

Journal of the House

FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 24, 2017, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Schwab in the chair.

The roll was called with 122 members present.

Reps. Henderson, Powell and Victors were excused on excused absence by the Speaker.

Prayer by Rep. Jacobs:

Lord God, we thank You for this beautiful Friday morning that You have given us. We thank You, that there is forgiveness and renewal in the name of Jesus. We are honored to invite You to be in our presence. We humbly submit to Your authority and ask You, for Your mercy and grace as we seek to do Your will. Jesus, we need Your guidance and patience. Lead us in Your strength and boldness to stand and to do what is right according to Your Word. We willfully seek Your wisdom and insight as we are about Your divine purpose and business. We also ask for Your protection for our travels home this day, and Your loving kindness and blessings upon our families, our State, and our Nation. We ask that You bring us all back here safely on Monday rested and ready to accomplish all that You have in store for us.

In Jesus Holy name we pray, Amen.

The Pledge of Allegiance was led by Rep. Wolfe Moore.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2411, AN ACT concerning alcoholic beverages; dealing with microbreweries; amending K.S.A. 2016 Supp. 41-308b and repealing the existing section, by Committee on Federal and State Affairs.

HB 2412, AN ACT concerning roads and highways; relating to motor fuels tax, rates, trip permits and distribution of revenues; state highway fund; amending K.S.A. 2016 Supp. 68-416, 79-3492b, 79-34,118, 79-34,141 and 79-34,142 and repealing the existing sections, by Committee on Appropriations.

MESSAGES FROM THE SENATE

Announcing passage of **SB 23, Substitute for SB 69, SB 109.**

Announcing passage of **HB 2066, HB 2164.**

Announcing passage of **HB 2079**, as amended, **HB 2080**, as amended, **HB 2096**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 23, Substitute for SB 69, SB 109

CONSENT CALENDAR

No objection was made to **SB 63** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2353, AN ACT concerning state contracts and purchases; relating to purchases of products and services from not-for-profit entities; employment of persons with disabilities; qualified vendors; amending K.S.A. 2016 Supp. 75-3317 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claey's, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, R. Powell, Victors.

The bill passed, as amended.

HB 2356, AN ACT concerning state contracts and purchases; relating to competitive bids; bid preferences to certified businesses; recertification; amending K.S.A. 2016 Supp. 75-3740 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claey's, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, R. Powell, Victors.

The bill passed, as amended.

SB 26, AN ACT concerning wildlife, parks and tourism; relating to vessels; registration fees; amending K.S.A. 2016 Supp. 32-1172 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 43; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Bishop, Blex, Brim, Campbell, Carlin, Clayton, Concannon, Crum, S., Curtis, E. Davis, Dietrich, Elliott, Ellis, Eplee, Esau, Finney, Francis, Frownfelter, Gallagher, Gartner, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Holscher, Humphries, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Proehl, Rafie, Rahjes, Ralph, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, Tarwater, Terrell, Thompson, Trimmer, Weber, C., Weigel, Wheeler, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, Barker, Becker, Burroughs, Carmichael, B. Carpenter, Claey's, Clark, Corbet, Cox, Deere, DeGraaf, Delperdang, Dierks, Dove, Finch, Garber, Good, Hawkins, Hoffman, Houser, Huebert, Jacobs, Jennings, Johnson, K. Jones, Kuether, Landwehr, Mason, Osterman, F. Patton, Pittman, Resman, Ruiz, Seiwert, Sutton, S. Swanson, Thimesch, Vickrey, Ward, Waymaster, Whipple, Whitmer.

Present but not voting: None.

Absent or not voting: Henderson, R. Powell, Victors.

The bill passed.

SB 110, AN ACT concerning the state board of regents; relating to supplemental health insurance coverage; authorizing the purchase thereof for certain state employees; amending K.S.A. 2016 Supp. 75-4101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 22; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, E. Davis, Deere, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Hawkins, Helgerson, Hibbard, Highberger, Hineman, Hodge, Holscher, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Terrell, Thompson, Trimmer, Vickrey, Ward, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Averkamp, B. Carpenter, Corbet, DeGraaf, Delperdang, Esau, Garber, Good, Highland, Hoffman, Houser, Jacobs, K. Jones, Landwehr, Mason, Osterman, Resman, Seiwert, Tarwater, Thimesch, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Henderson, R. Powell, Victors.

