

# Journal of the Senate

THIRTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 24, 2011, 9:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine senators present.

Senator Donovan was excused.

In observance of Armed Forces Appreciation Day, Chaplain (Major) Lawrence Dabeck, U.S. Army, Fort Leavenworth gave the invocation.

Almighty God – the Author of Liberty,

We are grateful to you for your many blessings. We thank you today for our nation. Thank you for the blessed liberties we enjoy. We beg of you, by your many mercies, that our land my long be bright with Freedom's holy light.

We ask you today to protect us by your might. We are thankful and proud of those who stand vigilant to safeguard our freedoms. Bless and keep our service men and women who stand in harm's way on our behalf, for those who perilously stand in the gap out of love for neighbor. Give them moral courage and strength of will to embrace the difficult right over the easy wrong. And please dear Lord, give their families grace and peace as their loved ones remain deployed.

And now Lord for those who stand here in the Senate Chamber, we thank you as well for their selfless service to neighbor. Give them desperate dependence upon you, that they might have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments. May we all hear on that day, "Well done, good and faithful servant."

In your holy name I pray,

AMEN

The pledge of allegiance was led by President Stephen Morris.

## **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Agriculture: **HB 2184**.  
 Assessment and Taxation: **HB 2157**.  
 Commerce: **SB 219**.  
 Education: **Sub HB 2004**.  
 Financial Institutions & Insurance: **HB 2124**.  
 Judiciary: **HB 2010, HB 2027, HB 2104, HB 2151, HB 2227**.  
 Public Health and Welfare: **HB 2182, HB 2249**.  
 Transportation: **HB 2044, HB 2169**.  
 Utilities: **HB 2141**.  
 Ways and Means: **HB 2158**.

#### **CHANGE OF REFERENCE**

The President withdrew **SB 18, SB 20, SB 51, SB 75, SB 202** from the Committee on Education, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 7, SB 39, SB 142, SB 146, SB 159, SB 165** from the Committee on Judiciary, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 49** from the Committee on KPERS Select, and referred the bill to the Committee on Ways and Means.

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

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

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2192**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2192** was introduced and read by title.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 9**, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-228a, 60-235, 60-249, 60-260, 60-270, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 59**, AN ACT concerning property taxation; relating to delinquent or unpaid taxes and overpayment of taxes; clerical errors pertaining to the rate of interest; amending K.S.A. 79-2968 and K.S.A. 2010 Supp. 79-1701a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 12, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Abrams, Bruce, Haley, Lynn, Masterson, Merrick, Olson, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 61**, AN ACT concerning income taxation; relating to credits; individual development accounts; contribution amounts; amending K.S.A. 2010 Supp. 74-50,208 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Francisco, Kelly, King, Kultala, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 63**, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; amending section 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2010 Supp. 21-3516, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 74**, AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 76**, AN ACT concerning the state board of healing arts; relating to doctors of physical therapy and physical therapist assistants; representation of licensure, certification and credentials; amending K.S.A. 2010 Supp. 65-2901 and 65-2913 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 79**, AN ACT concerning setoff against debtors of the state; amending K.S.A. 2010 Supp. 75-6210 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 83**, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 104**, AN ACT concerning the Kansas tort claims act; pertaining to charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 122**, AN ACT concerning the Kansas water office; relating to easements on state property for conservation projects, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 129**, AN ACT concerning elections; dealing with filling certain vacancies; amending K.S.A. 25-321 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 30, Nays 9, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Abrams, Love, Lynn, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed.

#### EXPLANATION OF VOTE

MR. PRESIDENT: **SB 129** suppresses the people's voice on who would be elected as their state senator. It is protection for incumbency. When there is a senate seat vacancy, precinct committee votes serve a purpose -- but only until the next election. It is wrong to bypass the vote of the people in an election.—SENATOR PILCHER-COOK

Senators Abrams and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on **SB 129**.

