

# Journal of the House

## THIRTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 21, 2012, 11:00 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair.

The roll was called with 123 members present.

Rep. C. Holmes was excused on legislative business.

Rep. McLeland was excused on excused absence by the Speaker.

Rep. Grange was excused later in the day on excused absence by the Speaker.

Present later: Rep. C. Holmes.

Prayer by guest chaplain, Father Tim Haberkorn, Sacred Heart-St. Joseph Parrish, Topeka, and guest of Rep. Rubin:

Eternal God, we ask you to send your Spirit to us today as we are called upon to be your public servants. We are evermindful of your Divine Providence and assistance. As you have called us to be leaders, grant us the spiritual gifts of wisdom, knowledge, courage and understanding so as to serve your people to the best of our ability. In accepting the responsibility that your people have called us to this day, may all that we say and do reflect your awesome glory. With your help and strength, we can accomplish great things. May all those we serve benefit from our hard work and endeavors. We ask all these things in faith. Amen

The Pledge of Allegiance was led by Rep. Billinger.

Kansas Trivia – Born in Wichita this woman served as the 48<sup>th</sup> United States Secretary of the Interior and was the first woman to hold this position. Who was this woman?

Answer: Gale Norton

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Kelly and McCray-Miller are spread upon the Journal:

It is a pleasure for Rep. McCray-Miller and me to have Henry Williams from Independence with us this morning. Rep. McCray-Miller is a friend of Henry's sister in Wichita and I first became acquainted with Henry a little over 10 years ago when Henry

paid daily visits to the Assisted Living Center my mother lived in. You could tell that Henry was a special caring person with the desire to make each day just a little better for someone else. Henry certainly accomplished this for my mother who looked forward to his visits.

Henry has a love for boxing and was an active boxer during his military career. In 2000, after winning the Southeast Kansas Community Action Program Personal Responsibility and Achievement Award, Henry decided to use his love for boxing to give back to his community, especially the youth, by establishing the Uppercut Boxing Club and Tutoring center. Henry, through this club, has dedicated himself to focusing on the enabling of youth to build self-esteem, avoid delinquency and improve their ability to succeed in both school and life.

Through grants and assistance from the Kansas Health Foundation, SEK-CAP and many others Henry's program has grown in prominence and it gained national recognition in the Fall of 2011 when Henry was selected from over 1,100 Community Action Programs around the United States to be the 2011 recipient of the prestigious Sargent Shriver Annual Achievement Award at the Community Action Program annual convention in San Francisco.

It is now a special honor to recognize Henry Williams, from Independence, for his accomplishments and the Uppercut Boxing Club for its dedicated service to the youth of Independence and Southeast Kansas.

Reps. Kelly and McCray-Miller presented Mr. Williams with a framed House certificate.

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

The following bills were introduced and read by title:

**HB 2762**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit payments; amending K.S.A. 2011 Supp. 74-4920 and repealing the existing section, by Committee on Appropriations.

**HB 2763**, AN ACT concerning taxation; enacting the Kansas economic freedom act of 2014; eliminating income and sales taxes; imposing a consumption tax; providing certain duties and requirements on retailers and providers and the department of revenue; exemptions; consumption allowance; creating the consumption tax transition committee; amending K.S.A. 2011 Supp. 79-3702 and repealing the existing section; also repealing K.S.A. 79-3294, 79-3294a and 79-3294b and K.S.A. 2011 Supp. 79-1107, 79-1108, 79-3295, 79-3296, 79-3298, 79-3299, 79-32,100, 79-32,100a, 79-32,100b, 79-32,100c, 79-32,100d, 79-32,100e, 79-32,110 and 79-3603, by Committee on Taxation.

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

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 316, HB 2761.**

Agriculture and Natural Resources Budget: **HB 2758.**

Appropriations: **HB 2760.**

Corrections and Juvenile Justice: **SB 305, SB 325.**

Elections: **SB 102**.  
Federal and State Affairs: **SB 299, HB 2759**.  
Health and Human Services: **SB 324, SB 331**.  
Judiciary: **SB 281**.  
Taxation: **SB 348**.

### CONSENT CALENDAR

No objection was made to **HB 2708** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2708**, AN ACT concerning renewable energy resources; amending K.S.A. 2011 Supp. 66-1257 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed.

