

# Journal of the Senate

FORTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 27, 2013, 11:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with forty senators present.  
Invocation by Father Don Davidson:

Gracious God, today we give thanks for those whose skill with a pen and the keyboard, and the proper understanding of organization brings good order to an amazingly complicated process. The Secretary of the Senate and our clerks are truly dedicated people who love what they do, and the service they provide. Their unique abilities bring clarity, tidiness and understanding to the way in which words and ideas become statutes and laws. We thank you Lord for bringing this chamber such talent and grace. In your name and in thanksgiving we pray. Amen

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

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2057**.

Federal and State Affairs: **Sub HB 2002**.

Judiciary: **HB 2387, HB 2389**.

Utilities: **HB 2101, HCR 5014**.

Ways and Means: **Sub HB 2262; HB 2338, HB 2377**.

## CHANGE OF REFERENCE

The President withdrew **HB 2069** from the Calendar under the heading of General Orders, and referred the bill to the Committee on Ways and Means.

## MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5017**.

Announcing passage of **HB 2197, HB 2244, HB 2267, HB 2378, HB 2391, HB 2396, HB 2403**.

Announcing passage of **SB 52, SB 113, SB 142**.

Also, passage of **SB 21**, as amended; **SB 23**, as amended; **SB 63**, as amended; **SB 111**, as amended; **SB 129**, as amended; **SB 136**, as amended; **SB 149**, as amended; **SB 164**, as amended; **SB 171**, as amended; **SB 187**, as amended; **SB 199**, as amended;

Announcing adoption of **SCR 1606**

The House nonconcurrs in Senate amendments to **S Sub HB 2043**, requests a conference and has appointed Representatives Rubin, Gonzalez and Finney as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2107**, requests a conference and has appointed Representatives Shultz, Hermanson and Finney as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2128**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2139**, requests a conference and has appointed Representatives DeGraaf, Kelly and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2149**, requests a conference and has appointed Representatives Rhoades, Suellentrop and Henry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub for HB 2150**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2162**, requests a conference and has appointed Representatives Schwab, Huebert and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2164**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2249**, requests a conference and has appointed Representatives Huebert, Phillips and Alcala as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2339**, requests a conference and has appointed Representatives Shultz, Hermanson and Finney as conferees on the part of the House.

Representative Ballard will replace Representative Henry on the conference committee for **S Sub HB 2143**.

## **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5017**, relating to the adjournment of the senate and house of representatives for periods during the 2013 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5017** was adopted by voice vote.

**HB 2197, HB 2244, HB 2267, HB 2378, HB 2391, HB 2396, HB 2403** were thereupon introduced and read by title.

## **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 218**, AN ACT concerning courts; relating to docket fees, court fees and costs; creating the judicial branch docket fee fund; abolishing the judicial branch surcharge fund; amending K.S.A. 5-517 and 20-166 and K.S.A. 2012 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-172b, 28-177, 28-178, 28-179,

32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001, 65-409, 74-7325, 74-7334 and 75-7021 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 20-367, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Pyle.

Present and Passing: Francisco.

The bill passed, as amended.

**Sub HB 2024**, AN ACT enacting the Kansas roofing contractor registration act, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Knox, Melcher, Olson, Pilcher-Cook, Pyle, Tyson.

Present and Passing: Francisco.

The substitute bill passed, as amended.

**HB 2033**, AN ACT concerning regulation of knives; relating to carrying or using weapons; amending K.S.A. 2012 Supp. 21-6301 and 21-6302 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 HB 2034**, AN ACT repealing K.S.A. 75-52,119, 75-52,120 and 75-52,121; concerning the department of corrections; relating to the purchase of certain real estate, was considered on final action.

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

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

The substitute bill passed.

**S Sub for HB 2051**, AN ACT concerning water; relating to water rights; amending

K.S.A. 2012 Supp. 82a-1901 and repealing the existing section, was considered on final action.

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

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

Nays: McGinn.

The substitute bill passed.

