

# Journal of the Senate

FIFTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 30, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
Invocation by Father Don Davidson:

Good and Gracious God, be with those who take counsel for the well being of the people of our State. Give them patience as they listen to each other, and confidence in the decisions ahead. On this day we also pray for all the people in Kansas and other states whose lives have been disrupted by the recent severe storms. Bless them and those who are responding to them, and bring to them a sense of community, wholeness and peace. All this we ask in your holy and life giving name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## MESSAGES FROM THE GOVERNOR

**SB 254, SB 306, SB 309, SB 310, SB 359, SB 372, SB 402, SB 424** approved on April 10, 2014.

**H Sub SB 40; SB 54, SB 256, SB 265, SB 271, SB 285, SB 311, SB 344, SB 349, SB 423** approved on April 17, 2014.

## MESSAGE FROM THE GOVERNOR

### **SB 99 – Veto Message from the Governor**

While I understand the purpose and intent behind **SB 99**, I believe that retaining the lobbyist registration provisions in current law promotes transparency and openness. Although the amounts involved may seem small, there is no harm in continuing to require lobbyist registration at the lower level of reportable lobbying expenditures contained in the existing statute. Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **Senate Bill 99**.

Date: April 11, 2014

Signed: Sam Brownback, Governor

## COMMUNICATIONS FROM STATE OFFICERS

April 30, 2014  
STATE OF KANSAS  
SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, KRIS W. KOBACH, Secretary of State of the State of Kansas, do hereby certify that Martha J. "Molly" Baumgardner, Louisburg, was appointed by the Governor effective April 22, 2014, for the unexpired term, Thirty Seventh Senatorial District, to fill the vacancy created by the resignation of Pat Apple.

IN TESTIMONY WHEREOF: I have hereunto subscribed my name and caused to be affixed my official seal, this 30th day of April, A.D. 2014.

KRIS W. KOBACH  
Secretary of State

President Wagle requested Senator Bruce escort Senator Molly Baumgardner to the front of the Senate, where she was joined by her husband and daughters. The President introduced the Honorable Thomas L. Malone, Chief Judge, Kansas Court of Appeals, who administered the Oath of Office to the newly appointed Senator Molly Baumgardner.

OATH OF OFFICE  
STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of the State Senator of the 37th District. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 30th day of April, 2014.

Thomas L. Malone  
Chief Judge, Kansas Court of Appeals

**SPECIAL REMARKS**

Madam President, Senate Majority Leader, Senate Minority Leader, fellow Senators and guests of this Chamber, thank you for the warm welcome you have extended me on this day.

Quite honestly, I am humbled by the statesmanship of my honorable 37<sup>th</sup> District predecessor: Kansas Corporation Commissioner, Pat Apple, Speaker of the House Ray Merrick, Lieutenant Governor Jeff Colyer and former Director of the Lottery Dennis Wilson. I am indebted to 85 precinct committee men and women that participated in the democratic process to select me to serve the people of our great State. I appreciate the gracious conversations and messages I have already received from many of you, my fellow Senators.

In 1921, Charlie and Stella Baumgardner established their roots, quite literally, in the State of Kansas. Charlie found a way to serve others at the State Hospital for Epileptics in Parsons while fulfilling his passion for farming. Though farming Kansas land ended with his generation, the commitment to public service has continued with each subsequent generation of Baumgardners. Their youngest son, Gerald, is here today. He

served the State with distinction as a teacher, coach, principal and professor. It is truly an honor that my opportunities for servant leadership will now extend well beyond my classroom to the residents of Kansas.

Personal, heartfelt thanks to my dear husband, Brian; my supportive children: Katie Jo, Paul, Gwendolyn, and Amelia and to my extended family members, friends and colleagues. This new journey would not be possible without you.

I look forward to collaboration, discussion and even disagreement with my fellow Senators during this wrap-up session and in the subsequent sessions of our terms.

I pray God grants me the wisdom, the patience and the discernment necessary to uphold my duties. God bless the great State of Kansas and God bless America! Thank you.— MOLLY BAUMGARDNER

The roll was called with thirty-eight senators present.  
Senators Lynn and Melcher were excused.