**HB 2432**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the ducks unlimited license plate, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 16; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, KleeB, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Montgomery, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin,

Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Bruchman, Donohoe, Garber, Gregory, Grosserode, Hildabrand, Kinzer, Meigs, O'Hara, Ryckman, Scapa, Slattery, Sloan, Tyson.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed.

**HB 2464**, AN ACT concerning criminal procedure; relating to discovery; certain visual depictions; amending K.S.A. 2011 Supp. 22-3212 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed, as amended.

**HB 2468**, AN ACT concerning criminal procedure; relating to discovery and production requirements of defense attorneys; amending K.S.A. 2011 Supp. 22-3212 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin,

Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Kuether, Lane.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed, as amended.

**HB 2473**, AN ACT concerning civil procedure; relating to pleadings and discovery; amending K.S.A. 2011 Supp. 60-208 and 60-226 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed, as amended.

**HB 2569**, AN ACT concerning public records; relating to legislative review of exceptions to disclosure; amending K.S.A. 2011 Supp. 45-229 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl,

Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed.

**HB 2612**, AN ACT designating a portion of Kansas highway 79 as the Barnes brothers memorial highway, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Brunk, Denning, Donohoe, D. Gatewood, Gregory, Grosserode, Hildabrand, Kiegerl, Kinzer, Landwehr, Meigs, Montgomery, O'Hara, Ryckman, Scapa, Suellentrop.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: **HB 2612** was brought to the House by the 8<sup>th</sup> Grade, Kansas History Class students of Royal Valley Middle School in Mayetta, Kansas. The students chose to memorialize Jackson County natives Jesse and Virgil Barnes, who were both professional baseball players and World War II veterans. The students did a good job researching the brothers, drafting the bill and enlisting the support of the Circleville City Council. I am pleased to support these students and their initiative. I vote AYE on **HB 2612**. – TRENT LEDOUX

**HB 2613**, AN ACT concerning crimes, criminal procedure and punishment; relating to protective orders; relating to permanent orders; amending K.S.A. 2011 Supp. 21-5924, 60-3104, 60-3107, 60-31a04 and 60-31a06 and repealing the existing sections; also repealing K.S.A. 60-3111, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebl, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The bill passed, as amended.

**HCR 5032**, commending the positive approach and best practices of the Crisis Intervention Team program and encouraging the development of active crisis intervention team programs statewide, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebl, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: C. Holmes, McLeland.

The resolution was adopted, as amended.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Hayzlett in the chair.

## COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2416, HB 2520; SB 289; HB 2414** be passed.

Committee report to **HB 2631** be adopted; and the bill be passed as amended.

Committee report to **HB 2517** be adopted; and the bill be passed as amended.

On motion to recommend **HB 2551** favorably for passage, the motion did not prevail.

Committee report to **HB 2485** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Economic Development** recommends **HB 2558** be amended on page 4, following line 37, by inserting:

"(5) A determination by the director as to the legal sufficiency of the affidavit for recusal submitted above shall be appealable to the courts of appeal under the provisions of K.S.A. 44-556, and amendments thereto.";

On page 5, following line 24, by inserting:

"Sec. 4. K.S.A. 2011 Supp. 44-532a is hereby amended to read as follows: 44-532a.

(a) If an employer has no insurance to secure the payment of compensation or has insufficiently funded a self-insurance bond, or has insufficiently funded a letter of credit as provided in subsection (b)(1) and (2) of K.S.A. 44-532, and amendments thereto, and such employer is financially unable to pay compensation to an injured worker as required by the workers compensation act, or such employer cannot be located and required to pay such compensation, the injured worker may apply to the director for an award of the compensation benefits, including medical compensation, to which such injured worker is entitled, to be paid from the workers compensation fund. Whenever a worker files an application under this section, the matter shall be assigned to an administrative law judge for hearing. If the administrative law judge is satisfied as to the existence of the conditions prescribed by this section, the administrative law judge may make an award, or modify an existing award, and prescribe the payments to be made from the workers compensation fund as provided in K.S.A. 44-569, and amendments thereto. The award shall be certified to the commissioner of insurance, and upon receipt thereof, the commissioner of insurance shall cause payment to be made to the worker in accordance therewith.

