

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 26, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-nine senators present.
Senator Pettey was excused.
Invocation by Father Don Davidson:

Lord, help us to attend to our own humanity, taking care not to hurt or cause pain to any other human being. As we read and know of the horror of others in many places, may we steadfastly try to do what is right, not in our minds but by your holy presence. May all that falls around us and within us be made new by living with grace and mercy and in pursuit of justice. This we ask in your holy name. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 422, AN ACT concerning local governments; relating to investment of idle funds; amending K.S.A. 2013 Supp. 12-1675 and repealing the existing section, by Committee on Ways and Means.

SB 423, AN ACT concerning real property; authorizing the secretary of administration to sell the Landon state office building and the Eisenhower state office building; authorizing the secretary of administration to exercise the option to purchase and sell the Van Buren project and the Curtis state office building and parking facility, by Committee on Ways and Means.

SB 424, AN ACT concerning hospital liens; relating to notice and amount of claims; requirements; amending K.S.A. 65-407 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 419**.
Federal and State Affairs: **SB 420**.
Judiciary: **SB 421**.

CHANGE OF REFERENCE

The President withdrew **SB 400** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

The President withdrew **SB 361, SB 362** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **SB 374** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Utilities**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2456, HB 2463, HB 2478, HB 2506, HB 2547, HB 2549, HB 2561, HB 2577, HB 2582, HB 2591, HB 2656, HB 2687**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2456, HB 2463, HB 2478, HB 2506, HB 2547, HB 2549, HB 2561, HB 2577, HB 2582, HB 2591, HB 2656, HB 2687 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1791—

A RESOLUTION congratulating Mission Trail Elementary School on receiving the U.S. Department of Education's Blue Ribbon award.

WHEREAS, The U.S. Department of Education's Blue Ribbon program honors exemplary elementary and secondary schools and sets a standard of excellence for all schools striving for the highest level of achievement; and

WHEREAS, The Blue Ribbon program has been honoring schools since 1982, and only 286 schools, including Mission Trail Elementary School, received this prestigious award in 2013; and

WHEREAS, Mission Trail Elementary School is dedicated to providing an "Education Beyond Expectations," which has been the driving force for the increase in student achievement; and

WHEREAS, The leaders of Mission Trail Elementary School, including Principal Debbie Bond, not only articulate a vision of excellence and hold everyone to high standards, but they also stay close to the real action of teaching and learning; and

WHEREAS, The entire school community embodies a sense of collegiality and commitment, and members are supported by mentoring and professional development; and

WHEREAS, Families and educators work together in partnership; and

WHEREAS, Mission Trail Elementary School's commitment is to be a school where every student is expected to excel and every adult is expected to inspire, encourage and facilitate the learning of every child; and

WHEREAS, The U.S. Department of Education recognized Mission Trail Elementary School as an "Exemplary High Performing" school because the school is one of Kansas' highest performing schools, as measured by state assessments and nationally-normed tests; and

WHEREAS, The Blue Ribbon honor is a recognition and affirmation of Mission Trail Elementary School's journey to personalize student learning: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Mission Trail Elementary School on receiving the Blue Ribbon award from the U.S. Department of Education and being one of Kansas' highest performing schools; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Melcher and Debbie Bond, Principal of Mission Trail Elementary School.

On emergency motion of Senator Melcher **SR 1791** was adopted unanimously.
Debbie Bond, Principal of Mission Trail Elementary School was introduced.
Senators rose for a standing ovation.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Bruce moved the following appointment be confirmed.

Kansas Employment Security Board of Review:

Phillip Hayes, Term ends June 30, 2017

On roll call, the vote was: Yeas 33; Nays 5; Present and Passing 1; Absent or Not Voting 1.

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

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

Present and Passing: Hawk.

Absent or Not Voting: Pettey.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 344, AN ACT regulating traffic; concerning special permits; relating to oversized loads; amending K.S.A. 2013 Supp. 8-1911 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed.

