

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 26, 2014, 9:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with forty senators present.
Invocation by Senator Tom Arpke:

Dear Lord, every day you give us something. Every day of our lives we are given the opportunity to see your work in the world about us. Every day we see your grace in others, we hear you voice in the words of others; we feel your warmth in the touch of a friend. Help us this day as we do our respective jobs to look for you, and receive with joy the gift you are giving us. In your hold name. 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: **SB 450**.

Federal and State Affairs: **SB 449**.

CHANGE OF REFERENCE

The Vice President withdrew **S Sub HB 2065, S Sub HB 2182; Sub HB 2442; HB 2502, HB 2490, HB 2613** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Ways and Means**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1805—

A RESOLUTION designating March 30, 2014,
as Welcome Home Vietnam Veterans Day.

WHEREAS, Members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

WHEREAS, In 1965, United States Armed Forces ground combat units arrived in Vietnam; and

WHEREAS, By the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached; and

WHEREAS, On January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, On March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, More than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded; and

WHEREAS, The Vietnam War was an extremely divisive issue among the people of the United States and was also a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

WHEREAS, Members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations in the United States; and

WHEREAS, The establishment of a Welcome Home Vietnam Veterans Day would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That March 30, 2014, shall hereby be designated as Welcome Home Vietnam Veterans Day in the state of Kansas in order to honor and recognize the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace; and

Be it further resolved: That the people of Kansas are encouraged to observe Welcome Home Vietnam Veterans Day with appropriate ceremonies and activities that provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war; and

Be it further resolved: That local communities are encouraged to promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life; and

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

On emergency motion of Senator Ostmeyer **SR 1805** was adopted unanimously.

Guests introduced were Ret. Col. Lynn Rolf, Gregg Burden, Wayne Boling, Terry Bender, Kafer Peele Mike Devlin, Senator Steve Fitzgerald and Ed Porubsky, Senate Doorman.

Senators honored the veterans with a standing ovation.

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1806—

A RESOLUTION designating March 26, 2014, as Equity Day at the Capitol.

WHEREAS, The Kansas African American Affairs Commission (KAAAC) is an agency of the State of Kansas, established in 1997 by action of the legislature and

approved by the Governor and derives its authority from K.S.A. 74-9901 through 74-9906; and

WHEREAS, The Kansas African American Affairs Commission, a bi-partisan board of seven appointees representing four congressional districts along with their Executive Director and staff, serves as a conduit for legislation, policy, programs and research to address concerns of the African American community in the State of Kansas; and

WHEREAS, The duties and responsibilities of the KAAAC are to: Act as advisors to the Governor of Kansas; gather and disseminate information and conduct hearings, conferences and special studies on problems and programs concerning African Americans; coordinate, assist and cooperate with the efforts of the state departments and agencies to draft and implement legislation to serve the needs of African Americans, especially in the areas of culture, education, employment, health, housing, welfare and recreation; develop, coordinate and assist other public and private associations and organizations with understanding the problems of African Americans; develop, coordinate and assist other public and private associations and organizations to provide services to African Americans; propose new programs and legislation concerning African Americans; evaluate existing programs and proposed legislation concerning African Americans; stimulate public awareness of the concerns and problems of African Americans by conducting a program of public education; conduct training programs for community leadership and service project staff; accept contributions to assist in the effectuation of the KAAAC and seek and enlist the cooperation of private, charitable, religious, labor, civic and benevolent organizations; solicit, receive and expend federal funds and enter into contracts and agreements with any federal agency; and establish advisory committees on special projects; and

WHEREAS, In 2010, KAAAC developed an instrument, entitled the State of African Americans in Kansas, which was designed to measure equity and mobilize communities through the selection and use of included evidence-based practice solutions to work in concert with the KAAAC to improve Kansas. This instrument is now in its third year of development; and

WHEREAS, Findings in this report have allowed the Commission to mobilize equity advisory boards to work in concert with Commissioners in each district to design and develop initiatives targeting health and safe communities, schools and educational opportunity, economic opportunity and asset building, civic leadership and advocacy, and criminalization and social justice; and

WHEREAS, Last year's report found African Americans in Kansas earned a median income of \$31,959 and attained an average ACT score of 17.8. Caucasian Americans in Kansas earned a median income of \$50,458 and attained an average ACT score of 22.5. Only 49.3% of African Americans in Kansas registered to vote, compared to 70.4% of Caucasian Americans in Kansas. Yet only 32.3% of African Americans in Kansas actually vote, compared to 48.8% of Caucasian Americans; and

