

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 25, 2013, 9:00 a.m.

The House met pursuant to adjournment with Speaker Merrick in the chair.

The roll was called with 121 members present.

Reps. Hermanson and Osterman were excused on verified illness.

Reps. Sawyer and Schwab were excused on excused absence by the Speaker.

Present later: Rep. Schwab.

Prayer by guest chaplain, the Rev. Michael McCrickard, pastor, First Christian Church, Plainville, guest of Rep. Couture-Lovelady:

Blessed Lord, Almighty God. We ask that you watch over this body of representatives and guide them in the important decisions they make for this state. We pray for their continued safety as they travel around Kansas listening to their constituents and in serving them. We thank you Lord for letting us live in a wonderful state and for the inalienable rights and freedoms we hold dear in this still great land. May we never take them for granted and may they always be protected.

We humbly pray all these things to You, Everlasting Father, through your Son Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. Esau.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Highland are spread upon the Journal:

It is my pleasure to recognize Mrs. Janet Armstead, Director of the St. George Elementary Honor Choir. March is Music in Our Schools month and we appreciate Mrs. Armstead bringing the St George Honor Choir to make it a music celebration today at noon in the Rotunda.

Her dedication to music and beautiful performances has brought enjoyment to Kansans throughout this region. During the fifteen years of her auditioned choir, they have been to the Kansas Music Educator's Association three times, as well as, asked to perform for many dedications and organizations.

Mrs. Armstead has taught music for 38 years. She has received the North Central

District Outstanding Elementary Music Teacher of the Year three times, and has been the chair for that District twice. She is also a member of the Organization of Kodaly Educators and has taken thirty-five students to national honor choirs around the nation.

It also must be recognized that Mrs. Armstead serves in many other ways. She organizes and directs the Flint Hills Messiah Orchestra, who gave its twenty first performance of Handel's Messiah on March 10, 2013, and she has played horn in the Manhattan Municipal Band for over twenty-five years. She also directs the Zeandale Community Church Choir. As a member of the Wamego School Board she served eight years.

Her love of history has led her to work with her good friend and fellow music teacher, Christine Day, to take around eighty 5th and 6th grade students on a ten day camping trip down the historic Santa Fe Trail. They are presently working toward making this trip this summer. They also perform together as the Prairie Larkspur 1800's music traveling duo.

I would like to present Mrs. Armstead and the St George Honor Choir with this Official Accommodation Certificate.

CONSENT CALENDAR

No objection was made to **Sub SB 70** appearing on the Consent Calendar for the first day.

No objection was made to **SB 24, SB 25, SB 166** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2381, AN ACT concerning election campaign finance; relating to contributions to political committees during legislative sessions; amending K.S.A. 2012 Supp. 25-4153a and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 100; Nays 21; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, Moxley, O'Brien, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Waymaster, Weber, Weigel, Whipple, Wolfe Moore.

Nays: Alcala, Bridges, Burroughs, Carlin, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Houston, Meier, Menghini, Pauls, Peterson, Ruiz, Sloop, Victors, Ward, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Hermanson, Osterman, Sawyer, Schwab.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kinzer, the House nonconcurrred in Senate amendments to **HB 2015** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Kinzer, Bruchman and Pauls as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurrred in Senate amendments to **Sub HB 2017** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Kinzer, Bruchman and Pauls as conferees on the part of the House.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2028**, AN ACT concerning forfeiture; relating to venue in forfeiture proceedings; amending K.S.A. 60-4103 and repealing the existing section.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Hermanson, Osterman, Rhoades, Sawyer, Schwab.

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **HB 2049** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Schwartz, Hoffman and Victors as conferees on the part of the House.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2203**, AN ACT concerning civil procedure; relating to exercise of religion.

On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bradford, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell,

Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Swanson, Thimesch, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Wolfe Moore.

Nays: Bollier, Bridges, Carlin, Clayton, Kuether, Lane, Lusk, Rooker, Sloan, Sloop, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Hermanson, Osterman, Sawyer, Schwab.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **HB 2204** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Kinzer, Bruchman and Pauls as conferees on the part of the House.

On motion of Rep. Proehl, the House concurred in Senate amendments to **HB 2318**, AN ACT concerning motor vehicles; relating to motorcycles; authorizing modulating head lamps and side lamps; amending K.S.A. 8-1801 and 8-1804 and repealing the existing sections.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Hermanson, Osterman, Sawyer, Schwab.

