

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 18, 2013, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Montgomery and Osterman were excused on verified illness.

Reps. Perry and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

All wise and knowing God,
our leaders are getting into that time of session
where prolonged debate over crucial topics begin—
topics that tend to bring out the passions
and strong convictions of each individual.
Keep everyone mindful to be open to others' ideas,
respectful of the differences, not threatened by them.
Help them to be a force for replacing fear with insight,
to be patient and kind as they talk.
Remind them that strength can always find compromise,
and working together can find a common ground
to help them move forward with a shared purpose.
Help them to see what is truly important
and unite them on that,
removing road blocks of ego and fear.
And when they get to a point where they
don't know which way to go—
I pray they will ask You for wisdom,
believing You will provide it.
Lord, we ask for Your presence and protection
for Representative Osterman as he faces
open-heart surgery tomorrow.
Please guide the medical team during his surgery.
I ask that all will go well and for a quick recovery.
Be with his family during this time.
Bring strength, courage and assurance to them.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Finch.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2403, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; revenue bonds to finance unfunded liability of KPERs; requirements and procedures, by Committee on Appropriations.

On motion of Rep. Petty, **HCR 5015**, by Representatives Petty, Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Couture-Lovelady, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleebe, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn and Wolfe Moore, was introduced and adopted.

HCR 5015, A CONCURRENT RESOLUTION commending the business and philanthropic achievements of native Kansan, David G. Booth.

WHEREAS, The State of Kansas first entered the Union in 1861 with a spirit of perseverance and compassion that has uniquely defined the identity and character of Kansans over the last 150 years; and

WHEREAS, The tradition of this spirit is embodied in the life work of renowned businessman David G. Booth, who was born in Lawrence, Kansas to Gilbert and Betty Booth in 1946; and

WHEREAS, Gilbert and Betty Booth sacrificed greatly to offer their children a better future; and

WHEREAS, After graduating from Lawrence High School, David went on to receive a bachelor's degree in economics and a master's degree in business from the University of Kansas in 1969; and

WHEREAS, His future-oriented thinking led him to become one of the pioneers in index funds while he worked at Wells Fargo, ultimately leading to the establishment of the first Standard and Poor's Composite Index Funds in 1973; and

WHEREAS, His original concepts, problem-solving innovations and ground-breaking work in indexing and small capitalization investing led to a career of innovation and entrepreneurial success; and

WHEREAS, His ability to unite the academics of economic science to the real-world side of investment management has furthered both the state of investment management and the state of portfolio theory; and

WHEREAS, David and his wife Suzanne Deal Booth have also made significant philanthropic contributions to the State of Kansas, including a major contribution to the University of Kansas to create the Booth Family Hall of Athletics, which houses six different exhibit areas attached to Allen Fieldhouse, that allows Jayhawk fans to experience the history and tradition of Kansas Athletics; and

WHEREAS, When Dr. James Naismith's 1891 original 13 rules of basketball went up for sale in 2010, David and his wife Suzanne purchased the rules so that they could be brought back to Kansas and displayed at his alma mater and the school where Dr. Naismith was a coach and educator, the University of Kansas; and

WHEREAS, David G. Booth's development of investment theory has advanced the business world and his contributions to the University of Kansas have brought tremendous pride and enjoyment to Kansans everywhere: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That David G. Booth be congratulated and recognized as one of Kansas' sons who has typified the spirit that first founded this state and the subsequent generations who have led us "To the Stars with Difficulty."

Be it further resolved: That the Secretary of State shall provide an enrolled copy of this resolution to Representative Reid Petty and to David G. Booth.

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

The state of Kansas is known for its basketball. Just yesterday, KU, K-State, and Wichita St. were all selected to the NCAA Tournament. On Saturday KU and K-State played for the Big XII Championship. The inventor and father of basketball James Naismith was KU's first coach. The father of college basketball coaching was Dr. Forrest "Phog" Allen who was KU's second coach. Dr. Naismith may have invented the game in Springfield, Massachusetts, but the game grew up and evolved right here in Kansas. Today we have a special guest in the House chambers with us who is a native Kansan who has given back to the state in many ways to help make people aware of our history and to provide those here a way to celebrate our state's accomplishments.

