

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 28, 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:

Creator God. You have brought us in safely to a new day. Preserve us with your mighty power that we may not fall, or disappoint; nor be overcome by adversity; and in all we do direct us to the fulfilling of your purpose. Amen.

The Pledge of Allegiance was led by President Wagle..

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2049, HB 2050.**

Education: **HB 2181.**

Ethics, Elections and Local Government: **HB 2075, HB 2118.**

Federal and State Affairs: **SB 226.**

Judiciary: **HB 2209, HB 2259.**

Public Health and Welfare: **HB 2151, HB 2153.**

Transportation: **HB 2176.**

Utilities: **SB 225.**

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

Pursuant to Senate Rule 11, Senator Holland moved to withdraw **Senate Bill 48** from the Committee on **Commerce** and placed on the Calendar under the order business of General Orders.

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

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, 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 motion failed.

EXPLANATION OF VOTE

Madam President: E-verify is a proven, practical tool for verifying the work authorization status of workers in the United States. Federal contractors are currently required to use e-verify for staffing their federal contracts and Kansas should likewise be requiring the same of those state contractors with large contracts. – TOM HOLLAND

Pursuant to Senate Rule 11, Senator Holland moved to withdraw **Senate Concurrent Resolution 1607** from the Committee Ethics, Elections and Local Government and placed on the Calendar under the heading of General Orders.

On roll call, the vote was: Yeas 7; Nays 32; Present and Passing 1; Absent or Not Voting 0.

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

Nays: 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.

Present and Passing: Kelly.

The motion failed.

EXPLANATION OF VOTE

Madam President: The United States Supreme Court is confused. They believe that corporate dollars are equal to political free speech, and nothing could be further from the truth. The citizens' voices are being drowned out by the special interests, and we simply must correct this situation. – TOM HOLLAND

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 60, AN ACT concerning open records; relating to requests for criminal justice information; amending K.S.A. 2012 Supp. 45-220 and repealing the existing section, was considered on final action.

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.

Sub Bill for SB 70, AN ACT concerning motor vehicles; relating to definitions; amending K.S.A. 8-1436, 40-298 and 59-3508 and K.S.A. 2012 Supp. 8-126 and 44-1204 and repealing the existing sections, was considered on final action.

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 substitute bill passed.

SB 75, AN ACT concerning plastic bulk merchandise containers; relating to sales; records; civil penalties, was considered on final action.

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.

SB 81, AN ACT concerning open records; relating to public officials' identifying information; amending K.S.A. 2012 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, was considered on final action.

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.

SB 100, AN ACT concerning candidates and lobbyists filings; amending K.S.A. 25-904, 25-4173 and 46-268 and repealing the existing sections, was considered on final action.

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.

SB 121, AN ACT concerning state institutions; regarding licensure and renewal of licenses; amending K.S.A. 65-429 and repealing the existing section, was considered on final action.

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.

SB 125, AN ACT concerning enforcement of support orders; relating to income withholding; income withholding act; support enforcement services; amending K.S.A. 39-7,148 and K.S.A. 2012 Supp. 23-3102, 23-3103, 23-3104, 23-3105 and 39-7,147 and repealing the existing sections, was considered on final action.

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.

SB 128, AN ACT concerning the career technical education incentive program; amending K.S.A. 2012 Supp. 72-4489 and repealing the existing section, was considered on final action.

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.

SB 129, AN ACT concerning the state bank commissioner; pertaining to fees; pertaining to costs of certain hearings; amending K.S.A. 9-804 and K.S.A. 2012 Supp. 9-1111, 9-1135, 9-1402, 9-1804, 9-2107, 9-2108 and 9-2111 and repealing the existing sections, was considered on final action.

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.

SB 136, AN ACT concerning drivers' licenses and nondriver identification cards; relating to veterans; authorizing the director of vehicles to provide information to certain requesting parties; amending K.S.A. 2012 Supp. 8-243, 8-1324 and 74-2012 and repealing the existing sections, was considered on final action.

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.

SB 139, AN ACT concerning money transmitters; amending K.S.A. 2012 Supp. 9-508, 9-509, 9-510, 9-511, 9-513, 9-513c and 9-513d and repealing the existing sections, was considered on final action.

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.

SB 142, AN ACT concerning abortion; relating to civil actions related to the performance of abortions; amending K.S.A. 60-1901 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Hawk, 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.