On motion of Rep. Proehl, the House concurred in Senate amendments to **HB 2357**, AN ACT designating a portion of United States highway 169 as the 242nd engineer company – KS army national guard – highway.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney,

Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Hermanson, Osterman, Sawyer, Schwab.

On motion of Rep. Vickrey, the House resolved into the Committee of the Whole, with Rep. Kelley in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Kelley, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2377; SB 75, SB 68, SB 58; HB 2387, HB 2389; SB 139** be passed.

HCR 5014 be adopted.

SB 74, SB 199, SB 135; HB 2101; H Sub for SB 22; Sub HB 2002 be passed over and retain a place on the Calendar.

Committee report to **HB 2338** be adopted; and the bill be passed as amended.

Committee report to **SB 124** be adopted; and the bill be passed as amended.

On motion of Rep. Whipple to amend **HB 2057**, Rep. Brunk requested a ruling on the amendment being germane to the bill. The rules Vice-Chair ruled the amendment not germane; and the bill be passed.

Committee report to **SB 96** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2262** be adopted; and the substitute bill be passed.

Committee report to **SB 1** be adopted; and the bill be passed as amended.

Committee report to **SB 88** be adopted; and the bill be passed as amended.

On motion of Rep. Sutton to amend **SB 37**, the motion did not prevail; and the bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 73** be amended on page 9, in line 25, by striking "30" and inserting "20";

On page 12, in line 27, by striking all after "(6)"; by striking all in lines 28 and 29; in line 30, by striking all before the period and inserting "Notwithstanding the provisions of K.S.A. 44-556, and amendments thereto, no interlocutory appeal to the court of appeals of the workers compensation appeals board's decision regarding recusal shall be allowed while the resolution of the claim for compensation is pending before an administrative law judge or the workers compensation appeals board"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 141** be passed.

Committee on **Federal and State Affairs** recommends **HR 6020** be adopted.

Committee on **Federal and State Affairs** recommends **HB 2111** be amended on page 2, following line 7, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) setting a spring gun;

(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;

(6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;

(7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

(8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(10) possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(11) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was

in or on any such property or grounds;

(12) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

(13) possession of any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto; or

(14) ~~possessing a firearm with a barrel less than 12 inches long~~ by any person less than 18 years of age ~~whether the person knows or has reason to know the length of the barrel.~~

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(13) is a severity level 8, nonperson felony; and

(5) subsection (a)(14) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and

(3) in possession of commercially manufactured devices which are:
 (A) Owned by the law enforcement agency;
 (B) in such officer's possession only during specific operations; and
 (C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student;

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a handgun by an individual who is licensed by the attorney general to carry a concealed handgun under K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2012 Supp. 75-7c26, and amendments thereto.

(k) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(1) through (k)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or

grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; ~~or~~

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2012 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto; or

(8) in the presence of such person's parent or legal guardian and with permission of such person's parent or legal guardian possesses such firearm.

(l) Subsection (a)(1) shall not apply to any ordinary pocket knife which has a spring, detent or other device which creates a bias towards closure of the blade and which requires hand pressure applied to such spring, detent or device through the blade of the knife to overcome the bias towards closure to assist in the opening of the knife.

(m) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.";

Also on page 2, in line 23, by striking "jail, juvenile correctional facility, juvenile detention"; in line 24, by striking "facility or prison" and inserting "municipal building, provided that:

(A) Such municipal building has adequate security measures to ensure that no weapons are permitted to be carried into such building; and

(B) such municipal building is conspicuously posted at each entry way into such building with signs stating that firearms are prohibited within such municipal building";

On page 3, by striking all in lines 40 through 43;

On page 4, by striking all in lines 1 through 6 and inserting:

"(4) "municipal building" means a building owned or leased by a municipality. The term "municipal building" shall not include a building owned by a municipality that is leased by a private entity, whether for profit or not-for-profit, a building held in title by a municipality solely for reasons of revenue bond financing, a municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto, or a municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto; and

(5) "municipality" means any county, township, city or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof. The term "municipality" shall not mean any unified school district or any postsecondary educational institution, as that term is defined in K.S.A. 74-3201b, and amendments thereto.";

