

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 21, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Guest Chaplain Reverend Kent L. Ottott:

Heavenly Father, At this moment, I lift up the men and women assembled here to conduct business on behalf of the people of the State of Kansas. Give them wisdom and insight as they perform the job they have been chosen for. The Psalmist wrote that You are the eternal provider of counsel and blessing for a nation and state in need: "The counsel of the LORD stands forever... The plans of His heart from generation to generation. Blessed is the nation whose God is the Lord, the people whom He has chosen for His own inheritance." Psalms 33:11-12 (NASB) The tasks before this body of officials are many. Give them the wisdom only You can provide as You did for Solomon. Give them the sureness in their decisions they will need, as the media, the pundits and even the electorate watches over them. Give them the peace of mind as they choose to do what is right instead of what is popular. Give them the compassion needed to protect the Kansans who cannot defend themselves whether they are waiting to draw their first breath, or living through a childhood encompassed with difficulties, or are near the end of their final breath. Give them the determination to "bear the sword" of Romans 13 when called upon to protect the innocent and punish the guilty. As this time of business begins, let them reason and debate in such a way that brings honor upon our republic. Let them lay aside the trials they face as individuals and let their focus be on their duties. Be with those who are facing problems known by all and be with those who have not let their needs be publicly known. Strengthen their families and relationships as their attention has been focused greatly upon this body. All of these things I ask in the name of Your Risen Son, Jesus Christ! Amen!

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Kelly introduced students who have recently earned their Eagle Scout award: Jesse Bargas, Ethan Schultz, Mike Devoe, and Alex Lee who were accompanied by members of their families. Senators honored them with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 241, AN ACT concerning the oil and gas valuation depletion trust fund; relating

to the amount credited to and use of such fund; amending K.S.A. 2012 Supp. 19-271, 79-4227 and 79-4231 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2086**.

Federal and State Affairs: **HB 2037**.

Public Health and Welfare: **HB 2253**.

Ways and Means: **Sub HB 2231**.

CHANGE OF REFERENCE

The President withdrew **HB 2077** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs**.

REFERENCE OF APPOINTMENTS

The President withdrew the appointment of Nan Porter, Crime Victims Compensation Board, from the Committee on **Judiciary** and referring to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2047**.

Announcing passage of **SB 28, SB 216**.

Also, passage of **SB 83**, as amended by **H Sub for SB 83, SB 84** as amended by **H Sub for SB 84**.

The House nonconcurrs in Senate amendments to **HB 2059**, requests a conference and has appointed Representatives **Carlson, Schwab** and **Sawyer** as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2047 was thereupon introduced and read by title.

CONSENT CALENDAR

An objection having been made to **HB 2099, HB 2106, HB 2312** appearing on the Consent Calendar, the President directed the bills be removed and placed on the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Bowers, Ostmeyer and Pyle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1738**—

A RESOLUTION congratulating the U.S. 36 Highway
Association on its 100th anniversary.

WHEREAS, March 21 marks the 100th anniversary of the U.S. 36 Highway Association; and

WHEREAS, U.S. 36 Highway Association is an organization of over 500 members in cities along the U.S. 36 corridor. This organization seeks general improvement of the highway, promotion of the economic well-being of the communities and enterprises along its route; and

WHEREAS, U.S. 36 Highway Association's vision for the highway is for a four-lane freeway or expressway from Indianapolis, Indiana to Belleville, Kansas; a high-standard two-lane highway west through Kansas and Colorado to Denver; and a freeway or expressway to Boulder and Estes Park; and

WHEREAS, U.S. 36 Highway stretches all across the northern part of the State of Kansas passing through Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown and Doniphan counties; and

WHEREAS, In 2006, the Annual Treasure Hunt for Phillipsburg was launched with a mission to increase tourism, use of the highway and commerce benefiting all 13 counties that U.S. 36 Highway passes through. This event is promoted state-wide; and

WHEREAS, In promotion of better roads, the Association has as its prime objectives the advancement of business, agriculture, tourism and commercial interests of cities and counties along U.S. 36. Because of its Midway U.S.A. location, U.S. 36 can provide one of the nation's finest highways and become the central point of progress for our communities; and

WHEREAS, The U.S. 36 Highway Association has a strong history in Kansas due to its members' hard work to promote the history and well-being of this highway, and its success should be celebrated throughout the state: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the U.S. 36 Highway Association on its 100th anniversary. We appreciate the great work its members do for the promotion of the highway itself and the cities along the highway; and

Be it further resolved: That the Secretary of the Senate be directed to provide 15 copies of this resolution to Senator Bowers.

On emergency motion of Senator Bowers **SR 1738** was adopted unanimously.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2030, AN ACT concerning hunting, relating to deer permits; amending K.S.A. 2012 Supp. 32-971 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.

HB 2078, AN ACT concerning certain licensing boards; relating to licensure and military service members; amending K.S.A. 2012 Supp. 48-3406, 65-1116 and 65-6129 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.

