

Journal of the House

FORTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 21, 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.

Rep. Osterman was excused on verified illness.

Reps. Frownfelter, Peterson and Sawyer were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Nathan Miller, campus pastor, Christ Community Church, Olathe, and guest of Rep. Esau:

Gracious Father,

I thank You for these women and men and their desire to lead, and the ways You have gifted and called each one of them to serve You in this place. Thank You for our nation, for Kansas, and for the individual communities we call home. God, I believe You have brought these leaders here for our good and for Your glory. Help them serve You above all else, and to seek to bring about the common good for all people. Give them integrity and wisdom and unity and joy in the work they do, that as a people we may flourish.

Help us follow Your example: that we would do nothing out of selfish ambition or vain conceit. Rather, in humility that we would value others above ourselves, not merely looking out for our own interests but for the interests of others. And forgive us for our many shortcomings. Father, I ask these things of You not for my own benefit, but for the glory of Your Son Jesus, in whom I trust. Amen.

The Pledge of Allegiance was led by Rep. Menghini.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2409, AN ACT concerning income taxation; relating to credits; alternative-fueled motor vehicles and fueling stations; defining alternative fuel; amending K.S.A. 2012 Supp. 79-32,201 and repealing the existing section, by Committee on Taxation.

HB 2410, AN ACT concerning taxation; relating to income tax credits, renewable and alternative fuels, definitions; amending K.S.A. 2012 Supp. 79-32,201 and 79-34,170 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Taxation: **HB 2408**.

MESSAGE FROM THE SENATE

Announcing passage of **Sub SB 165; SB 203; Sub SB 214; SB 222, SB 226**.

Announcing passage of **HB 2007, HB 2041, HB 2044, HB 2096, HB 2138, HB 2147, HB 2176, HB 2177, HB 2193, HB 2202**.

Announcing passage of **HB 2009**, as amended; **HB 2305**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub SB 165; SB 203; Sub SB 214; SB 222, SB 226.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Schwartz, **HR 6023**, A RESOLUTION congratulating the U.S. 36 Highway Association on its 100th anniversary, was adopted.

There being no objection, the following remarks of Reps. Schwartz and Waymaster are spread upon the Journal:

Remarks by Rep. Schwartz:

This day, March 21st, marks the 100th anniversary of the US 36 Highway Association. It is important to note that only a handful of highway associations are still in existence in this day and time. The secret to this organization's success is due to its strong beginning a century ago and now with the current membership of 500 strong across Kansas and the country. Today, roads, highways and freeways are developed and maintained through state and federal funding. But that was not so in 1913. Rural movers and shakers of the time including auto-club enthusiasts, businessmen and railroad representatives from the thirteen northern tier counties met in Belleville to band together. They elected their first president, Dr. C. W. Coale of Norton, Vice President C. F. Travelute of Marysville and secretary treasurer A.Q. Miller of Belleville. For years, these men and many others followed steadfast to the dream of roadways and infrastructure across a developing continent. They dedicated hard work, raised cash and made long journeys to attend meetings, often sacrificing family time and personal earnings. Kansas Governor George H. Hodges and a few members of the newly formed association took a two car convoy and mapped the route across Kansas where they were welcomed into towns with ceremonies and gatherings. World War I did slow the progress but did not deter the grand scope of this vision and the association members during that time who were known as road-boosters.

Remarks by Rep. Waymaster:

While the first 40 years were focused on road direction and good road conditions across Kansas, the past 60 years the US 36 Highway Association has continued to work with Kansas Department of transportation on the maintenance of the highway and promoting commerce and tourism. This 392-mile two-lane highway stretches border to border and includes three senate districts and six house districts. From Indianapolis to Denver and Estes Park, Colorado, members hold a common objective in promoting travel on US 36. They seek general improvement of the highway, promotion of the economic well-being of the communities and enterprises along its route. Road boosters, auto clubs, business men and entrepreneurs with visions for an infrastructure benefiting commerce and tourism lead the charge. The founders of the US 36 Highway Association recognized that the course of civilization is correlated to the routes of commerce and transportation. The current members' objectives of advancement of business, agriculture, tourism, and commercial interests of the cities and counties along US 36 is an ongoing process of hard work and dedication. In promotion of better roads—and because of our Midway USA location-- US 36 provides one of the nation's finest highways and becomes the central point of progress for the communities along Highway 36.

