

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 23, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Donovan and Lynn were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There is an old quotation which goes like this, "I complained that I had no shoes, until I met a man who had no feet."

Remind us to be thankful for blessings we take for granted:

When complaining about taxes, make us thankful for something to tax.

When complaining about aches and pains, make us thankful we are not paralyzed.

When complaining about being tired, make us thankful for our jobs.

When complaining about the weather, make us thankful that it will change.

When complaining about gaining weight, make us thankful we're not starving.

When complaining about life, make us thankful we still have it.

When complaining that no one will listen, remind us to whom we are praying.

In the Name of Christ,

AMEN

The pledge of allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 219, AN ACT concerning the wage payment act; pertaining to remedies for employees whose employers repeatedly fail to pay wages; amending K.S.A. 2010 Supp. 44-313 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2006**.

Transportation: **SB 218**; **HB 2003**.

Utilities: **HB 2267**.

CHANGE OF REFERENCE

The President withdrew **SB 31** from the Committee on Ways and Means, and rereferred the bill to the Committee on Ethics and Elections.

The President withdrew **SB 71**, **SB 178** from the Committee on Ways and Means, and rereferred the bills to the Committee on Financial Institutions and Insurance.

The President withdrew **SB 152**, **SB 187**, **SB 191**, **SB 200** from the Committee on Ways and Means, and rereferred the bills to the Committee on Natural Resources.

The President withdrew **SB 92**, **SB 132**, **SB 138** from the Committee on Ways and Means, and rereferred the bills to the Committee on Public Health and Welfare.

The President withdrew **SB 151** from the Committee on Ways and Means, and rereferred the bill to the Committee on Transportation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 33, AN ACT concerning high school athletes, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 1, Absent or Not Voting 2.

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

Present and Passing: Ostmeier.

Absent or Not Voting: Donovan, Lynn.

The substitute bill passed, as amended.

SB 67, AN ACT concerning gubernatorial inauguration contributions; amending K.S.A. 25-4186 and repealing the existing section; and also repealing K.S.A. 25-4188, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

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

Nays: Francisco.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **Senate Bill 67**. Although it may have been done inadvertently, I am not in favor of changing the current requirement to pay expenses incurred by the adjutant general in connection with the gubernatorial inauguration before any other remaining funds are distributed.-- MARCI FRANCISCO

SB 85, AN ACT concerning group life insurance; removing mandatory participation requirements; amending K.S.A. 2010 Supp. 40-433 and repealing the existing section, was considered on final action.

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, Marshall, Masterson, McGinn, Merrick, 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, Lynn.

The bill passed.

SB 93, AN ACT concerning racial or other biased-based policing; amending K.S.A.22-4606, 22-4609, 22-4610 and 22-4611, and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, was considered on final action.

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, Marshall, Masterson, McGinn, Merrick, 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, Lynn.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "AYE" on **SB 93**, as amended. Discrimination by errant cops is well known and well documented throughout communities of color.

After a dozen years on this issue in this Kansas Legislature Mr. President, I, myself, grow weary of the game. Let's face it. Rogue cops never need probable cause in Kansas. They'll stop you car if you're in a different county or have a different skin pigment from that county's majority. They can get a warrant for one alleged offense, but arrest you on a completely unrelated

offense. After all these years, I still have to ask “why would *decent* legislators permit unequal harassment by police?” And, I still have no answer today.

SB 93 is but the latest, “watered down, unenforceable, unaccountable and unmanageable” incarnation of a pre-text towards equality. To the advocates who despise, as I do, these prejudicial predators hiding behind a badge; who swore to “serve and protect” but too often “harass and degrade,” I pledge that as long as this problem remains, so too will this Senator’s legislative vigilance. – DAVID HALEY

SB 100, AN ACT concerning the addictions counselor licensure act; amending section 2, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

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, Marshall, Masterson, McGinn, Merrick, 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, Lynn.

The bill passed, as amended.

SB 103, AN ACT concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-1216 and repealing the existing sections, was considered on final action.

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, Marshall, Masterson, McGinn, Merrick, 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, Lynn.

The bill passed.

SB 119, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 5, Present and Passing 0, Absent or Not Voting 2.

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

Nays: Abrams, Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 120, AN ACT concerning requirements for the issuance of certificates of title for vessels; requiring notice, priority, release and surrender of security interests in vessels, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 5, 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, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pilcher-Cook, Pyle, Schmidt A.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 125, AN ACT concerning elections; relating to candidate filing deadlines; amending K.S.A. 25-4004 and K.S.A. 2010 Supp. 25-205 and repealing the existing sections, was considered on final action.

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, Marshall, Masterson, McGinn, Merrick, 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, Lynn.

The bill passed.

SB 126, AN ACT concerning elections and campaign finance; relating to public service advertisements by candidates, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, 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, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

Sub SB 127, AN ACT concerning elections; pertaining to certain primary elections; amending K.S.A. 25-2102 and K.S.A. 2010 Supp. 25-2021, 25-2108a and 71-1415 and repealing the existing sections, was considered on final action.

