

Journal of the Senate

THIRTY FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 24, 2006—9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

In the Biblical book of James we are told, "Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world." (James 1:27)

Some church folks and politicians
Resemble one another.
We emphasize one aspect,
And neglect the other.

Some of us are quite convinced
The only people God will bless
Are those who spend their time
helping people in distress.

While others are just as sure
That the way to absolution
Is to spend each waking hour
Avoiding gross pollution.

But it seems to me James makes it plain
The only way to spiritual growth
Is not to dwell on one aspect,
But to yield ourselves to both.

So help us, Lord, to follow You
Finding spiritual success
Keeping our minds and bodies pure,
PLUS helping people in distress.

I pray in the Name of Jesus Christ,

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2432**, **HB 2833**, **HB 2835**, **HB 2899**.

Commerce: **HB 2753**.

Elections and Local Government: **HB 2667**, **HB 2720**.

Federal and State Affairs: **HB 2809**.

Financial Institutions & Insurance: **HB 2874**.

Judiciary: **HB 2414, HB 2554, HB 2607.**
 Natural Resources: **Sub HB 2561; HB 2710, HB 2756.**
 Public Health and Welfare: **HB 2649, HB 2752; Sub HB 2829.**
 Transportation: **HB 2951.**
 Utilities: **HB 2927.**

CHANGE OF REFERENCE

The President withdrew **SB 323, SB 343, SB 400, SB 446, SB 493** from the Committee on Ways and Means, and rereferred the bills to the Committee on Judiciary.

The President withdrew **SB 516, SB 560** from the Committee on Ways and Means, and rereferred the bills to the Committee on Commerce.

The President withdrew **SB 509, SB 514, SB 563, SB 566** from the Committee on Ways and Means, and rereferred the bills to the Committee on Education.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1816

A RESOLUTION congratulating and commending the Hospira manufacturing facility at McPherson.

WHEREAS, Hospira, Inc., a global specialty pharmaceutical and medication delivery company, recently announced an expansion of its McPherson facility. The \$50 million expansion will provide additional capacity for new Hospira drugs, accommodate growth of One 2 One, the company's pharmaceutical outsourcing business and increase production of its pharmaceutical injectables. Approximately 150,000 square feet of floor space will be created for office, laboratory and manufacturing use and will result in the creation of up to 172 additional well-paying jobs for the McPherson community; and

WHEREAS, The company's expansion is assisted in part by the Kansas Bioscience Authority's dedication of \$200,000 for a three-year program of financial aid to graduates of Kansas colleges and universities who will intern at Hospira; and

WHEREAS, The McPherson Hospira plant was established in 1977 on 160 acres originally owned and operated by Sterling Drug Company. It is the largest employer in McPherson and currently employs approximately 850 scientists, technicians and production workers. The plant makes various products used in health care institutions for pain management, respiratory care and cardiovascular care; and

WHEREAS, Hospira was created from the hospital products business of Abbott Laboratories in 2004. Although a new company, it has a history of 70 years providing products to the hospital industry. The company produces one of the industry's broadest range of generic acute-care injectables and is the leading American injectable manufacturing business: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Hospira company upon the expansion of its manufacturing facility at McPherson and wish it great success as it continues with supplying essential products for modern medical care.

On emergency motion of Senator Emler **SR 1816** was adopted unanimously.

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

SENATE RESOLUTION No. 1817

A RESOLUTION congratulating and commending the Willing Workers Society.

WHEREAS, The Willing Workers Society of Ellsworth County is celebrating its 100th anniversary. The society was organized by ladies from the Ash Creek and Thomas Townships in Ellsworth County in February 1906 and met on the third Thursday of every month. While the avowed purpose of the organization was charity, a large part of the success of the organization was the social part of the meetings and the friendships that were generated from these meetings. Children were a part of the meetings, and even a few men could be found in attendance; and

WHEREAS, As established by its early by-laws, membership was limited to 15 and dues were 10 cents a month. Membership was later expanded to 25 and dues to three dollars a year. A member was declared an honorary member after being in the organization 25 years and absolved of the duty of entertaining, but this provision had to be discontinued as eventually there were not enough regular members to act as hostesses for their meetings; and

WHEREAS, For many years the two hostesses for the month would prepare baked goods, jellies or crafts and handiwork which would be auctioned off at the end of the monthly meeting. This activity provided a basis for their charitable deeds. Originally, they sponsored a shower and dance for members' children upon their marriage. As times changed, they sponsored a card party and shower, and the current practice is to give a monetary gift to the newlyweds. Another appreciated practice of the society was to provide food for funeral dinners as well as providing care and support for the bereaved; and

WHEREAS, In 1981 the society published its first cookbook, "Our Favorite Recipes" which soon was sold out as well as two reprints. In February it printed another cookbook, "Favorite Recipes". The society maintained its own building, the Community House, until 1984 when it was sold at auction with many society members purchasing mementos from the building; and

WHEREAS, There have been 90 members in this society, an organization which remains proud and alive on its 100th anniversary. It continues its charitable activity by sponsoring two \$300 college scholarships each year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Willing Workers Society upon its 100th anniversary and hope that the society can continue and prosper in the future; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Mrs. Ona Wright, 1096 Avenue M, Ellsworth, KS 67439 and a copy to Senator Emler.