SB 351, AN ACT concerning motor vehicles; relating to vehicle identification numbers; penalties; damages; amending K.S.A. 8-116 and K.S.A. 2013 Supp. 8-116a and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed.

SB 360, AN ACT concerning taxation; relating to property tax; homestead destroyed or substantially destroyed by natural disaster; certain agreements by board of county commissioners as to payment of taxes; amending K.S.A. 2013 Supp. 79-1613 and 79-1703 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed, as amended.

SB 371, AN ACT concerning employment security; relating to disposition of certain penalties; confidentiality and disclosure of certain information; amending K.S.A. 2013 Supp. 44-706 and 44-714 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed.

SB 372, AN ACT concerning employment security; relating to the shared work unemployment compensation program; layoff aversion; amending K.S.A. 2013 Supp. 44-757 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed, as amended.

SCR 1616, A CONCURRENT RESOLUTION, supporting the Kansas board of regents' strategic plan for postsecondary education excellence, known as Foresight

2020.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The resolution was adopted, as amended.

SCR 1619, A CONCURRENT RESOLUTION supporting information technology education opportunities in Kansas public schools, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, 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, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The resolution was adopted, as amended.

S Sub HB 2070, AN ACT concerning courts; relating to time limits for decisions, was considered on final action.

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

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

Nays: Francisco, Haley, Hensley, Holland, Kelly, McGinn, V. Schmidt.

Absent or Not Voting: Pettey.

The substitute bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **S Sub HB 2070**. As recommended by the Kansas Supreme Court's Blue Ribbon Commission, more timely releases of decisions by the Court of Appeals and the Supreme Court is a laudable goal and should be implemented. In this bill though, that would time the release as being within 180 days after the matter is submitted to a Court. The Chair of that same Blue Ribbon Commission, Hon. Judge Patrick McAnany, testified in OPPOSITION to this bill on behalf of the Commission and on the Kansas Supreme Court stating the Judicial Branch is already undertaking internal efforts to provide more timely release of decisions. I vote "No", Mr. Vice President, that we, the Legislature, might respect the insights of implementation the Judiciary might soon set for themselves and the time constraints that reasonably work for them without here undoing their contemplations by putting this ball-park recommendation in **S Sub HB 2070** in statute. —DAVID HALEY

Senator Hensley requests the record to show that he concurs with the "Explanation of

Vote" offered by Senator Haley on **S Sub HB 2070**.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 380** be amended on page 1, in line 6, by striking "18" and inserting "seven"; by striking all in lines 8 through 35, and inserting:

(1) Three members appointed by the governor, including the chairperson of the task force;

(2) one member representing the Kansas department of agriculture appointed by the secretary of agriculture;

(3) one member representing the Kansas state university extension systems and agriculture research programs appointed by the dean of the college of agriculture of Kansas state university; and

(4) one member of the house committee on agriculture and natural resources appointed by the chairperson of the house committee on agriculture and natural resources and one member of the senate committee on agriculture appointed by the chairperson of the senate committee on agriculture. The legislative members shall be from different political parties.";

On page 2, in line 5, by striking all after "(1)"; by striking all in lines 6 through 8; in line 9, by striking "(2)"; and by renumbering paragraphs accordingly;

Also on page 2, in line 15, after the period by inserting "To facilitate the organization and start-up of such plan and structure, the Kansas department of agriculture shall provide administrative assistance."; in line 24, by striking "incentives" and inserting "opportunities"; in line 25, by striking "to assist farmers to transition to" and inserting "for"; in line 26, by striking all after "production"; in line 27, by striking "period"; and the bill be passed as amended.