S Sub for HB2143, AN ACT making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 66-2010, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4227, 79-4804 and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, LaTurner, Love, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I have served in our esteemed body for seven years and have not, until this day, had the opportunity to vote on a budget that reflects sound fiscal principals with an emphasis on job growth and innovation. Kansas is on the right track to creating a robust economy and continued high quality of life. — JULIA LYNN

Madam President: I vote no on **S Sub for HB 2143**. I proudly represent a district that is home to Wichita State University. This budget cuts more than \$3 million from this college, including an aviation training program. This budget also cuts funding to services that impact children and families. It cuts \$5 million in mental health reform grants that had been used by children and families who are not eligible for Medicaid. Finally, this budget is premised on reducing itemized deductions that I know many of my constituents rely on. These reductions result in a tax increase on people who are already struggling. I also cannot support a budget that cuts funding to services or further increases the burden on the hardworking Kansans in the district that I am so proud to serve. That is exactly what this budget does. So, I vote no. I vote no on **S Sub for HB 2143**. — OLETHA FAUST-GOUDEAU

Senators Francisco and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau.

Madam President: I vote "No" on the Senate Substitute for **HB 2143**. It is unfortunate that we started the budget process with lowered revenue projections based

not on reductions in economic activity, but on changes to tax policy adopted by the legislature last year. The budget does not adequately address important state responsibilities and investments: public education, the arts, our state workers and our state water plan. The legislature rejected the amendment I offered that recognizes the real opportunity the state would have with the expansion of Medicaid with a 100% federal match. Such expansion would provide benefits to Kansans, the Kansas economy, and our hospitals. Monies allocated to disproportional share hospital (DSH) funding, if not needed, especially in FY 2015, could have been redirected to restore cuts made to community mental health centers, corrections, the courts, higher education and other truly necessary state spending.—MARCI FRANCISCO

Madam President: I would like to thank the Chair and members of the Senate Ways and Means Committee for their hard work on our budget. I vote no on **S Sub for HB 2143**. I do this for the unmet needs of the students, the faculty and staff of Kansas Regents universities. The 2% cut across the board to higher education results in a total loss of more than \$20 million. This will only force Regents schools to increase tuition. College students and their parents will carry the burden of the income tax cuts. Additionally, as part of these 2% cuts, \$1.2 million is eliminated from post-secondary tiered technical state aid. This undermines the statute that we passed to fund technical education programs. I also vote no for the hardworking Kansas families and the state employees of Kansas. This budget relies on the permanent increase of sales tax, or \$1.5 billion in increases over five years. It also neglects to provide state employees with any pay adjustment. We fail to make our commitment to the legislative work of the Joint State Employee Pay Committee and to the “market adjustments” needed for the final and fifth year. Once again, average Kansas taxpayers carry the burden of the income tax cuts when they are already struggling to make ends meet. For these unmet needs in **S Sub for HB 2143**, I vote no. — TOM HAWK

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **S Sub HB 2143**.

Madam President: There are more than a dozen reasons why I vote no on **S Sub for HB 2143**, but I'll elaborate on three. First, I vote no for the state employees of Kansas. We failed to keep our promise by not funding the 5th year of the under market pay plan. The “Pay-go” rule prevented the \$8.5 million appropriation needed to improve the pay for many of our lowest paid state employees. Second, I vote no for average Kansas homeowners. Again, we failed to keep our word to provide property tax relief. An increase in property taxes is an inevitable result of the reckless income tax cuts. This budget eliminates \$27 million for the Local Ad Valorem Tax Reduction Fund, preventing local governments from providing some property tax relief to hardworking Kansans. Finally, I vote no because it is our responsibility to follow the laws we put into place. The transfer of \$37.5 million of ELARF money to pay for the employer contribution to the school KPERs system I believe is in direct violation of the statute that outlines how ELARF money can be distributed. This statute specifically states that ELARF funding can only be applied to reduce the KPERs unfunded actuarial liability.

— ANTHONY HENSLEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub HB 2143**.

Madam President: This budget fails miserably in its responsibility to provide adequate investments in Kansas' economic infrastructure. Ironically, the bill is still far

too expensive to transition the state into a fiscally responsible posture for supporting Governor Brownback's out year income tax rate reductions as outlined in HB 2059. The Governor's "glide path to zero" is merely a fiscal mirage, Madam president. What we are left with at the end of the day is instead a budgetary crash and burn that only tears down ladders of opportunity for Kansas citizens and businesses. I vote "No" on **HB 2143**.—TOM HOLLAND

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Holland.

Madam President: There are many reasons I am unable to support **S Sub for HB 2143**. Current law requires that we fund K-12 Education base state aid per pupil at \$4,492. The current budget before us fails to adequately fund schools and address our constitutional duty in Article 6 of our Constitution.

