

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 5, 2007—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Bruce, Palmer and Wilson were excused.
President Morris introduced as guest chaplain, Rev. Holly C. McKissick, Senior Pastor,
St. Andrew Christian Church, Olathe, Kansas, who delivered the invocation:

O Mystery of Life
You who set the sun in the sky
And placed the stars one by one...
Your creation is far beyond our imagining.
And, yet
we come before you to try to imagine
Your will and your wish for the world.
You led the slaves out of bondage and so
We know you have knit freedom into the fabric of your creation.
Guide us this day as we pray and work
for those who are not yet free:
From those in foreign lands who slave under repressive regimes...
To children in our own state who lag behind in schools that are still not equal...
You have called us to beat our swords into plowshares and so we come
To pray and work for your peace
Send your spirit upon us, that the wall of suspicion may come down
Between liberals and conservatives
Haves and have-nots...
May the hurts we nurse, the grudges we guard
Give way to a spirit of openness, tolerance, forgiveness,
Send your spirit upon us
that hostility might give way to true hospitality
That we may want for others what we want for ourselves,
A home, a community, a country
Where we can live in safety and joy
Serving those close and far.
Now, Loving One, Maker of all that we have,
giver of all that we are, on this day
look with favor upon the world you have made and redeemed,
and especially upon these servants.
Be the abiding and unending presence when they know themselves to be
Following in your steps,
And when they are unsure what path to choose.

Grant, Dear One, that the decisions and choices and compromises made here today might be a sign forever of your love on earth. Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 371, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; purchase of participating service credit; service as law enforcement personnel at mission administered by united nations, by Committee on Ways and Means.

SB 372, An act concerning the conveyance of real estate and improvements thereon; relating to the university of Kansas hospital, by Committee on Ways and Means.

SB 373, An act establishing the office of inspector general; providing for the appointment of the inspector general and the powers, duties and functions thereof; amending K.S.A. 46-2601 and K.S.A. 2006 Supp. 75-4319 and 75-2973 and repealing the existing sections, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **SB 15** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Natural Resources.

MESSAGE FROM THE GOVERNOR

March 5, 2007

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

KATHLEEN SEBELIUS
Governor

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

MESSAGE FROM THE HOUSE

Announcing the appointment of Representatives Neufeld, Merrick and McKinney to replace Representatives Shultz, Kinzer and Sawyer as conferees on **HCR 5003**.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2021** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1831—

By Senator D. Schmidt

A RESOLUTION congratulating and commending Gene Merry.

WHEREAS, Gene Merry of Burlington has retired after 20 years of public service—12 years as a Coffey County commissioner, including eight years as the chairman of the Coffey County Commission, and eight years on the Burlington City Council, including two terms as mayor; and

WHEREAS, Merry, a self-proclaimed “fixer,” is perhaps best known for his leadership and commitment to cleaning up the Burlington community, especially downtown. As a result of Merry’s passion to keep the downtown area alive, he could often be seen walking through downtown, picking up trash, and mowing patches of grass where other people did not want to mow; and

WHEREAS, Viewed by many in the community as forward-thinking, Merry is an advocate for nuclear power and a strong proponent of the Wolf Creek Generating Station.

Merry also had the vision to purchase and save the old Carnegie Library, widely considered one of Burlington's important historical buildings; and

WHEREAS, Merry, who preferred to focus on the day-to-day work and taking care of his constituents' problems rather than to campaign, narrowly survived his latest re-election in 2002. Undaunted by the fact that a "clean-up-the-town campaign" might not please everyone, Merry stuck to his commitment of serving the greater good: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Gene Merry for his long and dedicated career in public office and wish him all the best with his business and personal interests; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Derek Schmidt for presentation to Gene Merry.

On emergency motion of Senator D. Schmidt **SR 1831** was adopted unanimously.

Senator D. Schmidt and members of the Senate welcomed and congratulated Gene Merry for his 20 years of public service and wished him well on his retirement.