Nays: Kelly, Haley, Hensley, Holland, Pettey.

Present and Passing: Wolf.

The bill passed.

EXPLANATION OF VOTE

Madam President: I VOTE "NO" on **SB 142** an act concerning abortion. As previously stated in other anti-womens choice legislation this Session (one speaking to prohibiting gender selection and authorizing causes of actions and exorbitant damages), safe, legal access to abortion & other reproductive health services should be a right that we extol not constantly try to limit. In my opinion, this bill makes murky the reasonable expectation of full disclosure from physicians / medical professionals to their pregnant patients; even if there is a fetal anomaly found in tests of which, if she were made aware, she may elect to abort due to the condition of the pregnancy. Again, what business does the Legislature have in impairing the right of a woman to be fully informed of her physical condition? Further, why create a right for a legal action against a provider who respects whatever her choice is for WHATEVER her reason(s) are? And who decides that we step into the most private of basic personal consultation(s)? Finally, once again the terminology as "unborn child" being from fertilization to birth is a biological misnomer. Stages of human development, where recognized in the true scientific lexicon of human gestation and not manipulated by political zealotry, define, roughly, fertilization through first several months of pregnancy as the "zygote" phase ; the "fetus" phase follows until viability and THEN the loose phrase "unborn child". As an ardent and consistent proponent of a woman's right to choose and respecting ALL adult women, again, I VOTE "NO" on **SB 142**. – DAVID HALEY

SB 149, AN ACT concerning drug screening; relating to recipients of cash assistance and unemployment benefits; amending K.S.A. 2012 Supp. 39-709e and 44-706 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Emler, Faust-Goudeau, Haley, Hawk, Hensley, Kelly, Pettey, V. Schmidt.

Present and Passing: Holland.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: I Vote “NO” on **SB 149**. Remembering the revulsion I felt in my younger years when a group called Bruce Hornsby and the Range intoned: “The man in the silk suit hurries by ... catches the poor old lady’s eye ... Just for fun he says ‘Get a job’ ... it shames me to be a part of any elitist entity that, in its own proportional wealth and power, adds needless insult to the injury of poverty. By requiring drug tests on our FELLOW Kansans; those who rely on, through no desire or fault of their own, State assistance to economically survive, you become that spiteful silk-suited callous man rushing headlong through your days; pausing only to inflict additional barbs on the less fortunate. From wherever inside of you emanates the classism and audacity to support the underpinning of this bill ... it is a bad part of your soul. There, but for the grace of God, go you. “That’s just the way it is ... somethings ’ll never change ... that’s just the way it is....” Madam President , again I vote “ NO”. – DAVID HALEY

Madam President: Like all of you, I came here to try to make a difference; to make things better for people. For me, **SB 149** is not based on solid assumptions. I asked one of the top Addiction Counselor professionals in Kansas about this bill. Here is the response: “I think that drug testing (the poor and unemployed) is more political posturing than good public policy. Drug testing is a blunt instrument—ineffective in detecting most alcohol /drug use (except marijuana) because of short detection periods for alcohol and other drugs. TANF applicants are already screened with a validated questionnaire”. As a Senator, I believe if I voted for this bill, instead of helping people, I would be hurting people, breaking up families, disrupting children’s lives, and ultimately taking away hope from those people we should be trying to help. I vote no on **SB 149**. – TOM HAWK

Senators Hensley and Kelly request that the record show they support the “Explanation of Vote” offered by Senator Hawk.

Madam President: While this bill contains an amendment that I proposed to drug test legislators, I vote no because I still believe this bill is unfair and unnecessary. **SB 149** is punitive – especially for single mothers who are already working hard and struggling to provide for their children – and unfairly perpetuates the stereotype that poor people are drug addicts. As legislators, we are stewards of taxpayers’ money. If we’re going to

mandate drug tests for one group of individuals under reasonable suspicion, we should do it for all Kansans who receive any state funds. In 1983 Justice Rehnquist wrote, "Both tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system. A tax exemption has much the same effect as a cash grant to the organization of the amount of tax it would have to pay on its income." However, we did not extend the drug testing under reasonable suspicion to people who financially benefit from state dollars to subsidize their economic development activities. Finally, the Department of Children and Families is already conducting drug screenings and placing individuals in treatment with a favorable success rate. **SB 149** is unnecessary.