The bill passed.

SB 154, AN ACT concerning home health agencies; relating to licensure; services provided; amending K.S.A. 65-5102, 65-5103, 65-5107 and 65-5115 and K.S.A. 2016 Supp. 39-1908, 65-5101, 65-5104, 65-5112, 65-5117 and 65-6805 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, R. Powell, Victors.

The bill passed.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Claeys in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2273, SB 36** be passed.

On motion of Rep. Dove, **HB 2182** be amended on page 1, in line 9, after "with" by inserting "section 7606 of the agricultural act of 2014, 7 U.S.C. § 5940, and other"; in line 22, after the period by inserting "The secretary of agriculture is directed to implement the provisions of this act as an agricultural pilot program, as defined in section 7606 of the agricultural act of 2014, 7 U.S.C. § 5940, and to encourage and facilitate research in accordance with this act.";

On page 2, in line 4, by striking "metal" and inserting "meal"

Also, on motion of Rep. E. Smith, **HB 2182** be amended on page 3, in line 25, after the period by inserting "The secretary shall provide copies of all licenses issued to the Kansas bureau of investigation and to city or county law enforcement agencies with jurisdiction for the location of the licensee's address or the location where industrial hemp is processed, grown or cultivated and shall provide the location where such activities are licensed to occur. The secretary shall immediately notify the Kansas bureau of investigation and the city or county law enforcement agency with jurisdiction for the location of the licensee's address or the location where the industrial hemp is processed, grown or cultivated of any revocation or expiration of the licensee's license." and the bill be passed as amended.

Committee report recommending a substitute bill to **HB 2194** be adopted; and **Sub HB 2194** be passed.

Committee report to **SB 16** be adopted; on motion of Rep. Vickrey, be amended as amended by House Committee, on page 1, in line 7, before "Section" by inserting "New";

On page 5, in line 4, before "Sec." by inserting "New";

On page 13, following line 3, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 40-201a is hereby amended to read as follows: 40-201a.

(a) The marketing, sale, offering for sale, issuance, making, proposing to make and administration of a service contract shall not be construed to be the business of insurance and shall be exempt from regulation as insurance pursuant to chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(b) For the purposes of this section;:

(1) "Service contract" means a contract or agreement for a separate or additional consideration, for any specified duration, to service, repair, replace or maintain all or any part of any structural component, appliance or utility system of any residential property, consumer good or other property; or to indemnify for service, repair, replacement or maintenance for consumer good or other property, due to a defect in materials, workmanship, normal wear and tear; or as a result of power surges or as a result of accidental damage from the handling of any consumer good or other property, with or without additional provision for indemnity payments, when service repair or

replacement is not reasonably, commercially or economically feasible. A service contract may also include additional provisions for incidental payment of indemnity under limited circumstances, including, but not limited to, towing, rental and emergency road service.

(2) "Service contract" also includes any nonconsumer commercial service contract.

(3) "Service contract" does not include an automobile club service as defined in K.S.A. 40-2507, and amendments thereto.

(4) "Service contract" includes, but is not limited to, a contract that offers any one or more of the following services:

(A) The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards;

(B) the removal of dents, dings or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding or painting; and

(C) the replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen.

(5) "Road hazard" means a hazard that is encountered while driving a motor vehicle, including, but not be limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs or composite scraps.

(c) (1) No service contract ~~which that~~ is exempt from regulation as insurance pursuant to chapter 40 of the Kansas Statutes Annotated, and amendments thereto, pursuant to this section shall contain any provision for consequential damages unless such consequential damages are caused by the failure of service, repair, replacement or maintenance rendered under the service contract.