Also on page 4, in line 8, by striking ""jail," "juvenile correctional""; in line 9, by striking all before "shall" and inserting "and "municipal building"";

And by renumbering sections accordingly;

Also on page 4, in line 12, after "12-16,124" by inserting ", 21-6301";

On page 1, in the title, in line 2, after "12-16,124" by inserting ", 21-6301"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 121** be amended on page 1, in line 6, before "Upon" by inserting "(a)"; in line 13, before "A" by inserting:

"(b)";

Also on page 1, in line 16, by striking all after "by"; by striking all in line 17; in line

18, by striking "healthcare" and inserting "a healthcare accrediting organization approved by the secretary"; in line 19, after the period by inserting:

"(c)";

Also on page 1, in line 25, after "funds." by inserting:

"(d)";

Also on page 1, in line 28, by striking "Osawatamie" and inserting "Osawatomie"; in line 34, after "staff." by inserting "Osawatomie state hospital and rainbow mental health facility shall be issued jointly a single license and shall not be issued a separate license for each facility.";

Also on page 1, following line 35, by inserting:

"Sec. 2. K.S.A. 65-433 is hereby amended to read as follows: 65-433. The licensing agency shall make or cause to be made such inspections and investigations as deemed necessary. The authorized agents and representatives of the licensing agency shall conduct inspections of each medical care facility not accredited by ~~the joint commission on accreditation of health care organizations or the American osteopathic association a healthcare accrediting organization approved by the secretary~~ and at such intervals as the secretary determines necessary to protect the public health and safety and to carry out the risk management provisions of K.S.A. 65-4921 et seq., and amendments thereto. The licensing agency may prescribe by rules and regulations that any licensee or applicant desiring to make specified types of alteration or additions to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the licensing agency for preliminary inspection and approval or recommendations with respect to compliance with the rules and regulations and standards herein authorized. Necessary conferences and consultations may be provided.";

And by renumbering sections accordingly;

Also on page 1, in line 36, by striking "is" and inserting "and 65-433 are";

On page 1, in the title, in line 1, by striking "state institutions" and inserting "medical care facilities"; in line 2, after "65-429" by inserting "and 65-433"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Tietze to replace Rep. Sawyer on Committee on Taxation for March 25.

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

AFTERNOON SESSION

The House met pursuant to recess with Speaker Merrick in the chair.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Crum, the House nonconcurrent in Senate amendments to **HB 2025** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Crum, Weber and Ward as conferees on the part of the House.

On motion of Rep. Goico, the House nonconcurred in Senate amendments to **HB 2078** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Goico, Seiwert and Meier as conferees on the part of the House.

On motion of Rep. Cassidy, the House nonconcurred in Senate amendments to **HB 2109** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Cassidy, Grosserode and Winn as conferees on the part of the House.

On motion of Rep. Crum, the House nonconcurred in Senate amendments to **Sub HB 2183** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Crum, Weber and Ward as conferees on the part of the House.

On motion of Rep. Vickrey, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 135, SB 118** be passed.

On motion of Rep. Pauls to amend **SB 74**, the motion did not prevail; and the bill be passed.

Committee report to **HB 2101** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2002** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H Sub for SB 22** be adopted; also, on motion of Rep. Kelley be amended on page 8, in line 41, after "(A) " by inserting "the sum of (i)"; in line 42, after the first "year" by inserting ", excluding pupils under paragraph (A)(ii),";

On page 9, in line 2, before "(B)" by inserting "and (ii), if any, adjusted enrollment in the preceding school year of any pupils participating in the corporate education tax credit scholarship program pursuant to section 1 et seq., and amendments thereto, in the current school year, plus adjusted enrollment in the preceding school year of preschool-aged at-risk pupils participating in the corporate education tax credit scholarship program pursuant to section 1 et seq., and amendments thereto, in the current school year, if any such pupils were enrolled, or";

Also on page 9, in line 2, by striking all after "(B)"; by striking all in lines 3 through 7; in line 8, by striking all before "the";

Also, roll call was demanded on further motion of Rep. Kelley to amend **H Sub for SB 22** on page 6, in line 37, by striking "2015" and inserting "2018";

On roll call, the vote was: Yeas 67; Nays 54; Present but not voting: 0; Absent or not voting: 4.