On emergency motion of Senator Emler **SR 1817** was adopted unanimously.

COMMITTEE OF THE WHOLE

On motion of Senator D. 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 Allen in the chair.

Recommended **SB 409** be passed.

The committee report on **SB 253** recommending a **Sub SB 253** be adopted, and the substitute bill be passed.

SB 512, SB 551, SB 558 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 419 be amended by adoption of the committee amendments, and the bill be passed as amended.

Having voted on the prevailing side, Senator Huelskamp moved the Senate reconsider its action on **SB 419**. The motion carried.

SB 419 be further amended by motion of Senator Huelskamp, as amended by Senate Committee, on page 5, in line 14, before "46-282" by inserting "46-221," and **SB 419** be passed as further amended.

SB 506 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil, as amended by Senate Committee, on page 2, in line 18, after the period, by inserting, "The provisions of this section shall expire on June 30, 2008."

Senator Brownlee further amended **SB 506**, as amended by Senate Committee, on page 20, after line 27, by inserting the following:

"(G) The sex offender policy board established pursuant to subsection (e)(8) of this section shall expire on June 30, 2008.", and **SB 506** be passed as further amended.

The Committee rose and reported progress (see Committee of the Whole, afternoon session).

On motion of Senator D. Schmidt, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 578, An act concerning animals; imposing limitations on ownership and possession of certain animals; requiring registration; providing criminal penalties, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2159, HB 2576, HB 2645, HB 2658, HB 2659, HB 2671, HB 2701; Substitute HB 2706; HB 2748, HB 2761, HB 2771, HB 2772, HB 2788; Substitute HB 2825, HB 2830, HB 2831, HB 2858, HB 2867, HB 2875, HB 2878, HB 2893, HB 2916, HB 2928, HB 2938.**

Also, passage of **SB 373**.

The House nonconcur in Senate amendments to **HB 2555**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2590**, requests a conference and has appointed Representatives C. Holmes, Krehbiel and Kuether as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2159, HB 2576, HB 2645, HB 2658, HB 2659, HB 2671, HB 2701; Substitute HB 2706; HB 2748, HB 2761, HB 2771, HB 2772, HB 2788; Substitute HB 2825, HB 2830, HB 2831, HB 2858, HB 2867, HB 2875, HB 2878, HB 2893, HB 2916, HB 2928, HB 2938 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2555**.

The President appointed Senators Vratil, D. Schmidt and Goodwin as conferees on the part of the Senate.

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **HB 2590**.

The President appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1818

A RESOLUTION encouraging school districts to consider school uniforms or dress codes.

WHEREAS, Our children are our most precious asset; and

WHEREAS, Children's school experiences are too often disrupted by disputes between children about the clothing they are wearing; and

WHEREAS, Children too often draw distinctions between themselves and others based on the clothing they wear, leading to social stratification in a time of life that children should be focusing on developing the skills necessary to succeed in life; and

WHEREAS, Many gangs use the wearing of certain colors or types of clothing as a badge of membership, leading to even more disputes between children about the clothing they are wearing; and

WHEREAS, It has been shown that school uniforms generally cost less than the clothes worn in schools where there is no school uniform; and

WHEREAS, Studies show that elementary and secondary schools with a policy concerning school uniforms or exacting dress codes and a policy of zero tolerance for infractions of the code have fewer disciplinary problems, score higher on many standardized tests and learn better manners; and

WHEREAS, Current styles of clothing are often too sexually suggestive or glorify images of violence and law-breaking, exposing children to issues they are not intellectually or emotionally ready to process; and

WHEREAS, Students who must abide by a strict dress code or student uniform learn how to choose clothing that is appropriate to the workplace and are thus prepared to accept the dress code of the company where they eventually will be employed: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That school districts throughout Kansas study the record of results from other schools and school districts that have instituted strict dress codes, especially those that have instituted school uniforms, with the purpose of determining whether a strict dress code or school uniform policy would be of benefit to Kansas students.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 577** be amended on page 1, in line 20, by striking "(1)"; in line 21, by striking "2007" and inserting "2006"; in line 23, by striking "2007" and inserting "2006"; also in line 23, by striking "(A) a salary bonus"; by striking all in lines 24 through 27; in line 28, by striking all preceding "step" and inserting "(1)"; also in line 28, following "movement" by inserting "of a single pay step increase on the pay plan"; in line 31, by striking "such person's pay increase date" and inserting "June 18, 2006,"; in line 32, by striking all following "on"; in line 33, by striking "date" and inserting "the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2007"; in line 34, by striking "(C)" and inserting "(2)";