Also, **SB 392** be amended on page 5, in line 35, by striking "or a network of" and inserting "and all"; also in line 35, by striking "a" and inserting "that"; in line 36, by striking "provides" and inserting "provide";

On page 13, in line 6, before the semicolon by inserting "\$600"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2378** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2378," as follows:

"Senate Substitute for HOUSE BILL NO. 2378

By Committee on Assessment and Taxation

"AN ACT concerning sales taxation; relating to exemptions; certain machinery and equipment used in surface mining activities; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section."; and the substitute bill be passed.

Also, recommends **SB 295** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision

thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2013 Supp. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2013

Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2013 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2013 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2013 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2013 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2013 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2013 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2013 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits

and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent

included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2013 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of

any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2013 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement

and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For the taxable year beginning after December 31, 2012, amounts received by a retired employee of the city of Overland Park, Kansas, police department under the Overland Park, Kansas police department pension plan established by the city of Overland Park, pursuant to the city's home rule authority.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

And by renumbering sections accordingly;

On page 3, in line 6, after "Supp." by inserting "79-32,117 and"; also in line 6, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after the semicolon by inserting "modification to Kansas adjusted gross income, amounts received by certain retirants"; also in line 2, after "Supp." by inserting "79-32,117 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 379 be amended on page 1, in line 21, by striking "measured in cubic feet"; in line 25, by striking "measured in pounds"; and the bill be passed as amended.

SB 411 be amended on page 2, in line 13, after "(1)" by inserting "Whenever"; also in line 13, after "district" by inserting "proposes an extension district budget in any year which such budget is an increase from the previous year's budget, such governing body"; and the bill be passed as amended.

HB 2057 be amended on page 1, in line 6, by striking "2012" and inserting "2013"; in line 8, after "commissioners" by inserting "or governing body of any unified government"; in line 10, by striking "and until a successor is appointed" and inserting "expiring on June 30 of the fourth year thereafter"; in line 16, after "commissioners" by inserting "or governing body of any unified government"; in line 17, by striking all following "term"; in line 18, by striking "is appointed";

On page 2, in line 5, after "commissioners" by inserting "or governing body of any unified government"; in line 13, by striking "2012" and inserting "2013";

On page 1, in the title, in line 2, by striking "2012" and inserting "2013"; and the bill be

passed as amended.

Committee on **Education** recommends **SB 335** be amended on page 1, by striking all in lines 7 through 36;

On page 2, by striking all in lines 1 through 12; following line 12, by inserting:

"New Section 1. (a) On or before January 1, 2015, the board of education of each school district shall adopt policies and procedures to establish and implement a drug screening program for employees of the school district. Such policies and procedures shall be adopted in accordance with the provisions of this section. A drug screening program established pursuant to this section shall be based upon a reasonable suspicion of illegal drug use by any employee of the school district.

(b) Any employee who tests positive for the use of drugs under an initial test administered as a part of a drug screening program may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such employee who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Any disciplinary action taken by a school district against any employee as a result of a positive test for the use of drugs shall be taken only after the employee has tested positive under two consecutive drug screenings of the employee's specimen, except that disciplinary action may be taken by a school district against such employee after only one positive test if the employee does not request a second drug screening of the employee's specimen.

(c) Nothing herein shall be construed as prohibiting demotions, suspensions, terminations or any other disciplinary action taken in accordance with the professional negotiations act, K.S.A. 72-5413 et seq., and amendments thereto.

New Sec. 2. (a) The state board of education shall establish and implement an impaired teacher program. The purpose of the impaired teacher program is to provide support and assistance to impaired teachers who are unable to adequately engage in performance of the teaching profession due to a dependency on alcohol or drugs, or both.

(b) The superintendent of any school district, or any school district official designated by the superintendent, may refer any impaired teacher to the impaired teacher program established pursuant to subsection (a), and shall make such referral for any impaired teacher who is subject to disciplinary action as a result of failing one or more tests administered pursuant to a drug screening program established under section 1, and amendments thereto. Such referral shall be in writing and shall be submitted to the state board in such form and manner as prescribed by the state board. All referrals made pursuant to this section and any information related to a person's participation in any evaluations or education or treatment programs shall be confidential and shall not be disclosed publicly.

