

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 10, 2006—9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-six senators present.
Senators Barnett, Betts, O'Connor and Wagle were excused.
President Morris introduced as guest chaplain, Rabbi Lawrence P. Karol, Temple Beth Sholom, Topeka, Kansas, who delivered the invocation:

Eternal One, we humbly ask for Your help, for our need of your wisdom is always great.
Make Your presence felt among us.
When the storms of life and the challenges of controversy and disagreement overwhelm us,
Teach us to be patient and to strive to do what we believe is right.
When we see the evils of violence and cruelty darken our communities and our world, give us the light of generosity and kindness.
When despair numbs our souls to the cries of those in need, whether across the globe or in our own neighborhoods,
Give us sensitivity and hope.
When we stumble and fall, lift us up.
When we are filled with doubt, give us wisdom and trust.
When nothing seems certain, give us confidence.
When our ideals fade, renew our vision.
When we lose our way, guide us.
When we cannot hear the constructive suggestions offered by our colleagues, open again our ears and our minds with understanding.
When agreement seems to elude us, remind us of the possibilities of compromise and cooperation.
May we find peace in Your presence, Source of insight, and may our work in the service of our communities always have lasting value.
And let us say Amen.

POINT OF PERSONAL PRIVILEGE

Senator Wysong rose on a Point of Personal Privilege to recognize as special guests of the Senate those participating in the Law Enforcement Torch Run for Special Olympics Kansas.

Introduced were Retired Wichita Police Chief Richard LaMunyon, founder of Law Enforcement Torch Run; Lt. Mark Malick, Saline County Sheriff's Office, Current Director of Kansas Law Enforcement Torch Run; Sgt. Derrick Mahoney, Capitol Police; Police Chief Dennis Shaw, McPherson, Executive Council Member of Torch Run; Jack Leon, Project Manager with Kansas Law Enforcement Training Center; Trooper Hillary Alters, Kansas Highway Patrol; Officer Kristi Powell, Topeka Police Department; Chris Hahn, President and CEO of Special Olympics Kansas; Donna Zimmerman, Vice President of Development, Special Olympics Kansas; Kelly Curran, Development Manager, Special Olympics Kansas;

Lt. Brian Donovan, Iola Police Department; Pat, Stephanie and Chris Leon, Josh and Sandy Alters.

Senator Francisco rose on a Point of Personal Privilege to welcome members of the University Women's Club of the University of Kansas for a visit to the Capitol. The Club was founded in 1900, and began awarding scholarships in 1915.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were referred to Committees as indicated:

Committee of the Whole: **SCR 1624**.

Public Health and Welfare: **HB 2497**.

MESSAGE FROM THE GOVERNOR

March 8, 2006

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Kathleen Sebelius
Governor

Assistant Division Commander, 35th Infantry Division, Col. John E. Davoran pursuant to the authority vested in me by K.S.A. 48-208, effective upon the date of confirmation by the Senate.

Chief of Staff, Kansas Air National Guard, Col. Edward R. Flora pursuant to the authority vested in me by K.S.A. 48-208, effective upon the date of confirmation by the Senate.

Commander, 35th Infantry Division, BG Marvin W. Pierson pursuant to the authority vested in me by K.S.A. 48-208, effective upon the date of confirmation by the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Haley, Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D Schmidt, V Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1822—

A RESOLUTION in memory of Gordon Parks.

WHEREAS, Gordon Parks, one of Kansas' most famous sons, died March 7 in New York City at age 93. Born in Fort Scott as the youngest of 10 children, few would envision that he would become internationally recognized as one of America's true Renaissance personalities; and

WHEREAS, Mr. Parks attended a segregated grade school and an integrated high school in Fort Scott, but a high school in which black students could not participate in school sports or attend school social events. His mother died when he was age 15, and he was sent to live with an aunt in Minnesota. Subsequently he married, had three children and worked as a railway dining car waiter and porter. His life might have continued uneventfully but for a fateful purchase of a Voitlander Brilliant camera for \$7.50 in Seattle, Washington, in 1937; and

WHEREAS, Mr. Parks called his camera his weapon against poverty and racism. He became a photographer for the Farm Security Administration creating documentaries. His most famous photograph was shot in 1942 showing charwoman Ella Watson in front of an American flag which he entitled "American Gothic". In 1948 he was hired as a staff photographer for Life Magazine, and for the next 20 years he established himself as a premier photojournalist covering Harlem gangs, the Black Panthers and poverty in America and abroad; and