This budget violates state law by using Expanded Lottery Act Revenues to pay for the employer contribution to the KPERS pension which is not an authorized use of the funds. Instead, this money should be used to fund the transfer to the Local Ad Valorem Tax Reduction Fund to provide needed property tax relief for hard working Kansas homeowners.

Furthermore, this budget provides no funding for community corrections programs which are used to reduce recidivism. The Justice Reinvestment in Kansas plan talks about reducing bed space by keeping parole violators from going back into the system with the support of improved community services. This cannot happen without increased funding.

For those reasons and many others, Madam President, I vote NO on **S Sub for HB 2143**. — PAT PETTEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2143**.

Madam President: With state general fund spending reduced from last year along with the amendment, I offered, giving those accountable to the voters and not career bureaucrats more control over mandated Federal Funds, this budget is one I can support. I don't like the extension of the sales tax and I opposed it. However, if the overall goal is a Kansas state government that spends less of our precious tax dollars, provides services more efficiently and gives the public more control via those they elect, this year's budget is an acceptable start.—DENNIS PYLE

Sub HB 2183, AN ACT concerning the designation and control of infectious and contagious diseases; amending K.S.A. 65-116a and 65-128 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-129a, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; 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, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle.

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

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I appreciate the work that legislators and KDHE have put into this bill, **Sub HB 2183**, and I support many parts of the bill intended to update our state's infectious disease policy. As other speakers have said, this bill would not discriminate, in the sense that it would subject all individuals with the infectious diseases listed to the same government quarantine power. However, in not making a distinction between different kinds of pathogens with different levels of infectiousness, this bill gives the government the excessive power to quarantine a group of Kansans that it has not had or needed for 30 years. I cannot support this bill. I hope that in the future, we will act to reign in this expansion of the government's quarantine power, so that individuals living with HIV/AIDS in the state of Kansas can once again have security from government overreach. — CAROLYN MCGINN

Senators Hawk, Kelly, Pettey and Wolf request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **Sub HB 2183**.

Madam President: I vote "Aye" on **Sub HB 2183**. Anybody who has truly known David Haley for any length of time will tell you that I believe truly in liberty and justice for all people; regardless of race, religion, gender, sexual orientation, culture or social status. Every Kansan, Every AMERICAN should be held to consistent laws and any special emphasis (or "carve out") which deviates from that consistency only diminishes the continuity of any law and only diminishes the strength of all remaining laws. There has been no showing, EVER in Kansas, that any individual or group with H.I.V. has been quarantined or even requested to be quarantined by a Kansas health official. Equal protection under all laws to me means all laws should apply equally to all people. Understandably, the Kansas House of Representatives supported this same bill this month; 122-1 . Further, Madame President, I am pleased to see this measure dedicated to Chy J. Miller, a long time advocate on this issue from Rice County who passed earlier this year at an early age, and whose name has now been forever affixed to this measure by State Representative Marshall Christmann.—DAVID HALEY

Senator Francisco requests the record show she concurs with the "Explanation of Vote" offered by Senator Haley on **HB 2183**.

HB 2319, AN ACT creating the coalition of innovative districts act, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, 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, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

The bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Donovan the Senate nonconcur in the House amendments to **H Sub for SB 83** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland as a conference

committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurrent in the House amendments to **H Sub for SB 84** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2059**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2135** be passed.

Committee on **Commerce** recommends **HB 2125**; **HB 2272** be passed.

Also, **HB 2122**, as amended by House Committee, be passed.

HB 2150 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2150," as follows:

"Senate Substitute for HOUSE BILL NO. 2150

By Committee on Commerce

"AN ACT concerning the Kansas employment first oversight commission; amending K.S.A. 2012 Supp. 44-1138 and repealing the existing section.";

And the substitute bill be passed.

Substitute for HB 2024 be amended on page 1, in line 4, by striking "Sec. 1" and inserting "Section 1"; in line 8, after "who" by inserting "in the ordinary course of business";

On page 7, in line 5, after "of" by inserting "commercial,"; by striking all in lines 28 through 31 and inserting "(8) any person who engages in providing roofing services that on each and every undertaking or project during any fiscal year bear an aggregate price, including labor, materials and all other items, that is quoted, bid, offered, agreed, contracted, billed, collected and paid at less than \$1,000. This exemption does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that the person is a roofing contractor or that the person is qualified to engage in the business of a roofing contractor."; and the bill be passed as amended.

HB 2069, as amended by House Committee, be amended on page 1, following line 17, by inserting:

"Sec. 2. No city, county or local government unit shall enact or administer any ordinance, resolution or law that requires, nor shall any city, county or local government discriminate against, favor, prefer or base any ordinance law, policy, economic development program, agreement, grant or incentive on, an employer agreeing or not agreeing to provide the benefits set forth in section 1, and amendments thereto, on any construction, infrastructure, or real estate development project.";

Also on page 1, in line 19, following "section 1" by inserting "or 2"; in line 22, following "section 1" by inserting "or 2";

And by renumbering sections accordingly;

And the bill be passed as amended.