Adding a boost in tourism for the state and region, the Treasure Hunt was launched in 2006. This now yearly event continues to grow and attract state, national and international attention. Towns along the route organize their activities with the shopping theme of huge garage and antique sales. Thousands of people travel along 36 Highway looking for bargains and spending dollars in a fun form of economic development along this further most northern US highway in Kansas. The third weekend in September is reserved for this unique activity. The forward-thinking Association's vision for US 36 is for a four-lane freeway or expressway from Indianapolis to Belleville, Kansas, and a high-standard two-lane (Super Two) highway west through Kansas and Colorado to Denver. Commerce should not be constricted by narrow shoulders, inadequate bridges, low speed limits or any other factor which would tend to discourage through traffic. US 36, as a major east-west highway and the shortest route between Indianapolis and Denver, should be part of the National Highway System for its entire length. The motto on the US 36 Highway Association's website is appropriate for the state—**Discover Kansas' Best—from East to West.**

Additional remarks by Rep. Schwartz:

It is my pleasure to introduce the US 36 Highway Association members who are with us to the Kansas House: President Chad Kramer and Directors Christiane Cole and Jeff Hofaker. We wish you another 100 years and more of continued success in your endeavor of enhancing the economic growth and safe traveling along the most northern major west/east trafficway across Kansas.

CONSENT CALENDAR

Objection was made to **SB 52, SB 113** appearing on the Consent Calendar; the bills were placed on the Calendar under the heading General Orders.

No objection was made to **SB 51** appearing on the Consent Calendar for the second day.

No objection was made to **SB 28, SB 216** appearing on the Consent Calendar for the

third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 28, AN ACT authorizing the division of emergency management within the adjutant general's department to accept certain real property, was considered on final action.

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, C-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, 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, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, 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: None.

Present but not voting: None.

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

The bill passed.

SB 216, AN ACT concerning public building commissions; relating to municipal universities; amending K.S.A. 12-1758 and 12-1764 and repealing the existing sections, was considered on final action.

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, 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, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., 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: None.

Present but not voting: None.

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

The bill passed.

HB 2047, AN ACT concerning property taxation; relating to revenues produced by property tax levies; votes to increase revenues; publication; amending K.S.A. 2012 Supp. 79-2925b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 53; Present but not voting: 0; Absent or not voting: 4.

Yeas: Barker, Bideau, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Claeys, Concannon, Corbet, Crum, DeGraaf, Dierks, Dove, Edmonds, Edwards, Esau, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hedke, Hermanson, 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, Read, Rhoades, Rothlisberg, Rubin, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Victors, Ward, Whipple.

Nays: Alcalá, Alford, Ballard, Becker, Bollier, Bridges, Burroughs, Campbell, Carlin, Cassidy, Christmann, Clayton, Davis, Dillmore, Doll, Ewy, Finch, Finney, Grant, Hawkins, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Jennings, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Phillips, Proehl, Rooker, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Sloan, Sloop, Swanson, Tietze, Trimmer, Waymaster, Weber, Weigel, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

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

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes for **HB 2047**. The relationship in this bill should be focused on our constituents, not local governments.

Local governments have mechanisms to fund services and spending. There are no shortages of tax payer funded and private sector funded lobbyists that promote their own spending interests and/or their ideologies. However, no one is here to represent the interest of the tax payers except us, the representatives of the people.