(b) The commissioner of insurance, acting as administrator of the workers compensation fund, shall have a cause of action against the employer for recovery of any amounts paid from the workers compensation fund pursuant to this section. Such action shall be filed in the district court of the county in which the accident occurred or where the contract of employment was entered into.";

And by renumbering sections accordingly;

Also on page 5, by striking all in line 43;

On page 6, by striking all in lines 1 through 3;

And by redesignating subsections accordingly;

On page 10, in line 8, after "44-523," by inserting "44-532a,";

On page 1, in the title, in line 6, after "44-523," by inserting "44-532a,"; and the bill be passed as amended.



Committee on **Corrections and Juvenile Justice** recommends **HB 2427** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2427," as follows:

"Substitute for HOUSE BILL NO. 2427

By Committee on Corrections and Juvenile Justice

"AN ACT concerning the Kansas open records act; relating to information concerning law enforcement officers; amending K.S.A. 2011 Supp. 45-221 and repealing the existing section."; and the substitute bill be passed.

(**Sub HB 2427** was thereupon introduced and read by title.)

Committee on **Government Efficiency** recommends **HB 2673**, **HB 2705** be passed.

Committee on **Government Efficiency** recommends **HB 2675** be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 79-408 is hereby amended to read as follows: 79-408. The county clerk shall ~~complete~~ maintain all real estate assessment rolls that may be required for the assessment districts of the county. Such assessment rolls shall contain a correct and pertinent description of each piece, parcel or lot of real property in numerical order as to lots and blocks, sections or subdivisions, in the respective townships or cities, as the case may be. In making up such assessment rolls, the county clerk shall consult the real estate transfer record in the office of the clerk, ~~and~~ the records and plats in the office of the register of deeds, ~~reports from United States land offices, and may require the owner or occupant of a particular property to furnish a proper description thereof. In making such rolls the county clerk shall deduct the acreage of all lands used for railway right of way or interurban railway right of way. After the county clerk has completed such rolls, the clerk shall deliver them to the county appraiser no later than December 15. All such rolls and descriptions may be maintained electronically, as the county may find necessary and proper.~~";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "Repealing K.S.A. 79-408;"; in line 2, after "appraisers" by inserting "; amending K.S.A. 79-408 and repealing the existing section"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2618** be passed.

Committee on **Local Government** recommends **HB 2646** (Corrected) be amended on page 1, in line 16, by striking "three" and inserting "two"; also in line 16 by striking "has" and inserting "have"; in line 17, by striking all after "on" and inserting "surrounding properties. "Commercial real estate" means any real estate for which the present use is other than one to four residential units or for agricultural purposes.

(d) "Blighting influence" means conditions in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the municipality or which have an adverse impact on properties in the area. Such conditions may include, but are not limited to, the following: Defects increasing the hazards of fire, accident, or other calamities; air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; dead and dying trees, limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage; or any

violation of health, fire, building or zoning regulations.";

And by redesignating subsections accordingly; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

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

The following bills were introduced and read by title:

**HB 2764**, AN ACT concerning insurance; providing coverage for autism spectrum disorder; amending K.S.A. 2011 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2765**, AN ACT concerning the state directory of new hires; relating to information submitted by employers; amending K.S.A. 2011 Supp. 75-5743 and repealing the existing section, by Committee on Federal and State Affairs.

### **CHANGE OF REFERENCE**

Speaker O'Neal announced the withdrawal of **HB 2696** from Committee on Social Services Budget and referral to Committee on Appropriations.

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

The following resolution was introduced and read by title:

#### **HOUSE RESOLUTION No. HR 6013—**

By Representatives Wetta, Moxley, Dillmore, Finney, Flaharty, Lane, Meier, O'Neal and Pottorff

A RESOLUTION to create the Kansan-Turkish Friendship Network.

WHEREAS, The Republic of Turkey is a democratic, secular, unitary, constitutional republic; and

WHEREAS, The Republic of Turkey and the United States of America are long-standing allies, both clearly cherishing the universal values of freedom, democracy and human rights; and

WHEREAS, In its alliances with the United States, the Republic of Turkey has demonstrated its commitment to world peace and liberty, as well as its tolerance of others in the secular and religious venues; and

WHEREAS, The Republic of Turkey has a very diverse culture that is a blend of various elements of the Oğuz Turkic, Anatolian, Ottoman and western culture and traditions, which started with the westernization of the Ottoman State and still continues today; and

