

# Journal of the Senate

FIFTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, May 2, 2011, 10:00 a.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with thirty-eight Senators present.  
Senators Donovan and Merrick were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There is a lady in this room  
Who has a lot of skill:  
She's Secretary of the Senate,  
And her name is Pat Saville.

She works and works real hard  
Even when it's all uphill;  
Even late into the night.  
She's our Pat Saville.

I've been here longer than she has,  
But she's the one who knows the drill.  
She knows how to straighten me out;  
She's in charge and she's Pat Saville.

When I bring my family to visit,  
I introduce her the same way still.  
"Here's she the lady who runs this place,  
And her name is Pat Saville."

At first I considered it a joke,  
But my joke was suddenly fulfilled.  
President Morris asked if it was time to start,  
And who was he asking? It was Pat Saville!

Pat's respected and liked by all,  
And helps things to run downhill,  
Everyone knows that she's in charge,  
God bless our Pat Saville,

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

**CHANGE OF REFERENCE**

The President withdrew **HB 2357** from the Calendar under the heading of General Orders, and re-referred the bill to the Committee on Ways and Means.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

**MESSAGE FROM THE GOVERNOR**

May 2, 2011

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Order No. 11-08 for your information.

Sam Brownback  
Governor

The Vice President announced Executive Order 11-08 for Local Emergencies Concerning Conditional and Temporary Relief from Motor Carrier Rules and Regulations is on file in the office of the Secretary of the Senate and is available for review at any time.

**COMMUNICATIONS FROM STATE OFFICERS**

DEPARTMENT OF HEALTH AND ENVIRONMENT

April 28, 2011

In accordance with KSA 49-512(h), Bob Jurgens, Chief, Assessment and Restoration Section, Bureau of Environmental Remediation, provided the Treece Relocation Assistance Project Monthly Expenditures/Income Report for March 2011.

KANSAS HUMAN RIGHTS COMMISSION

April 29, 2011

In accordance with KSA 44-1004(13) William V. Minner, Executive Director, submitted the Kansas Human Rights Commission Annual Report for the Fiscal Year 2010, July 1, 2009 – June 30, 2010.

The Vice President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

**ORIGINAL MOTION**

Senator Emler 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: **HB 2044, HB 2312.**

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2044** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 27, by striking "5" and inserting "6"; also in line 27, before the period, by inserting ", except as provided in subsection (a)(5)"; following line 27, by inserting: "(5) The death of any person, if the person knew or reasonably should have known that such accident resulted in injury or death, shall be a level 5, person felony.";

On page 4, in line 38, following "40" by inserting "of chapter 136 of the 2010 Session Laws of Kansas";

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

DWAYNE UMBARGER  
BOB MARSHALL  
KELLY KULTALA  
*Conferees on part of House*

PAT COLLOTON  
LANCE KINZER  
MELODY McCRAY-MILLER  
*Conferees on part of Senate*

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2044.**

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2312** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the

Whole amendments, as follows:

- On page 5, in line 42, by striking "prepared" and inserting "approved";
- On page 10, in line 42, after "theft" by inserting "of";
- On page 15, in line 17, after "wiring" by inserting "of 25 pair or greater";
- And your committee on conference recommends the adoption of this report.

THOMAS C. OWENS

JEFF KING

DAVID HALEY

*Conferees on part of Senate*

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

*Conferees on part of House*

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2312**.

On roll call, the vote was: Yeas 35, Nays 3, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce, Pyle, Steineger.

Absent or Not Voting: Donovan, Merrick.

The Conference Committee Report was adopted.

## CONFIRMATION OF APPOINTMENTS

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

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

*By the Governor:*

On the appointment to the:

*Employment Security Board of Review:*

Patricia Bossert, Member, to serve a four year term, expiring March 15, 2014.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

*Employment Security Board of Review:*

Hylaurd Wayne Maichel, Member, to serve a four year term, expiring March 15, 2015.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

*Kansas Development Finance Authority:*

Donald Linville, Member, to serve a four year term, expiring January 15, 2015.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

*Kansas National Guard:*

Keith Lang, Brigadier General, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

*Wildlife and Parks:*

Robin Jennison, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

**REPORTS OF STANDING COMMITTEES**

Committee on Financial Institutions and Insurance begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Pooled Money Investment Board: K.S.A. 75-4221a

Robert Chestnut, term expires March 15, 2012

**ENGROSSED BILLS**

**H Sub 36; SB 123, SB 136** reported correctly engrossed April 28, 2011.

**H Sub 23; SB 170** reported correctly engrossed May 2, 2011.

Also: **SB 67; H Sub SB 213, H Sub SB 214** correctly re-engrossed April 28, 2011.

**ENROLLED BILLS**

**SR 1852** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 2, 2011.

On motion of Senator Emler the Senate adjourned until 10:00 a.m. Tuesday, May 3, 2011.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