(c) The impaired teacher program shall:

(1) Assist those persons referred to the program in undergoing alcohol and drug evaluations and any education or treatment programs recommended as a result of such evaluations;

(2) provide support to persons who have successfully completed an alcohol or drug education or treatment program in returning to the teaching profession; and

(3) provide guidance on the establishment of programs similar to the impaired teacher program by any board of education of a school district.

(d) The state board shall adopt rules and regulations necessary to carry out the provisions of this section. Such rules and regulations shall provide for the review and approval of any programs similar to the impaired teacher program established by a board of education of a school district. Such rules and regulations may provide for the suspension or revocation of a person's certificate or license by the state board if such person is referred to the impaired teacher program and refuses to participate in the impaired teacher program. Prior to the suspension or revocation of any license by the state board, the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) Pursuant to K.S.A. 45-229, and amendments thereto, the exception to the Kansas open records act contained in subsection (b) shall expire on June 30, 2019, unless the legislature reviews and reenacts these provisions prior to June 30, 2019.

(f) As used in this section:

(1) "Impaired teacher" means any employee of a school district who holds a valid Kansas certificate or license issued by the state board of education and who is either:

(A) Found to be engaged in the use of illegal drugs as verified through testing administered in accordance with a drug screening program established under section 1, and amendments thereto; or

(B) reasonably suspected of engaging in such person's duties as a teacher while under the influence of alcohol or drugs, or both.

(2) "State board" means the state board of education.";

Also on page 2, in line 17, after "agency" by inserting ", unless such person has previously submitted a complete set of legible fingerprints taken by a qualified law enforcement agency to the state department of education"; in line 18, by striking "regulation" and inserting "section, or which were previously submitted by the applicant";

And by renumbering sections accordingly; and the bill be passed as amended.

Also, **SB 367** be amended on page 1, in line 20, by striking the comma and inserting "or"; also in line 20, by striking "or a"; in line 21, by striking all before the period; in line 22, by striking all after "(f)"; by striking all in lines 23 and 24; in line 25, by striking "(g)";

And by relettering subsections accordingly;

On page 2, in line 37, after "private" by inserting "audit and evaluation or"; in line 38, after "or" by inserting "audit and evaluation or";

On page 3, in line 7 by striking "and"; following line 7, by inserting:

"(2) any information required to be disclosed pursuant to K.S.A. 65-101, 65-118 and 65-202, and amendments thereto, provided such information is disclosed in accordance with any provisions of such statutes regarding the confidentiality and disclosure of such information; and";

And by renumbering the remaining paragraph accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 264** be amended on page 1, in line 14, after "any" by inserting "student attendance center"; in line 24, after "to" by inserting "buildings not being used as student attendance centers or";

On page 2, in line 7, after "field" by inserting "or buildings not being used as student attendance centers"; and the bill be passed as amended.

Also, **SB 320** be amended on page 4, following line 4, by inserting:

"(e) The emergency medical services board shall prepare an annual report on or before January 15 of each year on the number, amount and reasons for the fines imposed by the board and the number of and reasons for subpoenas issued by the board during the previous calendar year. The report shall be provided to the senate committee on federal and state affairs and the house committee on federal and state affairs.";

And the bill be passed as amended.

Committee on **Transportation** recommends **SB 301** be passed.