**S Sub for HB 2052**, AN ACT concerning firearms; dealing with the personal and family protection act; amending K.S.A. 2012 Supp. 21-6302, 21-6309, 45-221, 75-7c05, 75-7c06, 75-7c10 and 75-7c17 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, was considered on final action.

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

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

Nays: Faust-Goudeau, Francisco, Hawk, Holland, Pettey.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote no on **S Sub HB 2052**. While I support the second amendment and people's rights to protect themselves and their families, I believe S Sub for HB2052 is too big, tries to do too much, and takes away local government's ability to decide what would work best in their communities. Furthermore, as a former educator and school administrator, I am not comfortable with the thought of having guns in schools and on college campuses. That is why I vote no on S Sub HB 2052.—  
TOM HAWK

Senator Francisco requests the record show she concurs with the "Explanation of Vote" offered by Senator Hawk on **S Sub for HB 2052**.

Mr. Vice President: I vote no on **S Sub for HB 2052**. While I support the second amendment and people's rights to protect themselves and their families, I believe **S Sub for HB 2052** is too big and takes away local control. As a former county commissioner, I believe it is important for local government to have a say in what buildings in their communities will allow guns. Finally, as a former educator who used to worry about where to keep my purse in my classroom where my students wouldn't get into it, I can't even fathom allowing guns in a school building or on a college campus. That is why I vote no on **S Sub for HB 2052**.—PAT PETTEY

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Pettey on **S Sub for HB 2052**.

**HB 2083**, AN ACT concerning the public employee relations board; amending K.S.A. 75-4327 and K.S.A. 2012 Supp. 75-4332 and repealing the existing sections,

was considered on final action.

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

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

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

The bill passed.

**Sub HB 2105**, AN ACT concerning the employment security law; amending K.S.A. 44-702 and K.S.A. 2012 Supp. 44-703, 44-704, 44-705, 44-706, 44-709, 44-710, 44-710a, 44-710b, 44-714, 44-719, 74-5602 and 75-5702 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 44-704c, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

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

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote no on **Sub for HB 2105**. I know that unemployed Kansans do not want to be unemployed and they do all they can to get re-employed. That is why the average unemployed Kansan collects unemployment benefits for 15 weeks before finding new employment. This bill changes the amount of time an unemployed Kansan can receive benefits from 26 weeks to 16 weeks while finding new employment in our current economy, according to studies, can take anywhere up to 31 weeks. This bill is a slap in the face of unemployed Kansans struggling to make ends meet for themselves and their families. We don't need to change a system that has worked very well for years. That is why I vote no.—ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Holland and Pettey request the record show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2105**.

**HB 2106**, AN ACT concerning insurance on portable electronics; amending K.S.A. 2012 Supp. 40-5607 and repealing the existing section, was considered on final action.

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

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

Nays: Tyson.

The bill passed.

**HB 2115**, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, was considered on final action.

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

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

Nays: Tyson.

The bill passed, as amended.

**Sub Bill for HB 2140**, AN ACT concerning schools; relating to pupils and reading proficiency; enacting the Kansas reads to succeed act, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Knox, LaTurner, McGinn, Pettey.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote no on **S Sub for HB 2140**, the Reading to Succeed Act. I believe in the importance of school children learning how to read and reading at grade level, but I don't believe that's what this bill is really all about. In his Roadmap for Kansas, Governor Brownback said he wants to see an increase in the percentage of 4th graders reading at grade level. I believe that his proposal to retain students at the 3rd grade level is an effort to achieve this goal. He's willing to do whatever may make the numbers look good, even if it means bad policy. I do not believe retention is the answer. Study after study has shown that retention is bad policy, while other studies show the effectiveness of early childhood education programs. Yet, Governor Brownback insists on pulling \$6 million out of essential early childhood education programs to fund his Reading to Succeed Act. This bill gives \$6 million to a group of individuals who were hand selected by Governor Brownback to distribute to any organization they deem fit. I am not willing to gamble with the education of Kansas school children. That is why I vote no on the Reading to Succeed Act.—ANTHONY HENSLEY

Senators Faust-Goudeau and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on S Sub for HB 2140,