That is why I vote no. — ANTHONY HENSLEY

Senators Kelly and Pettey request the record show they concur with the "Explanation of Vote" offered by Senator Hensley.

Madam President: My understanding of **SB 149** is to help poor people who use drugs and receive cash assistance from DCF to receive drug treatment and job training to help them become self-sufficient and remove them from the welfare role to the workplace.

I offered an amendment yesterday that would require the individual who tested positive for drug use to receive a comprehensive clinical evaluation and correct diagnosis that would provide the appropriate treatment and that amendment failed. These individuals are already humiliated and embarrassed enough to ask for help and then to be required to be drug tested too. That is just outrageous! Madam President, scripture says: Open thy mouth, judge righteously, and plead the cause of the poor and needy. Proverbs 31: 9. I vote NO on **SB 149**. — OLETHA FAUST-GOUDEAU

SB 164, AN ACT concerning motor vehicles; relating to the administration of vehicle functions; amending K.S.A. 2012 Supp. 8-126 and 8-129 and repealing the existing sections, was considered on final action.

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.

SB 166, AN ACT concerning insurance; pertaining to the insurers supervision, rehabilitation and liquidation act; amending K.S.A. 40-3607 and repealing the existing section, was considered on final action.

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.

SB 167, AN ACT concerning crimes, criminal procedure and punishment; relating to the statute of limitations for rape prosecutions; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, was considered on final action.

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.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

The morning session recommended:

SB 122 be passed.

SB 64, SB 118, SB 120, SB 135, SB 168, SB 171, SB 177 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 57** recommending a substitute for **SB 57** be adopted, and **Sub SB 57** be passed.

SB 124 be amended by the adoption of the committee amendments, and further amended by motion of Senator King, on page 3, by striking all in lines 2 through 7; in line 8, by striking all before "and"; in line 9, by striking "(8)" and inserting "(6)"; in line 16, by striking ", K.S.A. 50-101 through 50-162, and amendments"; in line 17, by striking "thereto" and **SB 124** be passed as further amended.

SB 199 be amended by adoption of the committee amendments, be further amended by motion of Senator McGinn, on page 2, following line 26, by inserting:

"(i) The director of the Midwest stem cell therapy center shall annually submit a report to the senate committee on ways and means, senate committee on public health and welfare, house committee on appropriations and house committee on health and human services at the beginning of the regular session of the legislature beginning in 2014 on the expenditure of moneys appropriated and activities of the Midwest stem cell therapy center and the activities of the advisory board." and **SB 199** be passed as further amended.

A motion by Senator Francisco to amend **SB 168** failed and the following amendment was rejected: on page 2, in line 29, after "activity" by inserting ":

(A) ";

Also on page 2, in line 31, after "regulations;" by inserting "and

(B) does not create additional nuisances;"

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

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 BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 227, AN ACT concerning explosives; enacting the Kansas explosives safety act, by Committee on Federal and State Affairs.

SB 228, AN ACT concerning the attorney general; relating to duties, responsibilities and authority; amending K.S.A. 2012 Supp. 75-702 and repealing the existing section, by Committee on Federal and State Affairs.

SB 229, AN ACT concerning sales taxation; relating to remittance credits for collection services provided by retailers, by Committee on Assessment and Taxation.

The following concurrent resolution was introduced and read by title:

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2007**, **HB 2012**, **Sub HB 2017**, **HB 2099**, **HB 2112**, **HB 2115**, **HB 2128**, **HB 2139**, **HB 2144**, **HB 2146**, **HB 2150**, **HB 2162**, **HB 2163**, **HB 2172**, **HB 2218**, **HB 2221**, **HB 2269**, **HB 2302**, **HB 2322**, **HB 2339**, **HB 2349**, **HB 2352** .

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2007, **HB 2012**, **Sub HB 2017**, **HB 2099**, **HB 2112**, **HB 2115**, **HB 2128**, **HB 2139**, **HB 2144**, **HB 2146**, **HB 2150**, **HB 2162**, **HB 2163**, **HB 2172**, **HB 2218**, **HB 2221**, **HB 2269**, **HB 2302**, **HB 2322**, **HB 2339**, **HB 2349**, **HB 2352** were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 57**, **SB 63**, **SB 64**, **SB 82**, **SB 88**, **SB 117**, **SB 118**, **SB 120**, **SB 122**, **SB 124**, **SB 135**, **SB 147**, **SB 168**, **SB 171**, **SB 177**, **SB 187** and **SB 199** were advanced to Final Action and roll call.