WHEREAS, The Republic of Turkey was a founding member of the United Nations; and

WHEREAS, The Republic of Turkey is known worldwide for its architecture and archaeological riches; and

WHEREAS, The Republic of Turkey has one of the world's fastest growing economies, and is the world's fifteenth largest economy and Europe's sixth largest economy, and is to be commended on its contributions to the global economy; and

WHEREAS, It is in the best interest of the state of Kansas to further cultivate the

good relationship between Kansas and the Republic of Turkey; and

WHEREAS, It is beneficial to recognize the contributions of our allies and the value of maintaining beneficial relationships with allies of the state of Kansas, such as the contributions made by the Republic of Turkey and the value of our positive relationship with this ally: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That in pursuit of this noble goal, we would like to create the Kansan-Turkish Friendship Network. The purpose of this bipartisan leadership network is to focus on Kansan-Turkish relations and issues that concern Turkish Americans in Kansas, as well as promote the cultural, educational, academic, political and economic relations between Kansans and the Turkish people by coordinating hospitality, cultural and educational events and exchanges to facilitate and strengthen the development of those relationships.

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Wetta and Representative Moxley.

On motion of Rep. Siegfroid, the House recessed until 1:30 p.m.

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#### AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

#### CHANGE OF REFERENCE

Speaker pro tem Vickrey announced the withdrawal of **HB 2397** from Committee on Appropriations and rereferral to Committee on Education Budget.

On motion of Rep. Siegfroid, the House resolved into the Committee of the Whole, with Rep. Hayzlett in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2429**, **HB 2494** be passed.

**Sub. HB 2166** be passed over and retain a place on the Calendar.

Committee report to **HB 2444** be adopted; and the bill be passed as amended.

Committee report to **HB 2563** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2295** be adopted; also, on motion of Rep. Meier, be amended on page 4, following line 35, by inserting:

"Sec. 2. K.S.A. 2011 Supp. 32-988 is hereby amended to read as follows: 32-988.

(a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

Resident (other than elk permit): maximum \$100

Nonresident (other than elk permit): maximum \$400

- Elk permit: maximum \$350
- Nonresident mule deer stamp: maximum \$150
- Nonresident applications: maximum \$25
- Combination hunting and fishing licenses
  - Resident: maximum \$50
  - Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150
  - Nonresident: maximum \$200
- Commercial dog training permits: maximum \$25
- Commercial guide permit or associate guide permit
  - Resident: maximum \$250
  - Nonresident: maximum \$1,000
- Commercial harvest or dealer permits: maximum \$200
- Commercial prairie rattlesnake harvesting permits
  - Resident or nonresident with valid hunting license: maximum \$5
  - Resident or nonresident nonfirearm without valid hunting license: maximum \$20
- Controlled shooting area operator license: maximum \$400
- Duplicate licenses, permits, stamps and other issues of the department: maximum \$10
- Falconry
  - Permits: maximum \$300
  - Examinations: maximum \$100
- Field trial permits: maximum \$25
- Fishing licenses
  - Resident: maximum \$25
  - Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
  - Nonresident: maximum \$75
  - Five-day nonresident: maximum \$25
  - Institutional group: maximum \$200
  - Special nonprofit group: maximum \$200
  - Twenty-four-hour: maximum \$10
- Fur dealer licenses
  - Resident: maximum \$200
  - Nonresident: maximum \$400
- Furharvester licenses
  - Resident: maximum \$25
  - Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
  - Nonresident: maximum \$400
- Game breeder permits: maximum \$15
- Handicapped hunting and fishing permits: maximum \$5
- Hound trainer-breeder running permits: maximum \$25
- Hunting licenses
  - Resident: maximum \$25
  - Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
  - Nonresident 16 or more years of age: maximum \$125
  - Nonresident under 16 years of age: maximum \$75
  - Controlled shooting area: maximum \$25
  - Forty-eight-hour waterfowl permits: maximum \$25
- Migratory waterfowl habitat stamps: maximum \$8

## Mussel fishing licenses

Resident: maximum \$200

Nonresident: maximum \$1,500

## Rabbit permits

Live trapping: maximum \$200

Shipping: maximum \$400

Raptor propagation permits: maximum \$100

Rehabilitation permits: maximum \$50

Scientific, educational or exhibition permits: maximum \$10

Wildlife damage control permits: maximum \$10

Wildlife importation permits: maximum \$10

## Wild turkey permits

Resident: maximum \$100

Nonresident: maximum \$400

Resident turkey tag: maximum \$20

Nonresident turkey tag: maximum \$30

Special permits under K.S.A. 32-961: maximum \$100

## Miscellaneous fees

Special events on department land or water: maximum \$200

Special departmental services, materials or supplies: no maximum

Other issues of department: no maximum

Vendor bond: no maximum

(b) (1) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to ½ the fee for a general resident big game or wild turkey hunting permit.