WHEREAS, African Americans in Kansas have an unemployment rate double that of the state average. 25.1% of African American adults live below the poverty line, compared to 10.6% of Caucasian American adults. 34% of African American children live below the poverty line, compared to 12.8% of Caucasian American children. African American mothers who are twenty years and older with 12 years of education have children with an infant mortality rate of 20.35%; and

WHEREAS, At all levels of contact with Corrections and Juvenile Justice, inequities

exist; initial contact, reason for arrest, length of sentence, severity of charge, discharge status, family home or state funded facility and length of time on probation; and

WHEREAS, The third Annual Equity Day at the Capitol is being held today to highlight the plan and research of the Commission, to celebrate the programming and work of the KAAAC district-wide Equity Advisory boards and to advocate for the reduction in inequity within the areas of criminalization and social justice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That members of the Kansas Black Legislative Caucus commend the Commission on the work that they do to improve the lives of African Americans residing in Kansas and the collaborative nature by which they seek to develop and continue improving the State of Kansas; and

Be it further resolved: That this legislative body appropriately pause to commend this august group of individuals for their work and hereby designate March 26, 2014, as Equity Day at the Kansas State Capitol 2014; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to each of the following KAAAC Commissioners: Daphne Maxwell, District 1; Chairperson Chiquita Coggs and C. Patrick Woods, District 2; Tyron Garner, District 3; James Barfield, Sherdeill Breathett and James Elmore, District 4, who also serve as members of the District 4 Equity Advisory Board. The Secretary of the Senate shall also send one enrolled copy of this resolution to each of the following Equity Advisory Board Chairs: Dr. Hence Parson, District 1; Mrs. Yasmari Rodriguez, District 2; and Ms. Rosalyn Brown, of WYCO, and Mrs. Virginia Sewing Ret, of JOCO, District 3. The Secretary of the Senate shall also send one enrolled copy of this resolution to each member of the African American Council of Elders: Presiding Elder Francis Calloway, Tasleem Muqtasid, Vada Bowen, Janet Diggs, Wakeelah Martinez, Carla Jackson-Patton and Terrill Forest. The Secretary of the Senate shall also send one enrolled copy of this resolution to Dr. Mildred Edwards, Executive Director of the KAAAC; Andrea Scipio, KAAAC Equity Project Director; and Zetta Sims, President of the McAdams Golden Age Club.

On emergency motion of Senator Faust-Goudeau **SR 1806** was adopted unanimously.

Guests introduced were Chiquita Coggs, James Barfield, Sherdeill Breathett, Tyrone Garner, Daphne Maxwell, Mildred Edwards, Andrea Scipio, Capri Tiner, Dr. Janet Haynes and Yasmari Rodriguez.

Senators rose for a standing ovation.

Senators V. Schmidt, Hensley and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION designating March 27, 2014, as Mars Chocolate North America Day in Kansas and commending and congratulating Mars Chocolate North America upon the special celebration of its Topeka, Kansas Grand Opening.

WHEREAS, Mars Chocolate North America, the nation's leading chocolate company, officially opened the doors of a new, state-of-the-art, roughly 500,000-square-foot facility in Topeka, Kansas – the first new Mars Chocolate North America site built in the last 35 years; and

WHEREAS, This new \$270 million facility, which will bring about 200 new jobs to

Topeka, is one of the largest investments in Mars history; and

WHEREAS, For more than 100 years, Mars has been committed to making its products in the markets where it sells them, and this facility in Topeka is further proof of this commitment; and

WHEREAS, Mars, Incorporated, which was founded in 1911 by Frank C. Mars, was ranked an impressive 96th place in 2013 and 76th place in 2014 in Fortune Magazine's 100 Best Companies to Work For, due to the company's ongoing commitment to make Mars an inspiring place to work for its 75,000 associates employed at its sites around the world; and

WHEREAS, The Topeka Plant will produce over eight million Snickers Minis per day and 1.5 million M&M's fun size per day, which equates to 39 million individual M&M's chocolate candies per day; and

WHEREAS, Of their 10 Mars Chocolate North America factories, seven have produced no waste going to landfills, and the factory in Topeka will be the first North American factory to start out sending no waste to landfills. The factory is designed to achieve a U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) designation and the plant is pursuing onsite renewable energy; and

WHEREAS, Before and after the August 2011 groundbreaking, Mars Chocolate North America Topeka has worked closely with Topeka community members, stakeholders, dignitaries and elected officials from the city, state and federal level on the plant's development; and

WHEREAS, It is the policy of the Senate to pay tribute to a progressive company such as Mars, Incorporated, which operates under the five excellent principles of quality, responsibility, mutuality, efficiency and freedom which, in turn, not only benefits Topeka and its surrounding areas but this great state as a whole: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 27, 2014, as Mars Chocolate North America Day. We do hereby commend Mars Chocolate North America upon the special occasion of its Topeka plant Grand Opening and wish it success in all its future endeavors.