David Booth is a Lawrence High School Graduate who received his bachelors and masters degrees from the University of Kansas. He received his MBA from the University of Chicago where he went on to co-found Dimensional Fund Advisors where he serves as their co-CEO.

David and his wife Suzanne Deal Booth were named by Business Week as number 34 of 2008's 50 Top American Givers. The list recognizes annually the 50 most generous U.S. Philanthropists. They are cited as having donated \$309 million between the years 2004-2008. In 2004 the Booth family gave \$9 million to the University of Kansas to fund the Booth Family Hall of Athletics attached to Allen Fieldhouse.

In 2010 the Booths purchased Dr. James Naismith's 1891 original 13 rules of basketball for \$4.3 million. The purchase kept Duke who wanted them very badly from purchasing them. The purchase price set a world record for sports memorabilia. The purchase of this was featured last October on ESPN's 30 for 30 program "There's No Place Like Home." The Booths plan to donate the original rules to the University of Kansas to display in the near future once KU completes the construction of a special building to display them next to Allen Fieldhouse.

It is an honor on behalf of the House of Representatives to recognize and honor

David Booth for his generosity and all he has given back to the state of Kansas.

The members of the House recognized Mr. Booth with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Judiciary: **SB 42**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6019**—

A RESOLUTION declaring July 27, 2013, as "Joe Tinker Day."

WHEREAS, On July 27, 1880, Joe Tinker was born in Muscotah, in Atchison County, in the State of Kansas; and

WHEREAS, Joe Tinker played 15 seasons in Major League Baseball, including 10 years with the Chicago Cubs in 1902 to 1912; and

WHEREAS, Joe Tinker helped the 1906 Chicago Cubs to an all-time major league best 116-36 record in 1906 and to both the 1907 and 1908 World Series titles, the last time the Cubs were world champions; and

WHEREAS, Joe Tinker, Johnny Evers, and Frank Chance were elected together into the Major League Baseball Hall of Fame in 1946, and after 100 years are still accorded the distinction of being the greatest double play combination to ever play the sport; and

WHEREAS, Joe Tinker, together with Evans and Chance, is forever immortalized in the celebrated 1910 poem "Baseball's Sad Lexicon" by Franklin Pierce Adams; and

WHEREAS, The Citizens of Muscotah and Atchison County continue to honor Joe Tinker into the present day through the World's Largest Baseball and Joe Tinker Field: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we, the City of Muscotah, the County Commissioners of Atchison County, and the House of Representatives of the Great State of Kansas, do hereby proclaim July 27, 2013, as "Joe Tinker Day." All Kansans are encouraged to remember this citizen of Kansas and contemplate the success available to all citizens who set visionary goals for their future; and

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

CONSENT CALENDAR

No objection was made to **SB 85** appearing on the Consent Calendar for the first day.

No objection was made to **SB 62** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2042, AN ACT concerning property appraisal and taxation; amending K.S.A. 2012 Supp. 74-2433f, 79-1448, 79-1609, 79-1701a and 79-1702 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

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, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Dillmore, Doll, Dove, Edmonds, Ewy, Finch, Finney, Frownfelter, Gandhi, Goico, Gonzalez, Grant, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Pauls, Peck, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Christmann, DeGraaf, Edwards, Esau, Garber, Grosserode, Hildabrand, Howell, Kelley, Kinzer, McPherson, Powell.

Present but not voting: None.

Absent or not voting: Montgomery, Osterman, Perry, Peterson.

The bill passed, as amended.

HB 2058, AN ACT concerning mineral severance tax; relating to taxation of helium and other gases; prohibiting certain refunds related thereto; amending K.S.A. 79-4226 and K.S.A. 2012 Supp. 79-4216 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; 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, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, 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, Moxley, O'Brien, Pauls, Peck, Petty, Phillips, Powell, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Corbet, Proehl.