**SB 133**, AN ACT concerning health information; enacting the Kansas health information technology and exchange act; amending K.S.A. 16-1602 and repealing the existing section; also repealing K.S.A. 65-1734, 65-4970, 65-4972 and 65-4973 and K.S.A. 2010 Supp. 65-3228, 65-4971 and 65-4974, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 135**, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2010 Supp. 60-4104 and section 34 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-3302, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 139**, AN ACT concerning members of regional trauma councils and advisory committee on trauma; amending K.S.A. 2010 Supp. 75-5664 and 75-5665 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 28, Nays 11, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Abrams, Bruce, Lynn, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle, Steineger, Taddiken.

Absent or Not Voting: Donovan.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: In an age of government transparency, for us to enable any part of government, including council and committees, to not be transparent in their dealings is the wrong direction. This bill, **SB 139**, puts the inquiries, reports and every piece of gathered information behind a wall that does not allow it to be revealed even with a court subpoena. That is the wrong direction. -- STEVE ABRAMS

Senators Lynn and Masterson request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **SB 139**.

**SB 143**, AN ACT concerning postsecondary technical education; creating the postsecondary tiered technical education state aid act; amending K.S.A. 71-601, 71-620, 72-4480 and 72-6503 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a and 71-1706 and K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 145**, AN ACT concerning certain crimes; dealing with corrupt political advertising; amending K.S.A. 2010 Supp. 25-4156 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Lynn, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 155**, AN ACT concerning school districts; relating to the assessed valuation of certain school districts, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 160**, AN ACT concerning child support; relating to collection of support payments; amending K.S.A. 2010 Supp. 23-4,107 and 75-6202 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 176**, AN ACT concerning criminal procedure; relating to conditions of release and bond; considerations by court; amending K.S.A. 2010 Supp. 22-2802 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 179**, AN ACT concerning the Kansas life and health insurance guaranty association act; amending K.S.A. 40-3009 and K.S.A. 2010 Supp. 40-3003, 40-3005 and 40-3008 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 188**, AN ACT concerning solid waste; relating to exemptions from permits; amending K.S.A. 65-3407c and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 54** be amended on page 1, in line 11, by striking "2011" where it appears for the second time and inserting "2016"; by striking all in lines 16 through 18; in line 19, by striking all after "(a)"; by striking all in lines 20 and 21; in line 22, by striking "(b)"; also in line 22, by striking "class C"; in line 26, by striking "(c)" and inserting "(b)"; also in line 26, by striking "class C"; in line 36, by striking "(d)" and inserting "(c) Except as provided in subsection (d),"; also in line 36, by striking "class C";

On page 2, in line 2, by striking "(b)" and inserting "(a)"; following line 16, by inserting "(d) A licensee who holds a retailer's license on the effective date of this act shall not sell any good or service that is permitted to be sold on the licensed premises pursuant to subsection (c)(6). The provisions of this subsection shall expire on December 31, 2016."; in line 18, by striking "class C"; in line 30, by striking "class C"; in line 32, by striking "class C"; in line 37, by striking "class C"; in line 39, after "\$25" by inserting "and an application fee in the amount set forth in K.S.A. 41-317, and amendments thereto"; also in line 39, by striking "fee" and inserting "fees"; by striking all in lines 41 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 16; in line 17, by striking "2015" and inserting "2017"; in line 18, by striking "class C"; in line 19, by striking "class C"; following line 20, by inserting:

"New Sec. 5. Notwithstanding the provisions of K.S.A. 41-1101, and amendments thereto, a distributor may establish minimum order quantities or minimum order prices, or both, for alcoholic liquor distributed by the distributor to a retailer.";

Also on page 4, in line 21, by striking "7" where it appears for the second time and inserting "6";

On page 6, in line 14, by striking "(1)"; by striking all in lines 17 through 20;

On page 8, by striking all in lines 37 through 43;

By striking all on pages 9 and 10;

On page 11, by striking all in lines 1 and 2; in line 5, by striking "an individual" and inserting "a natural person";

On page 12, in line 34, after "issued" by inserting ": (A)"; in line 38, after "act" by inserting ";

(B) to a corporation, if any officer or member of the board of directors or

governing body thereof, or the manager of the licensed premises, would be ineligible to receive a retailer's license for any reason specified in subsection (a) other than citizenship requirements;