Sub SB 57, AN ACT concerning agriculture; relating to animal health; poultry improvement; domesticated deer; amending K.S.A. 2012 Supp. 2-907 and 47-2101 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 47-619, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672 and 47-2101a.

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 substitute bill passed.

SB 63, AN ACT concerning elections; relating to voting; regarding penalties for voting crimes; concerning prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2012 Supp. 25-1128 and 25-2507 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Holland, Kelly, McGinn, Pettey, Wolf.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: Regrettably, I Vote "NO" on **SB 63** simply because of the unprecedented, and unwarranted, prosecutorial power granted to the Kansas Secretary of State. And it is NOT, Madam President, just because of the incumbent Secretary of State; Secretary Kobach. As a two time statewide nominee for Kansas' Secretary of State AND as a former Assistant County Prosecutor, I can personally underscore the lack of necessity. The Kansas Attorney General's office did not support this bill. The Kansas Association of County District Attorney's does not support it either. As a matter of local control, a county district attorney has the jurisdiction and the temerity to review and prosecute, where necessary, election fraud and/or irregularity. The AG's office is the back-up, rightfully, for any inaction at the local level. There is no need for miscreants or malfeasance who pose as chief election officers to "go rogue" into local affairs with prosecutorial powers that are not necessary. No other State has granted this authority to their chief election officers and with good reason. We are sad to be the first.—DAVID HALEY

SB 64, AN ACT concerning elections; relating to party affiliation; relating to petitions; amending K.S.A. 25-3304 and K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 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.

SB 82, AN ACT concerning energy; relating to renewable energy portfolio standards; amending K.S.A. 2012 Supp. 66-1258, 66-1260 and 66-1261 and repealing the existing sections.

On roll call, the vote was: Yeas 17; Nays 23; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Arpke, Denning, Fitzgerald, King, Knox, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Abrams, Bowers, Bruce, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Love, Lynn, McGinn, Ostmeyer, Pettey, V. Schmidt, Wolf.

The bill failed.

SB 88, AN ACT concerning crimes, punishment and criminal procedure; relating to certain defendants; children's advocacy center assessment fee; amending K.S.A. 20-370 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, 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: Haley, Pettey.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: I Vote "NO" on **SB 88**. Although raising the fee from \$100 to \$400 to be paid by defendants convicted of crimes involving child victims seems reasonable, striking the time honored provision of Kansas existing law that a court, looking at the specifics of each case, can waive any part of or all of such payment. We should continue to support the ability of our local courts and judges to review and make these decisions and to maintain this option for swift and accurate justice.—DAVID HALEY

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SB 88**.

SB 117, AN ACT concerning the highway patrol training center fund; amending K.S.A. 74-2134 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: 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.

SB 118, AN ACT concerning crimes, criminal procedure and punishment; relating to reporting and investigation of missing persons; amending K.S.A. 2012 Supp. 75-712b and 75-712c 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.

SB 120, AN ACT concerning agriculture; enacting the Kansas farmers' market promotion act.

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.

SB 122, AN ACT concerning the Kansas administrative procedure act; service of order or notice; amending K.S.A. 2012 Supp. 77-531 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: 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.

SB 124, AN ACT concerning the Kansas restraint of trade act; amending K.S.A. 50-101, 50-112, 50-158 and 50-161 and repealing the existing sections; also repealing K.S.A. 50-108 and 50-115.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Hawk, 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.

