

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 1, 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:

Dear Lord, we know you must have a superb sense of humor and would somehow enjoy the crazy things that we, members of your creation, may do on this day of fools. From slapstick to standup, from knock-knock to poor puns and everything in-between help us, dear Lord, to laugh to see the wonder in something that causes us to giggle and roar with a good hearty cackle. Humor is a gift that comes from you oh Lord as you know what we need. In your holy name. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2643, HB 2745.**

Commerce: **Sub HB 2615; HB 2675.**

Federal and State Affairs: **SB 451; HB 2767.**

Interstate Cooperation: **HB 2402.**

Public Health and Welfare: **HB 2717.**

Utilities: **Sub HB 2661.**

Ways and Means: **SB 452.**

MESSAGE FROM THE GOVERNOR

SB 278, SB 371 approved on March 31, 2014

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Masterson, Kerschen and Petersen introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1810—

A RESOLUTION congratulating Derby High School athletics and extracurricular activities on their incredibly successful seasons.

WHEREAS, The Derby Panthers football team won the 2013 Kansas 6A State championship with a 28-21 victory over Shawnee Mission East High School on

November 30, 2013, in Topeka, Kansas; and

WHEREAS, This championship is the first state title the Derby High School football team has won since 1994; and

WHEREAS, The Panthers, led by Coach Brandon Clark, finished the 2013 football season with a remarkable record of 12-1; and

WHEREAS, The football team's extraordinary season includes many accomplishments, including ranking as the number one scoring offense in 6A with 615 points in 13 games, as well as the number one scoring defense during the season. The varsity starters only allowed eight touchdowns in 13 games. Additionally, 10 players received 6A All-State honors and 14 players were offered college football scholarships; and

WHEREAS, The Panthers have made it to the state semifinals in three of the last four years; and

WHEREAS, In 2013, the baseball and softball teams both were regional champions and placed fourth at the state tournament. The wrestling team was the regional runner-up and placed third at the state tournament. The boys' basketball team was named league champion and placed third at the state tournament. The boys' and girls' tennis teams were both regional runners-up; and

WHEREAS, In 2013, the boys' soccer team was the league champion, regional champion, quarterfinal champion and placed fourth at the state tournament. The marching band was named Grand Champion at the Neewollah Marching Band Competition. The Air Force Junior ROTC earned more top place finishes than ever before; and

WHEREAS, Derby High School athletics and extracurricular activities are off to a great start in 2014, with the boys' basketball team being named league champion for the third year in a row. The girls' bowling team has been named league champion. The boys' bowling team has been named league champion and state runner-up; and team member Noah Brooks was named state champion. The wrestling team was named regional champion and state runner-up; and team member Tanner Smith was named state champion. Finally, the scholars bowl team made it to the state tournament; and

WHEREAS, Derby High School students who participate in athletics and extracurricular activities work hard in school and for their team. The students' dedication to their teams is a point of pride for their families, school and the Derby community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Derby High School athletic teams and extracurricular activities on their outstanding seasons. We wish the students and their coaches continued success; and

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

On emergency motion of Senator Masterson **SR 1810** was adopted unanimously.

Guests introduced were Coach Brandon Clark, Tim Hamblin, Tanner Anderson, Cole Hansen, Luke Palmer and Caleb Arnold.

The senators honored the athletes with a standing ovation.

Senators Bowers and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1812—

A RESOLUTION designating April 7-13, 2014, as National Public Health Week in Kansas and supporting the American Public Health Association and the Kansas Public Health Association.

WHEREAS, The week of April 7-13 is National Public Health Week and the theme is "Public Health: Start Here"; and

WHEREAS, Since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policy-makers and public health professionals about issues important to improving the public's health; and

WHEREAS, Seven in 10 deaths in the U.S. are related to preventable diseases such as obesity, diabetes, high blood pressure, heart disease and cancer; and

WHEREAS, One in two deaths in Kansas are related to preventable diseases such as diabetes, high blood pressure, heart disease and cancer; and

WHEREAS, Seventy-five percent of our nation's healthcare dollars are spent treating such diseases. However, only 3% of our health care dollars go toward prevention; and

WHEREAS, Nearly $\frac{1}{3}$ of all students in the United States do not graduate from high school on time. Students who do not graduate face lifelong health risks and high medical costs, and are more likely to engage in risky health behaviors. They are less likely to be employed and insured, and they earn less, all of which continues the cycle of poverty and disparity; and

WHEREAS, More than half of all cancer deaths could be prevented by making healthy choices such as; not smoking, staying at a healthy weight, eating right, keeping active and getting recommended screening tests; and

WHEREAS, Foodborne contaminants cause an average of 5,000 deaths, 325,000 hospitalizations, 76 million illnesses and cost billions of dollars annually. The five most common foodborne pathogens cost the U.S. economy more than \$44 billion each year in medical costs and lost productivity; and

WHEREAS, Strong public health systems are critical for sustaining and improving the health of all Kansas communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support the efforts of the American Public Health Association and the Kansas Public Health Association. Specifically, we recognize the week of April 7-13, 2014, as National Public Health Week in Kansas. We call upon the people of Kansas to observe this week by helping our families, friends, neighbors, co-workers and leaders better understand the importance of public health to a successful health system by remembering this year's theme, "Public Health: Start Here"; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to the Kansas Department of Health and Environment and one enrolled copy to the University of Kansas Medical Center.

