

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 31, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Good and Gracious God, we begin a new day and a new week filled with potential and possibilities. For those who love baseball, today begins a new season of wonder, amazement and statistics. Let us greet this day with gladness knowing that our presence in it is your gift to us. Allow us to see the differences between us to be strengths and grant us the wisdom to listen. In your holy name we pray.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 451, AN ACT concerning gaming; amending K.S.A. 74-8836 and K.S.A. 2013 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Ways and Means.

SB 452, AN ACT concerning school districts; relating to school finance; amending K.S.A. 72-6411, 72-6415 and 72-8809 and K.S.A. 2013 Supp. 72-3711, 72-3715, 72-6407, 72-6415b, 72-6433, 72-6433d, 72-6441 and 72-6455 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 72-3716 and 72-6454, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 452** to the Committee on **Ways and Means**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1808—

A RESOLUTION designating March 31, 2014,
as Congenital Diaphragmatic Hernia Awareness Day.

WHEREAS, Congenital Diaphragmatic Hernia (CDH) is a birth defect for which there is no known cause. It affects people of all races and socioeconomic backgrounds.

CDH occurs in about one in 2,000 to one in 5,000 live births. A baby born with CDH either has a diaphragm that is missing or is partially formed. A missing or partially formed diaphragm causes abdominal organs to migrate into the chest cavity, which then causes undeveloped lungs; and

WHEREAS, Approximately 20 Kansas families are affected by CDH each year. Typically, medical costs are \$500,000 to \$1,000,000 for each baby. Most NICU stays are six to 12 weeks in length and require multiple surgeries; and

WHEREAS, About half of all babies born with CDH require time on an extracorporeal membrane oxygenation (ECMO) machine. Kansas does not have an ECMO machine, so parents choose to have these babies born in another state, or babies with CDH are life-flighted to a hospital that has an ECMO machine; and

WHEREAS, More awareness about CDH will lead to more research, which leads to better outcomes for those children diagnosed with CDH: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 31, 2014, as Congenital Diaphragmatic Hernia Awareness Day, and recognize the importance of awareness and research of CDH; and

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 1808** was adopted unanimously.

Guests introduced were Tera Linenberger, David Linenberger, Megan Skaggs, William Skaggs III, David Seep, Deborah Seep, Richard Augustine, Deanna Augustine, Katherine Melcher, Kevin Melcher, Kinley Melcher, Kolton Melcher and Amber Gardner.

The senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1809—

A RESOLUTION congratulating the Paola Panther Robotics team on its success at the Crossroads Regional FIRST Robotics competition.

WHEREAS, The FIRST Robotics competition is an international high school robotics competition organized by For Inspiration and Recognition of Science and Technology (FIRST). Each year, teams of high school students compete to build robots weighing 120 pounds that can complete a task, which changes every year. Teams are given a standard set of parts and are required to set a budget when building their robot, and the team has six weeks to build a competitive robot that can operate autonomously as well as when guided by wireless controls to accomplish the game's tasks; and

WHEREAS, FIRST was founded in 1989 by inventor and entrepreneur Dean Kamen, with inspiration and assistance from physicist and MIT professor emeritus Woodie Flowers; and

WHEREAS, There are 44 FIRST district competitions, 54 regional competitions and one championship event held each year; and

WHEREAS, FIRST Team 1108 was founded in 2003 at Paola High School and made an immediate impact on the robotics scene. The team won the Rookie All-Star Award during its first season at the championship event; and

WHEREAS, This season, the team traveled to Terre Haute, Indiana, and participated

in the Crossroads Regional where it received four major awards. The team received its record-tying eighth Regional Chairman's Award, mentor Gregg Rupp was named as a Woodie Flowers Award Finalist and team president Kate Sample was named as a Dean's List Finalist. Topping the weekend off for Panther Robotics, FIRST Team 1108 was captain of the winning alliance, its first regional win since its inception in 2003; and

WHEREAS, The Chairman's Award is the most prestigious award a team can win at a regional competition or at the championship, more so than even winning the competition itself. The Woodie Flowers Award is awarded to a mentor within a team who the team believes has made a large contribution and deserves to be recognized, with criteria based on how well the mentor inspires the students toward better communication and engineering. The Dean's List Award recognizes individual students for their technical knowledge, leadership skills and their ability to inspire their team toward FIRST's mission; and

WHEREAS, Members of Panther Robotics will compete at the championship competition on April 23-26 in St. Louis, Missouri. They will compete against other regional tournament and Chairman Award winners from across the country: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Paola Panther Robotics team on its success at the Crossroads Regional FIRST Robotics competition. The FIRST Robotics competition is a way to boost the science, technology, engineering and math fields at all levels of education, and the Paola Panther Robotics team exemplifies this mission. We wish them tremendous success at the championship competition; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Apple.