Also, **SB 385** be amended on page 3, in line 14, after "settlement." by inserting "The form shall also include the last-known address of the owner of the vehicle, as well as any lienholder of record and the insurance company shall attest that it has given notice to lienholders of record and the last-known owner of the vehicle that it will apply for and obtain a salvage title in its own name which will be deemed to transfer legal ownership of the vehicle to the insurance company for failure to transfer title to the insurance company under the damage settlement with the owner. Upon receipt of the form, the division shall give written notice to any lienholder of record and the owner that it will issue the insurance company a certificate of title conveying ownership unless within 30 days of such notice the owner or lienholder, as the case may be, files an objection with the director of vehicles. Upon receipt of a timely objection, the director shall cause the matter to be heard in accordance with the provisions of the administrative procedure act for purposes of determining whether or not there is a damage settlement agreement under which the title should be issued to the insurance company. In the event there is such an agreement, then the request of the insurance company for a transfer of the title from the owner to the insurance company may be ordered and the title issued to the insurance company. Any lienholder whose lien has not been paid or released shall retain its security interest in the vehicle."; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2101** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2102," as follows:

"Senate Substitute for HOUSE BILL NO. 2102

By Committee on Utilities

"AN ACT concerning utilities; relating to renewable energy resources; amending K.S.A. 2013 Supp. 66-1,184, 66-1264, 66-1265, 66-1266, 66-1267 and 66-1271 and repealing the existing sections."; and the substitute bill be passed.

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 Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended:

SB 348, SB 357 be passed.

Senator Olson offered an amendment on **SB 357**; A ruling of the chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane.

SB 10, SB 309, SB 311, SB 359 be amended by the adoption of the committee

amendments, and the bills be passed as amended.

A motion by Senator Hensley to amend **SB 10** failed and the following amendment was rejected: on page 6, in line 10, after "representatives" by inserting ", except that party caucuses of the Kansas senate and house of representatives shall be subject to the provisions of the open meetings law"

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 0; Absent or Not Voting 2.

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

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

Absent or Not Voting: Fitzgerald, Pettey.

A motion by Senator Hensley to amend **SB 10** was withdrawn.

A motion by Senator Holland to amend **SB 311** failed and the following amendment was rejected; on page 1, in line 16, by striking "\$300,000" and inserting "\$350,000"; in line 18, by striking "\$325,000" and inserting "\$450,000"; in line 20, by striking "\$350,000" and inserting "\$500,000"; in line 23, by striking "not"; in line 30, by striking "\$300,000" and inserting "\$350,000"; in line 32, by striking "\$325,000" and inserting "\$450,000"; in line 34, by striking "\$350,000" and inserting "\$500,000";

On page 2, by striking all in lines 8 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 14; in line 15, by striking "60-456, 60-457, 60-458,"; also in line 15, by striking ", 60-"; by striking all in lines 16 and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after "cap,"; in line 3, by striking "benefits,"; also in line 3, by striking "60-456, 60-457, 60-458,"; also in line 3, by striking ", 60-3801"; in line 4, by striking "and 60-3802"; also in line 4, by striking all after "existing"; in line 5, by striking all before the period and inserting "section"

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

On roll call, the vote was: Yeas 6; Nays 32; Present and Passing 1; Absent or Not Voting 1.

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

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

Present and Passing: Kelly.

Absent or Not Voting: Pettey.

SB 352 be amended by motion of Senator V. Schmidt: on page 1, in line 35, after "law" by inserting "or later versions as established in rules and regulations adopted by the board"; also in line 35, by striking all after the period; by striking all in line 36; on page 2, by striking all in lines 1 through 4 and **SB 352** be passed as amended.

SB 274 be amended by adoption of the committee amendments, be further amended by motion of Senator O'Donnell: on page 1, in line 17, by striking "statute book" and

inserting "Kansas register" and **SB 274** be passed as further amended.

Senator Haley made a motion that **SB 274** be rereferred to the Committee on **Ethics and Elections**. The motion failed.

A motion by Senator Hensley to amend **SB 274** failed and the following amendment was rejected: on page 1, in line 12, by striking all after "to"; in line 13, by striking all before the period and inserting "July 1, 2000, shall not accept or solicit any contribution as defined by K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee or person, other than an individual after January 1 of each year and prior to adjournment sine die of the regular session of the legislature"

A motion by Senator Francisco to amend **SB 274** failed and the following amendment was rejected: on page 1, following line 14, by inserting:

"New Sec. 2. (a) Except as provided in subsection (b), the secretary of state, the attorney general, the insurance commissioner, the lieutenant governor or the governor 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 the secretary of state, the attorney general, the insurance commissioner, the lieutenant governor or the governor, when such officers establish a political committee for their own elections to such offices.