Nays: Francisco, Haley, Hensley, Holland.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: In response to the Kansas Supreme Court's decision in *O'Brien v. Leegin*, 294 Kan.318 (2012), a wide range of businesses and other groups in Kansas are calling on the legislature to reform the Kansas Restraint of Trade Act (KRTA) this session. The Court in *O'Brien* deviated from a Kansas historical reasonableness standard. Today, there is almost uniform support for adopting the federal "reasonableness standard" as the basis for deciding antitrust cases under the KRTA. New Section 1(b) of this bill states that, except as provided, the KRTA shall be construed in harmony with ruling judicial interpretations of federal antitrust law by the United States Supreme Court has applied landmark case in *Standard Oil Co. v. United*

States (1911), the United State Supreme Court has applied the "Rule of Reason," or reasonableness test, to antitrust cases. Section 1 (B) would require the Kansas Supreme Court to undertake the reasonableness test in regard to cases brought under the KRTA. Because this bill will require Kansas Courts to use this rich history of federal antitrust jurisprudence in deciding upon cases under the KRTA, I vote "Yes" on **SB 124**. —TERRY BRUCE

Senators LaTurner, Love and Petersen request the record to show they concur with the explanation of vote offered by Senator Bruce.

Madam President: I vote "yes" on **SB 124**. I would also note that reestablishing the reasonableness standard for deciding anti-trust cases under the Kansas Restraint of Trade Act ensures that contrary to the Kansas Supreme Court's opinion in the O'Brian Decision reasonable contracts, arrangements, and policies existing in Kansas remain valid and are not void. I strongly support **SB 124** and urge this chamber to pass it. —GARRETT LOVE

SB 135, AN ACT concerning the boiler safety act; transferring duties from the secretary of labor to the state fire marshal; amending K.S.A. 44-916, 44-917, 44-918, 44-919, 44-920, 44-921, 44-922, 44-923, 44-924, 44-925, 44-927 and 44-929 and K.S.A. 2012 Supp. 44-636, 44-914, 44-915, 44-926 and 44-928 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.

SB 147, AN ACT concerning agriculture; relating to fertilizers; anhydrous ammonia; permits; fees; liability insurance requirement; affidavit; anhydrous ammonia fee fund; amending K.S.A. 2-1212 and 2-1217 and K.S.A. 2012 Supp. 2-1220 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 1; 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, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Pyle.

The bill passed as amended.

SB 168, AN ACT concerning agriculture; relating to agricultural activities; protection of farmland and agricultural activities from certain nuisance actions; amending K.S.A. 2-3202 and 2-3203 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, 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: Francisco.

The bill passed as amended.

SB 171, AN ACT concerning school districts; relating to the Kansas uniform financial accounting and reporting act; amending K.S.A. 2012 Supp. 72-8254 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: 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.

SB 177, AN ACT concerning elections; relating to unauthorized voting disclosures; amending K.S.A. 25-2422 and repealing the existing section.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

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

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

Present and Passing: McGinn.

The bill passed as amended.

SB 187, AN ACT concerning workers; relating to the workers compensation and employment security boards nominating committee; administrative law judge appointments; workers compensation appeals board; amending K.S.A. 2012 Supp. 44-551, 44-555c and 44-709 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 9; 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

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

The bill passed as amended.

SB 199, AN ACT concerning the university of Kansas medical center; establishing the Midwest stem cell therapy center.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Haley, 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, Hawk, Hensley, Holland, Kelly, Pettey.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: The Kansas Senate is breaking dangerous new ground by creating a medical advisory board comprised of a majority of political appointees. The goals of this center on adult stem cells, while highly laudable, would best be advanced by ringing together the leading scientific experts in this arena. Instead, we run the risk of impeding the work of the center with political interference. Let's let the science lead the way, not the politics. I vote "no" on **SB 199**. — LAURA KELLY

Senators Hawk, Hensley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **SB 199**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1719—

A RESOLUTION recognizing the friendship between the state of Kansas and the nation of Israel, acknowledging Israel's right to defend its borders and people as a sovereign nation and expressing thanks to the state of Israel for its continued help and benefit to the state of Kansas.

WHEREAS, The sovereign Jewish state of Israel declared independence on May 14, 1948, and its right to exist has been affirmed both by the United States of America and the international community according to international law; and

WHEREAS, The state of Kansas affirms Israel's independence, existence, and right to defend its borders as a sovereign state; and

WHEREAS, The state of Kansas establishes and recognizes formal friendship with the state of Israel as a mutually benefiting relationship, and affirms continued cooperation in business and economic dealings with the state of Israel; and

WHEREAS, The state of Israel and Kansas have maintained a significant economically beneficial partnership in trade, Israel having received a significant portion of Kansas exports over the past 17 years; and

WHEREAS, The relationship between Kansas and the state of Israel has already profited the state of Kansas in areas of business and science, strengthening businesses in international sales and scientific innovations: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the state of Kansas recognizes the nation of Israel as a friend, ally and partner, and that continued existence of the state of Israel is supported and affirmed by the state of Kansas, based upon both historical and legal confirmation; and

Be it further resolved: That the friendship between the state of Kansas and the state of Israel is hereby recognized and established; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1719** was adopted unanimously.