(2) No service contract ~~which that~~ is exempt from regulation as insurance pursuant to chapter 40 of the Kansas Statutes Annotated, and amendments thereto, pursuant to this section shall contain any provision, except as exempt by this section, ~~which that~~ would otherwise be covered by a contract of property or liability insurance issued in this state.

Sec. 4. K.S.A. 2016 Supp. 40-201a is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, before the period by inserting "; exemption from regulation as insurance, service contracts; amending K.S.A. 2016 Supp. 40-201a and repealing the existing section"; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 55**, as amended by Senate Committee, be passed.

Committee on **Education** recommends **SB 174** be passed.

Committee on **Elections** recommends **Sub SB 8** be amended by substituting a new bill to be designated as "House Substitute for Substitute SENATE BILL NO. 8," as follows:

"House Substitute for Substitute SENATE BILL NO. 8

By Committee on Elections

"AN ACT concerning elections; amending K.S.A. 19-3419, 25-1132, 25-1133, 25-

1134, 25-1136 and 25-4144 and K.S.A. 2016 Supp. 25-101, 25-213, 25-611, 25-618, 25-1122, 25-3107, 25-4145 and 25-4148b and repealing the existing sections; also repealing K.S.A. 19-3419a.";

And the substitute bill be passed.

(**H Sub for Sub SB 8** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2145** be passed.

Committee on **Judiciary** recommends **HB 2391** be passed.

Committee on **Judiciary** recommends **HB 2040**, as amended by House Committee, be amended on page 2, in line 2, by striking all after "(A)"; by striking all in lines 3 through 5; in line 6, by striking "(B)"; in line 15, by striking all after "(3)"; by striking all in lines 16 and 17; in line 18, by striking "thereto" and inserting "For the purpose of enforcement pursuant to this subsection:

(A) A copy of a certificate sworn to or affirmed by a law enforcement officer and stating that, based upon inspection of recorded images, a motor vehicle was operated in violation of subsection (a) and that a particular person depicted on a recorded image from a video recording device operated such vehicle shall be prima facie evidence of the facts contained therein; and

(B) evidence that the person particularly described in a citation issued pursuant to this subsection operated a vehicle in violation of subsection (a), shall create a rebuttable presumption that such person was the driver of such vehicle at the time of the alleged violation. Such presumption may be rebutted by competent evidence";

Also on page 2, by striking all in lines 28 through 31;

By redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 4, in line 19, after the first period by inserting "Such citation shall include:

(1) The date, time and location of the alleged violation, the amount of the fine imposed and the date by which such fine shall be paid;

(2) an image taken from the recorded images showing the vehicle and particular person involved in the alleged violation;

(3) a copy of a certificate sworn to or affirmed by a law enforcement officer stating that, based upon inspection of recorded images, a motor vehicle was operated in violation of subsection (a);

(4) a statement of the rebuttable presumption provided in K.S.A. 8-1556(e)(3)(B), and amendments thereto;

(5) information advising the owner of the motor vehicle of the manner and time in which liability as alleged in the citation may be contested in court; and

(6) a warning that failure to contest liability in a timely manner shall waive any right to contest liability."; and the bill be amended without recommendation.

Committee on **Judiciary** recommends **SB 50**, as amended by Senate Committee of the Whole, be amended on page 1, following line 6, by inserting:

"New Section 1. (a) A person who is not licensed or otherwise authorized by the Kansas supreme court to practice law in this state shall not do any of the following:

(1) Commit any act or omission that is prohibited by the Kansas supreme court, either by court rule or by common law, as being the unauthorized practice of law;

(2) hold out to the public or otherwise represent, expressly or by implication, that

such person is admitted to practice law in this state;

(3) solicit payment or other consideration, whether in cash or in-kind, for services that would constitute the unauthorized practice of law in this state if performed at or about the time of such solicitation; or

(4) offer or attempt to do any act prohibited by this subsection.

(b) A violation of subsection (a) constitutes an unconscionable act or practice in violation of K.S.A. 50-627, and amendments thereto, whether or not it involves a consumer, a consumer transaction or a supplier, as defined in K.S.A. 50-624, and amendments thereto.