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

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

And by renumbering remaining sections accordingly

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

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

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, V. Schmidt.

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

Absent or Not Voting: Pettey.

A motion by Senator Hensley to amend **SB 274** failed and the following amendment was rejected on: page 1, following line 14, by inserting:

"New Sec. 2. No political committee shall receive loans. No contribution to a political committee shall require that any amount of the contribution be repaid to the contributor. The provisions of this section shall be part of and supplemental to the campaign finance act.";

And by renumbering remaining sections

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

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

Voting 1.

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

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

Absent or Not Voting: Pettey.

A motion by Senator Holland to amend **SB 274** failed and the following amendment was rejected: on page 1, in line 8, after "legislature" by inserting "or the secretary of state"; in line 10, after "legislature" by inserting "or the secretary of state"; in line 11, after "legislature" by inserting "or the secretary of state"

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, V. Schmidt, Wolf.

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

Absent or Not Voting: Pettey.

A motion by Senator Hensley to amend **SB 274** failed and the following amendment was rejected: on page 1, following line 14, by inserting:

"New Sec. 2. (a) Any person who spends or contracts to spend an amount of \$500 or more per calendar year for any electioneering communication shall submit a campaign finance report prescribed and provided by the governmental ethics commission for each electioneering communication, which shall include:

(1) The name of the clearly identified candidate mentioned in the electioneering communication.

(2) The name, street address, city, state and zip code of each individual or other entity that contributes more than \$50 per year to such person for an electioneering communication. In addition, the report shall list the occupation of any individual who contributed \$150 or more.

(3) The name, street address, city, state and zip code of the vendor to whom a payment of more than \$50 for such electioneering communication is made or contracted to be made.

(4) The amount spent on or contracted to be spent on such electioneering communication. If the person making the electioneering communication is an individual, such reports shall also include the occupation of such individual. Reports required by this section shall be in addition to any other reports required by law.

(b) (1) (A) For an electioneering communication concerning a candidate for state office, the report required by subsection (a) shall be filed only with the secretary of state.

(B) For an electioneering communication concerning a candidate for local office, the report required by subsection (a) shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot.

(2) Except as required by paragraph (3), each report required by subsection (a) shall be filed in time to be received in the offices required in accordance with the times set

forth in K.S.A. 25-4148, and amendments thereto.

(3) For any electioneering communication occurring during the 11 days preceding the election, the report required by subsection (a) shall be filed on or before the close of the second business day following the day in which such funds are spent or contracted to be spent for such electioneering communication.

(c) For the purposes of this section:

(1) "Electioneering communication" means any communication that reaches 500 or more persons broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, advertised by paying another entity to place a general advertisement, banner advertisement, streaming video or pop-up advertisement on their webpage or otherwise distributed that:

(A) Unambiguously refers to any clearly identified candidate;

(B) is broadcast, printed, mailed, delivered or distributed within 30 days before a primary election or 60 days before a general election;

(C) is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

(A) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(B) any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(C) any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(D) any communication that refers to any candidate only as part of the popular name of a bill or statute;

(E) any communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring such debate or forum;

(F) any communication made as part of a nonpartisan activity designed to encourage individuals to vote or register to vote; or

(G) any internet communication that does not involve paying another entity for advertising, such as advertising on one's own website, email communication, or writing on a blog.

(d) If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after the semicolon by inserting "regarding reporting of electioneering communications;"

A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair ruled the amendment was germane and,

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 0; Absent or Not Voting 2.

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

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

Absent or Not Voting: McGinn, Pettey.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, February 27, 2014.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