Yeas: Barker, Becker, Bradford, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Claeys, Concannon, Corbet, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Gandhi, Garber, Goico, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb,

Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Peck, Petty, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Weber.

Nays: Alcala, Alford, Ballard, Bideau, Boldra, Bollier, Bridges, Bruchman, Burroughs, Campbell, Carlin, Christmann, Clayton, Davis, Dierks, Dillmore, Doll, Ewy, Finch, Finney, Frownfelter, Gonzalez, Grant, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Jennings, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Phillips, Rooker, Ruiz, Schroeder, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Hermanson, Osterman, Peterson, Sawyer.

The motion of Rep. Kelley prevailed.

Also, on motion of Rep. Jennings to refer **H Sub for SB 22** to Committee on Taxation, the motion did not prevail.

Also, on motion to recommend **H Sub for SB 22** favorably for passage, the motion did not prevail.

Committee report to **SB 122** be adopted; and the bill be passed as amended.

Committee report to **SB 16** be adopted; also, on motion of Rep. Becker be amended on page 1, in line 28, after "trafficking;" by inserting "or"; and the bill be passed as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Rubin, the House nonconcurred in Senate amendments to **S Sub for HB 2093** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Rubin, Gonzalez and Finney as conferees on the part of the House.

On motion of Rep. Rubin, the House nonconcurred in Senate amendments to **HB 2120** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Rubin, Gonzalez and Finney as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2402** be passed.

Committee on **Agriculture and Natural Resources** recommends **SB 147** be amended on page 1, following line 6, by inserting:

"New Section 1. K.S.A. 2-1212 through 2-1220, and amendments thereto, and sections 1 through 3, and amendments thereto, shall be known as the anhydrous ammonia regulation act.";

On page 2, by striking all in lines 5 and 6 and inserting "carry liability insurance in an amount sufficient to provide coverage for reasonably anticipated losses and shall submit to any inspections of such business by the provider of such coverage." in line 34, before the period by inserting "in the form of a certificate of liability insurance conforming to the requirements of this section before a permit to fill shall be issued by the secretary. Such certificate of liability insurance shall be executed by an insurance

company authorized to do business in this state or by a licensed insurance agent operating under the authority of K.S.A. 40-246b, and amendments thereto, on a form provided by the secretary, and shall state the effective date and the expiration date of such liability insurance.

(1) Such liability insurance shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance pursuant to K.S.A. 40-216, and amendments thereto, except as authorized by K.S.A. 40-246b, and amendments thereto.

(2) The liability insurance policy shall provide: (A) Coverage for bodily injury liability for each occurrence; and (B) coverage for property damage liability for each occurrence.

(3) The insurer shall notify the secretary, in writing, of any expiration, reduction or cancellation of liability insurance, furnished as a prerequisite of receiving such a permit to fill not later than 10 days before the expiration, reduction or cancellation takes effect. Upon expiration, reduction or cancellation of such liability insurance, the secretary shall suspend such anhydrous ammonia tank permit to fill until the liability insurance requirement is met by the permittee for the current permit period";

Also on page 2, following line 38, by inserting:

"(h) The secretary:

(1) Shall annually inspect the anhydrous ammonia tanks of any anhydrous ammonia tank owner whose tanks are not annually inspected by such owner's liability insurance provider and are not inspected under federal regulations pursuant to subsection (g); and

(2) may inspect the anhydrous ammonia tanks of any anhydrous ammonia tank owner upon receiving a complaint that such owner is violating the provisions of the anhydrous ammonia regulation act.";

And by redesignating subsections accordingly;

Also on page 2, in line 39, by striking all following "(h)"; by striking all on lines 40 through 42; in line 43, by striking all before "Any";

On page 3, in line 27, by striking "article 12 of"; by striking all in line 28 and inserting "the anhydrous ammonia regulation act.";

On page 4, in line 35, by paragraphing "(a)";

