

SPECIAL SESSION

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, September 4, 2013, 9:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.

Invocation by Father Don Davidson:

Good and gracious God, Creator of all, we ask your blessing this day as the Jewish people throughout the world celebrate high Holy Days beginning with Rosh Hashanah, the New Year. No matter our faith, help us to be grateful and live in a spirit of gratitude for each day we are given. Help us to recognize that all good gifts are from you.

Today, L'Shanah Tovah – let the new year be sweet, and the new day too.

In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Longbine, Bowers and Donovan introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1702—

A RESOLUTION congratulating the 2013 Buick Achievers Scholarship recipients.

WHEREAS, The Buick Achievers Scholarship Program recognizes and supports outstanding high school and current undergraduate students interested in pursuing careers in the automotive and related industries and who will be studying science, technology, engineering, math, design or business; and

WHEREAS, In 2013, the General Motors Foundation awarded approximately \$4.2 million in scholarships to 1,100 exemplary students. Among the 1,100 scholarship recipients, 521 are the first in their families to pursue a secondary education, 45 have served in the United States Armed Forces and 48 come from military families; and

WHEREAS, The Buick Achievers Scholarship Program provides 100 National recipient students with up to \$25,000 renewable for four years, and one additional year for those entering a qualified, five-year engineering program. Additionally, 1,000 Achiever recipient students receive up to \$2,000 for academic expenses; and

WHEREAS, Four Kansas students received the Buick Achievers Scholarship Program National scholarship, and 16 Kansas students received the Achiever scholarship; and

WHEREAS, The four National scholarship recipients from Kansas are: Kelsey Kilburn of Lawrence, attending Newman University; Buddy Lisk of Harveyville, attending Kansas State University; Trina Durham of Kansas City, attending University of Missouri at Kansas City; and Dalton Porter of Clyde, attending Kansas State University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate these students on being awarded the National Buick Achievers Scholarship. These bright young students will be the leaders of tomorrow and we commend them on their dedication to academics; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1702** was adopted unanimously.

On motion of Senator Bruce, the Senate recessed until 1:30 p.m.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Faust-Goudeau, and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1703—

A RESOLUTION commemorating August 28, 2013, for being the 50th anniversary of the March on Washington for Jobs and Freedom.

WHEREAS, The March on Washington for Jobs and Freedom took place on August 28, 1963, in Washington, D.C., and was attended by an estimated 250,000 people, making it the largest demonstration ever seen in the nation's capital and one of the first to have extensive television coverage that pre-empted regularly scheduled programming; and

WHEREAS, The year of 1963 was noted for racial unrest, civil rights demonstrations and nationwide outrage sparked by media coverage of police actions in Birmingham, Alabama, where attack dogs and fire hoses were turned against protestors, many of whom were in their early teens or younger; and Martin Luther King, Jr., was arrested and jailed during these protests, writing his famous "Letter From Birmingham City Jail," which advocated civil disobedience against unjust laws; and

WHEREAS, The March on Washington represented a coalition of several civil rights organizations, each of which generally had different approaches and different agendas. The "Big Six" organizers were James Farmer, Congress of Racial Equality; Martin Luther King, Jr., Southern Christian Leadership Conference; John Lewis, Student Nonviolent Coordinating Committee; A. Philip Randolph, Brotherhood of Sleeping Car Porters; Roy Wilkins, National Association for the Advancement of Colored People; and Whitney Young, Jr., National Urban League; and

WHEREAS, The stated demands of the march were the passage of meaningful civil rights legislation; elimination of racial segregation in public schools; protection for demonstrators against police brutality; a major public-works program to provide jobs;

passage of a law prohibiting racial discrimination in public and private hiring; a \$2 an hour minimum wage; and self-government for the District of Columbia, which had a black majority population; and

WHEREAS, President Kennedy originally discouraged the march, for fear that it might make the Congress vote against civil rights legislation in reaction to a perceived threat; however, once it became clear that the march would go on, he supported it; and

WHEREAS, The march began at the Washington Monument and ended at the Lincoln Memorial, and turned out to be both a protest and a communal celebration. The heavy police presence turned out to be unnecessary, as the march was noted for its civility and peacefulness; and

WHEREAS, The speakers included five of the "Big Six" civil rights leaders, because James Farmer, who was imprisoned for a protest in Louisiana at the time, had his speech read by Floyd McKissick; other speakers included Walter Reuther, President of the United Auto Workers, and several Protestant, Catholic and Jewish religious leaders; and