(C) to a corporation, if any officer or member of the board of directors or governing body thereof, or the manager of the licensed premises, has been an officer, manager or member of the board of directors or governing body of a corporation which has had a license revoked under the provisions of the Kansas liquor control act;

(D) to a person who is not engaged in business as a liquor store, a convenience store or a grocery store. As used herein: (i) "Liquor store" means a store whose primary business is the retail sale of alcoholic liquor in the original and unopened container and not for consumption on the premises and it includes stores classified under the North American industry classification system (NAICS) on the effective date of this act as NAICS 445310; (ii) "convenience store" means a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services, and includes stores classified on the effective date of this act as either NAICS 44512, convenience stores, or NAICS 447110, gasoline stations with convenience stores; and (iii) "grocery store" means a store established primarily for the retail sale of food, and includes stores classified on the effective date of this act as NAICS 445110;

(E) to a partnership, unless all of the partners are qualified to obtain a license; and

(F) to a trust, if any grantor, beneficiary or trustee thereof would be ineligible to receive a retailer's license for any reason specified in subsection (a) other than the age and citizenship requirements";

On page 14, in line 37, by striking "(b)(1), (b)(2)" and inserting "(b)(1)(A), (b)(1)(B)";

On page 15, in line 25, by striking all after "first"; in line 26, by striking "of authority from" and inserting "filed a formation document with"; in line 28, after "its" by inserting "resident"; also in line 28, by striking all after "agent"; in line 29, by striking all before "authorizing"; in line 34, by striking all after the period; in line 35, by striking all before "The" where it appears the second time; by striking all in line 37 through 43;

On page 16, by striking all in line 1; by striking all in lines 22 through 43;

On page 17, by striking all in lines 1 through 42;

On page 18, in line 34, by striking "authorize"; by striking all in line 35; in line 36, by striking "wine; (3) to"; in line 37, by striking "spirits or any other"; also in line 37, by striking "other than beer or"; in line 38, by striking "wine" and inserting ", or to stock or otherwise handle any alcoholic liquor"; also in line 38, by striking "(4)" and inserting "(3)"; following line 39, by inserting:

"Sec. 14. On and after January 1, 2012, K.S.A. 41-1101 is hereby amended to read as follows: 41-1101. (a) No distributor licensed under this act shall purchase any alcoholic liquor from any manufacturer, owner of alcoholic liquor at the time it becomes a marketable product, exclusive agent

of such manufacturer or owner, microbrewery, farm winery or distributor of alcoholic liquor bottled in a foreign country either within or without this state, unless the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor files with the director a written statement sworn to by the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor or, in case of a corporation, one of its principal officers, agreeing to sell any of the brands or kinds of alcoholic liquor manufactured or distributed by the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor to any distributor licensed in this state and having a franchise to distribute the alcoholic liquor pursuant to K.S.A. 41-410, and amendments thereto, and to make such sales to all such licensed distributors in this state at the same current price and without discrimination. Each manufacturer, owner, exclusive agent, microbrewery or farm winery shall provide to each distributor written notice not less than 45 days before any change in the current price of any spirits or wine which such manufacturer, owner, exclusive agent, microbrewery or farm winery sells to such distributor. If any manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor making the agreement violates the agreement by refusing to sell such alcoholic liquor to any such franchised licensed distributor in this state or discriminates in current prices among such franchised licensed distributors making or attempting to make purchases of alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor, the director shall notify, by registered mail, each such franchised licensed distributor in this state of the violation. Thereupon, it shall be unlawful for a franchised licensed distributor in this state to purchase any alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor. If thereafter such a franchised licensed distributor purchases any alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor, such franchised distributor's license shall be revoked by the director. If any manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor of alcoholic liquor bottled in a foreign country, making any agreement hereunder, does not have a sufficient supply of alcoholic liquor of any of the brands or kinds which the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor manufactures or distributes to supply the demands of all licensed distributors having a franchise to distribute such alcoholic liquor, the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor may ration such alcoholic liquor and apportion the available supply among such franchised licensed distributors purchasing or attempting to purchase it, in accordance with a plan which shall be subject to the approval of the director.