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, Marshall, Masterson, McGinn, Merrick, 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, Lynn.

The substitute bill passed.

SB 128, AN ACT concerning the presidential preference primary; amending K.S.A. 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-4501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 25, Nays 13, Present and Passing 0, Absent or Not Voting 2.

Yeas: Apple, Bruce, Brungardt, Emler, Francisco, Hensley, Holland, Kelly, Kelsey, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Faust-Goudeau, Haley, Huntington, King, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: As the nominee twice for Kansas Secretary of State, I promised all voting Kansans that I would support our democracy and vote to fund our presidential preference primary. Every four years, this Legislature suggests the ability to hold a free and open statewide election to select a nominee for U.S. President costs too much! Give me a break. Tell that to the Egyptians. Tell that to the millions of people around the world who too (eerily similar to voting Kansans every four years) are being denied the opportunity to vote in a public secure election for the candidate of their choice.

I again declare that our Legislature's priorities in this regard are misguided. We all got here by a vote of a majority. As a Democrat, I already know who I intend to see renominated and reelected President in 2012. Most Democrats do not see a need to fund the 2012 Primary. But with all the choices Republicans might have, whether good or bad, one wonders why democracy-loving elected Kansas Republicans wouldn't want to give their constituents the right to choose in 2012? – DAVID HALEY

SB 150, AN ACT concerning cities; relating to incorporation; amending K.S.A. 15-116, 15-117 and 15-124 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, 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, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Olson.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 170, AN ACT enacting the portable electronics insurance act, was considered on final action.

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, Marshall, Masterson, McGinn, Merrick, 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, Lynn.

The bill passed, as amended.

SB 186, AN ACT concerning agriculture; relating to the pest control act; amending K.S.A. 2010 Supp. 2-2450 and repealing the existing section; also repealing K.S.A. 2-2451, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 1, Absent or Not Voting 2.

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

Present and Passing: Francisco.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 147** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 147," as follows:

"Substitute for SENATE BILL NO. 147

By Committee on Agriculture

AN ACT concerning water; relating to moneys recovered from certain litigation; amending K.S.A. 82a-1801 and 82a-1802 and K.S.A. 2010 Supp. 82a-1803, 82a-1804 and 82a-1805 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 112** be amended on page 13, following line 31, by inserting:

"Sec. 24. K.S.A. 58-3102 is hereby amended to read as follows: 58-3102. As used in this act and the act of which this section is amendatory, unless the

context otherwise requires;

(a) "Apartment" or "condominium unit" means a part of the property intended for any type of independent use whether residence, office, the operation of any industry or business or other use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof) in a building, and with a direct exit to a public street or highway or to a common area leading to such street or highway. To the extent that ~~walls~~ walls, floors, and ceilings are designated as the boundaries of a condominium unit or apartment by the declaration, all doors and windows therein, and all lath, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the furnished surfaces thereof, shall be deemed a part of such unit, while all other portions of such walls, floors and ceilings shall be deemed a part of the common areas and facilities. If any chutes, flues, ducts, conduits, wires, bearing walls, bearing columns, or any other apparatus lies partially within and partially outside of the designated boundaries of a unit, any portions thereof serving only that unit shall be deemed a part of that unit, while any portions thereof serving more than one unit or any portion of the common elements shall be deemed a part of the common areas and facilities. All space, interior partitions, and other fixtures and improvements within the boundaries of a unit shall be deemed a part of that unit. Any shutters, awnings, window boxes, doorsteps, porches, balconies, patios, and any other apparatus designed to serve a single unit, but located outside the boundaries thereof, shall be deemed a limited common area and facility appertaining to that unit exclusively.

(b) "Apartment owner" means the person or persons owning an apartment or condominium unit in fee simple absolute and an undivided interest in the fee simple estate of the common areas and facilities as specified and established in the declaration.

(c) "Apartment number" means the number, letter, or combination thereof designating the apartment or condominium unit in the declaration.

(d) "Association of apartment owners" means all of the apartment or condominium unit owners acting as a group in accordance with the bylaws and declaration.

(e) "Building" means a building, containing one or more apartments or condominium units, or two or more buildings, each containing one or more apartments or condominium units and comprising a part of the property.

(f) "Condominium" means "property" as hereinafter defined.

(g) "Common areas and facilities," unless otherwise provided in the declaration or lawful amendments thereto means and includes:

- (1) The land on which the building is located;
- (2) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;
- (3) the basements, yards, gardens, parking areas and storage spaces;
- (4) the premises for the lodging of janitors or persons in charge of the property;

(5) installations of central services such as power, lights, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(6) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(7) such community and commercial facilities as may be provided for in the declaration; and

(8) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(h) "Convertible land" shall mean a building site for one or more proposed additional condominium units within the submitted land which may be created in accordance with the declaration and this act.

(i) "Common expenses" means and include:

(1) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(2) expenses of administration, maintenance, repair or replacement of the common areas and facilities;

(3) expenses agreed upon as common expenses by the association of apartment owners; and

(4) expenses declared common expenses by provisions of this act, or by the declaration or the bylaws.