Committee on **Education** recommends **HB 2156** be passed.

Also, **HB 2261**, as amended by House Committee, be amended on page 9, in line 28, after "72-8202b" by inserting ", and amendments thereto,"; in line 31, after "thereto" by inserting ", and to the state board of education on or before June 30 of such year"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **HB 2141** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2141," as follows:

"Senate Substitute for HOUSE BILL NO. 2141

By Committee on Ethics, Elections and Local Government

"AN ACT concerning governmental ethics; relating to use of public funds for lobbying.";

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 152; HB 2294** be passed.

Committee on **Judiciary** recommends **HB 2114** be passed.

Also, **HB 2278**, as amended by House Committee, be passed.

HB 2115 be amended on page 1, in line 18, by striking "12" and inserting "15"; and the bill be passed as amended.

HB 2164, as amended by House Committee of the Whole, be amended on page 1, in line 9, after "information" by inserting "regarding citizenship and the identity of the prospective juror"; in line 11, by striking "and as established by"; in line 12, by striking "supreme court rule"; in line 15, before the period by inserting "and the purpose of prosecuting elections crimes under chapter 25 of the Kansas Statutes Annotated, and amendments thereto"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2067; HB 2148; HB 2151; 2160** be passed.

Also, **Substitute for HB 2166, HB 2302; HB 2322** as amended by House Committee of the Whole, be passed.

HB 2153, as amended by House Committee of the Whole, be amended on page 4, in line 1, after "the" by inserting "Kansas"; also in line 1, by striking "on aging" and inserting "for aging and disability services"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2228**, as amended by House Committee, be passed.

Also, **HB 2213**, as amended by House Committee, be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2012 Supp. 74-4915 is hereby amended to read as follows: 74-4915.(1) Any member who retires on or after such member's normal retirement date shall be entitled to receive an annual retirement benefit equal to the sum obtained by adding an amount for participating service and an amount for prior service determined as provided in this section. The amount for prior service shall be equal to 1% of the member's prior service annual salary multiplied by the number of years of prior service entitled to credit as provided in K.S.A. 74-4913, and amendments thereto, except that for members retiring on or after July 1, 1981, who were last employed by a participating employer which had affiliated with the system under K.S.A. 74-4910, 74-4912, 74-4929 or 74-4991, and amendments thereto, and for the period commencing January 1, 1986,

for members retiring before July 1, 1981, who were last employed by a participating employer which had affiliated with the system under K.S.A. 74-4910, 74-4912, 74-4929 or 74-4991, and amendments thereto, except that any increase in benefits under this section shall be reduced by any postretirement benefit adjustments received by such member prior to July 2, 1985, the amount for prior service shall be calculated using final average salary in lieu of prior service annual salary and, in the case of any such member who became a member under subsection (3) of K.S.A. 74-4925, and amendments thereto, and for whom a final average salary cannot be otherwise determined, such member's final average salary shall be based on all service for which such member received assistance in a plan under subsection (2) of K.S.A. 74-4925, and amendments thereto, as certified by such employer upon request of the board. For any member who retires on or after July 1, 1993, the amount for participating service shall be equal to the total of 1.75% of the member's final average salary multiplied by the number of years of participating service earned prior to January 1, 2014, and, subject to any election made pursuant to the provisions of K.S.A. 2012 Supp. 74-49,135, and amendments thereto, 1.4% or 1.85% of the member's final average salary multiplied by the number of years of participating service earned on and after January 1, 2014. ~~If the federal internal revenue service fails to grant an approval or issues an adverse decision as described in K.S.A. 2012 Supp. 74-49,135, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.85% of the member's final average salary multiplied by the number of years of participating service earned on and after January 1, 2014.~~ Notwithstanding any provision of law to the contrary, service that is purchased under the provisions of K.S.A. 74-4919a et seq., and amendments thereto, shall be credited at a rate which equals 1.4% of the member's final average salary for members that elect the 1.4% multiplier pursuant to subsection (b)(2) of K.S.A. 2012 Supp. 74-49,135, and amendments thereto, and 1.75% of the member's final average salary for members that elect the 1.85% multiplier pursuant to subsection (b)(1) of K.S.A. 2012 Supp. 74-49,135, and amendments thereto.

(2) (A) Any member who retires on or after July 1, 1993, but before the normal retirement date and has attained age 60 but has not attained age 62 with the completion of 10 years of credited service, shall receive an annual retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date but based upon the member's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (ii) the product of 0.2% multiplied by the number of months' difference, to the nearest whole month, between the member's attained age at the time of retirement and age 62.