(b) *Except as otherwise provided in section 5, and amendments thereto,* no retailer licensed under this act shall purchase any alcoholic liquor from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of alcoholic liquor distributed by the distributor and to provide

service in connection therewith to any licensed retailer whose licensed premises are located within the geographic territory of the distributor's franchise for the alcoholic liquor, unless written approval to do otherwise is obtained from the director, and to make such sales to all such licensed retailers at the same current bottle, sleeve and case price and without discrimination. For purposes of this subsection the "same current bottle, sleeve and case price" for spirits and wine means a price effective for a specified period as designated by the distributor on or before the first day of each month. If any distributor making the agreement violates the agreement by refusing to sell or provide service to any such licensed retailer in this state without written approval of the director or discriminates in current prices among such licensed retailers making or attempting to make purchases of alcoholic liquor from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of alcoholic liquor of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed retailers, the distributor may ration such alcoholic liquor and apportion the available supply among such licensed retailers purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

(c) No club or drinking establishment licensed in this state shall purchase any wine or beer from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of wine or beer distributed by the distributor to those clubs and drinking establishments to which the distributor is authorized to sell such wine or beer and to which the distributor desires to sell such wine or beer, unless written approval to do otherwise is obtained from the director and to make such sales to all such licensed clubs or drinking establishments at the same current bottle and case price and without discrimination. If any distributor making the agreement violates the agreement by refusing to sell to any such licensed club or drinking establishment in this state without written approval of the director or discriminates in current prices among such licensed clubs or drinking establishments making or attempting to make purchases of wine or beer from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of wine or beer of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed clubs or drinking establishments, the distributor may ration such wine or beer and apportion the available supply among such licensed clubs or drinking establishments purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

For the purposes of this subsection, a delivery charge shall not be considered a part of the price of wine or beer sold by a distributor.

(d) No retailer licensed under K.S.A. 41-2701 et seq., and amendments thereto, shall purchase any cereal malt beverage from any distributor licensed

under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of cereal malt beverage distributed by the distributor to those retailers to which the distributor is authorized to sell such cereal malt beverage, unless written approval to do otherwise is obtained from the director, and to make such sales to all such licensed retailers at the same current price and without discrimination. If any distributor making the agreement violates the agreement by refusing to sell to any such licensed retailer in this state without written approval of the director or discriminates in current prices among such licensed retailers making or attempting to make purchases of cereal malt beverage from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of cereal malt beverage of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed retailers, the distributor may ration such cereal malt beverage and apportion the available supply among such licensed retailers purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

(e) No distributor shall sell alcoholic liquor or cereal malt beverage to a retailer licensed under the Kansas liquor control act, to a club, drinking establishment or caterer licensed under the club and drinking establishment act or to a retailer licensed under K.S.A. 41-2702, and amendments thereto, at a discount for multiple case lots.";

And by renumbering sections accordingly;

On page 19, in line 23, by striking "41-310,"; also in line 23, by striking "41-317,"; in line 25, by striking "41-304,"; in line 26, by striking "and" where it appears for the first time and inserting a comma; also in line 26, after "41-713" by inserting "and 41-1101";

On page 1, in the title, in line 2, by striking "41-304 and"; in line 3, after "713" by inserting "and 41-1101"; also in line 3, by striking "41-310,"; in line 4, by striking "41-317,"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 101** be passed.

Also, **SB 114** be amended on page 1, following line 26, by inserting: "(B) suspend a unit owner's right to vote except involving issues of assessments and fees; or"; in line 27, by striking "(B)" and inserting "(C)"; in line 29, by striking "and"; following line 29, by inserting "(7) have the power to suspend owner's right to vote on all issues when the owner is a developer who owns properties and is delinquent in the payment of assessments or fees; and"; in line 30, by striking "(7)" and inserting "(8)";

On page 2, following line 17, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 58-4610 is hereby amended to read as follows: 58-4610. (a) The bylaws of the association must:

(1) Provide the number of members of the board of directors and the titles of the officers of the association;