On their behalf I am a "yes." This bill is about representing the constituents...our boss, the tax payer and providing them with a little more light on this subject. – STEVEN R. BRUNK

MR. SPEAKER: **HB 2047**, as amended, will increase transparency by requiring local government to hold a vote in order to increase property taxes. Governments will still be free to raise ad valorem revenue as long as they approve it in a separate vote outside of the budget vote. It's important for homeowners to know that when they open their property tax bill to a higher amount than the previous year, it's because elected officials voted to do so. This bill will keep property taxes from trending ever upward. For this reason, I vote YES on **HB 2047**. – WILL CARPENTER, KEVIN JONES, KYLE D. HOFFMAN, BILL SUTTON, RANDY GARBER, SUSAN CONCANNON, JACK THIMESCH, JOE SEIWERT, MARTY READ, J. R. CLAEYS, WILLIE DOVE, TRAVIS COUTURE-LOVELADY, JOHN E. BARKER, ED BIDEAU, JOSH POWELL, MARK HUTTON, CHARLES MACHEERS, JOHN RUBIN, JOHN BRADFORD, SUE BOLDRÁ

H Sub for SB 83, AN ACT concerning taxation; relating to delinquent tax liabilities; service fees, remittance; income tax deductions and modifications; severance tax; sales tax; amending K.S.A. 79-32,109 and K.S.A. 2012 Supp. 75-5162, 79-32,117, 79-32,118, 79-32,266, 79-3620 and 79-4217 and repealing the existing sections; also repealing K.S.A. 79-3632 and K.S.A. 2012 Supp. 79-32,117n and 79-3639a, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 25; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Couture-Lovelady, 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, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Todd, Trimmer, Vickrey, Waymaster, Weber.

Nays: Alcalá, Burroughs, Campbell, Carlin, Dillmore, Finney, Grant, Henderson, Henry, Houston, Kuether, Lane, Meier, Menghini, Pauls, Ruiz, Sloop, Tietze, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

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

The substitute bill passed.

H Sub for SB 84, AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; income tax deductions; amending K.S.A. 2012 Supp. 79-32,110 and 79-32,120 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 39; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Barker, Becker, Bideau, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, Moxley, O'Brien, Peck, Petty, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcalá, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Clayton, Davis, Dillmore, Edmonds, Finney, Grant, Henderson, Henry, Hill, Houston, Kuether, Lane, Lusk, Meier, Menghini, Pauls, Perry, Phillips, Rooker, Ruiz, Schwartz, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

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

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: This bill is a classic tax shift. It raises taxes by almost \$400 million in order to fund tax cuts that primarily benefit the wealthiest Kansans. The massive tax cut passed by this body last year gives an average cut of almost \$10,000 to people who make over \$250,000 a year, while people who make less than \$25,000 a year actually experience a tax increase. This bill helps fund our Robin Hood in reverse tax policy. We vote no on **H Sub for SB 84**. — PATRICIA M. SLOOP, GAIL FINNEY, HAROLD LANE, JOHN ALCALA, VIRGIL WEIGEL, ANNIE KUETHER, RODERICK HOUSTON, CAROLYN L. BRIDGES

MR. SPEAKER: We vote NO on **H Sub for SB 84**. This bill represents a \$392 million tax increase over the next 5 years on hardworking Kansas taxpayers. Now is not the time to increase taxes on the middle class, the very people who have borne the brunt of this recession, in order to fund more tax breaks for the wealthy and corporations. — PAUL DAVIS, BARBARA BALLARD, JULIE MENGHINI, TOM BURROUGHS, BRANDON WHIPPLE, BRODERICK HENDERSON, JOHN WILSON, VALDENIA WINN, NANCY LUSK, SYDNEY CARLIN, ANNIE TIETZE, ED TRIMMER

MR. SPEAKER: Let's see...this bill is a \$392 million tax increase on the middle class and low income Kansans. It reduces taxes for the upper 10% but raises taxes on the poorest among us. It robs from the poor to give to the rich. It fails to solve the long-term deficit problems created by last year's tax cuts for the wealthy and big corporations. Mr. Speaker, I don't think so. I vote no on **H Sub for SB 84**. — BOB GRANT