WHEREAS, His career expanded when he wrote a childhood memoir called “The Learning Tree”. He later directed a movie version of this book to become the first African-American to direct a major Hollywood production. He won an Emmy for his documentary, “Diary of a Harlem Family”, and returned to Hollywood to direct the movie “Shaft” which would be the first of many black oriented movies. He wrote the musical score for a PBS special ballet “Martin” which was shown on Martin Luther King’s birthday in 1990; and

WHEREAS, Mr. Parks was named the Kansan of the Year in 1986, received the Kansas Arts Commission’s Distinguished Arts Award in 1988, was awarded the National Medal of Arts in 1989 for his autobiographical film “Moments without Proper Names”, was inducted into the International Photography Hall of Fame in 2002 and received the University of Kansas’ William Allen White Foundation National Citation for journalistic merit in 2004; and

WHEREAS, Mr. Parks’ attitude toward Kansas changed over the years, and he declared in 1998 that he had made peace with Kansas. After spending most of his adult life away from his home state, he will be buried at Fort Scott on March 16: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor a great Kansan who used his unique skills to combat prejudice and for the enjoyment his work gave many people. We are proud to have his final resting place in Kansas soil.

On emergency motion of Senator Haley **SR 1822** was adopted unanimously.

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

SENATE RESOLUTION No. 1823—

A RESOLUTION congratulating and commending Dr. John R. Morton.

WHEREAS, Dr. John R. Morton, Superintendent of Newton Public Schools, has been selected by the Kansas Association of School Administrators as the 2006 Kansas Superintendent of the Year; he has been selected also by eSchool News as a 2006 Tech Savvy Superintendent; and

WHEREAS, After graduating as the valedictorian of his class at Wichita High School South, Dr. Morton received his Bachelor of Arts, magna cum laude, from Wichita State University, his Master of Education from Wichita State University, being recognized as the Senior Honor Man, and his Doctorate of Education from the University of Houston, being recognized with the Oberholtzer Prize; and

WHEREAS, Dr. Morton commenced his teaching career in Wichita as a classroom teacher; he progressed to Assistant Principal at W.S. Hadley Junior High School and Associate Principal at Wichita High School North and Wichita High School East. Subsequently he was the Principal at the B.W. Truesdell Junior High School, Principal at Wichita High School West, and the Special Assistant and Assistant Superintendent for Wichita public schools. He was the Superintendent of the Winfield Public Schools USD 465 from 1997 to 2000, and he has been the Superintendent of the Newton Public Schools USD 373 since 2000; and

WHEREAS, Additionally, Dr. Morton has served as an adjunct professor at the University of Houston, Wichita State University, Southwestern College and Friends University teaching various courses in the education process. Since being at Newton he has been a division chairman for the United Way of Harvey County and a Greater Newton Foundation board member. He also has been a regular contributor to The Newton Kansan newspaper editorial page. He continues to be much in demand as a trainer and workshop leader for teacher continuing education; and

WHEREAS, Dr. Morton is married to Patricia K. Morton; they are the parents of two children and one grandchild: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dr. John R. Morton upon his selection as the 2006 Kansas Superintendent of the Year; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Dr. John R. Morton, Superintendent, Newton Public Schools USD 373, 308 East First, Newton, KS 67114-3846.

On emergency motion of Senator McGinn **SR 1823** was adopted unanimously.

Senator McGinn and members of the senate welcomed Dr. John Morton, named 2006 Kansas Superintendent of the Year, who was visiting in the Senate, with a standing ovation. Accompanying Dr. Morton was his wife, Patricia.

REPORT ON ENGROSSED BILLS

SB 275 reported correctly engrossed March 10, 2006.

REPORT ON ENROLLED BILLS

SB 325 reported correctly enrolled, properly signed and presented to the Governor on March 10, 2006.

REPORTS OF STANDING COMMITTEES

Committee on **Natural Resources** recommends **HB 2756**, as amended by House Committee, be passed.

On motion of Senator D. Schmidt the Senate adjourned until 3:30 p.m., Monday, March 13, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

CORRECTION OF THE JOURNAL

Correct the Journal of the Senate for Thursday, March 9, 2006, on page 1188, by inserting after Senator Vratil's Explanation of Vote on **SCR 1606** to read as follows:

Senators Allen, Betts, Francisco, Goodwin, Haley, Hensley, Kelly and Lee request the record to show they concur with the "Explanation of Vote" offered by Senator Vratil on **SCR 1606**.