(2) The secretary shall verify proof of ownership or tenancy of no less than 25% of all such landowner-tenant resident big game or wild turkey hunting permit applicants in each calendar year. Failure of such applicant to provide such proof as required by the secretary shall be a violation of K.S.A. 32-1032, and amendments thereto.

(c) The fee for a big game or wild turkey hunting permit for a resident under 16 years of age shall be an amount equal to ½ the fee for a general resident big game or wild turkey hunting permit.

(d) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to ½ the fee for a resident furharvester license.

(e) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).";

And by renumbering sections accordingly;

Also on page 4, in line 36, after "32-937" by striking "is" and inserting "and 32-988 are";

On page 1, in the title, in line 1, after "32-937" by inserting "and 32-988"; in line 1, by striking "section"; and inserting "sections";

Also, on motion of Rep. Arpke, **Sub HB 2295** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2011 Supp. 32-932 is hereby amended to read as follows: 32-932. (a) Any person ~~having a permanent disability to the extent that such person cannot~~

~~physically use a conventional long bow or compound bow, as certified by a person licensed to practice the healing arts in any state,~~ shall be authorized to hunt and take deer, antelope, elk or wild turkey with a crossbow.

(b) The secretary of wildlife and parks shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations requiring permits to hunt deer, antelope, elk or wild turkey pursuant to subsection (a) and providing for the approval of applicants for such permits and the issuance thereof. In addition, the secretary may adopt rules and regulations limiting the times and areas for hunting and taking deer, antelope, elk and wild turkey and limiting the number of deer, antelope, elk and wild turkey which may be taken pursuant to subsection (a).

(c) Falsely obtaining or using a permit authorized by this section is a class C misdemeanor.";

On page 4, following line 35, by inserting:

"Sec. 3. K.S.A. 2011 Supp. 32-1002 is hereby amended to read as follows: 32-1002. (a) Unless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto, it is unlawful for any person to:

- (1) Hunt, fish, furharvest or take any wildlife in this state by any means or manner;
- (2) possess any wildlife, dead or alive, at any time or in any number, in this state;
- (3) purchase, sell, exchange, ship or offer for sale, exchange or shipment any wildlife in this state;
- (4) take any wildlife in this state for sale, exchange or other commercial purposes;
- (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish spear, fish trap or other device, contrivance or material for the purpose of taking wildlife; or
- (6) take or use, at any time or in any manner, any game bird, game animal, coyote or furbearing animal, whether pen-raised or wild, in any field trial or for training dogs.

(b) The provisions of subsections (a)(2) and (a)(3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a)(3) shall apply to:

- (1) The meat of game animals legally taken outside this state; and
- (2) other restrictions as provided by rule and regulation of the secretary.

(c) The provisions of this section shall not be construed to prevent:

- (1) Any person from taking starlings or English and European sparrows;
- (2) owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property, subject to the following:
  - (A) The provisions of all federal laws and regulations governing protected species and the provisions of K.S.A. 32-957 through 32-963, and amendments thereto, and rules and regulations adopted thereunder; (B) it is unlawful to use, or possess with intent to use, any such animal so killed unless authorized by rules and regulations of the secretary; and (C) such owners or legal occupants shall make reasonable efforts to alleviate their problems with any such animals before killing them;

(3) any person who is licensed under the personal and family protection act, K.S.A. 75-7c01 *et seq.*, and amendments thereto, from exercising the right to carry a concealed handgun while lawfully hunting, fishing or furharvesting; ~~or~~

(4) any person who lawfully possesses a device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm from using such device or attachment in conjunction with lawful hunting, fishing or furharvesting; or

(5) any person who has been issued a big game permit pursuant to K.S.A. 32-937, and amendments thereto, from using a crossbow during an archery big game season for which such permit is valid.