WHEREAS, The two most noteworthy speeches came from John Lewis and Martin Luther King, Jr.; King's speech, which he started with prepared remarks, remains one of the most famous speeches in American history. He warned fellow protesters not to "allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force." But then he departed from his script, shifting into the "I have a dream" theme he had used on prior occasions, speaking of an America where his children "will not be judged by the color of their skin but by the content of their character;" and

WHEREAS, The march is widely credited for the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, The March on Washington's 50th anniversary was commemorated last week with several events in Washington, D.C., and culminated with a rally on August 28, 2013, at the Lincoln Memorial, which featured speakers including members of the King family, Congressman John Lewis, former Presidents Jimmy Carter and Bill Clinton, and President Barack Obama: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate August 28, 2013, for being the 50th anniversary of The March on Washington for Jobs and Freedom, which was held on August 28, 1963, in Washington, D.C.; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Anthony Hensley, 318-East, State Capitol building, Topeka, Kansas 66612.

On emergency motion of Senator Hensley **SR 1703** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

The Committee of **Judiciary** recommends **HB 2002** (Special Session), as amended by House Committee, be passed.

On motion of Senator Bruce, the Senate recessed until 2:45 p.m.

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

CONSIDERATION OF APPOINTMENTS

In compliance with Senate Rule 56, the appointments appearing on page 2 of the calendar are ready for consideration.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

David Brant, Term ends January 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

Michael Kane, Term ends January 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

Eric Laverentz, Term ends January 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Daniel Bangert, Term ends June 30, 2017

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-

Goudeau, Fitzgerald, Haley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Hawk, Hensley, Holland, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Ann Murguia, Term ends June 30, 2017

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Hensley, Kelly, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Helen Van Etten, Term ends June 30, 2017

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Hensley, Kelly, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Mark Jorgenson, Term ends March 15, 2016

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Elizabeth King, Term ends March 15, 2014

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Daniel Thomas, Term ends March 15, 2016

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Court of Appeals:

Caleb Stegall

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The appointment was confirmed.

EXPLANATION OF VOTE

Madam President: While I very much respect the intellectual firepower that Mr. Stegall would bring to the Kansas Court of Appeals, I doubt his ability, as Justice Frankfurter so aptly said, for "putting his passion behind his judgment instead of in front of it". I am voting against Mr. Stegall's nomination to the Court of Appeals.—Tom HOLLAND

Madam President: My vote in confirmation of Caleb Stegall to serve on the Kansas Court of Appeals is affirmative yet bears explaining. I have worked to thoroughly review the information we were provided and that which I have been able to obtain independently in an effort to be assured that he is qualified – by virtue of his experience – to serve in this capacity. My reservation in supporting Mr. Stegall lies in the process that led to his nomination. We, as Senators, cannot tell our constituents that we are confirming the most qualified applicant for the position. Because the names of the other

applicants were never revealed, we cannot be assured there weren't more experienced and potentially better suited nominees. The previous selection process allowed for greater transparency and thus more confidence with our constituents that judicial selection is carried out with the highest of integrity.—VICKI SCHMIDT

Senator McGinn requests the record to show she concurs with the “Explanation of Vote” offered by Senator Schmidt on the appointment of Caleb Stegall.

Madam President: The Governor has done a disservice to the citizens of Kansas by closing the selection process to the public eye. No longer can a voter or a Senator know who is being considered. Even Mr. Stegall said "no one seat of power should grow too large." The lack of transparency cries partisan rubber stamp. Mr. Stegall's ideological statements and no juridical experience gives me cause to question his independence. I vote "NO" on confirmation of Caleb Stegall to the Kansas Court of Appeals.—PAT PETTEY

Madam President: I vote "NO", regrettably, on the appointment to the Kansas Court of Appeals. The Legislature's 2013 change from time honored merit-based selection to direct gubernatorial appointment, pending Senate confirmation, historically vests today. During the last thirteen (13) years in the Kansas Senate, I have had the honor and the privilege to consider and vote on literally hundreds of appointments and have voted against, I believe, only one. Before today..... But today I am compelled to vote to not confirm a person who I honestly believe is competent and qualified to serve on the Kansas Court of Appeals. This shift from merit selection to direct executive branch judicial appointments, along with residual shortcomings such as no public awareness of other potential nominees, threatens the independence and autonomy of Kansas' branches (Legislative, Executive, Judicial). Worse, in this case, this process will now see a worthy nominee seated on the Bench as an anomaly to his peers who might, understandably, always view him and his opinions as a product of politics and not from a review of trial court errors or of Kansas law. It troubles me that future attorneys who aspire to the State's higher court might now first consider burnishing their political involvement credentials before insuring their legal substance and procedural ability in order to attempt to curry favor, and nomination, from some future governor and Court.—DAVID HALEY