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

On emergency motion of Senator V. Schmidt **SR 1807** was adopted unanimously.

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.

MESSAGES FROM THE GOVERNOR

March 14, 2014

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback
Governor

Member, Public Employee Relations Board, John Bowes (R), Topeka, pursuant to the authority vested in me by the K.S.A. 75-4323 effective upon the date of confirmation by the Senate to serve a four year term, to expire March 15, 2018, to succeed himself.

Member, State Board of Indigent Defense Services, Andrew Wimmer (R), Overland Park, pursuant to the authority vested in me by the K.S.A. 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2017, to succeed himself.

Member, University of Kansas Hospital Authority, David Dillon (R), Cincinnati, pursuant to the authority vested in me by the K.S.A. 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2016, to succeed Robert Regnier.

March 20, 2014

To the senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback
Governor Member,

State Civil Service Board, Carroll Macke (D), Kansas City, pursuant to the authority vested in me by the K.S.A. 75-2929(a) effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed himself.

March 24, 2014

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback
Governor

Commissioner, Kansas Corporation Commission, Patton Apple (R), Louisburg, pursuant to the authority vested in me by the K.S.A.74-601 effective upon the date of confirmation by the senate, to serve a four year term, to expire March 15, 2018, to succeed Thomas Wright.

REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred by the President to the Committee as indicated:

By the Governor:

Member - 11, University of Kansas Hospital Authority:

David Dillon, to serve Term ends March 15, 2017.

(Committee on Confirmation Oversight)

By the Governor:

Member - 2, Kansas Public Employee Relations Board:

John Bowes, to serve Term ends March 15, 2018.

(Committee on Confirmation Oversight)

By the Governor:

Member - 5, State Board of Indigents Defense Services:

Andrew Wimmer, to serve Term ends January 15, 2017.

(Committee on Confirmation Oversight)

By the Governor:

Member - 2, State Civil Service Board:

Carroll Macke, to serve Term ends March 15, 2018.

(Committee on Confirmation Oversight)

By the Governor:

Member - 3, State Corporation Commission:

Patton Apple, to serve Term ends March 15, 2018.

(Committee on Confirmation Oversight)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2402, HB 2643, HB 2675, HB 2745, HB 2767.**

Announcing passage of **Sub HB 2661.**

Announcing passage of **SB 273, as amended by H Sub SB 273, SB 274,**
as amended.

Announcing passage of **SB 54, as amended, SB 271, as amended, SB 367,**
as amended,

Announcing passage of **SB 99, SB 254, SB 306, SB 309, SB 310, SB 359,**
SB 402, SB 424.

Announcing adoption of **Sub SCR 1618.**

Announcing adoption of **SCR 1622.**

INTRODUCTION OF HOUSE BILLS

HB 2402, HB 2643, HB 2675, HB 2745, HB 2767; Sub HB 2661 were thereupon introduced and read by title.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2099**, requests a conference and has appointed Representatives Schwab, Hutton and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2312**, requests a conference and has appointed Representatives Schwab, Hutton and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2444**, 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 **S Sub HB 2446**, 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 2447**, 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 2491**, 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 2537**, requests a conference and has appointed Representatives Schwab, Hutton and Houston as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 147** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 231** and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 256** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 258** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 263** and has appointed Representatives Goico, Osterman and Meier as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 286** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 311** and has appointed Representatives Kleebe, Suellentrop and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 329** and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 344** and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 349** and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 357** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

Motion to concur with Senate amendments to **S Sub HB 2014** failed. Bill is killed.

ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2099**.

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

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2312**.

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

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2444**.

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

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2446**.

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

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2447**.

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

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2491**.

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

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2537**.

The 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 Petersen the Senate nonconcurred in the House amendments to **H Sub SB 273** and requested a conference committee be appointed.

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

On motion of Senator Ostmeyer the Senate nonconcurred in the House amendments to **SB 274** and requested a conference committee be appointed.

The President appointed Senators Holmes, O'Donnell and Faust-Goudeau as a conference committee on the part of the Senate.

REPORT ON ENGROSSED BILLS

SB 375 reported correctly engrossed March 26, 2014.

REPORT ON ENROLLED BILLS

SR 1800, SR 1801, SR 1802, SR 1803, SR 1804 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 26, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 31, 2014.

MARCH 26, 2014

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COREY CARNAHAN, *Secretary of the Senate.*