## **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1823—

A RESOLUTION commending J.C. Harmon High School juniors and seniors for their participation in the 20/20 Leadership Program.

WHEREAS, The 20/20 Leadership Program began in 1993 with 36 students. In 2002, the Ewing Marion Kauffman Foundation and the Garth Brooks Teammates for Kids program provided grants to expand the program into 10 other school districts; and

WHEREAS, The 20/20 Leadership Program was created in order for students to learn about their communities and the Greater Kansas City Metropolitan area and helps break down social, racial, economic, academic and geographic barriers. The students receive 180 educational hours over the course of the 18-month program and the program has over 6,000 alumni; and

WHEREAS, Two \$500 scholarships are provided to graduating seniors by 20/20 Leadership alumni, and participants have contributed more than 9,000 volunteer hours to their communities. In addition, five seniors are selected annually to each receive a \$10,000 scholarship from the Kansas City Royals and Major League Baseball; and

WHEREAS, Juniors and seniors at J.C. Harmon High School led the project for the 20/20 Leadership Program, which is known as the Harmon Hub. The Harmon Hub will consist of a half mile trail, an outdoor classroom, a spirit walk, berms, seating and markers, exercise stations and student gardens. The purpose of the Harmon Hub is to focus on health, school attendance, improvement of test scores and reduction of school suspensions; and

WHEREAS, A core group of students has been meeting with architects, engineers and construction contractors along with school district and other government leaders and health experts to get the Harmon Hub project underway. The students have already raised about one-tenth of their \$900,000 budget in order to get the first phase of the project underway; and

WHEREAS, Juniors and seniors who participate in the 20/20 Leadership Program at J.C. Harmon High School are leaders as they address significant challenges in their school and community. The values they learn in the program will allow them to be

successful after graduation: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend J.C. Harmon High School juniors and seniors for their participation in the 20/20 Leadership Program and we wish them success in their completion of the Harmon Hub fitness trail project; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1823** was adopted unanimously.

Guests introduced were: Bianca Jacobo, Brenda Casique, Dedric Bradley, D'Angelo Hicks, Issak Ahmedin, Keven Fajardo, Juan Tirado, Ana Simental and Rick Malone.

The senators rose for a standing ovation.

Senators Abrams and King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1824—

A RESOLUTION congratulating Erie High School on being selected  
for the final round in a competition to build and test designs  
for radiation shields for NASA's new Orion spacecraft.

WHEREAS, NASA, the NIA and Lockheed Martin, the prime contractor for the Orion program, unveiled the Exploration Design Challenge on March 11, 2013, to give students from kindergarten through 12<sup>th</sup> grade the opportunity to play a unique role in the future of human spaceflight. The challenge encourages students in the U.S. and abroad to think and act like scientists and engineers to overcome one of the major hurdles for deep space long-duration exploration: Protecting astronauts and hardware from the dangers of space radiation; and

WHEREAS, Five high school teams from the United States and foreign countries, including Erie High School, were selected to compete in the final round in NASA's competition to build and test designs for radiation shields for the new Orion spacecraft. The competition is part of the Exploration Design Challenge (EDC), developed by NASA and Lockheed Martin, with support from the National Institute of Aerospace (NIA); and

WHEREAS, Forty-six teams from around the world submitted engineering notebooks with proposed radiation shield designs. After review by Orion engineers, as well as NASA and NIA educators, five teams were selected to move on to the next phase of the competition, including Team Erion of Erie High School; and

WHEREAS, Members of Team Orion include: Ashlyn Taylor, Madison Steenrod, Sabrina Graham and Lorena South. Their expert mentor was Virginia Wolken; and

WHEREAS, The high school teams were asked to design shielding to protect a radiation detector on Orion as it flies through the Van Allen Belt, a dense radiation field that surrounds the Earth. Because the belt begins 600 miles above Earth, no spacecraft built for humans has flown through it in more than 40 years. Orion, which will travel to an altitude of about 3,600 miles on its first flight test, will spend a significant portion of its four-hour mission exposed to the effects of the Van Allen Belt; and

WHEREAS, For the next phase of the competition, the final five teams will build prototypes of their designs, which will be tested by engineers at NASA's Langley Research Center in Hampton, Virginia, before the winning design is chosen; and

WHEREAS, The winning team will be announced in April, and their design will be launched into space on Orion later this year. This uncrewed mission, designated Exploration Flight Test-1 (EFT-1), will be the first spaceflight test of the capsule that will one day carry astronauts to an asteroid and Mars: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Team Erion on being selected for the final round in the NASA competition and we wish them tremendous success in the finals; and

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

On emergency motion of Senator Abrams **SR 1824** was adopted unanimously.