On page 5, in line 2, by striking "requirements of article 12 of chapter 2 of the"; in line 3, by striking all before the semicolon and inserting "provisions of the anhydrous ammonia regulation act"; in line 4, by striking "such rules and regulations"; in line 7, by striking "article 12 of chapter 2 of the Kansas"; in line 8, by striking all before the second comma and inserting "the provisions of the anhydrous ammonia regulation act"; by striking all in line 23; in line 24, by striking all before "shall" and inserting "the secretary or the secretary's designee"; in line 26, by striking "to"; also in line 26, after "inspect" by inserting "such tanks,"; also in line 26, after "equipment" by inserting "during normal operating hours"; in line 27, by striking "employees" and inserting "the secretary or the secretary's designee"; also in line 27, by striking the comma, in line 28, by striking ": (1)"; in line 29, after "installation" by inserting ", use"; also in line 29, by striking the semicolon; by striking all in line 30; in line 31, by striking all before the period; by striking all in line 36; in line 37, by striking "thereto" and inserting "the anhydrous ammonia regulation act";

On page 6, in line 4, by striking all after "agriculture"; in line 5, by striking "designee";

By renumbering sections accordingly; and the bill be passed as amended.

Committee on **Elections** recommends **SB 177** be passed.

Committee on **Elections** recommends **SB 45** be amended on page 1, in line 10, by striking "or"; in line 11, by striking "designed" and inserting "nor shall any legislative appropriation be used"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 64** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 64," as follows:

"House Substitute for SENATE BILL NO. 64

By Committee on Elections

"AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 19-3505, 19-3507, 24-504, 25-209, 25-1115, 25-2006, 25-2007, 25-2010, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419 and 72-8008 and K.S.A. 2012 Supp. 2-624, 24-412, 24-414, 24-459, 24-506, 25-213, 25-611, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311 and 42-706 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 64** was thereupon introduced and read by title.)

Committee on **Elections** recommends **SB 100** be amended on page 2, following line 35, by inserting:

"Sec. 4. K.S.A. 25-4175 is hereby amended to read as follows: 25-4175. For any calendar year during which a party or political committee intends to expend an aggregate amount or value of less than ~~\$500~~ \$1,000 and intends to receive contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 and during which such party or political committee intends to receive no contributions in excess of \$50 from any one contributor, the treasurer of such party or political committee shall file an affidavit of such intent with the secretary of state if such committee is a party committee or a political committee which expressly advocates the nomination, election or defeat of a clearly identified candidate for state office and with the county election officer if the committee is a political committee which expressly advocates the nomination, election or defeat of a clearly identified candidate for local office. Such treasurer shall not be required to file the reports required by K.S.A. 25-4148, and amendments thereto, for the year for which such affidavit is filed. Such affidavit may be filed at any time not later than the ninth day preceding the primary election.

Sec. 5. K.S.A. 46-237 is hereby amended to read as follows: 46-237. (a) Except as provided by this section, no state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any:

(1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year; or

(2) hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any:

(1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year. Transportation

provided in the state of Kansas by ground conveyance shall not be considered a gift: or

(2) hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year to any state officer or employee, candidate for state office or state officer elect with a major purpose of influencing such officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

(d) Hospitality in the form of food and beverages is presumed not to be given to influence a state officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to: (1) Any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the commission prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

(g) The provisions of this section shall not be applicable to or prohibit the acceptance of gifts from governmental agencies of foreign nations except that any gift accepted from such foreign governmental agency, having an aggregate value of \$100 or more, shall be accepted on behalf of the state of Kansas.

(h) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by the government of any foreign nation, or any organization organized under the laws of such foreign nation or any international organization or any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

Sec. 6. K.S.A. 2012 Supp. 46-237a is hereby amended to read as follows: 46-237a.
(a) The provisions of this section shall apply to:

- (1) The governor;
- (2) the lieutenant governor;
- (3) the governor's spouse;
- (4) all officers and employees of the executive branch of state government; and
- (5) all members of boards, commissions and authorities of the executive branch of state government.

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:

- (1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or

- (2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or

- (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or

- (4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.

(c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:

- (1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;

- (2) meals provided at public events in which the person is attending in an official capacity;

- (3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position;

- (4) food such as soft drinks, coffee or snack foods not offered as part of a meal;

- (5) any meal the value of which is ~~\$25~~ \$50 or less;

- (6) meals provided to a person when the person's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest and the agency of which such person is an officer or employee authorizes such person's attendance at such event or meeting; and

- (7) meals provided to the governor's spouse and members of the governor's immediate family at the event or meeting at which the meal is provided serve a legitimate state purpose or interest.