On emergency motion of Senator Bowers **SR 1812** was adopted unanimously.

Guests introduced were Austin Rogers, Kate Hoppe, Jennifer Maciaszek, Olga Shakhnovich, Julia Soap, Justin Begave, Chuck Sepers, Dr. Kimathi Choma. Tanya Honderick and Bob Moser.

The senators rose for a standing ovation.

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

SENATE RESOLUTION No. 1813—

A RESOLUTION congratulating the Olathe Northwest High School Dance Team on winning its third consecutive national title.

WHEREAS, On March 9, 2014, the Olathe Northwest Raven Dance Team won the National Dance Association National Dance Team Championship held in Orlando, Florida, for the third year in a row. They scored an all-time record high of 9.442 points at the competition, where 200 of the most talented dance teams from around the country competed; and

WHEREAS, The Raven Dance Team also received technical excellence, superior showmanship and innovative choreography trophies for the winning routine. Their first place finish allowed them to advance to the international competition, where they competed against teams from Japan; and

WHEREAS, The Raven Dance Team is made up of 20 varsity members and 21 junior varsity members. These dedicated and talented young dancers strive to represent Olathe Northwest High School in a positive and spirited manner; and

WHEREAS, The varsity team, formed in the fall of 2005, is a three-time National Championship winner for their team performance, ranked third in the nation for their jazz routine and fifth internationally for their team performance; and

WHEREAS, Varsity team members perform at all home football games, numerous boys' and girls' basketball games, pep assemblies, the Old Settlers Day Parade, the Olathe North vs. Olathe Northwest boys' soccer game, as well as occasional special guest appearances; and

WHEREAS, During the school year, the varsity team practices five days a week, up to two hours per day, to prepare for games and other performances. During football season, the team doubles as a color guard, performing at halftime with the band. In addition to being recognized for their tremendous dance ability, they have also received top scores and won awards for their work as an auxiliary unit. Varsity members also dance on the sidelines during football games, performing short routines choreographed by the team officers. The team dances are choreographed by Head Coach Shannon Summers; and

WHEREAS, Each January, the varsity team competes in two regional competitions against other midwest high school dance teams in various categories, including jazz, hip hop, team performance, lyrical, novelty and pom. The National Competition is held in March, where the team competes against high schools from all over the United States; and

WHEREAS, Members of the varsity team include Team Captain Lexi Kaminsky, Brooke Allen, Hailey Bartels, Anna Brogden, Alyssa Cooper, Marissa Fields, Callie Fisher, Kate Gardner, Sarah Glass, Madison Hartquist, Brittney Hugunin, Natalie Hunt, Caitlin Meyer, Rachel Midyett, Alyssa Monson, Adrianna Morse, Erin O'Brien, Mallory Pittman, Lily Riederer and Jordan Rose; and

WHEREAS, The Raven Dance junior varsity team is the newest addition to the Raven Dance Team, which was formed in 2010. This award-winning team is currently ranked first regionally in hip hop, jazz and pom. These team members perform special guest routines at home football games, boys' and girls' home basketball games, pep

assemblies and the Old Settlers Day Parade. During the school year, the team practices four days per week and approximately one to two hours per day. The junior varsity team also competes in two regional competitions each January; and

WHEREAS, In order to prepare for their regional and national competitions, the teams sacrifice some of their winter break and weekends for extra practice time. The team members work hard each year in order to maintain their tradition of success: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Olathe Northwest Raven Dance Team on winning its third consecutive national title, and we wish them continued tremendous success in the future; and

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

On emergency motion of Senator Lynn **SR 1813** was adopted unanimously.

Guests introduced were Brooke Allen, Hailey Bartels, Anna Brogden, Alyssa Cooper, Marissa Fields, Callie Fisher, Kate Gardner, Sarah Glass, Madison Hartquist, Brittney Hugunin, Natalie Hunt, Lexi Kaminsky, Caitlin Meyer, Rachel Midyett, Alyssa Monson, Adrianna Morse, Erin O'Brien, Mallory Pittman, Lily Riederer, Jordan Rose and Coach Shannon Summers.

The senators honored the dance team with a standing ovation.

Senators Love, Apple, Bruce, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, LaTurner, Longbine, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, V. Schmidt, Wagle and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION designating April 2014 as Parkinson's Disease Awareness Month.