(B) Any member who retires on or after July 1, 1993, but before the normal retirement date and has attained age 55 but has not attained age 60 with the completion of 10 years of credited service, shall receive an annual retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date but based upon the member's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the total of: (i) (a) The product of such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (b) the product of 0.6% multiplied by the number of months' difference, to the nearest whole month, between the member's

attained age at the time of retirement and age 60; and

(ii) on and after July 1, 1993, the product of such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by 4.8%.

(3) Upon death of a retirant, there shall be paid to such retirant's beneficiary an amount equal to the excess, if any, of such retirant's accumulated contributions over the sum of all retirement benefit payments made.

(4) Such annual retirement benefits shall be paid in equal monthly installments, except that the board may provide for the payment of retirement benefits which total less than \$240 a year on other than a monthly basis.

(5) In the event that an application in such form as may be prescribed by the board for any amount due under the provisions of this act, is not filed with the office of the retirement system by the person entitled to same within five years of the date such amount became due and payable, an amount equal to same shall be transferred to the retirement benefit accumulation reserve and such amount shall no longer be due and payable, except that if any such person shall present evidence satisfactory to the board that such person's failure to file such application within that time period was due to lack of knowledge or incapacity on such person's part, the amount equal to the amount originally due shall be transferred from the retirement benefit accumulation reserve to the reserve or reserves from which such transfer was initially made and the amount originally due shall be paid to such person.

(6) The participating employer, when an employee files an application for retirement, shall certify to the system all member contributions of such employee which have not been reported previously. In the event the amount certified results in an overpayment of retirement benefits, the employer shall be held responsible for the contribution amount previously certified from the time of commencement of the overpayment of retirement benefits until the time that such overpayment is discovered by the system. At the time that such overpayment of retirement benefits is discovered by the system, the system shall adjust the amount of retirement benefits paid to the employee to the correct amount based on the participating employer's certification of member contributions which had not been previously reported. The participating employer of the employee who has had such member's retirement benefits adjusted as provided in this subsection shall notify such employee of such overpayment and such adjustment of retirement benefits. If the contributions previously certified are lower than the actual amount reported, the employer shall be responsible for remitting the correct amount and the member's monthly benefit shall be recalculated based on the amount reported by the employer. When an employee in school employment files such an application, the participating employer responsible for any such amounts as provided in this subsection shall be the employee's eligible employer as specified in subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto, and shall not be the state of Kansas. The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant, any joint annuitant and any beneficiary.

Sec. 2. K.S.A. 2012 Supp. 74-4919 is hereby amended to read as follows: 74-4919. (1) Except as otherwise provided, each participating employer, beginning with the first payroll for services performed after the entry date, shall deduct from the compensation of each member 4% of such member's compensation as employee contributions. Subject to any election made pursuant to the provisions of K.S.A. 2012 Supp. 74-49,135, and

amendments thereto, each participating employer, for services performed by an employee first employed prior to July 1, 2009, shall deduct from the compensation of each member, the following amounts expressed as a percentage of compensation during the following periods: (a) Commencing January 1, 2014, for members who elected to receive an amount for participating service equal to the total of 1.4% of such member's final average salary, 4% of such member's compensation as employee contributions; and (b) commencing January 1, 2014, for members who elected to receive an amount for participating service equal to the total of 1.85% of such member's final average salary, who did not make an election pursuant to K.S.A. 2012 Supp. 74-49,135, and amendments thereto, ~~or if the federal internal revenue service fails to grant an approval or issues an adverse decision as described in K.S.A. 2012 Supp. 74-49,135, and amendments thereto,~~ 5% of such member's compensation as employee contributions, and commencing January 1, 2015, and in each subsequent calendar year, 6% of such member's compensation as employee contributions. Such deductions shall be remitted quarterly, or as the board may otherwise provide, to the executive director for deposit in the Kansas public employees retirement fund. Such deductions shall be credited to the members' individual accounts and interest shall be added annually to such accounts.

(2) (a) Subject to the provisions of K.S.A. 74-49,123, and amendments thereto, each participating employer, pursuant to the provisions of section 414(h)(2) of the federal internal revenue code, shall pick up and pay the contributions which would otherwise be payable by members as prescribed in subsection (1) commencing with the third quarter of 1984. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the member's compensation.

(b) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member's compensation equal to the amount of the member's contributions picked up by the employer, provided that such deduction shall not reduce the member's compensation for purposes of computing benefits under the system.

(c) Member contributions picked up by the employer shall be remitted quarterly, or as the board may otherwise provide, to the executive director for credit to the Kansas public employees retirement fund. Such contributions shall be credited to a separate account within the member's individual account so that amounts contributed by the member commencing with the third quarter of 1984 may be distinguished from the member contributions picked up by the employer. Interest shall be added annually to members' individual accounts.";

Also on page 1, in line 9, by striking all following "(a)"; by striking all in lines 10 through 12; in line 13, by striking "internal revenue service."; also in line 13, by striking "the remainder of"; in line 14, by striking all following the period; by striking all in lines 15 through 17;

And by renumbering sections accordingly;

On page 7, in line 13, after "Supp." by inserting "74-4915, 74-4919,";

On page 1, in the title, in line 2, after "elections;" by inserting "internal revenue service review requirements;"; in line 4, after "Supp." by inserting "74-4915, 74-4919,"; and the bill be passed as amended.

