

# Journal of the Senate

FIFTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, April 30, 2012, 10:00 a.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with thirty-nine senators present.

Senator Bruce was excused.

The Vice President introduced Chaplain Tony D. Venturella, Director of Communications in the Senate President's office, who delivered the invocation.

Heavenly Father,

We ask God's blessing – an extra-ordinary measure of grace and guidance – for each of these forty senators, their staff and assistants, and upon our senate servant-leaders.

Knowing that in the work that remains – the avenue of blessing, is not found in position, power or prestige, as much as it is, in the presence, of compassion, kindness, gentleness, humility and self-control.

We realize, in this place where laws are crafted and debated – that no greater law has ever been established, no statute has ever surpassed – the Royal law – the Golden Rule, the Great Command: To treat others, as we ourselves, would want to be treated.

In our endeavors, then, let us also seek to sow, faith, hope and love – and the greatest of these is love.

And as these legislators, continue the work, here, today and throughout this session, they serve as “watchmen and women,” as it were...guarding our city: our beloved state of beautiful sunflowers, valuable wheat... and precious souls. May they exercise strength with wisdom...

for as was written long ago: “Except the Lord keep the city, the watchmen waketh but in vain.”

And Lord, in knowing our beloved chaplain Fred we are blessed  
His prayers have kept us circumspect

In this place, for 31 years  
He gave us courage, and calmed our fears.

Time has elapsed – in the blink of the eye

Today we say, Farewell – not good bye

Knowing his words – they will abide

Both here and there – when we gavel in – on the other side!

This is our hope, our trust, our confidence, Amen

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

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

Senators Morris, Vratil, Emler, Hensley, V. Schmidt, Schodorf, Kelly, Holland and Francisco introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1865**—

A RESOLUTION congratulating and commending Reverend Fred S. Hollomon for his service as Chaplain of the Kansas Senate.

WHEREAS, Reverend Fred Hollomon, known affectionately by all in the statehouse as Reverend Fred, was born May 25, 1925, near Dawson, Georgia; and

WHEREAS, Reverend Fred's family moved to Dothan, Alabama, in 1938, where he graduated from high school in 1942. He attended the University of Alabama for one year before joining the U.S. Navy; and

WHEREAS, Reverend Fred was in the Navy from 1943 to 1946, where he graduated from Midshipman's School at Notre Dame and Aerial Navigator's School in Clinton, Oklahoma; and

WHEREAS, Reverend Fred returned to the University of Alabama where he received a B.S. degree in Business Administration in 1949. He worked in a bank for a year and a half and then went to Southwestern Baptist Theological Seminary in Ft. Worth, Texas, where he graduated with a Master of Religious Education and a Master of Divinity degree in 1956. He was ordained in the gospel ministry while there; and

WHEREAS, Reverend Fred served as pastor for 50 years in eight different Southern Baptist Churches. The last church was in Topeka, where he served as pastor for 14 years. He retired from the pastorate in 2002; and

WHEREAS, Reverend Fred worked as an administrative assistant in both the House and the Senate, which gave him a unique insider's perspective to the workings of the Legislature and the day-to-day challenges faced by those in public service; and

WHEREAS, Reverend Fred and his wife, Pat, have been married for 37 years. They have a blended family of nine children, seven girls and two boys. They have 19 grandchildren and eight great grandchildren; and

WHEREAS, Reverend Fred served as Chaplain of the Kansas Senate for 31 years. His prayers to open each day of the session encourage, uplift and renew us, often bringing a smile at the same time. As Chaplain, Reverend Fred has offered spiritual inspiration and guidance to the men and women of the Senate through his wonderful invocations and pastoral presence: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Reverend Fred S. Hollomon for his exemplary service as Chaplain of the Kansas Senate. We benefit from the wisdom, kindness and down-home wit of the

wonderfully original prayers and prayer-poems offered by Reverend Fred. We deeply appreciate his devotion to serving our chamber and our people in his unique and prayerful way. We thank him for his 31 years of service to the Kansas Senate and wish him and his family all the best in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Morris.

On emergency motion of Senator Morris **SR 1865** was adopted unanimously.

Senator Morris congratulated Reverend Hollomon for his service of thirty-one years as Chaplain of the Kansas Senate. Senator Morris introduced Fred's wife, Pat, who was also in attendance. The Senate warmly acknowledged Fred's service with a standing ovation. A reception followed.