WHEREAS, Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease; and

WHEREAS, It is estimated that the disease affects over one million people in the United States, including thousands of Kansans; and

WHEREAS, Although research suggests that the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown; and

WHEREAS, There is no objective test for Parkinson's disease and the rate of misdiagnosis can be high; and

WHEREAS, Symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems and sleep disruptions; and

WHEREAS, Medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects; and

WHEREAS, Ultimately the medications and treatments lose their effectiveness, generally after four to eight years, leaving the person unable to move, speak or swallow; and

WHEREAS, There is no cure, therapy or drug to slow or halt the progression of Parkinson's disease; and

WHEREAS, Continued education and research are needed to help find a more effective treatment or cure for Parkinson's disease; and

WHEREAS, The University of Kansas Medical Center's Parkinson's Disease Center is designated as a National Parkinson Foundation Center of Excellence. Support groups and organizations such as the National Parkinson Foundation Heartland; patients including Rob Peppers, J. Basil Dannebohm and Lisa Reser; and advocates including Dr. Catherine Strecker, Ph.D., Dr. Rajesh Pahwa, Mark Mingenback and others work to promote Parkinson's disease awareness, education and patient support: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate April 2014 as Parkinson's Disease Awareness Month; and

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

On emergency motion of Senator Love **SR 1814** was adopted unanimously.

Guests introduced were Lisa Reser, Lloyd Kurtz, Basil Dannebohm, Sharon Schartz, Taylor Schartz, Linda Borrer, Gayle Christy, Catherine Strecker and Rev. Pascal Klein.

The senators honored the guests with a standing ovation.

COMMITTEE OF THE WHOLE

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

On motion of Senator Longbine the following report was adopted:

SB 447, SB 448; HB 2724 be passed.

A motion by Senator Pettey to amend **SB 447** failed and the following amendment was rejected: on page 26, in line 32, by striking all after "(3)"; by striking all in line 33; in line 34, by striking "(4)"; in line 36, by striking "(5)" and inserting "(4)"; in line 39, after "to" by inserting ":

(1) ";

Also on page 26, in line 41, after "blind" by inserting:

";

(2) any state or municipal building operated as a public library;

(3) any state or municipal building operated as a community center; or

(4) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto";

On page 27, in line 9, after "(2)" by inserting " "Community center" means a building used by members of a community for social, cultural, educational and recreational activities.

(3) ";

And by redesignating paragraphs accordingly

A motion by Senator Francisco to amend **SB 448** failed and the following amendment was rejected: on page 1, in line 7, by striking "Sec." and inserting "Section";

On page 12, by striking all in line 43;

On page 13, by striking all in lines 1 through 10; in line 11, by striking "(m)" and inserting "(l)"

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

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

Voting 0.

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

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

Sub HB 2681 be amended by the adoption of the committee amendments, and the bill be passed as amended.

HB 2668 be amended by motion of Senator Olson: on page 5, in line 4, by striking all after the period; by striking all in line 5 and **HB 2668** be passed as further amended.

SB 412 be passed over and retain a place on the calendar.

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

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Sub HB 2002**.

The House concurs in Senate amendments to **HB 2463**.

The House concurs in Senate amendments to **HB 2602**.

The House accedes to the request of the Senate for a conference on **SB 54** and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 271** 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 367** and has appointed Representatives Kelley, Cassidy and Trimmer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2298**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2433**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2436**, requests a conference and has appointed Representatives Sloan, Swanson and Bridges as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2448**, 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 **Sub HB 2451**, requests a conference and has appointed Representatives Proehl, Ryckman Jr. and Perry as

conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2452**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2479**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2515**, 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 2551**, requests a conference and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2568**, 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 2578**, 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 **HB 2596**, requests a conference and has appointed Representatives Johnson, Howell and Trimmer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2693**, requests a conference and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

Announcing the appointment of Rep. Menghini to replace Rep. Ruiz as a conferee on **HB 2125**.

Announcing the appointment of Rep. DeGraaf to replace Rep. Schwab as a conferee on **HB 2312**.

Announcing the appointment of Rep. **Kelly** to replace Rep. Hutton as a conferee on **HB 2312**.

Announcing the appointment of Rep. Frownfelter to replace Rep. Houston as a conferee on **HB 2312**.

Announcing the appointment of Rep. Brunk to replace Rep. Proehl as a conferee on **SB 349**.

Announcing the appointment of Rep. Couture-Lovelady to replace Rep. Ryckman, Sr. as a conferee on **SB 349**.

Announcing the appointment of Rep. Ruiz to replace Rep. Perry as a conferee on **SB 349**.

ORIGINAL MOTION

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2298**.

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

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2433**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **Sub HB 2436**.

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

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2448**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **Sub HB 2451**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **Sub HB 2452**.

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

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2479**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2515**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2551**.

The Vice President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2568**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2578**.

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

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2596**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **S Sub HB 2693**.

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

CHANGE OF CONFERENCE

The President announced the appointment of Senator Donovan as a member of the Conference Committee on **HB 2060** to replace Senator Bruce.

On motion of Senator Bruce, the Senate recessed to the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub HB 2588**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 413, SB 431; HB 2553** be passed.

REPORT ON ENROLLED BILLS

SB 267, SB 268, SB 272, SB 321, SB 351, SB 372 reported correctly enrolled, properly signed and presented to the Governor on April 01, 2014.

SR 1808, SR 1809 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 01, 2014.

On motion of Senator Wagle, the Senate adjourned until 10:00 a.m., Wednesday, April 2, 2014.

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