On page 2, by striking all in lines 2 through 10; in line 43, by striking all following "(1)";

On page 3, by striking all in lines 1 and 2; in line 3, by striking all preceding "base" and inserting "The"; in line 6, by striking "(B)"; also in line 6, by striking "(C)" and inserting "(2)"; in line 9, by striking "(a)(1)(C)" and inserting "(a)(2)"; in line 17, by striking "salary bonus payments and";

On page 4, in line 1, by striking "salary bonus payments and the";

In the title, in line 11, by striking "salary bonus payments and for"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator Allen in the chair.

On motion of Senator Allen the morning report and the following afternoon report were adopted:

Having voted on the prevailing side Senator McGinn moved the senate reconsider its morning action on **SB 506**. The motion carried.

SB 506 be further amended by Senator McGinn, as amended by Senate Committee, on page 2, in line 15, by striking "Cities" and inserting "On and after the effective date of this act, cities"; in line 18, after the period by inserting "Cities and counties may continue to enforce any ordinance, resolution or regulation establishing residential restrictions for such offenders in existence on the effective date of this act."

Senator Vratil further amended **SB 506**, on page 20, line 32, by striking the words "statute book" and inserting the words "Kansas register", and **SB 506** be passed as further amended.

SB 508 be amended by adoption of the committee amendments.

Senator O'Connor moved to amend the bill, on page 1, line 32, by striking excused, and inserting, included, on page 1, line 33, by striking, from, and inserting, in

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 12, Nays 25, Present and Passing 3, Absent or Not Voting 0.

Yeas: Barnett, Haley, Huelskamp, Jordan, Journey, O'Connor, Ostmeyer, Palmer, Petersen, Pyle, Wagle, Wilson.

Nays: Allen, Apple, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Goodwin, Hensley, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wysong.

Present and Passing: Brownlee, Donovan, Gilstrap.

The motion failed and the amendment was rejected, and **SB 508** be passed as amended.

SB 337 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil, as amended by Senate Committee, on page 1, after line 16, by inserting the following:

"New Section 1. Notwithstanding any statute, law, rule, regulation or supreme court rule to the contrary, any county may provide electronic access to district court records that are otherwise publicly available. A county may charge reasonable fees, not to exceed those authorized by law, for providing electronic access to such records.";

And by renumbering the remaining sections accordingly;

In the title, in line 11, after the semicolon by inserting "access to court records;"; and **SB 337** be passed as further amended.

SB 458 be amended by adoption of the committee amendments, be further amended by motion of Senator Bruce, as amended by Senate Committee, on page 3, in line 28, after "injury" by inserting "or actual personal injury"; in line 29, after "or" by inserting "any threat of damage or actual"; and **SB 458** be passed as further amended.

SB 461 be amended by adoption of the committee amendments.

Senator Journey moved to amend the bill, on page 5, line 41, by striking for economic reasons

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 15, Nays 25, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Journey, Kelly, Lee, O'Connor, Ostmeyer, Petersen, Schodorf, Steineger.

Nays: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Huelskamp, Jordan, McGinn, Morris, Palmer, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The motion failed and the amendment was rejected.

Senator Journey again moved to amend **SB 461**, on page 1, line 41, by inserting based on ordinary standards of medical practice after the word physician and on page 5, line 33, by inserting based on ordinary standards of medical practice, after the word physician.

The motion failed and the amendment was rejected.

Senator Brownlee further amended **SB 461**, as amended by Senate Committee, on page 6, in line 7, by striking "most recent" and inserting "fourth"; in line 26, by striking "director" and inserting "administrative law judge"; and **SB 461** be passed as further amended.

SB 492 be amended by adoption of the committee amendments.

Senator Kelly moved to amend the bill, as amended by Senate Committee, on page 12, in line 4, by striking all after "of"; in line 5, by striking all before "be" and inserting "any city shall not"

The motion failed and the amendment was rejected.

The motion to recommend **SB 492** favorably for passage failed and the bill remains on the calendar under the heading of General Orders.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 253; SB 337, SB 409, SB 419, SB 458, SB 461, SB 506, SB 508, SB 512, SB 551, SB 558** were advanced to Final Action and roll call.

Sub SB 253, An act relating to the department of transportation; concerning the highway advertising control act of 1972; amending K.S.A. 68-2232, 68-2233, 68-2234, 68-2235, 68-2236, 68-2240 and 68-2243 and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 1, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Brownlee, Huelskamp, Pyle, Schmidt D, Taddiken.

Present and Passing: Journey.

The substitute bill passed.