Present but not voting: None.

Absent or not voting: Montgomery, Osterman, Perry, Peterson.

The bill passed.

HB 2086, AN ACT concerning economic development financing; relating to eligible project costs for tax increment financing and community improvement districts; bond repayment pledge requirements; amending K.S.A. 2012 Supp. 12-6a27, 12-1770a and

12-1774 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 61; Nays 60; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Barker, Becker, Bideau, Boldra, Bollier, Bruchman, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Dierks, Doll, Dove, Ewy, Finch, Gandhi, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Hutton, Jennings, Johnson, Kelly, Kleeb, Lunn, Mast, Merrick, Moxley, O'Brien, Pauls, Petty, Phillips, Proehl, Rhoades, Rooker, Rothlisberg, Ryckman Jr., Ryckman Sr., Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Thimesch, Tietze, Vickrey, Waymaster, Weber, Wolfe Moore.

Nays: Alcalá, Ballard, Bradford, Bridges, Brunk, Burroughs, Christmann, Davis, DeGraaf, Dillmore, Edmonds, Edwards, Esau, Finney, Frownfelter, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hildabrand, Houser, Houston, Howell, Huebert, Jones, Kahrs, Kelley, Kinzer, Kuether, Lane, Lusk, Macheers, McPherson, Meier, Meigs, Menghini, Peck, Powell, Read, Rubin, Ruiz, Sawyer, Schroeder, Schwab, Sloop, Sutton, Swanson, Todd, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Montgomery, Osterman, Perry, Peterson.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: Tax Increment Financing (TIF) and Community Improvement Districts (CID) are a form of failed economic policy that Kansas should distance itself from. It is time for government to stop picking winners and losers and instead promote economic policies and a lower tax structure that all Kansans can benefit from. TIF and CID are a form of centralized planning that favors a few at the expense of other taxpayers and businesses. These so-called economic tools divert needed money from police, fire, roads, and other core functions of government. I vote NO on **HB 2086**. – MARK KAHR, VIRGIL PECK, JR., PETE DEGRAAF, AMANDA GROSSERODE, KASHA KELLEY, CRAIG MCPHERSON, JOSH POWELL, MARSHALL CHRISTMANN, JOE EDWARDS, RANDY GARBER, KEITH ESAU, BILL SUTTON, BRETT HILDABRAND, JIM HOWELL

HB 2091, AN ACT concerning delinquent personal property taxes; amending K.S.A. 19-547 and 79-2303 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 40; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Burroughs, Campbell, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Dierks, Dillmore, Doll, Dove, Edwards, Esau, Ewy, Finch, Gandhi, Goico, Gonzalez, Hawkins, Hedke, Henderson, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Huebert, Hutton, Jennings, Johnson, Jones, Kelly, Kleeb, Lunn, Lusk, Macheers, Mast, McPherson, Merrick, Moxley, Pauls, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Swanson, Thimesch, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Wolfe Moore.

Nays: Ballard, Brunk, Couture-Lovelady, Carlin, Carpenter, Christmann, Davis,

DeGraaf, Edmonds, Finney, Frownfelter, Garber, Grant, Grosserode, Henry, Hildabrand, Houser, Houston, Howell, Kahrs, Kelley, Kinzer, Kuether, Lane, Meier, Meigs, Menghini, O'Brien, Peck, Powell, Ruiz, Ryckman Jr., Sawyer, Sloop, Sutton, Tietze, Weigel, Whipple, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Montgomery, Osterman, Perry, Peterson.

The bill passed, as amended.

HB 2135, AN ACT concerning property taxation; relating to exemptions; certain housing on military installations; amending K.S.A. 2012 Supp. 79-201a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; 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, 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, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, O'Brien, Pauls, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Carpenter, Hutton, Moxley, Swanson.

Present but not voting: None.

Absent or not voting: Montgomery, Osterman, Perry, Peterson.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 69** be passed.