## REPORT ON ENROLLED BILLS

**SR 1862, SR 1863, SR 1864** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 30, 2012.

## REPORTS OF STANDING COMMITTEES

Committee on **Reapportionment** recommends **HB 2371** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2371," as follows:

"Senate Substitute for HOUSE BILL NO. 2371

By Committee on Reapportionment

"AN ACT concerning reapportionment; relating to state legislative districts and state board of education member districts; providing for the reapportionment thereof; repealing K.S.A. 2011 Supp. 4-3,731, 4-3,732, 4-3,733, 4-3,734, 4-3,735, 4-3,736, 4-3,737, 4-3,738, 4-3,739, 4-3,740, 4-3,741, 4-3,742, 4-3,743, 4-3,744, 4-3,745, 4-3,746, 4-3,747, 4-3,748, 4-3,749, 4-3,750, 4-3,751, 4-3,752, 4-3,753, 4-3,754, 4-3,755, 4-3,756, 4-3,757, 4-3,758, 4-3,759, 4-3,760, 4-3,761, 4-3,762, 4-3,763, 4-3,764, 4-3,765, 4-3,766, 4-3,767, 4-3,768, 4-3,769, 4-3,770, 4-3,771, 4-3,772, 4-3,773, 4-3,774, 4-3,775, 4-3,776, 4-3,777, 4-3,778, 4-3,779, 4-3,780, 4-3,781, 4-3,782, 4-3,783, 4-3,784, 4-3,785, 4-3,786, 4-3,787, 4-3,788, 4-3,789, 4-3,790, 4-3,791, 4-3,792, 4-3,793, 4-3,794, 4-3,795, 4-3,796, 4-3,797, 4-3,798, 4-3,799, 4-3,800, 4-3,801, 4-3,802, 4-3,803, 4-3,804, 4-3,805, 4-3,806, 4-3,807, 4-3,808, 4-3,809, 4-3,810, 4-3,811, 4-3,812, 4-3,813, 4-3,814, 4-3,815, 4-3,816, 4-3,817, 4-3,818, 4-3,819, 4-3,820, 4-3,821, 4-3,822, 4-3,823, 4-3,824, 4-3,825, 4-3,826, 4-3,827, 4-3,828, 4-3,829, 4-3,830, 4-3,831, 4-3,832, 4-3,833, 4-3,834, 4-3,835, 4-3,836, 4-3,837, 4-3,838, 4-3,839, 4-3,840, 4-3,841, 4-3,842, 4-3,843, 4-3,844, 4-3,845, 4-3,846, 4-3,847, 4-3,848, 4-3,849, 4-3,850, 4-3,851, 4-3,852, 4-3,853, 4-3,854, 4-3,855, 4-3,856, 4-3,857, 4-3,858, 4-4,451, 4-4,452, 4-4,453, 4-4,454, 4-4,455, 4-4,456, 4-4,457, 4-4,458, 4-4,459, 4-4,460, 4-4,461, 4-4,462, 4-4,463, 4-4,464, 4-4,465, 4-4,466, 4-4,467, 4-4,468, 4-4,469, 4-4,470, 4-4,471, 4-4,472, 4-4,473, 4-4,474, 4-4,475, 4-4,476, 4-4,477, 4-4,478, 4-4,479, 4-4,480, 4-4,481, 4-4,482, 4-4,483, 4-4,484, 4-4,485, 4-4,486, 4-4,487, 4-4,488, 4-4,489, 4-4,490, 4-4,491, 4-4,492, 4-4,493, 4-514, 4-515, 4-516, 4-517, 4-518, 4-519, 4-520, 4-521, 4-522, 4-523, 4-524 and 4-525.";

And the substitute bill be passed.

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

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

### ORIGINAL MOTIONS

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: **SB 434, HB 2572, HB 2647, HB 2729** and **HB 2777**.

### COMMITTEE OF THE WHOLE

On motion of Senator Emler, 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:

Recommended **SB 434; HB 2777** be passed.

**HB 2572, HB 2729** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**HB 2647** be passed over and retain a place on the calendar.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 434; HB 2572, HB 2729** and **HB 2777** were advanced to Final Action and roll call.

**SB 434**, AN ACT concerning corrections; relating to the purchase of land.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Bruce.

The bill passed.

**HB 2572**, AN ACT concerning the adjutant general; relating to the funding for disasters; creating the disaster reimbursement fund and the Kansas emergency management and homeland security fund.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

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

Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Emler.

Absent or Not Voting: Bruce.

The bill passed, as amended.

**HB 2729**, AN ACT concerning motor vehicles; relating to parks and recreation motor vehicle permits; amending K.S.A. 32-901 and K.S.A. 2011 Supp. 8-134 and repealing the existing sections.

On roll call, the vote was: Yeas 13; Nays 23; Present and Passing 3; Absent or Not Voting 1.

Yeas: Brungardt, Donovan, Emler, Francisco, Huntington, Kelsey, Longbine, Morris, Ostmeyer, Reitz, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Faust-Goudeau, Hensley, Holland, Kelly, King, Kultala, Love, Lynn, Marshall, Masterson, Merrick, Olson, Petersen, Pilcher-Cook, Pyle, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Wagle.

Present and Passing: Haley, McGinn, Owens.

Absent or Not Voting: Bruce.

A constitutional majority having failed to vote in favor of the bill, **HB 2729** did not pass.

**HB 2777**, AN ACT concerning state institutions; relating to special education and related services provided by the state school for the blind and the state school for the deaf; amending K.S.A. 76-1006 and 76-1102 and K.S.A. 2011 Supp. 72-978 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Bruce.

The bill passed.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Tuesday, May 1, 2012.

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

PAT SAVILLE, *Secretary of the Senate.*