Committee on Ways and Means begs leave to submit the following report:

The following appointment was referred to and considered by the committee and

your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, KPERS Board of Trustees: K.S.A. 74-4905

Lois Cox, to serve a term of four years

Committee on Ways and Means begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Kansas Development Finance Authority: K.S.A. 74-8903

Patrice Petersen-Klein, to serve a term of four years

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 Masterson in the chair.

On motion of Senator Masterson the following report was adopted:

Recommended: **HB 2015, HB 2028, HB 2109, HB 2120, HB 2203, HB 2204, HB 2218, HB 2318, HB 2349, HB 2357** be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2049 be amended by adoption of the committee amendments, and the bill be passed as amended. A motion by Senator Holmes to amend **HB 2049** failed and the following amendment was rejected: on page 8, following line 14, by inserting:

"Sec. 7. K.S.A. 2012 Supp. 65-771 is hereby amended to read as follows: 65-771. As used in this act:

(a) "Adulterated" has the same meaning as provided in K.S.A. 65-664, and amendments thereto.

(b) "Bulk milk pick up tanker" means a vehicle including the truck, tank and those appurtenances necessary for such vehicle's use, used by a bulk milk hauler or sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station or transfer station.

(c) "Dairy manufacturing plants" means any place where dairy products, grade A milk or milk products are manufactured or prepared for sale or distribution, either at wholesale or retail. This term shall not include a licensed food service establishment which is licensed to manufacture homemade ice cream pursuant to this act.

(d) "Dairy products" means products which may be made from milk or cream for manufacturing purposes and which are not required to meet grade A standards, including butter, cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk, whole or skim, condensed whole milk, condensed skim milk, sweetened or plain, frozen dairy dessert, and frozen dairy dessert mixes and such other products as may be otherwise designated by rules and regulations.

(e) "Frozen dairy dessert" means and includes products containing milk or cream and other ingredients which are frozen or semi-frozen prior to consumption, such as ice cream, ice milk or sherbet, including frozen dairy desserts for special dietary purposes.

(f) "Frozen dairy dessert mix" means the pasteurized unfrozen combination of all ingredients with or without fruits, fruit juices, candy, nut meats, flavor or harmless color which makes a frozen dairy dessert.

(g) "Goat milk" means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy goats. Goat milk sold in retail packages shall contain not less than 2.5% milkfat and not less than 7.5% milk solids not fat. Goat milk shall be produced according to the sanitary standards of this act.

(h) "Grade A pasteurized milk" means pasteurized milk which has at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The milk shall meet the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk does not have at least a 90% survey rating.

(i) "Grade A pasteurized milk products" means all pasteurized milk products which have at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The pasteurized milk products shall meet the requirements for grade A under rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk products within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk products do not have at least a 90% survey rating.

(j) "Grade A raw milk for pasteurization" means milk having at least 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation, the raw milk meeting the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A raw milk for pasteurization within the statewide system of milk inspection and regulatory services, although such milk does not have at least a 90% survey rating.

(k) "Imminent health hazard" means any condition which involves milk, milk products, or dairy products, or any practice or procedure in the handling, transportation, storage, processing or manufacturing of a milk, milk product or dairy product which poses a significant threat of danger to the public health which should be corrected immediately to prevent injury or sickness and which should not be permitted to continue while a hearing or other proceeding is being conducted. An imminent health hazard may be declared at any point in a chain of events which ultimately may result in harm or danger to the public health. The occurrence of the final anticipated injury or other disease related condition shall not be a prerequisite for the establishment of the existence of an imminent health hazard.

(l) "In package form" means any commodity put up or packaged in any manner in advance of sale so as to constitute a unit quantity of the commodity for either wholesale or retail sale, exclusive of any auxiliary container enclosing such packages which individually conform to the requirements of this act.

(m) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultrapasteurized, and shall contain not less than 8.25% milk solids not fat and not less than 3.25% milkfat. Milk may have

been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized. Milk shall be interpreted to include goat milk.

(n) "Milk distributor" means any person who first sells or offers for sale in Kansas any packaged grade A pasteurized milk, milk product, or dairy product.

(o) "Milk hauler/sampler" means any person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant or both, receiving station or transfer station and has in their possession a permit from any state to sample such products.

(p) "Milk inspection and regulatory services" means the inspection, sampling, laboratory testing and the administrative procedures relating thereto, necessary to determine that the production, processing, distribution and sale of grade A milk, milk products, and dairy products comply with the requirements of this act and any rules and regulations adopted hereunder.