(c) For the purposes of this section:

(1) "Person" means an individual who, or any corporation, agency, partnership, association or other legal entity that, knowingly aids or abets a person to commit acts or omissions that violate this section;

(2) a person described in subsection (a) shall be deemed a supplier within the meaning of K.S.A. 50-624, and amendments thereto; and

(3) an individual, sole proprietor, partnership, corporation, limited liability company, the state or a subdivision or agency of the state aggrieved by a violation of subsection (a) shall be deemed a consumer within the meaning of K.S.A. 50-624, and amendments thereto.

(d) Any remedies or penalties imposed pursuant to this section shall be in addition to, and not instead of, any remedies or penalties available under the contempt power of any court.

(e) The provisions of this section shall not apply to statewide, judicial district or municipal court-supervised public assistance offices and programs, victims assistance programs operated by a county or district attorney, court clerk, county law library, legal aid services providers, legal outreach programs operated by a state or local bar association or an employee of any such entity acting within the scope of employment.

(f) This section shall be part of and supplemental to the Kansas consumer protection act.":

Also on page 1, in line 27, by striking "appoint" and inserting "designate"; in line 30, after the period by inserting "If such chairperson is not a member of the Kansas bar and there is not another member of the standing house committee on judiciary who is a member of the Kansas bar, the speaker of the house of representatives may designate the revisor of statutes to serve as a member in lieu of a house member for the speaker's then-current term as a legislator. The revisor of statutes may designate an assistant revisor to serve in lieu of the revisor."; in line 33, by striking "appoint" and inserting "designate";

On page 2, in line 4, by striking "such"; by striking all in lines 5 through 7; in line 8, by striking all before the period and inserting "the president of the senate may designate the revisor of statutes to serve as a member in lieu of a senate member for the president's then-current term as a legislator. The revisor of statutes may designate an assistant revisor to serve in lieu of the revisor";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the legislature" and inserting "attorneys"; also in line 1, after "to" by inserting "the Kansas consumer protection act; unauthorized practice of law;"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 101**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 101," as follows:

"House Substitute for SENATE BILL NO. 101
By Committee on Judiciary

"AN ACT concerning crime victims; relating to protection orders; protection from abuse act; protection from stalking act; sexual assault evidence collection examinations and parental notification; the crime victims compensation board and claims for compensation; amending K.S.A. 60-3102, 60-31a01, 60-31a03, 60-31a07, 60-31a08 and 60-31a09 and K.S.A. 2016 Supp. 21-5924, 60-31a02, 60-31a04, 60-31a05, 60-31a06, 65-448 and 74-7305 and repealing the existing sections.";

And the substitute bill be passed.

(**H Sub SB 101** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 124** be amended on page 1, in line 32, after "behavior" by inserting "or threat thereof";

On page 2, following line 23, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 38-2249 is hereby amended to read as follows: 38-2249. (a) In all proceedings under this code, the rules of evidence of the code of civil procedure shall apply, except that no evidence relating to the condition of a child shall be excluded solely on the ground that the matter is or may be the subject of a physician-patient privilege, psychologist-client privilege or social worker-client privilege.

(b) (1) The judge presiding at all hearings under this code shall not consider or rely upon any report not properly admitted according to the rules of evidence, except as provided by K.S.A. 2016 Supp. 38-2219, and amendments thereto.

(2) In all proceedings under this code, a report concerning the results and analysis of a court-ordered test of a person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs shall be admissible in evidence if the report is prepared and attested to by the person conducting the test or an authorized employee of the facility that conducted the test. Such person shall prepare a certificate that includes an attestation as to the result and analysis of the test and sign the certificate under oath. Nothing in this section shall prevent a party from calling such person as a witness.

