

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 16, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Donovan, Ostmeier and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

What an awesome God You are!

Powerful enough to create the universe;
Sensitive enough to notice a falling sparrow.

Powerful enough to guide the destiny of nations;
Sensitive enough to hear an infant cry.

Powerful enough to hear everyone's prayers;
Sensitive enough to hear the prayer of one Senator.

Powerful enough to influence the decisions of presidents;
Sensitive enough to listen to one tired Senator.

Powerful enough to create life;
Sensitive enough to empower a discouraged Senator.

Powerful enough to raise the dead;
Sensitive enough to raise the hopes of a defeated Senator.

What an awesome God You are!!

I pray in the Name of Jesus Christ, AMEN

The pledge of allegiance was led by President Stephen Morris.

SPECIAL ORDER OF BUSINESS

The time having arrived, other business was suspended and the Senate turned its attention to the Special Order of Business which had been scheduled for that day, **Executive Reorganization Order No. 39**, abolishing the Kansas Arts Commission established by K.S.A. 74-5202 and the office of executive director of the commission

established by K.S.A. 74-5204 and transferring the powers, duties, and functions to the state historical society, and **Senate Resolution 1819** were considered.

SR 1819, A RESOLUTION disapproving Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission created by K.S.A. 74-5202 and the office of executive director of the commission under K.S.A. 74-5204 and transferring the powers, duties and functions to the state historical society, was considered on final action.

On roll call, the vote was: Yeas 24, Nays 13, Present and Passing 0, Absent or Not Voting 3.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Petersen, Pilcher-Cook, Pyle, Wagle.

Absent or Not Voting: Donovan, Ostmeier, Taddiken.

The resolution was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote YES on **SR 1819**, disapproving Executive Reorganization Order No. 39 that would abolish the Kansas Arts Commission. In the legislature we have and are continuing, even in this difficult economy, to approve of funding to support businesses that create and retain jobs. There is a program in Lawrence for at-risk youth that goes by the acronym JAMS – Jobs in the Arts Make Sense. In many ways, our support for the Kansas Arts Commission is supporting jobs, and to me, and many others across the state, Jobs in the Arts Make Sense.-- MARCI FRANCISCO

MR. PRESIDENT: Today we make a choice about where to put our treasured tax dollars. To date, we have not produced a recession budget and our revenues suffer daily from a down economy. Now is the time to produce different approaches to solving problems, to utilize our collective creative thinking, and to break out of old models and move eagerly towards new solutions. That is our charge, MR. PRESIDENT, and for this reason I vote No on **SR 1819**.—JULIA LYNN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2339**.

Ways and Means: **SB 235**, **SB 236**.

CHANGE OF REFERENCE

The President withdrew **HB 2067** from the Committee on Ethics and Elections (separately) and the Committee on **Judiciary** (separately), and rereferred the bill to the Committee on **Ethics and Elections**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2371**.

Announcing adoption of **HCR 5023**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2371; HCR 5023 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators A. Schmidt, Morris, Abrams, Holland, Kelly, Kultala, Masterson, Ostmeyer, Pyle, V. Schmidt, Taddiken, Teichman, Umbarger, and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1830—

A RESOLUTION congratulating and commending the trailblazer class of the Kansas Academy of Mathematics and Science.

WHEREAS, The Legislature of the state of Kansas enacted legislation in 2006 authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and science education, increase retention of intellectual capital and promote economic development; and

WHEREAS, The Legislature of the state of Kansas approved five years of funding for the Kansas Academy of Mathematics and Science in 2008; and

WHEREAS, Fort Hays State University is a forward-thinking liberal and applied arts university and is recognized internationally for offering more than 60 degrees in a technology-rich environment. Fort Hays State University aggressively seeks innovative solutions to meet the educational needs of Kansans and enhance the economic future of the state; and

WHEREAS, The State Board of Regents selected Fort Hays State University as the site to host the Kansas Academy of Mathematics and Science in 2007; and

WHEREAS, Fort Hays State University established the Kansas Academy of Mathematics and Science allowing Kansas to become the sixteenth state in the country with an academic early-entry-to-college program offering a unique residential learning experience for high-achieving high school juniors and seniors who are academically talented in science and mathematics; and