(d) Any person convicted of violating provisions of this section shall be subject to the penalties prescribed in K.S.A. 32-1031, and amendments thereto, except as provided in K.S.A. 32-1032, and amendments thereto, relating to big game and wild turkey.";  
And by renumbering sections accordingly;

Also on page 4, in line 36, after "Supp." by inserting "32-932,"; also in line 36, after "32-937" by inserting "and 32-1002"; also in line 36, by striking "is" and inserting "are";

On page 1, in the title, in line 1, after "Supp." by inserting "32-932,"; in line 1, after "32-937" by inserting "and 32-1002"; in line 1, by striking "section"; and inserting "sections"; and **Sub HB 2295** be passed as amended.

Committee report to **HB 2465** be adopted; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Ward to amend **HB 2548** on page 1, following line 13, by inserting:

"Sec. 2. K.S.A. 2011 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local *ad valorem* tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local *ad valorem* tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local *ad valorem* tax reduction fund during state fiscal years 2009, 2010, 2011 ~~and~~, 2012, ~~and 2013~~, and (2) the amount of the transfer on each such date shall be ~~\$13,500,000~~ ~~\$22,500,000~~ during fiscal year ~~2014~~ ~~2013~~, ~~\$20,250,000~~ ~~and \$22,500,000 during fiscal year 2015~~, and ~~\$27,000,000 during fiscal year 2016~~ and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year 2014 shall be considered to be revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.";

And by renumbering sections accordingly;

Also on page 1, in line 14, after "79-2102" by inserting "and K.S.A. 2011 Supp. 79-2959";

On page 1, in the title, in line 1, after "to" by inserting "the local *ad valorem* tax

reduction fund;"; in line 3, after "and" by inserting "K.S.A. 2011 Supp. 79-2959 and"; in line 3, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 41; Nays 76; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Boman, Burroughs, Calloway, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henry, Hildabrand, Kuether, Lane, LeDoux, Loganbill, Mah, McCray-Miller, Meier, Otto, Patton, Pauls, Peck, Phelps, Ruiz, Slattery, Sloan, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gregory, Hayzlett, Hedke, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, K. Wolf.

Present but not voting: None.

Absent or not voting: Colloton, Gordon, Grange, Grosserode, Henderson, Landwehr, McLeland, Peterson.

The motion of Rep. Ward did not prevail; and **HB 2548** be passed.

Committee report recommending a substitute bill to **Sub HB 2555** be adopted; and the substitute bill be passed.

On motion of Rep. Otto to amend **HB 2660**, the motion did not prevail and the bill be passed.

Committee report recommending a substitute bill to **Sub HB 2659** be adopted; and the substitute bill be passed.

Committee report to **HB 2568** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long-term Care** recommends **HB 2619** be passed.

Committee on **Education** recommends **HB 2718** be amended on page 1, in line 27, by striking "computed" and inserting "adopted"; and the bill be passed as amended.

Committee on **Education Budget** recommends **HB 2652** be amended on page 1, in the title, in line 1, by striking "tuition" and inserting "requirements for resident fee purposes"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2715** be amended on page 1, in line 28, by striking "odd-numbered" and inserting "election";

On page 2, in line 29, by striking "odd-numbered" and inserting "election"; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **HB 2650** be amended on page 1, in line 12, after "1." by inserting "(a)";

Also on page 1, following line 28, by inserting:

"(b) All rules and regulations, orders and directives of the secretary of administration, the department of administration, the director of information systems and communications, or the division of information systems and communications which



relate to the powers, duties and functions transferred from the director of information systems and communications and the division of information systems and communications of the department of administration to the executive chief information technology officer and office of information technology services by this act and which are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the executive chief information technology officer and office of information technology services until revised, amended, revoked or nullified pursuant to law.";

On page 5, in line 26, by striking "initially by the"; in line 27, by striking "president of Kansas, Inc. and thereafter";

On page 8, in line 26, by striking all after the period; by striking all in lines 27 and 28; in line 29, by striking "communications."; also in line 29, by striking "computing" and inserting "communications"; in line 30, by striking "computing" and inserting "communications";

