

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 29, 2008—9:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with twenty-five senators present.
Senators Barnett, Barone, Donovan, Gilstrap, Goodwin, Jordan, Palmer, Pyle, D. Schmidt, V. Schmidt, Schodorf, Taddiken, Wagle, Wilson and Wysong were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As our State Senators search for wisdom for decisions in the days ahead, I look for help from State Legislators of the past.

Noah Webster, the author of Webster's Dictionary, served nine terms in the Connecticut General Assembly and three terms in the Massachusetts legislature. He once said, "Education is useless without the Bible." In 1832 he wrote, "the moral principles and precepts contained in the Scriptures ought to form the basis of all our civil constitutions and laws."

Patrick Henry served in the Virginia General Assembly and the House of Burgesses. In May of 1765 he said, "Righteousness alone can exalt a nation. Reader! . . . in thy sphere practice virtue itself, and encourage it in others."

George Mason was a member of the Virginia House of Burgesses. He is called the "Father of the Bill of Rights." He wrote in the Virginia Bill of Rights June 12, 1776: That . . . duty which we owe our Creator, . . . can be directed only by reason and convictions, . . . and therefore all men are equally entitled to the free exercise of religion; . . . and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

It blesses me to anticipate that some members of our Senate will one day be quoted in history books for the way they have blessed our nation.

Thank You, Lord, for inspiring the wisdom of these forefathers.

I pray in the Name of Jesus Christ,

AMEN

(Quotations were taken from AMERICA'S GOD AND COUNTRY Encyclopedia of Quotations by William J. Federer)

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 665, An act concerning property taxation; relating to public utilities; late filing of returns, penalties, by Committee on Ways and Means.

SB 666, An act concerning salaries and compensation for state officers and employees; making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013; amending K.S.A. 40-102, 46-137a and 46-137b and K.S.A. 2007 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 664**.
 Commerce: **HB 2827**.
 Federal and State Affairs: **HB 2772**.
 Judiciary: **HB 2707, HB 2727**.
 Natural Resources: **HB 2735**.
 Public Health and Welfare: **HB 2721**.
 Transportation: **Sub HB 2725**.
 Utilities: **HB 2632**.
 Ways and Means: **SB 661, SB 662, SB 663**.

CHANGE OF REFERENCE

The President withdrew **SB 445, SB 550, SB 578, SB 617, SB 636** from the Committee on **Ways and Means** and re-referred the bills to the Committee on **Assessment and Taxation**.

The President withdrew **SB 497** from the Committee on **Ways and Means** and re-referred the bill to the Committee on **Assessment and Taxation** (Jointly) and the Committee on **Commerce** (Jointly).

The President withdrew **SB 541** from the Committee on **Ways and Means** and re-referred the bill to the Committee on **Health Care Strategies**.

The President withdrew **SB 540** from the Committee on **Ways and Means** and re-referred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **SB 532, SB 623** from the Committee on **Ways and Means** and re-referred the bill to the Committee on **Education**.

The President withdrew **SB 621** from the Committee on **Ways and Means** and re-referred the bill to the Committee on **Elections and Local Government**.

The President withdrew **SB 313, SB 409, SB 482, SB 483, SB 484, SB 493, SB 589, SB 590, SB 591, SB 600** from the Committee on **Ways and Means** and re-referred the bills to the Committee on **Judiciary**.

The President withdrew **SB 592** from the Committee on **Ways and Means** and referred the bill to the **Calendar under the heading of General Orders**.

The President withdrew **SB 313, SB 409, SB 482, SB 483, SB 484, SB 493, SB 495, SB 589, SB 590, SB 591, SB 600** from the Committee on **Ways and Means** and re-referred the bills to the Committee on **Judiciary**.

The President withdrew **SB 525** from the Committee on **Ways and Means** and re-referred the bill to the Committee on **Commerce**.

COMMUNICATIONS FROM STATE OFFICERS

SUPREME COURT OF KANSAS

February 27, 2008

Pursuant to KSA 8-1008, Howard Schwartz, Judicial Administrator, submitted the 2007 Annual Report of the Statement of Alcohol Drug Safety Action Program.

THE UNIVERSITY OF KANSAS

Chancellor Robert E. Hemenway submitted the University of Kansas 2007 Annual Report.

KU SCHOOL OF SOCIAL WELFARE

The KU School of Social Welfare 2006-2007 Annual Report was submitted by Mary Ellen Kondrat, Dean, of the University of Kansas School of Social Welfare.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Haley and Hensley and Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, 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: introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1818—

A RESOLUTION in memory of Sherman Jones.

WHEREAS, Sherman Jones passed away Wednesday, February 21, 2007, at age 72, survived by his wife of 50 years, Amelia, and their children and grandchildren; and

WHEREAS, Sherman was born February 10, 1935, in Winton, North Carolina to Starkey and Gladys Jones. He was the fifth of nine siblings. After completing high school at C.S. Brown High School in Winton, Sherman was recruited to begin his career in professional baseball where he eventually served as a pitcher for the San Francisco Giants, Cincinnati Reds, and New York Mets; and

WHEREAS, While playing minor league baseball in Topeka, Kansas, he met the love of his life, Amelia Buchanan, whom he married on December 16, 1956; and

WHEREAS, In 1961, Sherman, whose nickname was “Roadblock,” pitched for the Cincinnati Reds in game 5 of the World Series. He was also the starting pitcher in the first ever home game for the New York Mets. Sherman’s baseball career led him to travel to many places including Japan, South America and Mexico; and