(q) "Milk or cream for manufacturing purposes" means raw milk or raw cream which is not subject to grade A standards and which is produced for processing and manufacturing into dairy products for human consumption. Milk for manufacturing purposes may contain less than 3.25% of butterfat and shall be delivered pure, sweet and clean.

(r) "Milk or cream receiving station" means any place where milk or cream may be received, collected, handled, processed, stored or collected and prepared for further transporting.

(s) "Milk or cream transfer station" means any place where milk or cream are transferred directly from one milk tank truck to another.

(t) "Milk plant" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultrapasteurized, aseptically processed, condensed, dried, packaged or prepared for distribution.

(u) "Milk processor" means any person who operates any place, premises or establishment where grade A raw milk for pasteurization or milk or cream for manufacturing purposes is processed, pasteurized, bottled or prepared for distribution.

(v) "Milk producer" means any person who owns or operates a dairy farm and who provides, sells or offers for sale grade A raw milk for pasteurization or milk or cream for manufacturing purposes to a milk plant, receiving station or transfer station.

(w) "Milk products" means cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat skim milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat skim milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat skim milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat skim milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat skim milk, aseptically processed and packaged milk and milk products, milk, reduced fat or lowfat milk or nonfat skim milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral

fortification of milk products defined herein. Milk products also include those dairy foods made by modifying the federally standardized products listed in this section in accordance with 21 C.F.R. § 130.10, requirements for foods named by use of a nutrient content claim and a standardized term. Milk and milk products which have been retort processed after packaging or which have been concentrated, condensed or dried are included in this definition only if they are used as an ingredient to produce any milk or milk product defined herein or if they are labeled as Grade A as adopted and described by rules and regulations promulgated under this act. Except as otherwise provided, the term milk shall not include dietary products, infant formula, ice cream or other desserts, butter or cheese.

(x) "Milk tank truck" means the term used to describe both a bulk milk pick up tanker and a milk transport tank.

(y) "Milk tank truck cleaning facility" means any place, premises or establishment, other than a milk plant, receiving station or transfer station, where a milk tank truck is cleaned and sanitized.

(z) "Milk transport tank" means a vehicle including the truck and tank, used by a bulk milk hauler or sampler to transport bulk shipments of milk and milk products from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

(aa) "Milk transportation company" means the person, business or entity responsible for a milk tank truck.

(bb) "Misbranded" has the same meaning as ascribed to it in K.S.A. 65-665, and amendments thereto.

(cc) "On-farm retail sales of milk or milk products" means the sale of milk or milk products on the farm by the producer from the production of the dairy herd to the final consumer, ~~so long as the person making such sales does not promote the sale of milk or milk products to the public in any manner other than by the erection of a sign upon the premises of the dairy farm. The advertisement upon any such sign shall state that such milk or milk products are raw and shall be in letters of a uniform size.~~ Each container in which any unpasteurized milk is sold or offered for sale shall be clearly labeled as ungraded raw milk.

(dd) "Pasteurized" has the same meaning as ascribed to it in 21 C.F.R. §§ 131.3 and 135.3.

(ee) "Person" means any individual, plant operator, partnership, corporation, company, firm, trustee, association or institution.

(ff) "Plant fabricating single service articles" means any place which manufactures single service articles which are expected to come in contact with grade A milk or grade A milk products.

(gg) "Secretary" means the secretary of the Kansas department of agriculture, or the secretary's designee.

(hh) "Single service article or container" means any container having a milk or milk product-contact surface and used in the packaging, handling, storage or servicing of grade A milk and is intended for one usage only.";

And by renumbering remaining sections accordingly;

On page 22, in line 15, after "2-3306," by inserting "65-771,";

On page 1, in the title, in line 1, by striking "the Kansas department of"; in line 2, by striking "eliminating" and inserting "relating to"; in line 3, after the second semicolon

by inserting "relating to milk, cream and dairy products; definition of on-farm retail sales of milk and milk products;"; in line 4, after "2-3306," by inserting "65-771,"

The committee report on **HB 2017** recommending a **S Sub for HB 2017** be adopted, and the substitute bill be passed as amended.

The committee report on **HB 2093** recommending a **S Sub for HB 2093** be adopted, and the substitute bill be passed.

HB 2109 be amended by motion of Senator Abrams: on page 1, in line 24, after "under" by inserting "subsection"; in line 25, after "under" by inserting "subsection"; in line 26, after "under" by inserting "subsection"; in line 27, after "under" by inserting "subsection"; in line 28, after "under" where it appears for the first time by inserting "subsection"; also in line 28, after "under" where it appears for the second time by inserting "subsection"; in line 29, after "under" by inserting "subsection" and **HB 2109** be passed as amended.