On page 9, in line 6, by striking "computing" and inserting "communications"; in line 7, by striking "computing" and inserting "communications"; in line 13, by striking "computing" and inserting "communications"; in line 14, by striking "computing" and inserting "communications"; also in line 14, by striking all after "to"; in line 15, by striking all before the period and inserting "the effective date of this act"; in line 19, by striking "computing" and inserting "communications"; in line 20, by striking "computing" and inserting "communications"; in line 21, by striking "July 1, 1984" and inserting "the effective date of this act"; in line 23, by striking "or" and inserting a comma; in line 24, after "communications" by inserting ", or the director of information systems and communications,."; in line 31, by striking "computing" and inserting "communications";

On page 10, in line 1, by striking "this act,."; in line 2, after "act" by inserting "or the act of which this section is amendatory"; in line 6, after "act" by inserting ", or the act of which this section is amendatory"; in line 9, after "act" by inserting ", or the act of which this section is amendatory"; in line 13, after "act" by inserting ", or the act of which this section is amendatory";

On page 13, in line 39, by striking "July 1, 2012, shall on or after July 1, 2012, be made," and inserting "the effective date of this act, shall be";

On page 17, in line 14, by striking "representative" and inserting "representatives"; in line 15, by striking "representative" and inserting "representatives"; also in line 15, by striking "representatives" and inserting "representative";

On page 18, in line 22, by striking "technology information" and inserting "information technology";

On page 21, in line 22, by striking "secretary of"; in line 23, by striking "administration" and inserting "executive chief information technology officer"; in line 25, by striking "secretary of"; in line 26, by striking "administration" and inserting "executive chief information technology officer"; in line 33, by striking "secretary of administration" and inserting "executive chief information technology officer";

On page 22, in line 32, by striking "K.K.S.A." and inserting "K.S.A."; in line 39, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, by striking "renaming" and inserting "transferring certain powers, duties and functions of the director of information systems and communications,."; in line 3, after "communications" by inserting "and the secretary of

administration to the executive chief information technology officer and the office of information technology services"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2629** be amended on page 1, in line 7, before the first "A" by inserting "(a)"; in line 9, by striking "either that: (a)" and inserting "that:"; in line 21, by striking "; or" and inserting a period; by striking all in lines 22 through 26 and inserting "(b) (1) Except as provided in subsection (b)(2), a retail seller of used products shall not be subject to liability in a product liability claim arising from an alleged defect in a product if the product seller establishes that such seller resold the product after the product was used by a consumer or other product user and the product was sold in substantially the same condition as it was when it was acquired for resale.

(2) The provisions of subsection (b)(1) shall not apply to a claim arising out of intentional misrepresentation, an alleged breach of express warranty, as defined by K.S.A. 84-2-313, and amendments thereto, an alleged breach of implied warranty, as defined by K.S.A. 84-2-314, and amendments thereto, or intentional concealment or intentional nondisclosure of a condition known to such seller."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2655** be amended on page 1, by striking all in lines 30 through 35 and inserting "(5) knowingly or intentionally in an official criminal proceeding or investigation:

(A) Inducing a witness or informant to withhold or unreasonably delay in producing any testimony, information, document or thing;

(B) withholding or unreasonably delaying in producing any testimony, information, document or thing after a court orders the production of such testimony, information, document or thing;

(C) altering, damaging, removing or destroying any record, document or thing, with the intent to prevent it from being produced or used as evidence; or

(D) making, presenting or using a false record, document or thing with the intent that the record, document or thing, material to such official criminal proceeding or investigation, appear in evidence to mislead a justice, judge, magistrate, master or law enforcement officer; or"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2431** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2431," as follows:

"Substitute for HOUSE BILL NO. 2431

By Committee on Transportation

"AN ACT concerning distinctive license plates; amending K.S.A. 8-1,148, 8-1,150 and 8-1,151 and K.S.A. 2011 Supp. 8-1,142, 8-1,153, 8-1,158, 8-1,161, 8-1,162 and 8-1,164 and repealing the existing sections."; and the substitute bill be passed.

(Sub **HB 2431** was thereupon introduced and read by title.)

## REPORT ON ENGROSSED BILLS

**HB 2464, HB 2468, HB 2613** reported correctly engrossed February 20, 2012.

Also, **HB 2473** reported correctly engrossed February 21, 2012.

## REPORT ON ENGROSSED RESOLUTIONS

**HCR 5032** reported correctly engrossed February 21, 2012.

**REPORT ON ENROLLED RESOLUTIONS**

**HCR 5016** reported correctly enrolled, properly signed on February 21, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Wednesday, February 22, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