SB 337, An act concerning docket fees; relating to judiciary technology fund; access to court records; amending K.S.A. 20-1a12, 60-2001, 61-2704 and 61-4001 and K.S.A. 2005 Supp. 20-367, 21-4619, 22-2410 and 28-172a and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Kelly, Morris, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barone, Huelskamp, Journey, Lee, McGinn, O'Connor, Ostmeyer, Palmer, Pyle, Steineger, Taddiken.

The bill passed, as amended.

SB 409, An act concerning election crimes; requiring certain reports.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Betts, Gilstrap.

The bill passed.

SB 419, An act concerning governmental ethics; requiring certain members and employees of the judicial branch to file statements of substantial interest; amending K.S.A. 46-221, 46-282, 46-283 and 46-285 and K.S.A. 2005 Supp. 46-247 and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Betts, Brungardt, Emler, Francisco, Goodwin, Reitz.

The bill passed, as amended.

SB 458, An act concerning criminal street gangs; relating to criminal activity; amending K.S.A. 2005 Supp. 22-3901 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 461, An act concerning workers compensation; relating to preexisting condition; permanent partial general disability; amending K.S.A. 44-510e and K.S.A. 2005 Supp. 44-501 and repealing the existing sections.

On roll call, the vote was: Yeas 28, Nays 12, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Huelskamp, Jordan, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Journey, Kelly, Lee, Reitz, Steineger.

The bill passed, as amended.

SB 506, An act concerning persons required to register pursuant to the Kansas offender registration act; providing for an annual driver's license or identification card; residency restrictions; juvenile offenders required to register; sexually violent predators; amending K.S.A. 59-29a02, 59-29a07 and 59-29a11 and K.S.A. 2005 Supp. 8-243, 8-247, 22-4904, 22-4905, 22-4906 and 74-9501 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 508, An act concerning schools; relating to human sexuality education programs; establishing the abstinence plus education act.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, McGinn, Morris, Palmer, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.

Nays: Barnett, Brownlee, Donovan, Huelskamp, Jordan, Journey, O'Connor, Ostmeyer, Petersen, Pyle, Taddiken, Wagle, Wilson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **SB 508** and would like to explain my vote.

For years, human sexuality has been taught to the children of Kansas by parents and teachers. The decision has rested in parents first and local school boards, second.

Education about abstinence, AIDS and sexually transmitted infection is needed and appropriate, but I believe the decision should remain at the level of the home first and the locally elected school board, last.

I urge the Kansas Senate to respect the rights of parents and locally elected officials.—

JIM BARNETT

Senators Brownlee, Donovan, Jordan, Journey, O'Connor, Ostmeyer, Petersen, Wagle, and Wilson request the record to show they concur with the "Explanation of Vote" offered by Senator Barnett on **SB 508**.

MR. PRESIDENT: I vote "No" on **SB 508**.

Decisions on when and how our children learn about the gift of human sexuality are best left to parents, not to the State Legislature.—TIM HUELSKAMP

MR. PRESIDENT: I vote no on **SB 508**. **SB 508** treads upon the duties of the State Board of Education. The State BOE has the duty to establish the educational programs. It is not our duty to be activists encroaching upon their jurisdiction. I support abstinence based education but it is not our place to define local school curriculum. I believe we should let the State Board of Education complete its work and continue its deliberations. They are the experts and sensitive to the needs and characteristics of local school boards. We set a dangerous precedent today. It takes control away from parents by setting the default as mandatory participation—PHILLIP B. JOURNEY

Senators O'Connor and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Journey on **SB 508**.

MR. PRESIDENT: I vote no on **SB 508** because this issue is, first of all, the jurisdiction of the SBOE, and in addition this bill circumvents the rightful authority of parents by insisting on opt-out instead of opt-in to the classes on sex education—KAY O'CONNOR

SB 512, An act enacting the silicosis claims act.

On roll call, the vote was: Yeas 30, Nays 9, Present and Passing 1, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Huelskamp, Jordan, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Betts, Haley, Hensley, Journey, Kelly, Lee, Petersen, Steineger, Wilson.

Present and Passing: Francisco.

The bill passed, as amended.

SB 551, An act concerning tax credits; relating to reporting requirements as a condition of claiming certain tax credits; amending K.S.A. 74-50,132 and K.S.A. 2005 Supp. 79-32,153 and 79-32,160a and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 558, An act concerning liens and encumbrances on vehicles; relating to the release thereof; establishing civil administrative penalties; amending K.S.A. 2005 Supp. 8-135 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

CHANGE OF REFERENCE

The President withdrew **SB 319**, **SB 331**, **SB 398**, **SB 423** from the calendar under the heading of General Orders, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 501** from the Committee on Education and referred the bill to the Committee on Ways and Means.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 28, 2006.

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

PAT SAVILLE, *Secretary of the Senate*.