(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

- (1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person's official position; or

- (2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.

(e) No person subject to the provisions of this section shall solicit or accept free or

special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person's official position. The provisions of this subsection shall not apply to persons whose official position requires or obliges them to be present at such events or activities.

(f) (1) Violations of the provisions of this section by any classified employee in the civil service of the state of Kansas shall be considered personal conduct detrimental to the state service and shall be a basis for suspension, demotion or dismissal, subject to applicable state law.

(2) Violations of the provisions of this section by any unclassified employee shall subject such employee to discipline up to and including termination.

(3) In addition to the penalty prescribed under paragraphs (1) and (2), the commission may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of this section, in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation and not to exceed \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics fee fund established by K.S.A. 25-4119e, and amendments thereto.

Sec. 7. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than ~~\$2~~ \$5 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
 - (2) entertainment, gifts, honoraria or payments;
 - (3) mass media communications;
 - (4) recreation provided as hospitality;
 - (5) communications for the purpose of influencing legislative or executive action;
- and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation

to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality and the amount expended on such gift, entertainment or hospitality.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;
 (B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.";

And by renumbering sections accordingly;

Also on page 2, in line 36, by striking "and 46-268"; also in line 36, before "are" by inserting ", 25-4175, 46-237, 46-268 and 46-269 and K.S.A. 2012 Supp. 46-2237a";

on page 1, in the title, in line 1, after "concerning" by inserting "campaign finance"; in line 2, by striking "and 46-268" and inserting ", 25-4175, 46-237, 46-268 and 46-269 and K.S.A. 2012 Supp. 46-237a"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 80** be amended on page 1, in line 11, by

striking "attorney general in any judicial district or the"; in line 21, after "(c)" by inserting "(1)"; in line 25, after the period by inserting:

"(2) The petition, upon its face, shall state the name, address and phone number of the person filing the petition, the subject matter of the prospective grand jury, a reasonably specific identification of areas to be inquired into and sufficient general allegations to warrant a finding that such inquiry may lead to information which, if true, would warrant a true bill of indictment.

(3) ";

On page 2, following line 15, by inserting:

"(4) After a grand jury is summoned pursuant to this subsection, but before it begins deliberations, the judge or judges of the district court of the county in which the petition is presented shall provide instructions to the grand jury regarding its conduct and deliberations, which instructions shall include, but not be limited to, the following:

(A) You have been impaneled as a grand jury pursuant to a citizens' petition filed in this court, signed by (insert number) qualified electors of this county, stating (insert the subject matter described in the petition, including a reasonably specific identification of the areas to be inquired into and the allegations sufficient to warrant a finding that the grand jury's inquiry may lead to information which, if true, would warrant a true bill of indictment.) You are charged with making inquiry with regard to this subject matter and determining whether the facts support allegations warranting a true bill of indictment.

(B) The person filing the citizens' petition filed in this court must be the first witness you call for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.

(C) You may, with the approval of this court, employ special counsel and investigators, and incur such other expense for services and supplies as you and this court deem necessary. Any special counsel or investigator you employ shall be selected by a majority vote of your grand jury. You may make such selection only after hearing testimony from the person who filed the citizens' petition. You may utilize the services of any special counsel or investigator you employ instead of, or in addition to, the services of the prosecuting attorney.

(D) If any witness duly summoned to appear and testify before you fails or refuses to obey, compulsory process will be issued by this court to enforce the witness' attendance.

(E) If any witness appearing before you refuses to testify or to answer any questions asked in the course of the witness' examination, you shall communicate that fact to this court in writing, together with a statement regarding the question the witness refuses to answer. This court will determine and inform you of whether the witness is bound to answer or not. However, no witness appearing before you can be compelled to make any statement which will incriminate such witness.

(F) Any person may file a written request with the prosecuting attorney or with the foreman of the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. Any written request shall include a summary of such person's written testimony.