Committee report recommending a substitute bill to **Sub HB 2166** be adopted; also, on motion of Rep. Finch, be amended on page 12, in line 12, after "record" by inserting "and transfers for value to a bona fide purchaser of record"; and the substitute bill be passed as amended.

Committee report to **SB 168** be adopted; and the bill be passed as amended.

Committee report to **HB 2094** be adopted; and the bill be passed as amended.

Committee report to **SB 128** be adopted; and the bill be passed as amended.

Committee report to **SB 27** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **Substitute for SB 57** be amended on page 2, in line 11, by striking "this section" and inserting "the provisions of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto"; in line 13, by striking "cervid" and inserting "deer"; in line 14, by striking "section" and inserting "subsection"; in line 27, by striking "adding to such"; in line 28, by striking "person's herd by"; in line 29, after "(5)" by inserting "the permit holder's"; also in line 29, by striking "to" and inserting "of"; in line 39, by striking "the" and inserting "such"; also in line 39, by striking "herd pursuant to" and inserting "as required by"; also in line 39, after "regulations" by inserting "adopted pursuant to this section"; in line 40, after "(h)" by inserting "(1)"; in line 41, by striking "any premises" and inserting "the premises and records of any person"; in line 42, by striking all after "permit," and inserting "but shall not inspect such premises and records"; in line 43, after "each" by inserting "permit"; also in line 43, after "year" by inserting ", except as provided in subsection (h)(2)"; also in line 43, by striking "Additionally," and inserting: "(2)";

On page 3, in line 1, by striking "may" and inserting "shall"; in line 2, after "often" by inserting ": (A) If the commissioner has discovered a violation of article 21 of chapter 47, and amendments thereto; or (B)"; also in line 2, by striking "is" and inserting "are"; in line 4, after "regulations" by inserting "adopted pursuant to this section"; also in line 4, before the first "The" by inserting:

"(3)";

Also in line 5, by striking "also"; in line 6, by striking "or premises"; also in line 6, by striking "required to be licensed" and inserting "violating the provisions of this section"; in line 9, by striking "Additionally," and inserting "(2)"; in line 25, by striking "47-619,";

On page 1, in the title, in line 4, by striking "47-619,"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 120** be amended on page 1, in line 13, by striking "Farmers' market" and inserting "'Farmers' market'"; in line 31, before "may" by inserting "operator";

On page 2, in line 5, by striking "participating" and inserting "buying"; also in line 5, by striking the comma; by striking all in line 6; in line 7, by striking "registered farmers' market. In any" and inserting ". If a participant brings an"; in line 8, by striking "an activity in conjunction with"; in line 9, by striking ", pursuant to this act,"; in line 23, after "injuries" by inserting "or death"; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2377** be passed.

Committee on **Appropriations** recommends **HB 2338** be amended on page 9, in line 7, after "after" by inserting "July 1, 2014, and"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 61** be amended on page 4, following line 12, by inserting:

"(d) This section shall take effect on and after January 1, 2014.";

On page 23, in line 2, by striking the comma and inserting "or"; in line 13, by striking the comma and inserting "or";

On page 24, in line 6, by striking the comma and inserting "or";

On page 27, in line 41, by striking "(h)" and inserting "(i)";

On page 29, in line 42, by striking "(k)(17)" and inserting "(l)(17)";

On page 31, in line 1, after "or" by inserting "subsection (b) of";
 On page 35, in line 40, after "in" by inserting "subsection (b) of";
 On page 38, in line 1, after the first "relations" by inserting ", promoting the sale of sexual relations";
 On page 39, in line 2, by striking "selling" and inserting "the sale of";
 On page 43, in line 42, after "or" by inserting "subsection (b) of";
 On page 51, in line 11, by striking all after "(f)" and inserting "commercial sexual exploitation of a child";
 On page 73, in line 26, by striking "or";
 On page 88, in line 3, after "in" by inserting "subsection (b) of"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 92** be amended on page 1, in line 7, after "(1)" by inserting " "Nudity" means the showing, unclothed or with less than a fully opaque covering, of the human male or female genitals, pubic area, buttocks or female breast below a point immediately above the top of the areola.