Madam President: I was and am opposed to the current legislative appointment process for the selection of Court of Appeals judgeships. However, I am respectful of the democratic process and it is the law. This vote has nothing to do with the process change but only as to whether the candidate is qualified for judgeship. After personally meeting with Mr. Stegall, attending the confirmation hearing and reading the informational materials provided by Legislative Research, and the candidate, I vote aye.—KAY WOLF

Madam President: I vote NO on the confirmation of Caleb Stegall's appointment to the Kansas Court of Appeals. Until today, I have never seen the Senate consider a gubernatorial nomination to the Kansas Court of Appeals. This is not because I missed votes on such matters, but it is because the nomination of Court of Appeals judges previously went through an open, fair and non-partisan process that selected individuals

based on merit and not based on political ideology and partisan political patronage. The appointment of Caleb Stegall demonstrates the worst kind of political cronyism that is alive and well under Governor Brownback. The process in which this nomination has come before the Kansas Senate, and thereby the people of Kansas, has been disgracefully lacking in any transparency as the applicants for this nomination were, and remain today, kept secret by Governor Brownback so as to avoid public scrutiny. An editorial written by two Kansas Republicans said it best, "We cannot let Kansas be the place where the judiciary is under any cloud of suspicion that the selection process is based on anything other than merit and that the judges are answerable to anything other than the law, including the Constitution."—ANTHONY HENSLEY

Madam President: I vote NO on the confirmation of Mr. Caleb Stegall to the Kansas Court of Appeals. I have been pleased to hear good reports of his work and contributions but I have also learned of the many ideological issues he has addressed and his suggestion for the use of forcible resistance. I do not believe that a nominee should be required to have judicial experience, but in this case I feel I would need to be able to review some judicial rulings to positively say that he could be an impartial member of the bench and that he is basing his decisions on existing law. I also believe that we should separate our concerns for the process from the review of individual nominees for the position. However, Mr. Stegall, through presentation of testimony, actively supported changes to the process. His argument that every Kansan should have an equal voice in the process of choosing those who would interpret our laws means little if there is very limited involvement and should be weighed against the reduction of the involvement of knowledgeable citizens in the process and in elimination of an important protection of separation of powers.—MARCI FRANCISCO

By the Governor

On the appointment to the:

Department of Administration:

James Clark, At the pleasure of the governor

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas National Guard:

Robert Windham, At the pleasure of the governor

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employee Relations Board:

Mark McGivern, Term ends March 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Office of the State Securities Commissioner:

Josh Ney, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Hensley, Holland.

Present and Passing: Love.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Kurt Knutson, Term ends March 15, 2016

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Court of Tax Appeals:

Arlen Siegfried, Term ends January 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Court of Tax Appeals:

Ronald Mason, Term ends January 15, 2017

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Bruce.

The appointment was confirmed.

EXPLANATION OF VOTE

Madam President: With regard to the appointment of the State Court of Tax Appeals, Judge – 1 position, I must vote “Pass”. Although Mr. Mason’s resume and confirmation packet demonstrates that he is amply qualified for the position, I do not vote “Aye” in order to avoid any potential conflict of interest.—TERRY BRUCE

By the Governor

On the appointment to the:

State Lottery Commission:

Tom Roberts, Term ends March 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Lottery Commission:

James Washington, Term ends March 15, 2016

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce, an emergency was declared and **HB 2002** was advanced to that order of business Final Action on Bills and Concurrent Resolutions, Subject to Amendment, Debate and Roll Call.

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

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

A motion to amend **HB 2002** by Senator Faust-Goudeau was offered and withdrawn.

HB 2002, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to mandatory minimum term of imprisonment of 40 or 50 years; amending K.S.A. 2012 Supp. 21-6620 and 21-6624 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: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I cast my vote in memory of Keighley Ann Alyea. I vote "aye."—
GREG SMITH

REPORT ON ENROLLED BILLS

SR 1701, SR 1702, SR 1703 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on September 4, 2013.

MESSAGE FROM THE HOUSE

HCR 5002, A CONCURRENT RESOLUTION relating to the 2013 special session of the legislature and providing for the adjournment thereof, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5002** was adopted by voice vote.

President Wagle thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2013 Special Session of the Legislature adjourned sine die."

ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