(G) At the conclusion of your inquiry and determination, you will return either a no bill of indictment or a true bill of indictment.";

Also on page 2, following line 34, by inserting:

"(c) After the prosecutor has conducted an examination of the prospective grand

jurors under this section, a list of all remaining legally qualified grand jurors shall be approved by the court and submitted to the clerk of the county of such court for a second drawing of grand juror names pursuant to K.S.A. 43-107, and amendments thereto.";

On page 4, in line 1, after the period by inserting "Any special counsel or investigator employed by the grand jury shall be selected by majority vote of such grand jury only after hearing testimony from the person filing the petition pursuant to K.S.A. 2012 Supp. 22-3001, and amendments thereto. Subject to the provisions of this section, the grand jury shall have all authority to investigate any concerns associated with such petition."; in line 29, after the period by inserting "The person who filed the petition pursuant to K.S.A. 2012 Supp. 22-3001, and amendments thereto, shall be the first witness called by the grand jury for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.";

On page 5, following line 32, by inserting:

"(g) Any person may file a written request with the prosecuting attorney or with the foreman of the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. Any written request shall include a summary of such person's written testimony.";

On page 7, following line 42, by inserting:

"Sec. 16. K.S.A. 2012 Supp. 43-107 is hereby amended to read as follows: 43-107. (a) At least 30 days before service is required, the clerk of the county where such court is to be held shall draw from the jury box the names of 30 persons to serve as grand jurors and the names of 24 persons to serve as petit jurors. In the event that a county has appropriate base information programmed as a part of its computer operations so that it might comply with the spirit of the jury selection laws of Kansas, the jury commissioners may by local rule provide alternate methods for securing jury panels directly from the computer without the necessity of drawing names or cards from a wheel manually.

(b) Upon receipt of a list of the legally qualified grand jurors from the court pursuant to K.S.A. 22-3002, and amendments thereto, the clerk of the county where such court is to be held shall draw for a second time 15 names of persons to serve as grand jurors from such list. In the event that the county in which court is to be held has an alternate method for securing jury panels directly from the computer, the clerk shall use the computer to generate 15 names of persons to serve as grand jurors from such list.

New Sec. 17. (a) Upon a majority vote of the grand jury, the grand jury may seek the removal of the assigned judge pursuant to K.S.A. 20-311d, and amendments thereto.

(b) This section shall be part of and supplemental to article 30 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.";

And by renumbering sections accordingly;

On page 8, in line 2, by striking "and" and inserting a comma; also in line 2, after "22-3008" by inserting "and 43-107";

On page 1, in the title, in line 3, by striking the third "and" and inserting a comma; in line 4, after "3008" by inserting "and 43-107" and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2379** be passed.

Committee on **Taxation** recommends **HB 2056** be amended on page 8, in line 23, by striking the second "and"; in line 24, by striking "personal"; in line 29, after "(b)" by

inserting:

"Once the warrant has been docketed with the clerk of the district court, the secretary or the secretary's designee shall file with the office of the secretary of state a notice of lien. The notice of lien shall be filed in the uniform commercial code filing system with the secretary of state in accordance with part 5 of article 9 of the uniform commercial code, and amendments thereto, in an electronic format as prescribed by the secretary of state. No fee shall be charged by the secretary of state for the initial filing. The fee to terminate the filing shall be set in accordance with the rules and regulations filing act. The notice of lien shall thereupon become a lien upon the title to and interest in the tangible personal property, wherever located in the state of Kansas, of the taxpayer against whom the notice of lien was filed.

(c) ";

On page 9, in line 2, by striking "(c)" and inserting "(d)"; in line 6, by striking "(c)" and inserting "(d)"; in line 10, by striking the second "and"; in line 11, by striking "personal property" and inserting "estate"; in line 13, after the period, by inserting "If the warrant is dormant, it shall cause the lien upon personal property filed with the office of the secretary of state to be dormant as well. In the event the warrant is revived, the lien upon personal property filed with the office of the secretary of state shall be revived as well.