Senators Morris and Reitz introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1832—

A RESOLUTION congratulating and commending Rod Walker.

WHEREAS, Rod Walker, Professor of Music and Director of Choral Studies and Activities at Kansas State University, will retire after 41 years of service; and

WHEREAS, Walker, who currently conducts the Kansas State Choir and Kansas State Chorale, and heads the undergraduate and graduate choral conducting program, received a BME from the University of Nebraska and a MME from the University of Colorado, University of Iowa and Indiana University; and

WHEREAS, Walker's talent for music has been recognized and honored locally, nationally and internationally. He directs the Chancel Choir at the First United Methodist Church in Manhattan and has been Chorus Master of the Wichita Symphony Orchestra for eight seasons. He has traveled as guest conductor, lecturer and adjudicator to 31 American states and 13 foreign countries. This renowned director has guest conducted more than 420 all-state, university, honor, regional, divisional and other festival choruses; and

WHEREAS, Walker's Kansas State Choir has traveled throughout the United States, Australia and much of Europe, including the former Soviet Union, Poland, England, Wales, Ireland, Germany, Austria, Switzerland, the Netherlands and Belgium. His choir has performed nine concert tours on three continents, including performances at major music conventions, festivals and special occasions. The choir has been broadcast internationally for ten years on CBS Radio's "Cavalcade of Christmas Music" program; and

WHEREAS, Walker holds several professional memberships and has edited dozens of choral selections for publication, including his own Rod Walker Choral Series: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Rod Walker for his long and distinguished career as a director and professor of music, thank him for the inspiration and joy he has given the thousands of students who benefited from his direction and his passion for music, and offer him our very best wishes for a fulfilling and well-deserved retirement; and

Be it further resolved: That the Secretary of the Senate provide four enrolled copies of this resolution to Senator Stephen R. Morris for presentation to Rod Walker, Kansas State University, Mr. Walker's family and Senate President Morris's daughter Stephanie who treasures her memories and experiences as a member of the Kansas State Choir.

On emergency motion of Senator Morris **SR 1832** was adopted unanimously.

Senator Morris and members of the senate welcomed and congratulated Rod Walker with a standing ovation on his many accomplishments and wished him well on his retirement. Accompanying Rod was his daughter Anne Walker. Senator Morris introduced his wife Barbara, daughter Stephanie and grandchildren Katy and Griffin Hager. Also acknowledged were members of the Kansas State University Choir.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2031** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2031," as follows:

"SENATE Substitute for HOUSE BILL No. 2031

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to treatment of social security benefits for income tax purposes; application of franchise tax to certain entities; amending K.S.A. 2006 Supp. 79-32,117 and 79-5401 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-32,117L.";

and the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2074**, as amended by House Committee, be passed.

Also, **HB 2161** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **SB 354** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 354," as follows:

"Substitute for SENATE BILL No. 354

By Committee on Public Health and Welfare

"AN ACT concerning alcohol and drug addiction treatment; relating to regulations of treatment and treatment facilities therefor; amending K.S.A. 59-29b46, 65-4001, 65-4006, 65-4007, 65-4011, 65-4012, 65-4013, 65-4014, 65-4023 and 65-4024 and repealing the existing sections; also repealing K.S.A. 65-4002, 65-4020, 65-4022, 65-4056, 65-4601, 65-4602, 65-4603, 65-4604, 65-4605, 65-4606, 65-4607, 65-4608, 65-4609, 65-4610 and 65-4611.";

and the substitute bill be passed.

Committee on **Utilities** recommends **HB 2220** be amended on page 2, in line 25, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

ORIGINAL MOTION

In accordance with Senate Rule 56, Senator D. Schmidt moved the Committee on **Public Health and Welfare** be granted additional time, beyond the 20 day limit, to consider the appointment of Gilbert Cruz, State Long-Term Care Ombudsman.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 Tuesday, March 6, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