(c) In any proceeding in which a child less than 13 years of age is alleged to have been physically, mentally or emotionally abused or neglected or sexually abused, a recording of an oral statement of the child, or of any witness less than 13 years of age, made before the proceeding began, is admissible in evidence if:

(1) The court determines that the time, content and circumstances of the statement provide sufficient indicia of reliability;

(2) no attorney for any party or interested party is present when the statement is made;

(3) the recording is both visual and aural and is recorded on film, videotape or by other electronic means;

(4) the recording equipment is capable of making an accurate recording, the operator of the equipment is competent and the recording is accurate and has not been altered;

(5) the statement is not made in response to questioning calculated to lead the child

to make a particular statement or is clearly shown to be the child's statement and not made solely as a result of a leading or suggestive question;

(6) every voice on the recording is identified;

(7) the person conducting the interview of the child in the recording is present at the proceeding and is available to testify or be cross-examined by any party or interested party; and

(8) each party or interested party to the proceeding is afforded an opportunity to view the recording before it is offered into evidence.

(d) On motion of any party to a proceeding pursuant to the code in which a child less than 13 years of age is alleged to have been physically, mentally or emotionally abused or neglected or sexually abused, the court may order that the testimony of the child, or of any witness less than 13 years of age, be taken:

(1) In a room other than the courtroom and be televised by closed-circuit equipment in the courtroom to be viewed by the court and the parties and interested parties to the proceeding; or

(2) outside the courtroom and be recorded for showing in the courtroom before the court and the parties and interested parties to the proceeding if:

(A) The recording is both visual and aural and is recorded on film, videotape or by other electronic means;

(B) the recording equipment is capable of making an accurate recording, the operator of the equipment is competent and the recording is accurate and has not been altered;

(C) every voice on the recording is identified; and

(D) each party and interested party to the proceeding is afforded an opportunity to view the recording before it is shown in the courtroom.

(e) At the taking of testimony under subsection (d):

(1) Only an attorney for each party, interested party, the guardian ad litem for the child or other person whose presence would contribute to the welfare and well-being of the child and persons necessary to operate the recording or closed-circuit equipment may be present in the room with the child during the child's testimony;

(2) only the attorneys for the parties may question the child; and

(3) the persons operating the recording or closed-circuit equipment shall be confined to an adjacent room or behind a screen or mirror that permits such person to see and hear the child during the child's testimony, but does not permit the child to see or hear such person.

(f) If the testimony of a child is taken as provided by subsection (d), the child shall not be compelled to testify in court during the proceeding.

(g) (1) Any objection to a recording under subsection (d)(2) that such proceeding is inadmissible must be made by written motion filed with the court at least seven days before the commencement of the adjudicatory hearing. An objection under this subsection shall specify the portion of the recording which is objectionable and the reasons for the objection. Failure to file an objection within the time provided by this subsection shall constitute waiver of the right to object to the admissibility of the recording unless the court, in its discretion, determines otherwise.

(2) The provisions of this subsection shall not apply to any objection to admissibility for the reason that the recording has been materially altered.";

Also on page 2, in line 24, by striking "and" and inserting a comma; also in line 24,

after "23-3203" by inserting "and 38-2249";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "the" by inserting "care of children; relating to the"; also in line 1, by striking "relating to"; in line 2, after the second semicolon by inserting "relating to the revised Kansas code for the care of children; rules of evidence; admissibility of certain test results;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "23-3203" by inserting "and 38-2249"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 149** be amended on page 1, following line 11, by inserting:

"Sec. 2. (a) The attorney general may determine, fix and establish a system of legal representation charges and collect such charges from any state agency to which the attorney general provides legal services. The attorney general may determine the amount of legal representation charges due from a state agency by use of a schedule of fees and costs for legal services published by the attorney general or by entering into an agreement with a state agency for payment by such agency for legal services. Such schedule of fees and costs shall not exceed the amount of compensation established pursuant to K.S.A. 22-4507, and amendments thereto, for attorneys appointed by the court to perform services for an indigent person.