(e) The lien on tangible personal property provided in subsection (b) shall cease to exist 10 years from the date of the filing of the notice of lien with the office of the secretary of state, unless before such time the secretary or the secretary's designee files with the office of the secretary of state a notice of renewal of such lien. The notice of renewal shall operate to extend the lien for 10 years from the date of the filing of the notice. The lien may be extended through the filing of a notice of renewal an unlimited number of times, as long as each notice of renewal is filed within 10 years of the date the previous notice of renewal was filed.";

On page 10, in line 9, by striking "and personal"; in line 14, after "(b)" by inserting:

"Once the warrant has been docketed with the clerk of the district court, the secretary or the secretary's designee shall file with the office of the secretary of state a notice of lien. The notice of lien shall be filed in the uniform commercial code filing system with the secretary of state in accordance with part 5 of article 9 of the uniform commercial code, and amendments thereto, in an electronic format as prescribed by the secretary of state. No fee shall be charged by the secretary of state for the initial filing. The fee to terminate the filing shall be set in accordance with the rules and regulations filing act. The notice of lien shall thereupon become a lien upon the title to and interest in the tangible personal property, wherever located in the state of Kansas, of the taxpayer against whom the notice of lien was filed. The department shall release any lien upon the property of a taxpayer upon payment of all tax, penalty and interest within 30 days of payment. Liens filed in error shall be so noted on the satisfaction of judgment. The department shall be liable for any court costs associated with the release of such erroneous liens.

(c) ";

Also on page 10, in line 32, by striking "(c)" and inserting "(d)"; in line 37, by striking "(c)" and inserting "(d)"; in line 41, by striking the second "and"; in line 42, by striking "personal property" and inserting "estate";

On page 11, in line 1, after the period, by inserting:

"If the warrant is dormant, it shall cause the lien upon personal property filed with the office of the secretary of state to be dormant as well. In the event the warrant is revived, the lien upon personal property filed with the office of the secretary of state shall be revived as well.

(e) The lien on tangible personal property provided in subsection (b) shall cease to exist 10 years from the date of the filing of the notice of lien with the office of the secretary of state, unless before such time the secretary or the secretary's designee files with the office of the secretary of state a notice of renewal of such lien. The notice of renewal shall operate to extend the lien for 10 years from the date of the filing of the notice. The lien may be extended through the filing of a notice of renewal an unlimited number of times, as long as each notice of renewal is filed within 10 years of the date the previous notice of renewal was filed."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2369** be amended on page 8, in line 18, after "income" by inserting "or has not been claimed as an itemized deduction by the taxpayer"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6024**—

By Representative Goico

A RESOLUTION recognizing Mark and Louise Allen for their instrumental work in returning Dr. Naismith's original rules of basketball back to Kansas.

WHEREAS, Dr. James Naismith, inventor of the sport of basketball and a legendary member of the University of Kansas basketball community, wrote the original 13 rules of basketball in 1891; and

WHEREAS, Those rules were written down by Dr. Naismith himself and have been preserved throughout the years in the ownership of the Naismith International Basketball Foundation. In 2010, those original documents became available for auction at Sotheby's, an auction house in New York; and

WHEREAS, These rules are a representation of the tradition-rich basketball community at the University of Kansas. Mark Allen, the grandson of former KU basketball coach Phog Allen, and his wife, Louise, thought the original rules deserved to be back where basketball began, the University of Kansas; and

WHEREAS, Mark and Louise Allen coordinated with David Booth to purchase these rules from Sotheby's at a price of \$4.3 million, setting a new record price for the purchase of sports memorabilia. Mark Allen did a lot of research to ensure the documents were authentic and to bring them back to Kansas; and

WHEREAS, The University of Kansas plans to build a new building near the famous Allen Fieldhouse to house Naismith's original rules of basketball. KU chancellor, Bernadette Gray-Little, expressed gratitude for the efforts of Allen and Booth. President of the KU Endowment, Dale Seufferling, said, "On behalf of all Jayhawk fans, we thank him for his generosity": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we sincerely thank Mark and Louise Allen for their work to bring this piece of history back to Kansas. The Naismith original rules of basketball will be on display for all Kansans to visit, and we thank Mark and Louise Allen for the efforts they made to make that a

reality; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide five enrolled copies of this resolution to Representative Goico.

REPORT ON ENGROSSED BILLS

HB 2381 reported correctly engrossed March 22, 2013.

Also, **HB 2338, HB 2357** reported correctly engrossed March 25, 2013.

REPORT ON ENROLLED BILLS

S Sub for HB 2022; HB 2030, HB 2044, HB 2138, HB 2147, HB 2176, HB 2177, HB 2202 reported correctly enrolled, properly signed and presented to the Governor on March 25, 2013.

On motion of Rep. Vickrey, the House adjourned until 9:00 a.m., Tuesday, March 26, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

