

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 27, 2006—9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Brungardt was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

We thank You for the privilege
Of getting to celebrate
The one hundred and forty-fifth
Birthday of our state.

Easterners think the whole state's flat
And that is such a pity.
The steepest hill I've ever seen
Is right here in this city!

Not that anything's wrong with flat,
In fact it's really neat.
If it wasn't for the flat part,
There'd be a lot less wheat!

To explain how little others know
It seems there is one cause
All they know about us
Is the Wizard of Oz!

We know we grow a lot of corn,
Cantaloupes and tomatoes.
They think that all we can produce
Are dust storms and tornadoes.

They think that Kansas has not beauty,
But they'd be a lot less dumber,
If they had driven through
The Flint Hills in the Summer.

We thank You that we live here, Lord,
From Galena to St. Francis;
From Liberal to Leavenworth
We love our state of Kansas!

I pray this is the Name of Jesus Christ,
AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 465, An act concerning income taxation; relating to credits; adoption of certain children; amending K.S.A. 79-32,202 and repealing the existing section, by Committee on Assessment and Taxation.

SB 466, An act concerning negligence; relating to standard of care; amending K.S.A. 60-19a02 and repealing the existing section, by Senators Journey, Apple, Barone, Betts, Brownlee, Bruce, Donovan, Gilstrap, Haley, Huelskamp, Jordan, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, D. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Wagle and Wilson.

SB 467, An act concerning solid waste; relating to siting restrictions; amending K.S.A. 65-3407 and repealing the existing section, by Committee on Natural Resources.

SB 468, An act concerning child support enforcement; relating to payments under an insurance policy and workers compensation; perfection of a lien; unlawful acts; amending K.S.A. 39-759, 39-7,138, 39-7,140, 39-7,141, 39-7,147, 39-7,148 and 39-7,150 and K.S.A. 2005 Supp. 23-4,146 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 469, An act concerning the behavioral sciences regulatory board; relating to impaired licensees, by Committee on Public Health and Welfare.

SB 470, An act concerning the behavioral sciences; relating to temporary licenses; amending K.S.A. 65-5804a, 65-6405, 74-5366 and 74-5367 and K.S.A. 2005 Supp. 65-6309 and repealing the existing sections; also repealing K.S.A. 65-5805, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 461**.

Elections and Local Government: **SB 456, SB 457, SB 460**.

Financial Institutions & Insurance: **SB 454**.

Judiciary: **SB 452, SB 455, SB 458, SB 462**.

Natural Resources: **SB 453, SB 459**.

Utilities: **SB 463, SB 464**.

POINT OF PERSONAL PRIVILEGE

Senator Pine rose on a Point of Personal Privilege to introduce Danni Boatwright of Tonganoxie to the members of the Senate. Miss Boatwright recently received national attention and acclaim by outlasting all other tribe members to win \$1 million on the television series "Survivor: Guatemala". She was in the Capitol to be honored at the Governor's Kansas Day celebration.

Accompanying her were her parents, Vicki and Jim Cackler, both retired school teachers from Tonganoxie.

MESSAGE FROM THE HOUSE

Announcing the House nonconcurs in Senate amendments to **HB 2129**, requests a conference and has appointed Representatives Hayzlett, Kinzer and Pauls as conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 334, An act concerning crimes, punishment and criminal procedure; enacting a life imprisonment sentence for aggravated habitual sex offenders; lifetime parole for certain offenders; mandatory penalties for certain sex offenses; duties of the Kansas sentencing commission and the criminal justice coordinating council; tampering with an electronic monitoring device; amending K.S.A. 21-3504, 21-3506, 21-3513, 21-3812 and 74-9101 and K.S.A. 2005 Supp. 21-3447, 21-3502, 21-3516, 21-4706, 22-3717, 22-4903 and 74-9501 and repealing the existing sections.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Francisco, Haley, Reitz, Steineger.

Absent or Not Voting: Brungardt.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes for **SB 334** because we cannot afford not to protect our children. This bill is not about prison beds, it's not about money; it's about doing right by those who have been preyed upon by predators who have no sense of the value or dignity of human life. We are standing for those whose lives have been forever damaged by predators.—KARIN BROWNLEE

Senators Gilstrap, O'Connor, Palmer, Pine and Pyle request the record to show they concur with the Explanation of Vote offered by Senator Brownlee on **SB 334**.

MR. PRESIDENT: As the proud father of four young children...today is our youngest daughter, Malori's, fourth birthday, coincidentally...and as the fiduciary, a veritable custodian, of innocence under attack across my district and across this land...it is with extreme reluctance that I vote against **SB 334**. I believe public safety is better served by **SB 334**'s passage and although I would not be the 20th senator (thereby defeating the bill) to vote "No".

As a fiscal conservative, it is obvious to me that we cannot "square a circle on three sides." The price tag, estimated to be 1,000 (one thousand) *additional* prison bed spaces construction is foolish...and will be revisited when the majority of the legislature in some future session realizes what I am telling you today...simply Kansas can't afford it. There has got to be a better way, a more practical way. No one in this legislature has been more consistently outspoken against all predators than I have whether against humans, animals, motorists or even payday lenders. Our children are the most vulnerable of all. By protecting them, we protect our future. We should review our proportionality and our stacking measures in order to protect their financial well being as well.—DAVID HALEY

MR. PRESIDENT, I vote aye on **SB 334**. I do understand the fiscal concerns expressed about this bill, especially the additional prison requirements. But we must understand - every full prison cell equals one less sexual predator free to prey on our children.—TIM HUELSCAMP

MR. PRESIDENT: I vote now in favor of **SB 334** with reservations. I know this legislation in its current form will protect our children from the worst criminals in society, sending a message that Kansas will not tolerate the victimization of our children. **SB 334** may cast the net too broadly. It lacks proportionality. I supported the mitigating factors for downward departure improving the bill. **SB 334** does not have the most effective mechanism to sort those we should be mad at from those we should fear. Like the highway plan that once we are on this path there will be no turning back. This bill will consume hundreds of millions of dollars. My original amendment would have been as effective in removing predators from our society with less cost. I will not support tax increases to fund this bill, we must look for cuts from other programs keeping our children and our economy safe.—PHILLIP B. JOURNEY

Senators Hensley and Lee request the record to show they concur with the Explanation of Vote offered by Senator Journey on **SB 334**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2582**, **HB 2590**.

Also, passage of **SB 164**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2582, HB 2590 were thereupon introduced and read by title.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, January 30, 2006.

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

PAT SAVILLE, *Secretary of the Senate*.



Following session, the Senate gathered in the chamber with many former Senate leaders, statewide elected officials, family and friends to rededicate the chamber. The 35-minute ceremony included an invocation from the Senate Chaplain, and remarks from Senate President Steve Morris, Senate Majority Leader Derek Schmidt and Senate Minority Leader Anthony Hensley. Capitol architect Barry Greis, former statehouse architect Bill Groth and LAS Director Jeff Russell were given special recognition. Representatives from several firms involved in the renovation were recognized. A flag ceremony was performed by the Topeka High School Junior ROTC and music was provided by the top singing group from Shawnee Heights High School. A reception in the senate leadership offices followed the formalities.