(2) provide for election by the board of directors or, if the declaration requires, by the unit owners, of a president, treasurer, secretary, and any other

officers of the association the bylaws specify;

(3) specify the qualifications, powers and duties, terms of office, and manner of electing and removing board of directors' members and officers and filling vacancies;

(4) specify the powers the board of directors or officers may delegate to other persons or to a managing agent;

(5) specify the officers who may prepare, execute, certify, and record amendments to the declaration on behalf of the association;

(6) specify a method for the unit owners to amend the bylaws;

(7) contain any provision necessary to satisfy requirements in this act or the declaration concerning meetings, voting, quorums, and other activities of the association; and

(8) provide for any matter required by law of this state other than this act to appear in the bylaws of organizations of the same type as the association.

(b) Subject to the declaration and this act, the bylaws may provide for any other necessary or appropriate matters, including, but not limited to, an election oversight committee and other matters that could be adopted as rules.

(c) *The requirements of this section shall not apply to any common interest community for a recreational lake development which contains more than 500 units where less than 50% of such units contain a residence.*

~~(e)~~ (d) This section shall take effect on and after January 1, 2011.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "58-4608" by inserting ", 58-4610"; also in line 2, by striking "; also"; in line 3, by striking "repealing K.S.A. 2010 Supp. 58-4610"; and the bill be passed as amended.

## REPORT ON ENGROSSED BILLS

**SB 6; Sub SB 33; SB 63, SB 67, SB 93, SB 100, SB 119, SB 120, SB 126, SB 135, SB 145, SB 150, SB 170, SB 186** reported correctly engrossed February 23, 2011.

**SB 9, SB 59, SB 74, SB 76, SB 122, SB 143, SB 160** reported correctly engrossed February 24, 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 Brungardt in the chair.

The morning session recommended:

**SB 10, SB 116, SB 136, SB 177** be passed.

**SB 1, SB 112, SB 124** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**Sub SB 50** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Apple, on page 9, in line 32, by striking "1.1%" and inserting "1%" and **Sub SB 50** be passed as amended.

**SB 198** be amended be adoption of the committee amendments, be further amended by motion of Senator King on page 1, in line 14, after "Greenwood," by inserting "Hamilton,"; also in line 14, after "Harper," by inserting "Hodgeman,"; also in line 14, after "Jewell," by inserting "Kearny,"; in line 16, after "Phillips," by inserting "Pratt,"

**SB 198** be further amended by motion of Senator Bruce, on page 3, in line 18, by striking all after "when"; by striking all in lines 19 through 22; in line 23, by striking all before the period, and by inserting "such resident individual establishes domicile in a county designated as a rural opportunity zone which participates in the program as provided in subsection (a), on and after the date in which such county commenced such participation, and prior to July 1, 2016"

**SB 198** be further amended by motion of Senator Huntington, on page 3, following line 38, by inserting "(f) On January 1, 2012, and annually thereafter until January 1, 2017, the secretary of commerce shall report to the senate committee on assessment and taxation and the House of Representatives committee on taxation as to how many residents applied for the rural opportunity zone tax credit." and **SB 198** be passed as further amended.

**SB 212** be amended by adoption of the committee amendments, be further amended by motion of Senator V. Schmidt, on page one, in line 32 by striking "statute book" and inserting "Kansas register" and **SB 212** be passed as further amended.

**SB 137** be amended by the adoption of the committee amendments and be passed over and retain a place on the calendar.

**Sub SB 147, SB 193** be passed over and retain a place on the calendar.

## ORIGINAL MOTION

Having voted on the prevailing side in Final Action on **SB 1**, Senator Apple moved the Senate reconsider its action on **SB 1**. The motion carried and the bill was returned to Committee of the Whole.

The committee rose and reported progress (see Committee of the Whole, afternoon session).

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

## AFTERNOON SESSION

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. SCR 1605—

By Senators Morris, Emler, Vratil, Abrams, Apple, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey,

King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger and Wagle

A CONCURRENT RESOLUTION urging the United States Congress to fund the construction of the National Bio and Agro-defense Facility (NBAF) and encouraging the Department of Homeland Security to advance the sale of Plum Island Animal Disease Center and direct the proceeds of the sale to be used to help fund the NBAF.