WHEREAS, The Kansas Academy of Mathematics and Science provides a unique hands-on rigorous research environment with doctoral-level faculty that focuses on academics, research, leadership development and civic engagement allowing Fort Hays State University to cultivate future citizen-leaders; and

WHEREAS, Students who graduate from the Kansas Academy of Mathematics and Science will receive a high school diploma and 68 hours of college credit; and

WHEREAS, The trailblazer class of the Kansas Academy of Mathematics and Science will graduate in 2012; and

WHEREAS, The members of the trailblazer class of the Kansas Academy of Mathematics and Science who will graduate in 2012 are: Justin Arnsperger, Ashland; Peter Betzen, Parsons; Rachel Bieniecki, Tonganoxie; Krysten Brake, Kinsley; Bria Carder, Eudora; Janae Carter, Andover; Jonathan Folkerts, Hays; Kaylin Hawman, WaKeeney; Clint Herrmann, Sabetha; Chance Kahle, Wamego; Taylor Kane, Scott City; Abbey Killinger, Topeka; Soo Bum Kim, Dukso-ri, Wabu-eub Republic of Korea; Alexander Lee, Lansing; Nyasha Maforo, Winfield; Manvitha Marni, Leawood; Aleta Martin, Topeka; Alondra Meraz, Hugoton; Cole Mosier, Holton; Rachel Schmidt, Atchison; Kara Schnake, Augusta; Logan Smith, Richfield; Elsie Suhr, Sabetha; and

Shaley White, Leoti: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the trailblazer class of the Kansas Academy of Mathematics and Science as they approach graduation and wish them continued success in their academic and personal pursuits and encourage them to use their significant gifts to improve the future of their home state; and

Be it further resolved: That we express gratitude to the educators and support staff at the Kansas Academy of Mathematics and Science who, through their dedication and commitment to excellence in education in the fields of mathematics and science, have brought this program to fruition through the success of the trailblazer class. The efforts of the educators and support staff of the Kansas Academy of Mathematics and Sciences are helping to forge the future for the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution, one each to Ronald Keller, Director of the Kansas Academy of Mathematics and Science, and to Dr. Edward Hammond, President, Fort Hays State University, plus 30 copies to Debra Prideaux, Executive Director Alumni and Governmental Relations, Fort Hays State University.

On emergency motion of Senator A. Schmidt **SR 1830** was adopted unanimously.

Senator A. Schmidt introduced Dr. Edward H. Hammond, President of Ft. Hays State University. Also introduced were the following Kansas Academy of Math and Science Students from Ft. Hays State University: Justin Arnspiger, Peter Betzen, Rachel Bieniecki, Krysten Brake, Bria Carder, Janae Carter, Jonathan Folkerts, Kaylin Hawman, Clint Herrmann, Chance Kahle, Taylor Kane, Abbey Killinger, Soo Bum Kim, Alexander Lee, Nyasha Maforo, Manvitha Marni, Aleta Martin, Alondra Meraz, Cole Mosier, Rachel Schmidt, Kara Schnake, Logan Smith, Elsie Suhr and Shaley White. The students were congratulated on their achievements.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2122**, as amended by House Committee, be amended on page 2, in line 32, by striking "and"; in line 34, after "1, 2001," by inserting "prior to July 1, 2012,";

On page 3, in line 1, after "fund" by inserting "; and

(4) any producer who commences cellulosic alcohol production on or after July 1, 2012, the amount shall be \$.035 for each gallon of agricultural ethyl alcohol sold by such producer to an alcohol blender, if such producer has sold at least 5,000,000 gallons. No producer shall receive the production incentive pursuant to this subsection for more than 15,000,000 gallons sold. Any such amounts shall be paid from the new production account of the fund. This provision shall not apply to producers who commence alcohol production from grain"; and the bill be passed as amended.

Committee on **Commerce** 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:

KDFA, Board of Directors, Member: K.S.A. 74-8901

Patrice Petersen-Klein, serves at the pleasure of the Governor.

Committee on **Federal and State Affairs** recommends **SB 223; HB 2060**, as amended by house committee, be passed.