HB 2025 be amended by adoption of the committee amendments, be further amended by motion of Senator Pilcher-Cook: on page 4, in line 28, by striking the first "of" and inserting "for" and **HB 2025** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2015**, **HB 2017**, **HB 2025**, **HB 2028**, **HB 2049**, **HB 2093**, **HB 2109**, **HB 2120**, **HB 2203**, **HB 2204**, **HB 2218**, **HB 2318**, **HB 2349** and **HB 2357** were advanced to Final Action and roll call.

HB 2015, AN ACT concerning domestic relations; relating to marital property; dissolution of marriage; service of process; amending K.S.A. 2012 Supp. 23-2601 and 23-2704 and repealing the existing sections.

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, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Haley, Tyson.

The bill passed, as amended.

Sub HB 2017, AN ACT concerning criminal procedure; relating to appeals from municipal court; appeals from a district magistrate judge; use of tracking devices by law enforcement; search warrants; amending K.S.A. 12-4601, 22-2503 and 22-2506 and K.S.A. 2012 Supp. 22-2502, 22-3609 and 22-3609a 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, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

HB 2025, AN ACT establishing the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; amending K.S.A. 2012 Supp. 39-7,160 and 39-7,162 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 39-7,161 and 46-3501.

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

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

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President : I concur unanimously with the passage of **HB 2025**. The Robert G. “Bob” Bethell joint committee on home and community based services. Few, during my twenty year tenure here in the Kansas Legislature, approach the combination of intellect, tenacity and perseverance that Representative Bob Bethell brought to the legislative process. His unique and untiring advocacy on behalf of quality senior living ; his mixture of wit, sometimes self-effacing humor (“ Well, if it isn’t the late David Haley !” ...a standard greeting underscoring my penchant for tardiness) ; his appreciation for Disney’s lovable Mickey Mouse and so many fond and respected memories punctuate his very being throughout our Rotunda and this building to this very day. A minister of sorts, Bob would no doubt have some philosophical irony attributed to his final day of service to his family, his community and the causes he championed ... all which he loved dearly. His life lost in a car accident heading home after a marathon day at the Legislature ... what would HE say ? All I can say now, Madame President, is that we should all be so fortunate to have an identifiable legacy as enviable as Bob’s. This bill is an important part of his advocacy which will now be long remembered, appropriately, in statute. Truly ... his very living was not in vain.—DAVID HALEY

HB 2028, AN ACT concerning forfeiture; relating to venue in forfeiture proceedings; amending K.S.A. 60-4103 and repealing the existing section.

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, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, 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: King.

The bill passed, as amended.

HB 2049, AN ACT concerning the Kansas department of agriculture; relating to program fees; increasing certain fees; eliminating sunsets on various program fees; exempting certain dairies from fees; amending K.S.A. 2012 Supp. 2-2440, 2-2440b, 2-

2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714, 82a-727, 83-302 and 83-402 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.

Sub Bill for HB 2093, AN ACT concerning the Kansas consumer protection act; relating to unconscionable acts or practices.

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.

HB 2109, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2012 Supp. 72-6448 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.

HB 2120, AN ACT concerning crimes, criminal procedure and punishment; amending K.S.A. 2012 Supp. 21-2511 and 21-6403 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.

HB 2203, AN ACT concerning civil procedure; relating to exercise of religion.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Francisco, Haley, Hawk, Hensley.
 Present and Passing: Holland, Wolf.
 The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote “no” on **HB 2203**. I am concerned that there is no requirement in the bill that a burden be in any way substantial; rather the definition of burden is stated as meaning “any government activity that directly or indirectly constrains, inhibits, curtails, or denies the exercise of religion...” With this definition the bill does not restore a known and effective legal protection, but rather establishes an uncertain standard. Furthermore, this bill does nothing to clarify that it cannot be used to withhold public safety and healthcare services. Expansion of religious freedom should not come at the expense of the existing civil rights protections for Kansans, nor should the state sanction the use of religion in any way to further discrimination.—
 MARCI FRANCISCO

Senators Haley and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **HB 2203**.

HB 2204, AN ACT concerning civil procedure; relating to redemption of real property; amending K.S.A. 2012 Supp. 60-2414 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.

HB 2218, AN ACT concerning driving; relating to driving under the influence of alcohol or drugs; tests; implied consent; administrative hearings; aggravated battery; amending K.S.A. 8-1567a and K.S.A. 2012 Supp. 8-2,144, 8-1001, 8-1013, 8-1020, 8-1025, 8-1567 and 21-5413 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.

HB 2318, AN ACT concerning motor vehicles; relating to motorcycles; authorizing modulating head lamps and side lamps; amending K.S.A. 8-1801 and 8-1804 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.

HB 2349, AN ACT concerning legislative post audit committee; auditing unified school districts.

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.

HB 2357, AN ACT designating a portion of United States highway 169 as the 242nd engineer company – KS army national guard – highway.

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.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 22, 2013.

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

DIANE MINEAR, *Secretary of the Senate*.