(2) ";

Also in line 7, by striking the colon; by striking all in lines 8 through 12; in line 13, by striking all before the period and inserting "sexual devices or books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video presentations, computer-generated images or pictures, slides or other visual representations, whether made or produced by electronic, mechanical or other means, which depict, describe or simulate sexually explicit conduct or nudity.

(3) "Sexually explicit conduct" means acts of masturbation, sexual intercourse, sodomy, sadomasochistic abuse or physical contact with a person's clothed or unclothed genitals, pubic area or buttocks or with a human female's breast";

And by redesignating subsections accordingly;

Also on page 1, in line 16, by striking all after "(b)"; by striking all in lines 17 through 23; in line 24, by striking all before the period and inserting "The Kansas bureau of investigation will work with the office of the attorney general and with state and local law enforcement to identify a process to uniformly report data to the central repository enabling the production of a report generated at least annually to identify the total number of sexually violent crimes reported and the number of such crimes where pornographic materials are seized or documented as evidence. This process shall be in place within one year of the implementation of a capable central repository system";

Also on page 1, in line 27, by striking "On or before January 1, 2014" and inserting "Upon implementation of a central repository system"; following line 34, by inserting:

"(f) The provisions of this section are subject to appropriations."; and the bill be passed as amended.

Committee on **Education** recommends **SB 104** be amended on page 1, in line 4, after "(a)" by inserting "(1)"; in line 8, by striking "subsection" and inserting "paragraph"; following line 10, by inserting:

"(2) Any accredited nonpublic school that provides any minor with access to a computer shall implement and enforce technology protection measures to ensure that no minor has access to visual depictions that are child pornography, harmful to minors or obscene. Each governing body of a nonpublic school shall adopt policies for the enforcement of this paragraph. Such policies and any standards or rules promulgated pursuant to such policies shall be made available to the public.";

On page 2, in line 7, after "district" by inserting ", accredited nonpublic school"; in line 11, after "district" by inserting ", accredited nonpublic school"; following line 12, by inserting:

"(1) "Accredited nonpublic school" means any nonpublic school which offers instruction for kindergarten or any of the grades one through 12 and is accredited by the state board of education;"

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

Committee on **Energy and Environment** recommends **HCR 5014** be adopted.

Committee on **Energy and Environment** recommends **HR 6015** be amended on page 1, in line 5, by striking "environmentally friendly,"; in line 6, by striking ""green""; in line 7, by striking all after the first "reduces"; in line 17, by striking ", but are not limited to, reduced"; in line 18, by striking "green house gases,"; and the resolution be adopted as amended.

Committee on **Federal and State Affairs** recommends **HB 2175** be amended on page 2, in line 5, by striking "venue or"; by striking all in lines 40 through 43;

On page 3, by striking all in line 1; in line 2, by striking all before the period and inserting "means an officer, employee or agent of the federal transportation security administration, or any successor entity, or any person acting under a contract with the federal transportation security administration, or any successor entity"; and the bill be passed as amended.

(Having been referred separately, **HB 2175** is now in Committee on Corrections and Juvenile Justice).

Committee on **Financial Institutions** recommends **SB 52, SB 113** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **General Government Budget** recommends **HB 2371** be passed.

Committee on **General Government Budget** recommends **SB 28, SB 216** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 59** be passed.

Committee on **Judiciary** recommends **SB 20** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 60-903 is hereby amended to read as follows: 60-903. ~~(a) No notice or bond required. A restraining order may issue without notice or bond, except as provided in subsection (b) of K.S.A. 60-904, and amendments thereto, but if it appears to the judge that a restraining order may result in damage to the party restrained, a bond to secure payment of any damages sustained may be required. An application for a restraining order shall also be considered as an application for a temporary injunction and either party may give notice of hearing thereon. The order shall remain in force until the hearing on the application for a temporary injunction.~~

(a) *Temporary restraining order: issuing without notice.* Except as provided in subsection (b) of K.S.A. 60-904, and amendments thereto, the court may issue a temporary restraining order without notice or bond to the adverse party or its attorney only if:

(1) Specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss or damage will result to the movant before the

adverse party can be heard in opposition:

(2) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required; and

(3) notice of the issuance of a temporary restraining order is provided to the attorney general of the state of Kansas if the adverse party is the state of Kansas or an agency, officer or employee thereof, or to the appropriate city clerk or county clerk if the adverse party is a city or county or an agency, officer or employee thereof.