Also, **HB 2006** be not passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2074** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2119**, as amended by House Committee of the Whole, be amended on page 2, in line 34, by striking "police, fire" and inserting "the actual costs of police, fire, technical rescue situations, including, but not limited to, vehicle extrication, trench rescue, high-angle rescue, confined-space rescue and swift-water rescue"; in line 38, after "threats" by inserting "involving hazardous material";

On page 3, by striking all in line 3; in line 4, by striking all before the period; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2240**, as amended by House Committee of the Whole, be passed.

Also, **HB 2195**, as amended by House Committee, be amended on page 3, in line 10, after "4." by inserting "(a)"; in line 11, by striking "implementation" and inserting "development"; following line 11, by inserting "(b) The provisions of this act shall not apply to the collection of waste tires as defined by K.S.A. 65-3424(m), and amendments thereto, from any facility for the purpose of recycling or disposal."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 225** be passed.

Also, **HB 2132** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2132," as follows:

"SENATE Substitute for HOUSE BILL NO. 2132

By Committee on Transportation

"AN ACT relating to motor vehicles; providing for the issuance of the families of the fallen license plate; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Utilities** recommends **SCR 1606** be adopted.

Also, **SB 227** be amended on page 1, in line 9, by striking "for the"; by striking all in line 10; in line 11, by striking "the operation of a wind turbine generator"; in line 13, by striking "exterior" and inserting "corporate"; also in line 13, by striking "municipality" and inserting "city"; in line 28, after "wires;" by inserting "and"; by striking all in lines 29 through 34; in line 35, by striking "(4)"; and inserting "(3)"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 229** be amended on page 1, after line 13, by inserting "New Section. 1. On or before January 1, 2012, the secretary of administration and the director of the division of the budget shall prepare and present a report to the house committee on appropriations and the senate committee on ways and means which accounts for and explains the costs of all services provided to fee agencies. Such report shall include the actual amount credited from each fee agency to the state general fund pursuant to the sections referred to in subsection (a) of K.S.A. 75-3170a, and amendments thereto, and the actual costs of the accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, that were provided to each fee agency.";

And by renumbering the sections accordingly;

Also on page 1, in line 16, by striking "for fiscal year 2012"; in line 36, before

"fiscal" by inserting "any";

On page 2, in line 1, by striking "2012"; by striking all in lines 14 through 16; in line 25, by striking all following the period; in line 26, by striking all before "All";

On page 4, in line 17, by striking all following the period; in line 18, by striking all before "All";

On page 5, in line 26, by striking all following the period; by striking all in line 27; in line 28, by striking all before "All" ;

On page 7, in line 32, by striking all following the period; by striking all in lines 33 and 34;

On page 9, in line 29, by striking all following the period; by striking all in line 30;

On page 10, by striking all in lines 14 and 15; in line 25, by striking all following the period; by striking all in lines 26 and 27;

On page 11, in line 1, by striking all following the period; in line 2, by striking all before "All"; in line 18, by striking all following the period; by striking all in line 19; in line 20, by striking all before "All";

On page 12, in line 12, by striking all following the period; by striking all in line 13;

On page 13, in line 6, by striking all following the period; by striking all in line 7;

On page 14, in line 6, by striking all following the period; by striking all in line 7; in line 8, by striking all before "Expenditures";

On page 15, in line 6, by striking all following the period; by striking all in line 7; in line 8, by striking all before "All"; in line 37, by striking all following the period; by striking all in line 38; in line 39, by striking all before "All";

On page 16, in line 7, by striking all following the period; in line 8, by striking all before "Costs"; in line 24, by striking all following the period; by striking all in line 25; in line 26, by striking all before "All";

On page 19, in line 11, by striking all following the period; by striking all in line 12; by striking all in lines 33 and 34;

On page 20, in line 8, by striking all following the period; by striking all in line 9; by striking all in lines 30 and 31;

On page 21, by striking all in lines 17 and 18;

On page 22, in line 34, by striking all following the period; by striking all in line 35; in line 36, by striking all before "All";

On page 23, in line 13, by striking all following the period; by striking all in line 14;

On page 25, in line 1, by striking all following the period; by striking all in line 2; in line 23, by striking all following the period; in line 24 by striking all before "All"; in line 36, by striking all following the period; by striking all in line 37; in line 38, by striking all before "All";