Mr. Vice President: I support local schools and locally elected school boards. Local educators know best how to educate their students. They know the situations of their schools and their communities. The local educational environment varies greatly across this great state. I believe that state mandates on our local schools are often

counterproductive and stifle creativity, innovation, and the ability of teachers to do their job. **S Sub for HB 2140** mandates actions of local schools. While I support the intent of the bill, I do not support such mandates. I vote NO on **S Sub HB 2140**. —FORREST KNOX

**HB 2200**, AN ACT concerning the executive branch chief information technology officer; relating to duties; transferring certain powers, duties and functions of the director of information systems and communications, the division of information systems and communications and the secretary of administration to the executive chief information technology officer and the office of information technology services; amending K.S.A. 48-937, 65-6138, 65-6139, 65-6140, 74-9302, 74-9303, 74-9605, 75-37,102, 75-4701, 75-4702, 75-4702c, 75-4704, 75-4704b, 75-4705, 75-4710, 75-4712, 75-4713, 75-4714, 75-4715, 75-4716, 75-6512 and 76-389 and K.S.A. 2012 Supp. 46-1503, 74-9304, 74- 9306, 75-3707e, 75-4703, 75-4704a, 75-4709, 75-7202, 75-7204 and 75-7205 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.

**HB 2201**, AN ACT concerning telecommunications; relating to the state corporation commission, regulation; concerning the Kansas universal service fund, eligibility and disbursements; establishing the telecommunications study committee; concerning KAN-ED; amending K.S.A. 66-1,188, 66-1,191, 66-1,195, 66-2002, 66-2003 and 66-2007 and K.S.A. 2012 Supp. 66-1,187, 66-2005, 66-2006, 66-2008, 66-2009 and 75-7224 and repealing the existing sections, was considered on final action.

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

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

Nays: Francisco, Holland, Melcher, Tyson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote NO on **HB 2201**. K.S.A. 66-2001 makes it clear that the current public policy of the state, among other intents, is to ensure that every Kansan will have access to a first class telecommunications infrastructure that provides excellent services at an affordable price and to promote consumer access to a full range of telecommunications services that are comparable in urban and rural areas throughout the state. Telecommunications services are changing at a rapid pace; we need to keep up. I believe that we could do this best by reviewing and confirming or updating our statement of policy before we pass a bill on telecommunications, especially a bill that is

starkly in contrast with much of that stated public policy by eliminating specific responsibilities for carrier of last resort and the Kansas Lifeline Services Program.—

MARCI FRANCISCO

Senator Holland requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2201**.

**Sub HB 2207**, AN ACT concerning public health; relating to confined feeding facilities; registration; amending K.S.A. 2012 Supp. 65-171d 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 substitute bill passed, as amended.

**HB 2213**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirement annuity options; certain member elections; internal revenue service review requirements; retirement benefit determinations, one-time payment; membership; amending K.S.A. 2012 Supp. 20-2610a, 74-4915, 74-4919, 74-4964, 74-49,135, 74-49,205, 74-49,301, 74-49,306, 74-49,308, 74-49,313 and 74-49,315 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.

