

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 11, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with forty senators present.

The Vice President introduced the guest chaplain, Reverend Laurie A. Lewis, Grace Episcopal Church, Wichita, KS.

Invocation by Reverend Laurie A. Lewis:

Fellow Kansans and guests of our state, each in our own way, let us pray. Dear gracious and loving creator, we thank you for another day in this beautiful state. We ask that your Spirit of love will surround and fill the members of this governing body, so that they may be able to discern the needs and concerns of the people, so that they may care for all the people of Kansas. Give to these leaders the ability to listen and truly hear one another, to come together effectively and to fulfill their legislative duties with dignity, respect and joyful spirits. Fill us with thankfulness for the responsibilities you have granted each of us, demanding our best efforts. We ask all of this in the name of the One who created us, who loves us and who calls us to care for each other. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 373, AN ACT concerning schools; relating to the release of student records; amending K.S.A. 72-5386 and repealing the existing section, by Committee on Education.

SB 374, AN ACT creating the energy efficiency investment act, by Committee on Utilities.

SB 375, AN ACT concerning the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 376, AN ACT concerning health and human sexuality education; school districts' policies and procedures, by Senators Pilcher-Cook and Smith.

SB 377, AN ACT concerning judges; relating to vacancies in the office of judge of the district court and the office of district magistrate judge; amending K.S.A. 20-2909, 20-2911, 20-2914 and 25-312a and repealing the existing sections, by Committee on Judiciary.

SB 378, AN ACT creating the Kansas educational opportunity act; amending K.S.A. 2013 Supp. 72-6407 and 72-6431 and repealing the existing sections, by Committee on Ways and Means.

SB 379, AN ACT concerning taxation; relating to the liquefied petroleum motor-fuel law; rates of taxation; amending K.S.A. 79-3492 and K.S.A. 2013 Supp. 79-3495 and 79-34,141 and repealing the existing sections, by Committee on Ways and Means.

SB 380, AN ACT concerning agriculture; establishing the local food and farm task force, by Committee on Agriculture.

SB 381, AN ACT concerning emergencies and disasters; relating to the response to hazardous materials and search and rescue incidents; regional emergency response teams; duties of the state fire marshal; recovery of costs; amending K.S.A. 2013 Supp. 75-6102 and repealing the existing section, by Committee on Federal and State Affairs.

SB 382, AN ACT concerning certain crimes and punishment; related to smoking; amending K.S.A. 2013 Supp. 21-6109 and 21-6110 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 383, AN ACT concerning certain crimes and punishments; dealing with electioneering; amending K.S.A. 2013 Supp. 25-2430 and repealing the existing section, by Committee on Federal and State Affairs.

SB 384, AN ACT concerning explosives; enacting the Kansas explosives safety act, by Committee on Federal and State Affairs.

SB 385, AN ACT concerning motor vehicles; relating to salvage titles; acquisition; amending K.S.A. 2013 Supp. 8-198 and repealing the existing section, by Committee on Transportation.

SCR 1617 – A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, authorizing the legislature to provide for the conduct of raffles by certain nonprofit organizations. By Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 360, SB 363.**

Commerce: **SB 371, SB 372.**

Education: **SB 367, SB 369.**

Federal and State Affairs: **SB 358; Sub HB 2223.**

Financial Institutions and Insurance: **HB 2514, HB 2516.**

Judiciary: **SB 359, SB 364, SB 365, SB 368.**

Local Government: **HB 2420.**

Natural Resources: **SB 357.**

Public Health and Welfare: **SB 361, SB 362.**

Ways and Means: **SB 356, SB 366, SB 370.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Arpke, Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1781—

A RESOLUTION thanking the Kansas Historical Society
for providing key items for display in the Kansas State Capitol Visitor Center.