Guests introduced were Todd “Parker” Ray, Virginia Wolken, Rose Fry, Sabrina Graham, Lorena South, Madison Steenrod and Ashlyn Taylor.

The senators rose for a standing ovation.

Vice President King assumed the chair.

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

SENATE RESOLUTION No. 1825—

A RESOLUTION recognizing the dedicated service  
of Employer Support of the Guard and Reserve  
and the Kansas Committee of Employer Support of the Guard and Reserve.

WHEREAS, The Army National Guard, the Army Reserve, the Marine Corps Reserve, the Navy Reserve, the Air National Guard, the Air Force Reserve and the Coast Guard Reserve constitute a vital and ever more important part of our nation's defense; and

WHEREAS, Members of the National Guard and Reserve are Citizen Warriors who lead dual lives as valued workers, managers, professionals and students throughout our communities, and who as members of our nation's Armed Forces, train and maintain their military skills and have fought America's wars, and provide humanitarian aid at home and abroad; and

WHEREAS, President Richard M. Nixon, on June 22, 1972, authorized the Secretary of Defense to create the National Committee for Employer Support of the Guard and Reserve (ESGR). The Department of Defense established the Kansas Committee for Employer Support of the Guard and Reserve; and

WHEREAS, For over 40 years, dedicated ESGR volunteers in Kansas have spent thousands of hours promoting a cooperative culture of employer support for National Guard and Reserve service by developing and advocating mutually beneficial initiatives, recognizing outstanding employer support; increasing awareness of applicable laws and policies; resolving potential conflicts between employers and their service members; and acting as the employers' principal advocate within the Department of Defense: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the dedicated service of Employer Support of the Guard and Reserve and especially the Kansas Committee of Employer Support of the Guard and Reserve, and we thank the many ESGR volunteers for their outstanding and dedicated service to Kansas' employers and their employee members of the National Guard and Reserve; and

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies

of this resolution to Senator Fitzgerald.

On emergency motion of Senator Fitzgerald **SR 1825** was adopted unanimously.

The senators honored the guests with a standing ovation.

Senators Bruce, Arpke, Bowers, Denning, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Kelly, Kerschen, Longbine, Love, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Pettey, V. Schmidt, Shultz, Smith, Tyson and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1826—

A RESOLUTION congratulating and commending Fort Hays State University President Dr. Edward H. Hammond on his retirement.

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

WHEREAS, Dr. Edward H. Hammond, the eighth president of Fort Hays State University, was born in McAllen, Texas, and raised in the Kansas City, Kansas area; and

WHEREAS, President Hammond received his bachelor's and master's degrees from Emporia State University and his Ph.D. from the University of Missouri, Columbia; and

WHEREAS, Prior to accepting the presidency at FHSU in 1987, he held administrative positions at the universities of Louisville, Seton Hall, Southern Illinois, Purdue and Missouri. Now in his 28<sup>th</sup> year, he is the longest-serving president in the Kansas Board of Regents system and the longest-serving president in the 112-year history of FHSU; and

WHEREAS, President Hammond has published widely and is recognized as a futurist. He is in demand nationally as a speaker and educational consultant in the areas of educational business planning, risk management, and staff and institutional liability. In recent years, due to FHSU's success in China, he has also been sought as a consultant and speaker concerning the world's most populous nation. Through partnerships with universities there, FHSU serves about 3,400 students with more than 50 faculty and has produced more than 7,000 FHSU graduates to date. FHSU is the largest provider of higher education in China that is not a Chinese university; and

WHEREAS, President Hammond has been extremely active at FHSU, building an institution that delivers education by way of three modalities: On campus, at a distance through the Virtual College and in China. His first priority after assuming the presidency was to develop a unique high-tech and high-touch learning environment with a value-added focus. Other value-added initiatives include the internationalization of the curriculum, development of a Leadership Studies Program and development of a Four Year Guaranteed Degree program. The university's Virtual College now serves more than 5,000 students by means of internet classes and other mediated forms of instruction. The virtual students reside in Kansas, nearly every state and in several other nations; and