**HB 2217**, AN ACT concerning crimes, criminal procedure and punishment; relating to female genital mutilation, 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 2228**, AN ACT concerning the Kansas public employees retirement system; relating to death and long-term disability benefits; employer payments to group insurance reserve fund; amending K.S.A. 2012 Supp. 74-4927 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 2234**, AN ACT concerning the Kansas turnpike authority; relating to contracts between the authority and the Kansas department of transportation; concerning purchase of certain real estate; amending K.S.A. 68-2003 and 68-2021 and repealing the existing sections; also repealing K.S.A. 68-2030, 68-2031, 68-2032, 68-2033, 68-2034, 68-2035, 68-2036, 68-2037, 68-2038, 68-2039, 68-2040, 68-2041, 68-2042, 68-2043, 68-2044, 68-2045, 68-2046, 68-2047, 68-2048, 68-2048a, 68-2048b, 68-2048c, 68-2051, 68-2052, 68-2053, 68-2054, 68-2055, 68-2056, 68-2057, 68-2058, 68-2059, 68-2060, 68-2061, 68-2062, 68-2063, 68-2064, 68-2065, 68-2066, 68-2067, 68-2068, 68-2069, 68-2070, 68-2071, 68-2072, 68-2073, 68-2074, 68-2075, 68-2076, 68-2077, 68-2078, 68-2079, 68-2080, 68-2081, 68-2082, 68-2083, 68-2084, 68-2085, 68-2086, 68-2087, 68-2088, 68-2089, 68-2090, 68-2091, 68-2092, 68-2093, 68-2094, 68-2095, 68-2096, 68-2097, 68-2098, 68-2099, 68-20,100, 68-20,101, 68-20,102, 68-20,103, 68-20,104, 68-20,105, 68-20,106, 68-20,107, 68-20,108, 68-20,109, 68-20,110, 68-20,111, 68-20,112, 68-20,113, 68-20,114, 68-20,115, 68-20,116, 68-20,117, 68-20,118, 68-20,119 and 75-5028, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Donovan, Emler, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Olson, Ostmeyer, Pettey, V. Schmidt.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote no on **HB 2234**. By all accounts, the Kansas Turnpike Authority is a well-run and efficient agency entirely self-supported from toll revenues paid by cars and trucks that choose to use it. It generates about \$90 million a year which is used to make payments on its revenue bonds and make capital improvements. Governor Brownback's proposal suggests that merging the Turnpike into KDOT would generate \$15 million in savings each of the next two years. However, none of these savings have been documented in any way. This proposal will be seen by investors as politicizing the Kansas Turnpike, since KDOT is ultimately answerable to elected officials and the Secretary of Transportation will serve as CEO of the Kansas Turnpike. The proposed takeover of the Kansas Turnpike is a bad idea. Its costs very likely will far outweigh any minor cost savings that might be achieved in the short term. The Legislature would be wise to leave this well run, autonomous agency alone. For those reasons, I vote NO on **HB 2234**.—ANTHONY HENSLEY

Senators Francisco, Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2234**.

Mr. Vice President: – I vote NO on **HB 2234**. I agree with the question that was asked about the bill: why on earth would we make these changes to an agency that provides tremendous value to the state at no cost to the state? The Kansas Turnpike Authority provides for a truly great roadway by collecting tolls from both residents and non-residents that pay for construction, maintenance, and patrol services with no state appropriations. Many claims are made that private businesses can do a better and more efficient job of providing services than the government. Votes to merge this well-run private agency into a government entity fly in the face of those claims. This is a sad day for Kansas, and it will result in a less than glorious future for the state.—CAROLYN MCGINN

Senator Francisco request the record to show she concurs with the "Explanation of Vote" offered by Senator McGinn on **HB 2234**.

**HB 2278**, AN ACT concerning crimes, criminal procedure and punishment; relating to theft, burglary and criminal deprivation; relating to firearms; amending K.S.A. 2012 Supp. 21-5801, 21-5803 and 21-5807 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.

**HB 2294**, AN ACT concerning the Kansas uniform securities act; amending K.S.A. 17-12a302, 17-12a402 and 17-12a411 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.

**HB 2302**, AN ACT concerning the Kansas department of health and environment; relating to drug screening, criminal history record check and fingerprinting of certain persons and employees; amending K.S.A. 2012 Supp. 75-4362 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 2303**, AN ACT concerning driving; relating to reinstatement fees; driving under the influence fund; judicial branch nonjudicial salary adjustment fund; forensic laboratory and materials fee fund; community alcoholism and intoxication programs fund; juvenile detention facilities fund; amending K.S.A. 41-1126 and K.S.A. 2012 Supp. 8-241, 20-1a15, 28-176, 75-5660 and 79-4803 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Francisco, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, O'Donnell, Powell, V. Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Faust-Goudeau, Haley, Holmes, Lynn, Melcher, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, Smith.

The bill passed, as amended.