(b) As used in this section:

(1) "State agency" means any department of state government or any agency thereof that collects fees for licensing, regulating or certifying a person or profession;

(2) "legal representation charges" means any costs, fees, expenses or other financial liability incurred by the attorney general, including, but not limited to, attorney fees, to provide legal services to a state agency; and

(3) "legal services" means any form of legal advice, representation or counseling involving an attorney-client relationship, including, but not limited to, general counsel services and representation of a state agency in any administrative law matter. "Legal services" includes legal services provided at the attorney general's discretion at the request of a state agency and legal services the attorney general is required by law to provide to a state agency. "Legal services" shall not include any representation provided pursuant to the Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto, or the defense of civil rights claims pursuant to K.S.A. 75-6116, and amendments thereto.

(c) The amounts collected under this section shall be remitted by the attorney general 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 attorney general's state agency representation fund, which is hereby created. Moneys in the attorney general's state agency representation fund shall be expended by the attorney general for operations of the office of the attorney general.

(d) Nothing in this section shall impose an obligation for the attorney general to provide legal services to any state agency.

(e) The attorney general may adopt rules and regulations as necessary to implement this section.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after "appeals" by inserting "; legal representation charges; legal services; creating the attorney general's state agency representation fund"; and the bill be passed as amended.

Committee on **Transportation** recommends **Substitute for SB 74**, as amended by Senate Committee of the Whole, be passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 55, by Representative Alford, congratulating Braxton Moral on his outstanding scholastic achievements;

Request No. 56, by Representative Humphries, honoring Dr. Shaker Dakhil and Mrs. Kathie Dakhil for their selection as Kansas Humanitarians of the Year;

Request No. 57, by Representative Humphries, honoring Mr. Jack DeBoer and Mrs. Marilyn DeBoer for their selection as Kansas Humanitarians of the Year;

Request No. 58, by Representative Finney, congratulating Bishop Mark L. Gilkey on the celebration of the Centennial Anniversary of the Church of God in Christ in the State of Kansas;

Request No. 59, by Representative Finney, congratulating Bishop Jack C. Vaughn on the celebration of the Centennial Anniversary of the Church of God in Christ in the State of Kansas;

Request No. 60, by Representative Finney, congratulating Bishop Ervin Sims, Jr. on the celebration of the Centennial Anniversary of the Church of God in Christ in the State of Kansas;

Request No. 61, by Representative Alcalá, congratulating Bishop Milton P. Jackson on the celebration of the Centennial Anniversary of the Church of God in Christ in the State of Kansas;

Request No. 62, by Representative Henderson, congratulating Bishop Lemuel F. Thustin on the celebration of the Centennial Anniversary of the Church of God in Christ in the State of Kansas;

Request No. 63, by Representative Murnan, congratulating Pittsburg Rotary Club on its 100th anniversary;

Request No. 64, by Representative Deere, commending Marie Caraccilo on winning the national DECA Herff Jones Marketing Results Challenge;

Request No. 65, by Representative Deere, commending Mykala Caraccilo on winning the national DECA Herff Jones Marketing Results Challenge;

Request No. 66, by Representative Phelps, commending Scout Perryman on achieving the rank of Eagle Scout;

Request No. 67, by Representative Schreiber, congratulating Kelly Moten for being named the NCAA Division II Women's Basketball Player of the Year;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2413, AN ACT concerning crimes and criminal procedure; relating to the Kansas indoor clean air act; definitions, exceptions; amending K.S.A. 2016 Supp. 21-6109 and 21-6110 and repealing the existing sections, by Committee on Appropriations.

HB 2414, AN ACT concerning real estate appraisers; relating to appraisal practice standards; amending K.S.A. 2016 Supp. 58-4121 and repealing the existing section, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Carmichael to replace Rep. Henderson on Committee on Federal and State Affairs on March 27, 2017.

Also, the appointment of Rep. Crum to replace Rep. Sawyer on Committee on K-12 Education Budget on March 24, 2017.

Also, the appointment of Rep. Hodge to replace Rep. Sawyer on Committee on Federal and State Affairs on March 27, 2017.

REPORT ON ENGROSSED BILLS

HB 2353, **HB 2356** reported correctly engrossed March 23, 2017.

REPORT ON ENROLLED BILLS

HB 2109, **HB 2192** reported correctly enrolled, properly signed and presented to the Governor on March 24, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Monday, March 27, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