WHEREAS, After his baseball career had ended, Sherman and his wife Amelia settled in Kansas City, Kansas to raise a family. He joined the Kansas City Police Department, where he dedicated 22 years of service as a detective sergeant and in that job he saw the first-hand effects of criminal activity on neighborhoods. He also served as athletic director for Turner House where he worked with inner city youth; and

WHEREAS, Sherman’s career eventually led him to politics, where he was first elected in 1988 and served as a member of the Kansas House of Representatives from 1989 to 1992, followed by a seat in the Kansas Senate from 1993 to 2000, where he was able to make many changes to improve his community; and

WHEREAS, During his life, he dedicated his time and energy to many organizations. Sherman was a member of Optimist International where he served as an International Vice President. He also was a former member and chairman of the Wyandotte County Park Board, Kansas City Parks Foundation, Kansas High School Activities Association, United Way, Chairman of Kansas Legislative Black Caucus, and board member of the Kansas University Medical Center. Sherman was also recognized with numerous awards throughout his lifetime, including the National Black Caucus of State Legislators’ prestigious Nation Builder Award; and

WHEREAS, Sherman was known for his calm and gentle demeanor and ability to work with people from all walks of life without regard to party affiliation; and

WHEREAS, In addition to his career and service to his community, Sherman also enjoyed many hobbies. He loved to golf, enjoyed fishing, and was an avid traveler, a passion that he instilled in his children: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor Sherman Jones for the public service he gave to his community and state, and extend our deepest sympathy to his wife Amelia, family and friends; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Mrs. Amelia Jones, 3736 Weaver Drive, Kansas City, Kansas 66104.

On emergency motion of Senator Haley **SR 1818** was adopted unanimously.

Introduced by Senator Haley were Amelia Jones, widow of Sherman Jones and Pam Lewis, niece.

REMARKS BY SENATOR HENSLEY

I had the special privilege of serving with Sherman Jones all of the twelve years he was in the Kansas Legislature.

Sherman and I hold the unique distinction of being both a House Democrat and a Senate Democrat.

Sherman Jones had a great compassion and caring for those who do not have a voice in the political process.

Sherman also had a great caring for his community — Kansas City, Kansas and Wyandotte County.

He served his community for 22 years as a police officer and frequently brought his experiences on the street to our policy discussions in the Legislature. He saw the first-hand effects of criminal activity on neighborhoods.

Sherman wanted to make Wyandotte County a better place to live. He was a strong advocate for improving the economic development of his community by the opportunities expanded gaming could bring.

Sherman also cared a lot about improving the quality of public education in our state.

He served as a member of the House Education Committee for the four years he was in the House and the Senate Education Committee for the eight years he was in the Senate.

And, I know that his advocacy for public education was heavily influenced by living in the same household with a school teacher.

He married a wonderful woman, a loving mother and grandmother, who in her own right has given back much to the Kansas City, Kansas community. They first met in Topeka and were married for 50 years.

Amelia, on behalf of the Kansas Senate and all of Sherman's former colleagues and friends in the Legislature, I want to express our deepest sympathy to you and your family for your loss.

But at the same time, I want to express our deepest gratitude to you for sharing Sherman with us during his years of service in the Legislature.

For many years, Sherman was a dedicated member of the civic club, Optimist International, and he became an International Vice President in that organization.

If you've ever read the Optimist Creed, you know why and how it was that Sherman lived his life the way he did.

Promise yourself . . .

To be so strong that nothing can disturb your peace of mind.

To make all your friends feel that there is something in them.

To look at the sunny side of everything and make your optimism come true.

To be too large for worry, too noble for anger, too strong for fear, and too happy to permit the presence of trouble.

The last time I saw Sherman Jones was two days before the 2006 election in Topeka at Rip Gooch's book signing at the Brown vs. Board of Education national historic site.

And, while I could notice his step was a little slower, there was still that twinkle in his eye, that sharp mind, and strong spirit.

He was very pleased that his close friend and former House colleague Kathleen Sebelius was going to be re-elected Governor of Kansas.

And, he was looking forward to the trip to Jackson, Mississippi, to the annual meeting of the National Caucus of Black State Legislators, where he was to accept their prestigious Nation Builder Award.

Sherman Jones made many friends throughout his life, in the community, in his law enforcement career, in Optimist International and in politics, but none that were as enduring as those friends he made in professional baseball.

He was known as "Roadblock" Jones. I brought with me today his 1961 rookie baseball card. And, it's autographed.

Sherman was proud of the fact that he pitched in the New York Mets' first ever home game and that he won that game.

Sherman told us many humorous and not-so-humorous stories about his life on the road in professional baseball.

Even though Jackie Robinson had broken the color barrier in the major leagues, there were many minor league towns that did not allow black players to play there.

Sherman told me that through the hardships and adversity he experienced as a black professional baseball player he became a better person for it.

For me, Sherman Jones represented the best a person could be and he knew that win or lose, it was more important to treat others as you would want to be treated.

And so, it is that I conclude these remarks with the last stanza of a poem about a baseball player, written by Grantland Rice, a notable sports writer. It is a tribute to Babe Ruth, but it is also a tribute to Sherman and those who played the game:

Game called
Upon the field of life
The darkness gathers far and wide
The dream is done
The score is spun
That stands forever in the Guide
Neither victory nor yet defeat
Is chalked against the player's name
For down the roll
The final scroll
Shows only how he played the game.

Sherman Jones played the game of life with dignity, honesty, optimism, humility, and a great deal of grace.

REPORT ON ENROLLED BILLS

SB 447 reported correctly enrolled, properly signed and presented to the Governor on February 29, 2008.

On motion of Senator Brownlee the Senate adjourned until 2:30 p.m., Tuesday, March 4, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