On page 26, in line 15, by striking all following the period; in line 16, by striking all before "All"; in line 28, by striking all following the period; by striking all in lines 29 and 30; in line 38, by striking all following the period; by striking all in line 39;

On page 27, in line 6, by striking all following the period; in line 7, by striking all before "All";

On page 28, by striking all in line 12; in line 13, by striking all before "All"; in line 26, by striking all following the period; by striking all in lines 27 and 28; in line 36, by striking all following the period; in line 37, by striking all before "All";

On page 29, in line 6, by striking all following the period; in line 7, by striking all before "All"; by striking all in line 36; in line 37, by striking all before "All";

On page 30, in line 6, by striking all following the period; in line 7, by striking all before "All"; in line 21, by striking all following the period; in line 22, by striking all before "All"; in line 35, by striking all following the period; by striking all in line 36; in line 37, by striking all before "All";

On page 31, in line 41, by striking all following the period; by striking all in lines 42 and 43;

On page 32, by striking all in line 12; in line 13, by striking all before "All"; in line 26, by striking all following the period; by striking all in line 27; in line 28, by striking all before "All";

On page 33, in line 34, by striking all following the period; by striking all in line 35;

On page 34, in line 14, by striking all following the period; by striking all in line 15; in line 36, by striking all following the period; in line 37 by striking all before "All";

On page 35, in line 9, by striking all following the period; in line 10, by striking all before "All"; in line 21, by striking all following the period; by striking all in line 22; in line 36, by striking all following the period; by striking all in line 37; in line 38, by striking all before "All";

On page 36, by striking all in line 27; in line 28, by striking all before "All";

On page 37, in line 4, by striking all following the period; by striking all in line 5; in line 6, by striking all before "All"; in line 41, by striking all following the period; by striking all in line 42; in line 43, by striking all before "All";

On page 38, in line 13, by striking all following the period; by striking all in line 14; in line 15, by striking all before "All"; in line 28, by striking all following the period; by striking all in line 29; in line 41, by striking all following the period; by striking all in line 42; in line 43, by striking all before "All";

On page 39, in line 15, by striking "After"; by striking all in lines 16 and 17;

On page 40, in line 2, by striking all following the period; by striking all in lines 3 and 4; by striking all in lines 20 and 21; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 51; Sub SB 92; SB 118, SB 201 reported correctly engrossed March 16, 2011.

COMMITTEE OF THE WHOLE

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

On motion of Senator Bruce the following report was adopted:

Recommended: **SB 215, SB 224; HB 2013, HB 2078, HB 2205, HB 2258** be passed.

SB 191; HB 2044, HB 2076, HB 2172, HB 2192, HB 2282 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2049** recommending a **S Sub for HB 2049** was adopted Tuesday, March 15, 2011.

A motion by Senator Haley to amend **S Sub for HB 2049** failed and the following amendment was rejected:

On page 1, by striking all in lines 5 through 36; On page 2, by striking all in page 2; On page 3, by striking all in lines 1 through 12;

And renumbering the remaining sections accordingly;

On page 6, following line 42, by inserting the following:

"(24) Tetrahydrocannabinols 7370

Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.);

And redesignating the remaining paragraphs accordingly;

On page 8, by striking all in lines 34 through 43;

On page 9, by striking all in page 9;

On page 10, by striking all in lines 1 through 5;

Pursuant to Senate Rule 27, Senator Haley requested the question of **S Sub for HB 2049** be divided into two parts.

The first part contains the provisions of the bill which relate to cannabinoids and their salts, isomers and salts of isomers, commonly known as "K3," and contains amendments in lines 23, 25, 26 and 27 on page 1; amendments in lines 37, 39, 40 and 41 on page 2; amendments in lines 1 and 7 through 9 on page 3; amendments in lines 35 through 43 on page 6; amendments in lines 3, 5, 8, 10, 12, 16, 20 through 27 and 29 on page 7; amendments in lines 34 through 43 on page 8; all amendments on page 9: and amendments in lines 1 through 5 on page 10.

The second part contains the provisions of the bill which relate to substituted cathinones, commonly know as "bath salts," and contains amendments in lines 8 through 19, 26 through 28 and 31 on page 8.

The title and the repealer shall be adjusted accordingly.

Part 1 of the division was adopted.

Part 2 of the division was adopted.