(j) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(k) "Declaration" means the instrument by which the property is submitted to the provisions of this act as hereinafter provided, and such declaration as from time to time may be lawfully amended.

(l) "Expandable condominium" shall mean a condominium to which additional real property may be added in accordance with the provisions of the declaration and of this act.

(m) "Limited common areas and facilities" means and includes those common areas and facilities designated in the declaration as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(n) "Majority" or "majority of apartment owners" means the apartment owners with ~~fifty-one percent (51%)~~ 51% or more of the votes in accordance with the percentages assigned in the declaration to the apartments for voting purposes.

(o) "Par value" shall mean a number of dollars or points assigned to each condominium unit by the declaration. If par value is stated in terms of dollars, that statement shall not be deemed to reflect or control value for taxation, fair market value, or for any purpose.

(p) "Person" means individual, corporation, partnership, association, trustee or other legal entity.

(q) "Property" means and includes the land, the building, all improvements and structures thereon, all owned in fee simple absolute and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this act.

(r) "Recording officer" means the register of deeds of the county in which the property is located.

(s) "Size" shall mean the approximate square feet of floor space of each condominium unit computed by reference to the declaration and floor plans and rounded off to a whole number. Certain spaces may be excluded or estimated in determining size if the same basis of calculation is used for all units of the condominium and is described in the declaration or floor plans.

(t) "Submitted land" shall mean real property, and any incidents thereto or interests therein, lawfully submitted to the provisions of this act as hereinafter provided.";

And by renumbering the remaining sections accordingly;

On page 16, in line 38, after "58-2011," by inserting "58-3102,";

On page 1, in the title, in line 4, after "58-2011," by inserting "58-3102,"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 50** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 50," as follows:

"Substitute for SENATE BILL NO. 50

By Committee on Utilities

AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5327, 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.";

and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 8, SB 55, SB 90, SB 97, SB 108, SB 134 reported correctly engrossed February 22, 2011.

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 Teichman in the chair.

The morning session recommended.:

SB 61, SB 63, SB 79, SB 83, SB 129, SB 133, SB 139, SB 155, SB 179, SB 188 be passed.

SB 59, SB 74, SB 76, SB 122, SB 143 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The Committee rose and reported progress (See Committee of the Whole,

afternoon session.)

SB 145 was passed over and retain a place on the calendar.

On motion of Senator Emler, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

CHANGE OF REFERENCE

The President withdrew **SB 19**, **SB 70** from the Committee on Education, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 72** from the Committee on Utilities, and referred the bill to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2004; HB 2010, HB 2027, HB 2044, HB 2104, HB 2124, HB 2141, HB 2151, HB 2157, HB 2158, HB 2169, HB 2182, HB 2184, HB 2227, HB 2249.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2004; HB 2010, HB 2027, HB 2044, HB 2104, HB 2124, HB 2141, HB 2151, HB 2157, HB 2158, HB 2169, HB 2182, HB 2184, HB 2227, HB 2249 were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

On motion of Senator Teichman the report for the morning and the following afternoon session were adopted:

Recommended **SB 104, SB 176** be passed.

SB 9, SB 135, SB 160 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee returned to **SB 145.**

Senator Wagle moved to amend **SB 145** on page 1, in line 26, by striking the colon; by striking all in lines 27 through 31; in line 32, by striking "(ii)";

On page 2, in line 2, by striking "sponsored" and inserting "approved"; in line 7, by striking "sponsored" and inserting "approved"; in line 12, by striking "sponsored" and inserting "approved"; in line 16, by striking "sponsored" and inserting "approved" and the bill be passed as amended.

On motion of Senator Emler the Senate recessed until the sound of the gavel.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 196** be amended on page 1, in line 36, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 2, in line 26, after the period, by inserting "If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets."; in line 28, by striking "taxable income" and inserting "net income before expensing or recapture"; in line 29, by striking all following "amount"; by striking all in line 30; in line 31, by striking all before the period and by inserting "shall be treated as a net operating loss as provided in K.S.A. 79-32,143, and amendments thereto";

On page 3, in line 21, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 4, following line 12, by inserting "* Not Applicable.";

On page 7, in line 8, by striking "2011" and inserting "2012"; in line 9, by striking "determine" and inserting "estimate"; in line 10, following "of" when it appears for the first time, by inserting "net"; by striking all in line 11; in line 12, by striking all before the period and inserting "any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in section 2, and amendments thereto"; in line 18, by striking "many" and inserting "money";

On page 12, in line 14, after the comma where it appears for the second time, by inserting "for a qualified business facility investment in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte counties,"; in line 15, by striking "\$5,000,000" and inserting "\$1,000,000"; in line 16, by striking all following "filed"; by striking all in line 17; in line 18, by striking all before "prior" and inserting "a certificate of intent to invest in a qualified business facility pursuant to this subsection in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte county"; in line 19, following the comma where it appears for the first time by inserting "and commences investments in a qualified business facility prior to December 31, 2013,";

And the bill be passed as amended.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Thursday, February 24, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