WHEREAS, When it comes to the critically urgent work of protecting America's food supply, the NBAF offers the only long-term solution to secure the nation's food supply and agricultural economy through integrated biosafety research, testing and evaluation of agricultural and public health threats; and

WHEREAS, Since 2004, the Department of Homeland Security (DHS) has reported on the defined capability gap in integrated biosafety research, development, testing and evaluation of agricultural and public health threats posed by foreign animal, emerging and zoonotic diseases in large livestock; and

WHEREAS, The NBAF will eliminate the capability gap outlined in 2004 by providing a domestic, modern, integrated high-containment facility containing BioSafety Level (BSL) 2/3/3Ag/4 laboratories for up to 350 scientists and support staff to safely and effectively address the accidental or intentional introduction of animal diseases into the United States; and

WHEREAS, In 2006, DHS implemented an exhaustive three-year selection process that, based on the merits of the site, resulted in the selection of Kansas as the best home for a new research facility to protect the American food supply and agriculture economy. Throughout the review, Kansas was noted for its internationally recognized animal health research expertise, state-of-the-art research and industry infrastructure, and deep agricultural heritage – all of which will significantly enhance research efforts; and

WHEREAS, In January 2009, the Department of Homeland Security sited the NBAF in Manhattan, Kansas on the campus of Kansas State University based upon the unanimous recommendation of a panel of biocontainment experts; and

WHEREAS, In its Record of Decision published in the Federal Register on January 16, 2009, the Department of Homeland Security noted that, "based on the numerous strengths that were evident when evaluating the Manhattan Campus Site against the evaluation criteria, DHS found that this location best met the purpose and need to site, construct and operate the NBAF. Specifically, the site location near KSU provides site proximity to existing research capabilities that can be linked to NBAF mission requirements. Additionally, the site's proximity to the KSU College of Veterinary Medicine, KSU College of Agriculture and the Biosecurity Research Institute is relevant to the NBAF mission and a significant strength."; and

WHEREAS, The bipartisan Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism's October 2009 progress report



called the Clock is Ticking defined the critical importance of the NBAF by concluding that bioterrorism is the most imminent threat to our homeland security and called for investment to limit the consequences of a bioweapons attack and improve our nation's capabilities to recognize, respond and recover from such an attack; and

WHEREAS, The State of Kansas recognizes this threat and has committed to partner with the Department of Homeland Security and the United States Department of Agriculture to initiate NBAF related research during the construction of the NBAF to accelerate its critical mission of protecting our nation's agriculture economy; and

WHEREAS, Once construction is completed, the NBAF will serve as the nation's premier research facility for developing vaccines and countermeasures for diseases that threaten livestock and other animals, which agricultural and bioterrorism experts consider an urgent national priority; and

WHEREAS, President Obama's FY 2012 budget requests \$150 million to initiate the construction of the NBAF; and

WHEREAS, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) requires that, having chosen a site other than Plum Island, New York, the Department of Homeland Security Secretary is to sell Plum Island through the General Services Administration. Proceeds of the sale shall be available for site acquisition, construction and costs related to the construction of the NBAF: Now, therefore,

Be it resolved by the Senate of the state of Kansas, the House of Representatives concurring therein: That we recognize the vital role the National Bio and Agro-defense Facility will play in the future to securing our country from natural and deliberate threats to our food supply, agricultural economy and public health posed by dangerous foreign animal diseases and that we urge the federal government to act aggressively in addressing the threats of bioterrorism; and

Be it further resolved: The construction and operations of the National Bio and Agro-Defense Facility must be accelerated to eliminate the capability gap outlined in 2004 by DHS, the 2009 Clock is Ticking report; and provide the research, testing and evaluation necessary to secure the nation's food supply and agricultural economy; and

*Be it further resolved:* That we urge the United States Congress to support President Obama's budget request of \$150 million to ensure the timely construction and operations of the National Bio and Agro-Defense Facility and encourage the Department of Homeland Security and the General Services Administration to move quickly to sell Plum Island and to direct the proceeds to be used to help fund the NBAF; and

*Be it further resolved:* That copies of this resolution be provided to President Obama and Vice President Biden, Secretary Napolitano of the U.S. Department of Homeland Security, Secretary Vilsack of the U.S. Department of Agriculture, Secretary Sebelius of the U.S. Department of Health and Human Services, the U.S. House of Representatives and U.S. Senate homeland security appropriations subcommittees, the Kansas congressional

delegation and Governor Sam Brownback.