WHEREAS, By the end of the 20th century, portions of the Kansas State Capitol were in need of repair; and

WHEREAS, A multi-year restoration project began in 1999 to return the Capitol to its original grandeur and preserve it for the next century. On January 29, 2014, Kansas dedicated the newly restored Capitol; and

WHEREAS, The story of Kansas is portrayed in the Capitol through key artifacts, paintings and documents showcasing 15 decades of statehood. The Kansas Historical Society was instrumental in providing these items, now on display in the Kansas State Capitol Visitor Center; and

WHEREAS, Items on display include abolitionist John Brown's sword and a page from the Wyandotte Constitution adopted in 1859, which made Kansas a free state when it entered the Union on January 29, 1861; and

WHEREAS, Also on display are photographs of famous Kansans, the original silk banner of Kansas and a map of the 105 counties of Kansas embedded into the marble floor; and

WHEREAS, As the 13-year restoration work was being completed, items found hidden in the building were also placed on display including: Rubber galoshes from the 1930s, a copper plate and a piece of paper found in the dome, along with construction tools from the original workers; and

WHEREAS, The Capitol dome was also restored during the renovation project, where new copper sheeting was applied. The Kansas Historical Society provided pieces of the copper to local artists, who turned the copper pieces into artwork and jewelry for Kansans to own; and

WHEREAS, The newly renovated Capitol, along with the photographs, paintings, documents and artifacts on display in the Visitor Center, will be enjoyed by all Kansans and will be something to be proud of for generations to come: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we thank the Kansas Historical Society for providing key artifacts, paintings and documents for display in the Kansas State Capitol Visitor Center; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Arpke.

On emergency motion of Senator Arpke **SR 1781** was adopted unanimously.

FINAL ACTION ON CONSENT CALENDAR

SB 267, 268 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 267, AN ACT concerning insurance; relating to security deposits, acceptable assets for deposit; forms, handwritten signatures required; amending K.S.A. 2013 Supp. 40-229a 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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 268, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2013 Supp. 40-2c01 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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor for confirmation were considered.

By the Governor

On the appointment to the:

Central Low-Level Radioactive Waste Commission:

John Mitchell, At the pleasure of the governor

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

Department of Agriculture:

Jackie McClaskey, At the pleasure of the governor

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

Kansas Human Rights Commission:

Marilyn Wilder, Term ends January 15, 2014

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Norman Pishny, Term ends March 15, 2016

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents Defense Services:

Jeffrey Leiker, Term ends January 15, 2015

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents Defense Services:

Jaime Rogers, Term ends January 15, 2016

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents Defense Services:

Ronald Wurtz, Term ends January 15, 2014

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Lottery Commission:

Terry Presta, At the pleasure of the governor

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Jack Newman, Term ends March 15, 2016

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Deryl Wynn, Term ends March 15, 2017

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, 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, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 286** be passed.

Committee on **Education** recommends **SCR 1616** be amended on page 1, in line 32, after "the" by inserting "local boards of education,,"; and the resolution be adopted as amended.

Committee on **Judiciary** recommends **HB 2070**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2070," as follows:

"Senate Substitute for HOUSE BILL NO. 2070

By Committee on Judiciary

"AN ACT concerning courts; relating to time limits for decisions.";

And the substitute bill be passed.

Also, **Judiciary** recommends **SB 313** be amended on page 1, in line 30, after "and" by inserting "centralized case"; in line 31, after "and" by inserting "centralized case"; in line 32, after the second "and" by inserting "centralized case";

On page 21, in line 10, by striking "(f)" and inserting "(g)"; following line 13, by inserting:

"(5) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

(6) The provisions of this subsection shall not apply to an action pursuant to the code of civil procedure for limited actions.";

On page 23, by striking all in lines 39 through 43;

On page 24, by striking all in lines 1 through 15; in line 16, by striking "and 61-3502";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "and 61-3502"; and the bill be passed as amended.

SB 303, SB 329 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **HB 2195**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2195," as follows:

"Senate Substitute for HOUSE BILL NO. 2195

By Committee on Ways and Means

"AN ACT AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, and June 30, 2016, 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.";

And the substitute bill be passed.

COMMITTEE OF THE WHOLE

SB 254, SB 256, SB 258, SB 266, SB 269 be passed.

SB 54, SB 99, SB 265, SB 272, be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Hensley to amend **SB 265** failed and the following amendment was rejected; on page 1, following line 35, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 79-4501 is hereby amended to read as follows: 79-4501. The title of this act shall be the homestead property tax refund act. The purpose of this act shall be to provide ad valorem tax refunds to: (a) Certain persons who are of qualifying age who own or rent their homestead; (b) certain persons who have a disability, who own or rent their homestead; and (c) certain persons other than persons included under the provisions of subsections (a) or (b) who have low incomes and dependent children and own or rent their homestead.";

On page 2, in line 31, after "thereof," by inserting "whether"; also in line 31, by striking "and" and inserting "or rented, which is";

On page 4, following line 33, by inserting:

"(j) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2014 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

(k) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

Sec. 4. K.S.A. 2013 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) Commencing in the tax year beginning after December 31, 2005 2013, the amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued or rent constituting property tax accrued, or both.