On emergency motion of Senator Apple **SR 1809** was adopted unanimously.

Guests present were Ben Sexton, Katie Jones, Luke Larson, Kate Sample, Cassie Olender, Bill Sample, Julie Sample, Tyler Box, Bill Hauldren, Gregg Rupp, Dave Green, Bob Hrenchir, Lisa Larson, Lyle Larson and Kelly Seyler.

The senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2615; HB 2717**.

The following non-exempt bills were stricken from the Calendar pursuant to House Rule 1507: **H Sub SB 19; SB 255, SB 288, SB 270, SB 303, SB 348; H Sub SB 403, H Sub SB 60.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2615; HB 2717 were thereupon introduced and read by title.

CHANGE OF REFERENCE

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

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2146**.

The House concurs in Senate amendments to **HB 2152**.

The House concurs in Senate amendments to **S Sub HB 2378**.

The House concurs in Senate amendments to **Sub HB 2424**.

The House concurs in Senate amendments to **HB 2728**.

The House concurs in Senate amendments to **HB 2516**, and requests return of the bill.

The House nonconcurrs in Senate amendments to **HB 2057**, requests a conference and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2125**, requests a conference and has appointed Representatives Brunk, Hawkins and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2197**, requests a conference and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2223**, requests a conference and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2430**, requests a conference and has appointed Representatives Kleebe, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2552**, requests a conference and has appointed Representatives Crum, Concannon and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2673**, requests a conference and has appointed Representatives Crum, Concannon and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub Sub HB 2721**, requests a conference and has appointed Representatives Kleebe, Suellentrop and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 273** 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 274** and has appointed Representatives Schwab, Huebert and Sawyer as conferees on the part of the House.

The House announced the appointment of Rep. Edmonds to replace Rep. Schwab as a conferee on **HB 2060**.

The House announced the appointment of Rep. Sawyer to replace Rep. Menghini as a conferee on **HB 2060**.

The House announced the appointment of Rep. Edmonds to replace Rep. Schwab as a conferee on **H Sub SB 84**.

The House announced the appointment of Rep. Sawyer to replace Rep. Menghini as a conferee on **H Sub SB 84**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Ostmeyer the Senate nonconcurrred in the House amendments to **SB 54** and requested a conference committee be appointed.

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

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 271** and requested a conference committee be appointed.

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

On motion of Senator Abrams the Senate nonconcurrred in the House amendments to **SB 367** and requested a conference committee be appointed.

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

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2057**.

The President appointed Senators Donovan, Tyson and Holland 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 2125**.

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

On motion of Senator Abrams, the Senate acceded to the request of the House for a conference on **S Sub HB 2197**.

The President appointed Senators Abrams, Arpke and Hensley 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 **Sub HB 2223**.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau 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 **Sub HB 2430**.

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

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **HB 2552**.

The President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **HB 2673**.

The President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on

the part of the Senate.

On the motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **Sub Sub HB 2721**.

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

STRICKEN FROM THE CALENDAR

On motion of Senator Bruce, the following bills were stricken from the Calendar under the heading of General Orders: **SB 393; S Sub 2118; HB 2555, HB 2648**.

REPORTS OF STANDING COMMITTEES

Committee on **Confirmation Oversight** begs leave to submit the following report: The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Commissioner, State Corporation Commission: K.S.A. 74-601

Pat Apple, to fill a term expiring on March 15, 2018

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

David Dillon, to fill a term expiring on March 15, 2016

Member, Public Employee Relations Board: K.S.A. 75-4323

John Bowes, to fill a term expiring on March 15, 2018

Member, State Civil Service Board: K.S.A. 75-2929a

Carroll Macke, to fill a term expiring on March 15, 2018

Member, State Board of Indigent Defense Services: K.S.A. 22-4519

Andrew Wimmer, to fill a term expiring on January 15, 2017

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.

REPORT ON ENROLLED BILLS

SB 308 reported correctly enrolled, properly signed and presented to the Governor on March 31, 2014.

SR 1805, SR 1806, SR 1807 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 31, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, April 1, 2014.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