WHEREAS, President Hammond has been instrumental in: Increasing enrollment from 4,500 to 13,500, despite a decreasing population in the university's primary service area; establishing Student Recognition Programs to award scholarships to

academically outstanding high school seniors in Kansas, Colorado and Nebraska; establishing private scholarships for African-American, Hispanic and Asian-American students; developing a mobile learning and living environment that includes wireless connectivity throughout the FHSU campus; launching capital campaigns that have raised hundreds of millions of dollars for the renovation and construction of campus buildings; quadrupling the number of scholarships awarded yearly; and establishing the national FHSU Alumni Club system; and

WHEREAS, President Hammond is passionate about alcohol awareness on college campuses. He served as chair of the Board of Trustees for Boost Alcohol Consciousness Concerning the Health of University Students, the chair for the National Collegiate Alcohol Awareness Week and as a board member for the Inter-Association Task Force on Alcohol and Other Substance Abuse Issues. He has been an active member of his fraternity, Sigma Phi Epsilon, including serving as president of the foundation board of Sigma Phi Epsilon. He is also a past National President of the fraternity and served as a member of the Executive Committee of the North American Interfraternity Conference; and

WHEREAS, President Hammond has received numerous awards over his career, including: The Hays Area Chamber of Commerce Citizen of the Year for 1994; the Chief Executive Leader Award in 2008 from the Council for the Advancement and Support of Education; the Chinese Jade Award in 2009 from Sias International University in Xinzheng, China; the Region IV-West Presidential Excellence Award in Fall 2011 from the National Association of Student Personnel Administration (NASPA); the NASPA President's Award in January 2013; and the Pillar of the Profession Award in 2013 from NASPA. Additionally, he was inducted into the Mid-America Education Hall of Fame in 1997; and

WHEREAS, President Hammond and his wife Mary have three children and seven grandchildren, including a daughter, Kelly Williams, her husband, Chris, and their children Lily and Jack; a daughter, Julie Mohajir, her husband, Terry, and their children Molly, Maria and Marco; and a son, Lance Hammond, his wife, Shannon, and their children, Trent and Grayce; and

WHEREAS, After 28 years of serving Fort Hays State University, President Hammond is now retiring: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor President Hammond for his many years of service to Fort Hays State University. We thank him for being a leader in higher education for the state of Kansas and we wish him all the best in his retirement; and

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

On emergency motion of Senator Bruce **SR 1826** was adopted unanimously.

The senators honored Dr. Hammond with a standing ovation.

Senators Wagle, Bruce and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION relating to assignment of seats of the Senate.

*Be it resolved by the Senate of the State of Kansas:* The members of the 2014 regular

session shall occupy the same seats assigned pursuant to 2014 Senate Resolution No. 1778 with the following exception: Senator Baumgardner, seat No. 29.

On emergency motion of Senator Bruce **SR 1827** was adopted unanimously.

#### **ORIGINAL MOTION**

Senator Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2389**.

#### **CONFERENCE COMMITTEE REPORTS**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2389** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

*Conferees on part of the Senate*

JOHN RUBIN

RAMON GONZALEZ

JANICE PAULS

*Conferees on part of the House*

On motion of Senator Smith, the Senate adopted the conference committee report on **S Sub HB 2389**, and requested a new conference be appointed.

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

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

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

#### **ORIGINAL MOTION**

Senator Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 245**.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Masterson the Senate nonconcurred in the House amendments to **H Sub for SB 245** and requested a conference committee be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

#### **REPORT ON ENROLLED BILLS**

**H Sub SB 40; SB 54, SB 256, SB 265, SB 271, SB 285, SB 311, SB 344, SB 349,**



**SB 423** reported correctly enrolled, properly signed and presented to the Governor on April 11, 2014.

**SCR 1620, SCR 1623** reported correctly enrolled, properly signed and presented to the Secretary of State on April 11, 2014.

**SR 1820, SR 1821, SR 1822** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 09, 2014.

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

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