	(1) Claimants household income	(2) Deduction from property tax <u>accrued or rent constituting property tax accrued, or both</u>
	But not more than	
At least		
\$0	\$6,000	\$0
6,001	7,000	4%
7,001	16,000	4% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$7,001
16,001	27,000	40% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$16,001
27,001	27,600	95%

(b) The director of taxation shall prepare a table under which claims under this act shall be determined. The amount of claim for each bracket shall be computed only to the nearest \$1.

(c) The claimant may elect not to record the amount claimed on the claim. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

(d) In the case of all tax years commencing after December 31, 2004, The upper limit threshold amount prescribed in this section, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under

section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

Sec. 5. K.S.A. 2013 Supp. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued or rent constituting property taxes accrued, or the sum of both, exceeds \$700 for a household in any one year, the amount thereof shall, for purposes of this act, shall be deemed to have been \$700.

Sec. 6. K.S.A. 2013 Supp. 79-4511 is hereby amended to read as follows: 79-4511. (a) Every claimant under this act shall supply to the division, in support of a claim, reasonable proof of age or disability, and changes of homestead, household membership, household income, and size and nature of property claimed as the homestead. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of subsection (g) of K.S.A. 79-4502, and amendments thereto.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the division, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the division, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) Every claimant who is a homestead renter, or whose claim is based wholly or partly upon homestead rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant. When such claimant reports household income that is 150% or less of the homestead rental amount and such claimant has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied.

(d) The information required to be furnished under subsection subsections (b) or (c) shall be in addition to that required under subsection (a).

Sec. 7. K.S.A. 2013 Supp. 79-4522 is hereby amended to read as follows: 79-4522. A person owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds \$350,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.";

And by renumbering sections accordingly;

Also on page 4, in line 34, by striking "and" and inserting ", 79-4501,"; also in line 34, after "79-4502" by inserting ", 79-4508, 79-4509, 79-4511 and 79-4522";

On page 1, in the title, in line 1, by striking "tax; relating to homestead refund;" and inserting "taxation; relating to eligibility for SAFESR credit; homestead property tax refunds,;" in line 2, after "eligibility" by inserting ", renters"; also in line 2, by striking

"and" and inserting ", 79-4501,"; in line 3, after "79-4502" by inserting ", 79-4508, 79-4509, 79-4511 and 79-4522"

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

On roll call, the vote was: Yeas 12; Nays 27; Present and Passing 0; Absent or Not Voting 1.

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

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

Absent or Not Voting: O'Donnell.

SB 276 be amended by motion of Senator Powell on: page 2, by striking all in lines 25 through 34 and the bill be passed as amended.

A motion by Senator Francisco to amend **SB 276** failed and the following amendment was rejected: on page 1, by striking all in lines 5 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 25 and inserting:

"Section 1. The attorney general is hereby authorized to inform the U.S. fish and wildlife service that the greater prairie chicken and the lesser prairie chicken are non-migratory birds and therefore the state of Kansas, acting through the Kansas legislature and the Kansas department of wildlife, parks and tourism, possesses the sole regulatory authority to govern the management, habitats, hunting and possession of the greater prairie chicken and lesser prairie chicken that exist within the state. The attorney general may work with or may request any necessary action from the U.S. fish and wildlife service to ensure such regulatory authority is protected and maintained.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the attorney general; relating to non-migratory"; also in line 1, by striking all after "wildlife"; in line 2, by striking all before the period

HB 2296 was amended by motion of Senator Wagle on: page 2, following line 21, by inserting:

"Sec. 2. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. (a) Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) If a candidate dies with an open candidate committee account which contains campaign funds, the executor or administrator of the candidate's estate shall be

responsible for terminating the candidate committee and disposing of the residual funds.";

Also on page 2, in line 22, after "K.S.A." by inserting "25-4157 and K.S.A."; also in line 22, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "K.S.A." by inserting "25-4157 and K.S.A."; in line 3, by striking "section" and inserting "sections"

HB 2296 be further amended by motion of Senator V. Schmidt on: page 2, in line 24, by striking "statute book" and inserting "Kansas register" and **HB 2296** be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 12, 2014.

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

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