(b) *Contents; expiration.* Every temporary restraining order issued without notice must state the date and hour it was issued, describe the injury and state why it is irreparable, state why the order was issued without notice and be promptly filed in the clerk's office and entered in the record. The order expires at the time after entry, not to exceed 14 days, that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.

(c) *Expediting the temporary injunction hearing.* If the temporary restraining order is issued without notice, the motion for a temporary injunction must be set for hearing at the earliest possible time, taking precedence over all other matters except hearings on older matters of the same character. At the hearing, the party who obtained the order must proceed with the motion, and if the party does not, the court must dissolve the order.

(d) *Service.* Where a temporary restraining order is issued without notice, it shall be served upon each party restrained in the manner prescribed for personal service of a summons.

(e) *Motion to Dissolve.* On two days' notice to the party who obtained the temporary restraining order without notice, or on shorter notice set by the court, the adverse party may appear and move to dissolve or modify the order. The court must then hear and decide the motion as promptly as justice requires.

(f) *Security.* Unless otherwise provided by statute or this section, no temporary restraining order shall operate unless the party obtaining the same shall give an undertaking with one or more sufficient sureties in an amount fixed and approved by the judge of the court, securing to the party inured the damages such injured party may sustain including attorney fees if it be finally determined that the state nor any of its agencies shall be required to give an undertaking with one or more sufficient sureties in order to be granted a temporary restraining order. For any other party, at the discretion of the judge, the undertaking required by this subsection may be waived."

On page 1, in line 21, by striking "the court may issue an"; by striking all in line 22; in line 23, by striking "the filing fee to be paid" and inserting "no fee will be required";

On page 2, in line 18, by striking "Upon"; by striking all in lines 19 through 22; in line 23, by striking "immune from such relief." and inserting "Upon such review, if the court finds that the plaintiff's allegation of poverty is untrue, the court shall direct the plaintiff to pay the docket fee or dismiss the petition without prejudice.";

And by renumbering sections accordingly;

On page 3, in line 4, after "K.S.A." by inserting "60-903 and K.S.A."; also in line 4, by striking "is" and inserting "are";

On page 1, in the title, in line 1, after "relating to" by inserting "temporary restraining orders;"; in line 2, after "K.S.A." by inserting "60-903 and K.S.A."; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 81** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2012 Supp. 45-220 is hereby amended to read as follows: 45-220.

(a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2012 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requester has a right of access to the records and the basis of that right; or

(2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

(g) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system which are maintained by the Kansas bureau of investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

(h) As used in this section, the terms "central repository," "criminal justice agency" and "criminal justice information system" have the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

And by renumbering sections accordingly;

On page 9, in line 14, after "Supp." by inserting "45-220,";

On page 1, in the title, in line 1, after "relating to" by inserting "requests for criminal justice information;"; in line 2, after "Supp." by inserting "45-220 and"; in line 3, by striking "section" and inserting "sections"; 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 bill was thereupon introduced and read by title:

HB 2404, AN ACT concerning agricultural corporations; amending K.S.A. 2012 Supp. 17-5903 and 19-101a and repealing the existing sections; also repealing K.S.A. 17-5902 and K.S.A. 2012 Supp. 17-5904, 17-5907 and 17-5908, by Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Trimmer to replace Rep. Sawyer as a member of the Committee on Rules and Journal.

REPORT ON ENGROSSED BILLS

HB 2042, **HB 2091** reported correctly engrossed March 14, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6017 reported correctly enrolled and properly signed on March 18, 2013.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Tuesday, March 19, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