On emergency motion of Senator Emler **SCR 1605** was adopted by voice vote.

#### **CHANGE OF REFERENCE**

The President withdrew **SB 78, SB 101, SB 78, SB 137; Sub SB 147; SB 193, SB 196** from the calendar under the heading of general orders and referred the bills to the Committee on **Ways and Means**.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2015, HB 2031, HB 2035, HB 2042, HB 2066, HB 2119, HB 2122, HB 2130, HB 2149, HB 2200, HB 2218, HB 2231, HB 2241, HB 2251, HB 2294, HB 2329**.

Announcing adoption of **HCR 5009**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2015, HB 2031, HB 2035, HB 2042, HB 2066, HB 2119, HB 2122, HB 2130, HB 2149, HB 2200, HB 2218, HB 2231, HB 2241, HB 2251, HB 2294, HB 2329, HCR 5009** were thereupon introduced and read by title.

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

Committee on Judiciary introduced the following Senate Resolution, which was read:

##### **SENATE RESOLUTION No. SR 1817—**

**RESOLUTION** disapproving Executive Reorganization Order No. 34, relating to consolidation of parole review functions in the executive branch by abolishing the parole board as established by K.S.A. 22-3701 et seq. and establishing the prisoner review board within the department of corrections.

*Be it resolved by the Senate of the State of Kansas:* That Executive Reorganization Order No. 34 is hereby disapproved in accordance with Section 6 of Article 1 of the Constitution of Kansas; and

*Be it further resolved:* That the secretary of state shall transmit a copy of this resolution to the governor; and

Be it further resolved: That the secretary of state shall cause this resolution to be published in the session laws to show permanently the foregoing disapproval of the Senate of Executive Reorganization Order No. 34.

#### **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 Brungardt in the chair.

On the motion of Senator Brungardt the report for the morning and the following afternoon sessions were adopted.

The Senate returned to reconsideration of **SB 1**. Senator Vratil moved to amend **SB 1** on page 1, line 9, by inserting after the word “register” the phrase “or other location readily accessible to the consumer” and **SB 1** be passed as further amended

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 1**, **SB 10**; **Sub SB 50**; **SB 112**, **SB 116**, **SB 124**, **SB 136**, **SB 177**, **SB 198**, **SB 212** and were advanced to Final Action and roll call.

**SB 1**, AN ACT concerning consumer transactions; relating to the Kansas retailers' sales tax act; notice of the cumulative rate .

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 10**, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; Edwards county; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 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, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**Sub SB 50**, 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.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

**SB 112**, AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411, 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003, 58-2004, 58-2005, 58-2011, 58-3102, 68-104, 68-131, 68-1407 and 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-108.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 116**, AN ACT concerning taxation; regarding tax information; disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 124**, AN ACT concerning water; relating to water supply storage access and creating the lower smoky hill water supply access program.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 136**, AN ACT concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Haley, Hensley, Holland.

Absent or Not Voting: Donovan.

The bill passed.

**SB 177**, AN ACT concerning taxation; relating to periods of limitation for certain refunds and credits; amending K.S.A. 2010 Supp. 79-3609 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 198**, AN ACT concerning economic development; creating rural opportunity zones; relating to income taxation, credit for certain taxpayers, amount and requirements; student loan repayment program.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Francisco, Haley, Holland, Kelly, Kultala.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 212**, AN ACT concerning taxation; relating to abatement of tax liability; annual report; amending K.S.A. 2010 Supp. 79-3233b and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, 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, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Friday, February 25, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