REPORT ON ENGROSSED BILLS

Sub SB 70, SB 75, SB 81, SB 100, SB 121, SB 125, SB 129, SB 136, SB 139, SB 149, SB 164, SB 166, SB 167 reported correctly engrossed February 28, 2013.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills under the heading of General Orders with Senator Emler in the Chair.

On motion of Senator Emler the report for the morning and the following afternoon sessions were adopted.

Recommended: **SB 117** be passed.

SB 82 be amended by motion of Senator Knox, on page 1, in line 24, by striking "The"; by striking all in lines 25 through 27; in line 28, by striking all before the semicolon; in line 31, by striking all after the period; by striking all in lines 32 through 35;

On page 2, in line 10, by striking all after "(d)"; by striking all in lines 11 through 13; in line 14, by striking all before the period and inserting "The commission shall conduct a comprehensive study to determine the feasibility of the 20% portfolio requirement required by subsection (a)(3) for affected utilities. On or before March 1, 2020, the commission shall submit the findings of such study to the senate standing committee on utilities and the house standing committees on energy and environment and utilities and telecommunications";

Also on page 2, following line 16, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 66-1261 is hereby amended to read as follows: 66-1261. (a) The commission shall establish rules and regulations for the administration of the renewable energy standards act, including reporting and enforcement mechanisms necessary to ensure that each affected utility complies with this standard and other provisions governing the imposition of administrative penalties assessed after a hearing held by the commission. Administrative penalties should be set at a level that will promote compliance with the renewable energy standards act, and shall not be limited to penalties set forth in K.S.A 66-138 and 66-177, and amendments thereto.

(b) (1) For the calendar years 2011 and 2012, the commission is not required to assess penalties if the affected utility can demonstrate it made a good faith effort to comply with the portfolio standards requirement. (2) The commission shall exempt an affected utility from administrative penalties for an individual compliance year if: (A) The utility demonstrates that the retail rate impact described in K.S.A. 2012 Supp. 66-1260, and amendments thereto, has been reached or exceeded and the utility has not achieved full compliance with K.S.A. 2012 Supp. 66-1258, and amendments thereto; or (B) the commission determines that for the utility to meet the portfolio requirement in that compliance year, construction or acquisition of renewable energy resources would impact the retail rates of the utility such that it would have an adverse impact upon the people of Kansas and the utility has not achieved full compliance with K.S.A. 2012

Supp. 66-1258, and amendments thereto. (3) In imposing penalties, the commission shall have discretion to consider mitigating circumstances. (4) Under no circumstances shall the costs of administrative penalties be recovered from Kansas retail customers.

(c) The commission shall establish rules and regulations required in this section within 12 months of the effective date of this act.;

Also on page 2, in line 17, by striking "is" and inserting "and 66-1261 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "66-1258" by inserting "and 66-1261"; in line 3, by striking "section" and inserting "sections" and **SB 82** be passed as amended.

A motion by Senator Francisco to amend **SB 82** failed and the following amendment was rejected: on page 1, in line 15, by striking "2018" and inserting "2016"; in line 20, by striking "2017" and inserting "2015"; in line 23, by striking "2018" and inserting "2016"

Senator Francisco withdrew an amendment on **SB 82**.

The **SB 88** committee report was adopted in the morning session and the bill be passed as amended.

A motion by Senator Haley to amend **SB 88** failed and the following amendment was rejected: on page 1, in line 16, before "All" by inserting "If it appears to the satisfaction of the court that payment of the assessment fee will impose manifest hardship on the defendant, the court may waive payment of all or part of the assessment fee."

SB 63 be amended by adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Holland to amend **SB 63** failed and the following amendment was rejected: on page 1, following line 6, by inserting:

"New Section 1. (a) Except as provided in subsection (b), the secretary of state shall not establish any political committee, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for the legislature or statewide office or make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature or a statewide office.

(b) The provisions of this section shall not apply to any political committee which is established to expressly advocate for the election of a candidate for the office of secretary of state or to make contributions or expenditures for the election of a candidate for the office of secretary of state.