Recommended **S Sub for HB 2049** be passed.

HCR 5009 be adopted.

HB 2020 be amended by motion of Senator Huntington on page 1, following line 5, by inserting:

"Section 1. K.S.A. 19-5003 is hereby amended to read as follows: 19-5003. (a) If a majority of the electors voting at the election provided in K.S.A. 19-5002, and amendments thereto, shall approve such proposition to create the Johnson county education research triangle authority and to grant authority to impose a retailers' sales or levy an annual tax on real property within the county, or combination of both, the authority shall be created and the board of county commissioners shall provide by resolution for the imposition of the sales tax or levy of the annual tax on real property, or combination of both, and pledging the revenues received therefrom for such purposes as specified in this section. With regard to the retailers' sales tax, Johnson county shall utilize the services of the state department of revenue to administer, enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt

of a certified copy of a resolution authorizing the levy of a countywide retailers' sales tax pursuant to this act, the state director of taxation shall cause such tax to be collected within and outside the boundaries of Johnson county at the same time and in the same manner provided for the collection of the state retailers' sales tax and local retailers' sales tax. All retailers' sales tax moneys collected by the director of taxation under the provisions of this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Johnson county education research triangle authority retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from retailers' sales tax revenue collected pursuant to this act. All retailers' sales tax revenue collected within any county pursuant to this act shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of Johnson county.

(b) Any such sales tax imposed or tax levy on real property enacted by the voters of Johnson county shall be subject to voter recall upon proper petition and submission of the issue to a recall ballot in a general election.

(c) (1) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Johnson county education research triangle fund of the university of Kansas interest earnings based on: (A) The average daily balance of moneys in the Johnson county education research triangle fund of the university of Kansas for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(2) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Johnson county education research triangle fund of Kansas state university interest earnings based on: (A) The average daily balance of moneys in the Johnson county education research triangle fund of Kansas state university for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Johnson county education research triangle fund of the university of Kansas medical center interest earnings based on: (A) The average daily balance of moneys in the Johnson county education research triangle fund of the university of Kansas medical center for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.;

And by renumbering the remaining subsections accordingly;

On page 2, in line 13, before "K.S.A." by inserting "K.S.A. 19-5003 and"; also in line 13, by striking "is " and inserting "are";

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2 by striking all before the semicolon and inserting "concerning postsecondary educational institutions; relating to certain funds; authorizing interest earnings on Johnson county education research triangle authority funds; authorizing certain credits to housing system funds"; also in line 2, after "amending" by inserting "K.S.A. 19-5003 and"; in line 3, by striking "section" and inserting "sections" and **HB 2020** be passed as amended.

HB 2075 be passed over and retain a place on the calendar.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Thursday, March 17, 2011.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*



CORRECTION OF THE JOURNAL

Correct the Journal of the Senate on Tuesday, March 15, 2011, to show Senator Haley's Explanation of Vote, appearing on page 361 following the roll call vote on **HB 2023** to appear on page 357 in Committee of the Whole following the roll call vote on Senator Haley's proposed amendment.

Senator Haley moved to amend **HB 2023**, on page 7, following line 10, by inserting:

"(6) Substituted cathinones

Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.";

Also, on page 7, by striking all in lines 17 through 19;

And by redesignating subsections accordingly

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

On roll call, the vote was: Yeas 8, Nays 24, Present and Passing 1, Absent or Not Voting 7.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, King, Kultala, Petersen.

Nays: Abrams, Bruce, Brungardt, Emler, Huntington, Kelly, Kelsey, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Taddiken, Teichman, Vratil.

Present and Passing: Apple.

Absent or Not Voting: Donovan, Marshall, Morris, Schodorf, Steineger, Umbarger, Wagle.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

MR. PRESIDENT: Based on the empirical data made available during testimony before our Committee, "bath salts" (a street name for currently legal compounds ingested as a recreational drug) pose an undue risk to health and to public safety and

have even resulted in death.

The Kansas Senate should not delay another moment in taking action to make these proven dangerous compounds (sold as “bath salts” and “potpourri” among other names) illegal. I vote “AYE” to ban “bath salts” immediately and wonder why any other of my responsible colleagues might wait until some other, future, time to, hopefully, potentially, do the same? – DAVID HALEY