, Haley,
Hawk, Hensley, Kelly and Pettey

A CONCURRENT RESOLUTION urging congress to pass an amendment
to the United States constitution to overturn the holding in
Citizens United v. Federal Election Commission.

WHEREAS, The protections afforded by the first amendment to the United States constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, The founders of the republic and the signers of the United States constitution clearly and emphatically intended freedom of speech to mean freedom to communicate with and by natural persons either directly or through the free press; and

WHEREAS, Such freedoms were never intended by the founders to apply to corporations, which have special advantages not enjoyed by natural persons, such as limited liability, perpetual life and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, Free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, The United States Supreme Court ruled on January 21, 2010, in Citizens United v. Federal Election Commission, that corporations have the same first amendment rights as naturally born persons, and that corporations can spend unlimited amounts of money on elections; and

WHEREAS, There is an unequal playing field that allows corporations to spend without limit to influence elections, candidate selection and policy decisions and to sway votes; and

WHEREAS, Corporations own most of America's mass media and use that media as a megaphone to loudly express such corporations' political agenda and to convince the citizens of this country that the citizen's role is that of consumer, rather than a sovereign citizen with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning; and

WHEREAS, Article V of the United States constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican form of self-government; and

WHEREAS, The United States Supreme Court is misguided in principle, and wrong on the law, because in a democracy the people rule: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That congress is hereby urged to immediately transmit to the several states for ratification an amendment to the United States constitution that would effectively overturn the holding in Citizens United v. Federal Election Commission thereby returning our democracy, our elections and our communities to the people, and thus reclaiming our sovereign right to self-governance; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 78, SB 79.**

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1604**, as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 29, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*
DIANE MINEAR, *Secretary of the Senate.*