(c) Any political committee currently in existence, which is in violation of subsection (a), is hereby abolished.

(d) The provisions of this section shall be part of and supplemental to the campaign finance act.;"

And by re-designating sections accordingly;

A motion by Senator Haley to amend **SB 63** failed and the following amendment was rejected: on page 1, in line 24, by inserting "or" after "occurred;" in line 25, by striking "; or" and inserting a period; by striking all in line 26;

Having voted on the prevailing side, Senator Tyson moved the Senate reconsider its action on the rejected Holland amendment on **SB 63**.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 0; Absent or Not Voting 1.

Yeas: Apple, Bowers, Denning, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Bruce, Donovan, Fitzgerald, Holmes, Knox, Lynn, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith.

Absent or Not Voting: Love.

The motion was adopted. The Committee returned to the Holland amendment.

Senator Pyle challenged the germaneness of the amendment; The amendment was ruled germane.

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

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Denning, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Donovan, Fitzgerald, Holmes, Knox, Love, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith and the amendment was adopted and **SB 63** be passed as further amended.

SB 147 be amended by the adoption of the committee amendments, be further amended by motion of Senator McGinn, on page 5, in line 14, by striking "the"; by striking all in lines 15 through 21 and inserting "the administrative personnel and employees of the department shall have the right to enter private property where an anhydrous ammonia tank, facility or equipment is located and to inspect facilities and equipment. It shall be the duty of employees to notify the owner or operator, of any anhydrous ammonia facility or equipment: (1) Of any defect or deficiency in the construction, installation or operation of any such facility or equipment; and (2) of any defect or deficiency in the safety equipment or in the use thereof. The owner or operator of such facility or equipment may be given a specified reasonable time within which to comply with the rules and regulations." and **SB 147** be passed as further amended.

SB 187 be amended by adoption of the committee amendments, be further amended by motion of Senator Apple on page 3, in line 9, after "(f)" by inserting "Of the members first appointed to the workers compensation and employment security boards nominating committee, three shall be appointed for terms of two years and four shall be appointed for terms of four years as specified by the governor. Thereafter,"; also in line 9, by striking "serve" and inserting "be appointed for" and **SB 187** be passed as further amended.

A motion by Senator Holland to amend **SB 187** failed and the following amendment was rejected: on page 2, in line 34, by striking "seven" and inserting "nine";

On page 3, in line 1, by striking "and"; in line 2, after "(7)" by inserting "the Kansas state nurses association;

(8)";

Also on page 3, in line 5, after "thereto" by inserting "; and

(9) the secretary of labor, who shall select a nominee who is a Kansas law enforcement officer";

Also on page 3, in line 23, by striking "two-"; in line 24, by striking "thirds" and inserting "a majority";

On page 4, in line 9, by striking "²/₃" and inserting "a majority";

On page 9, in line 3, by striking "2/3" and inserting "a majority"

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

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

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

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

Present and Passing: Emler.

A motion by Senator Holland to amend **SB 187** failed and the following amendment was rejected: on page 2, in line 34, by striking "seven" and inserting "eight";

On page 3, in line 1, by striking "and"; in line 5, after "thereto" by inserting "; and (8) the secretary of labor, who shall select a nominee who is a Kansas law enforcement officer";

Also on page 3, in line 23, by striking "two-"; in line 24, by striking "thirds" and inserting "a majority";

On page 4, in line 9, by striking "2/3" and inserting "a majority";

On page 9, in line 3, by striking "2/3" and inserting "a majority" and **SB 187** be passed as further amended.

EXPLANATION OF VOTE

Madam President: E-verify is a proven practical tool for verifying the work authorization status of workers in the U.S. Federal contractors are required to use verify for staffing their federal contracts, and Kansas she should be requiring the same of those state contractors with large contracts. I vote "no" on **SB 187**. —TOM HOLLAND

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

SENATE CONCURRENT RESOLUTION No. 1611--

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2013 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on March 1, 2013, and shall reconvene on March 6, 2013, pursuant to adjournment of the daily session convened on March 1, 2013; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Bruce **SCR 1611** was adopted by voice vote.

On the motion of Senator Bruce the Senate adjourned pro forma until 9:00 a.m., Friday, March 1, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

