

# Journal of the Senate

SIXTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, May 17, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with thirty-eight senators present.  
Senators Faust-Goudeau and Hawk were excused.  
Invocation by Father Don Davidson:

This weekend thousands of young men and women will dawn caps and gowns and receive a diploma announcing to the entire world that they have reached the conclusion of a course of educational study; that they are indeed graduates. We will join with families as they celebrate their achievements, and we will think back upon our own graduation moments many years, possibly decades previous. These young women and men give our communities and state hope for the days ahead. They remind us of the enthusiasm and optimism of youth and that there is reason to be filled with hope for their future and ours; and we thank you Lord for their teachers who with them made their joy possible. We thank you God for those who teach and for those who learn, and for all those who begin a new adventure this weekend. In your name we pray, Amen

The Pledge of Allegiance was led by President Susan Wagle.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1763—

A RESOLUTION congratulating Dylan Thomas York  
on his 13 year record of perfect school attendance.

WHEREAS, Dylan Thomas York will graduate from Louisburg High School on May 18, 2013, and he has not missed any school for thirteen years; and

WHEREAS, Dylan's mother noted that he has been blessed with good health. During Dylan's freshman year of high school, he broke his ankle. He requested his surgery take place Friday evening so he would be able to return to school on Monday to maintain perfect attendance; and

WHEREAS, Dylan participates in soccer and wrestling. He is a model student, taking Advanced Placement classes with a phenomenal grade point average. Dylan is also a member of the National Honor Society; and

WHEREAS, Dylan plans to attend Pittsburg State University in the fall, and he

aspires to be an orthopedic surgeon: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Dylan York on his remarkable perfect school attendance for thirteen years. Dylan is a great student role model, and we wish him great success in the future; and

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

Also introduced were Dylan's parents Jack and Janet York.

The Senators rose for a standing ovation.

On emergency motion of Senator Apple **SR 1763** was adopted unanimously.

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

SENATE RESOLUTION No. 1764—

A RESOLUTION celebrating Joe Hefner's 90<sup>th</sup> birthday  
and thanking him for his service to the Kansas Senate.

WHEREAS, Joe Hefner was born on June 1, 1923, in Topeka, Kansas. He is a lifetime resident of the state of Kansas, and he attended high school in Topeka; and

WHEREAS, In 1941, Joe Hefner joined the Army and landed on Omaha Beach during D-Day. He was awarded the Purple Heart for his courageous service; and

WHEREAS, Joe Hefner has served on the Sergeant at Arms staff for 30 years starting in 1983. Before he came to the legislature, Joe worked at Goodyear for 35 years; and

WHEREAS, When asked about his favorite part of serving in the Kansas Senate, Joe said he enjoys the people and the parties: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we wish Joe Hefner a happy 90<sup>th</sup> birthday in June. We greatly appreciate his service and wish him well in the future; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide one copy of this resolution to Senator Bruce.

Also introduced were granddaughter, Pam Watson, Dolly Klappin, friend, and Stacy Graf.

The Senators rose for a standing ovation.

On emergency motion of Senator Bruce **SR 1764** was adopted unanimously.

### CONFERENCE COMMITTEE REPORTS

The President announced the appointment of Senator Masterson as a member of the Conference Committee on **SB 171** to replace Senator Abrams.

The President announced the appointment of Senator Denning as a member of the Conference Committee on **SB 171** to replace Senator Arpke.

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **SB 171** to replace Senator Hensley.

### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 63**, and has appointed Representatives Kinzer, Bruchman and Pauls as second conferees on the part of the House.

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.

### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2162**.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2162** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 5 through 30;

On page 2, by striking all in lines 1 through 39 and inserting the following:

"Section 1. (a) No portion of any money appropriated by the state legislature shall be used, other than for normal and recognized executive and legislative relationships, for:

(1) Publicity or propaganda purposes relating to gun control; or

(2) preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television or video presentation designed to support or defeat:

(A) The enactment of legislation before the federal government, state legislature or a local government legislative body relating to gun control; or

(B) any proposed or pending regulation, administrative action or order issued by the federal government, any state agency or local government relating to gun control.

(b) No portion of any appropriation shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting on behalf of such recipient, related to any activity designed to influence the enactment of legislation, an appropriation, a regulation, an administrative action, or an executive order proposed or pending before the federal government, Kansas legislature or local government legislative body relating to gun control.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future:

(1) Federal, state or local tax increase relating to gun control; or

(2) requirement or restriction on any legal consumer product, including its sale or marketing, relating to gun control.";

On page 1, in the title, in line 1, by striking all after "the"; in line 2, by striking "statements" and inserting "use of state appropriated moneys";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

*Conferees on part of Senate*

LANCE KINZER

ROB BRUCHMAN

JANICE L. PAULS

*Conferees on part of House*

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2162**.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 0; Absent or Not Voting 3.

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

Nays: Francisco, Holland, McGinn, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: Abrams, Faust-Goudeau, Hawk.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: I believe **HB 2162** unduly restricts the freedom of speech of Kansas's local units of government and that is why I vote no. **HB 2162** places state government in the role of big brother, regulating the speech of local elected officials and their representatives on gun related issues at the local, state, and Federal level. We are denying our local elected officials the opportunity to voice their opinion and represent their constituents. Proponents argue that the bill only limits the use of state-appropriated funds for lobbying, but in reality what does that mean? Many local elected officials are paid through funding streams that include both state and local revenues. Any lobbyist that they contract with to represent them at the local, state, and Federal level is paid through the same funding streams. Many state elected officials indicate they do not like the Federal government implementing mandates on state government but do not seem to have any remorse when stifling the voice of local elected officials and their representatives. When the voices of local governments are stifled, we are stifling the voices of the voters who elected them to represent their local interests. I vote "NO" on **HB 2162**.—CAROLYN MCGINN

Senators Holland and Pettey request the record to show that they concur with the "Explanation of Vote" offered by Senator McGinn.

#### EXPLANATION OF VOTE

Madam President: I vote "NO" on the conference committee report on **HB 2162**. Questions were asked as to whether this would stifle free speech and limit comments on legislation, appropriations, regulations, administrative action, executive orders, and tax increases. The response was that there is an exception for portions of any money appropriated by the state legislature for "normal and recognized executive and legislative relationships", however, that phrase is not included in the restrictions on paying for the salary or expenses of grant or contract recipients or their agents. I am assuming that the legislature wants to continue our ability to pass resolutions to share our views on all issues and believe we should accord others that same opportunity.

—MARCI FRANCISCO

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, May 20, 2013.

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

DIANE MINEAR, *Secretary of the Senate*.