#### EXPLANATION VOTE

Mr. Vice President: I am appalled that the senate would condone the underlying message this bill is giving. What kind of message are we sending to the citizens of our great state? To think that that we even have penalties for third and fourth DUI convictions is completely unacceptable. Having been involved in an accident with an inebriated driver that was over two and a half times the legal limit, and having been seriously injured in that accident and seeing the result of the death of that driver on the family leave me incensed that our penalties are lax and needing additional review. I feel that every licensed driver in the vehicle should receive the same DUI ticket and the same exact penalty as the vehicle operator. Looking at the monetary penalties, I have seen bar tabs larger than the penalties we are recommending. I do agree with the higher penalties but allowing these individuals the privilege of driving past the first conviction... their license needs to be revoked and that penalty enforced. I also would support any effort to review our DUI penalties as measured with the rest of the world. I vote no on **HB 2303**.—TOM ARPKE

Senators Abrams, Faust-Goudeau and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Arpke on **HB 2303**.

Mr. Vice-President: I vote No on **HB 2303** for Adrian Crosby and Dominic Greene who were killed in a head on collision by a drunk driver. —OLETHA FAUST-GOUDEAU

**HB 2322**, AN ACT concerning the department of health and environment; relating to the division of health; amending K.S.A. 65-102, 65-118, 65-153 and 75-5621 and K.S.A. 2012 Supp. 65-2402, 65-2422d, 75-5601, 75-5603 and 75-5664 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 75-7411 and 75-7412, 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 2326**, AN ACT concerning certain internet protocol enabled services, was considered on final action.

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

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

Nays: Melcher.

Present and Passing: Francisco, Holland.

The bill passed.

**HB 2353**, AN ACT concerning controlled substances; amending K.S.A. 2012 Supp. 65-4105 and repealing the existing section, was considered on final action.

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.

**HB 2363**, AN ACT concerning water; relating to wastewater regulations; relating to streams, dams and obstructions; amending K.S.A. 82a-307 and K.S.A. 2012 Supp. 82a-301, 82a-302, 82a-303b, 82a-326 and 82a-734 and repealing the existing sections, was considered on final action.

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

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

Present and Passing: Francisco, McGinn.

The bill passed, as amended.

## ENROLLED BILLS

**SR 1740, SR 1739, SR 1741, SR 1742** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 27, 2013.

## ORIGINAL MOTION

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **S Sub for HB 2043**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2107**.

The Vice President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2128**.

The Vice President appointed Senators Ostmeyer, Emler and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2139**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2149**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **S Sub for HB 2150**.

The Vice President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Pyle, the Senate acceded to the request of the House for a conference on **HB 2162**.

The Vice President appointed Senators Pyle, Holmes and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2164**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Pyle, the Senate acceded to the request of the House for a conference on **HB 2249**.

The Vice President appointed Senators Pyle, Holmes and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2339**.

The Vice President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Abrams the Senate nonconcurrred in the House amendments to **SB 23** and requested a conference committee be appointed.

The Vice President appointed Senators Abrams, Arpke and Hensley as a conference committee on the part of the Senate.

On motion of Senator Smith the Senate nonconcurrred in the House amendments to **SB 63** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference

committee on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurred in the House amendments to **SB 111** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, Emler and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Olson the Senate nonconcurred in the House amendments to **SB 129** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Longbine and Hawk as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurred in the House amendments to **SB 136** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

On motion of Senator Lynn the Senate nonconcurred in the House amendments to **SB 149** and requested a conference committee be appointed.

The Vice President appointed Senators Lynn, Wagle and Holland as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurred in the House amendments to **SB 164** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

On motion of Senator Abrams the Senate nonconcurred in the House amendments to **SB 171** and requested a conference committee be appointed.

The Vice President appointed Senators Abrams, Arpke and Hensley as a conference committee on the part of the Senate.

On motion of Senator Lynn the Senate nonconcurred in the House amendments to **SB 187** and requested a conference committee be appointed.

The Vice President appointed Senators Lynn, Wagle and Holland as a conference committee on the part of the Senate.

On motion of Senator Pilcher-Cook the Senate nonconcurred in the House amendments to **SB 199** and requested a conference committee be appointed.

The Vice President appointed Senators Pilcher-Cook, Bowers and Kelly as a conference committee on the part of the Senate.

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 10:00 a.m., Monday, April 1, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