MR. SPEAKER: I greatly appreciate restored funding to KDOT which will benefit our largest employers in the 9th District. I still have very strong concerns about cuts to our two community colleges that provide hope and retraining to those out of work. Due to the restoration of funding for KDOT I am voting for the bill, knowing that there will be further negotiations and conference committee reports to come. My support of the final product will depend on the impact on KDOT, our employers and schools in our district. I vote yes on **H Sub for SB 84**. — ED BIDEAU

MR. SPEAKER: **H Sub for SB 84**, as amended, builds on the income tax reductions passed last year and ensures continued tax cuts for all Kansans. The tax plan lowers the state sales tax and includes provisions for lowering the income tax dependent on state revenue growth. I'm especially pleased that poor workers will receive a larger share of the income tax reduction. The tax plan also fully funds T-Works and the state highway system while leaving a \$390 million ending balance in FY2014. For this reason, I vote yes on **H Sub for SB 84**. — J. DAVID CRUM, RICHARD CARLSON, WILLIE DOVE, JOE EDWARDS, SHANTI GANDHI, JOHN BRADFORD, DENNIS HEDKE, RICHARD J. PROEHL, PETE DEGRAAF, MARC RHOADES

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Carlson, the House nonconcurred in Senate amendments to **HB 2059** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Carlson, Schwab and Sawyer as

conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 59** be passed.

Committee report to **SB 56** be adopted; also, on motion of Rep. Waymaster be amended on page 6, in line 18, by striking "by the"; and the bill be passed as amended.

Committee report to **Sub SB 57** be adopted; and the substitute bill be passed as amended.

Committee report to **SB 120** be adopted; and the bill be passed as amended.

Committee report to **SB 102** be adopted; and the bill be passed as amended.

Committee report to **SB 20** be adopted; and the bill be passed as amended.

Committee report to **SB 81** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 1** be amended on page 1, in line 14, by striking "three" and inserting "two"; and the bill be passed as amended.

Committee on **Appropriations** recommends **SB 2** be amended on page 2, in line 29, by striking "may" and inserting "shall"; and the bill be passed as amended.

Committee on **Appropriations** recommends **SB 88** be amended on page 1, in line 9, by striking "articles 54, 55 or 56 of"; also in line 9, by striking the second "or"; by striking all in line 10; in line 11, by striking "6421,,"; and the bill be passed as amended.

Committee on **Education** recommends **SB 22** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 22," as follows:

"House Substitute for SENATE BILL NO. 22

By Committee on Education

"AN ACT concerning schools; enacting the corporate education tax credit scholarship program act; providing for educational scholarships; authorizing a tax credit; amending K.S.A. 2012 Supp. 72-6407 and 79-32,138 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 22** was thereupon introduced and read by title.)

Committee on **Energy and Environment** recommends **HB 2101** be amended on page 13, in line 15, by striking "1.5%" and inserting "0.5%"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 163** be passed.

Committee on **Insurance** recommends **SB 24, SB 25, SB 26, SB 166** 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 124** be amended on page 2, in line 7, by striking all after "(b)"; by striking all in lines 8 through 10 and inserting "(1) Except as provided in subsection (b)(3), an arrangement, contract, agreement, trust, understanding or combination shall not be deemed a trust pursuant to the Kansas restraint of trade act and shall not be deemed unlawful, void, prohibited or wrongful under any provision of

the Kansas restraint of trade act if that arrangement, contract, agreement, trust, understanding or combination is a reasonable restraint of trade or commerce. An arrangement, contract, agreement, trust, understanding or combination is a reasonable restraint of trade or commerce if such restraint is reasonable in view of all of the facts and circumstances of the particular case and does not contravene public welfare.

(2) Whether an arrangement, contract, agreement, trust, understanding or combination is a reasonable restraint of trade or commerce in view of all of the facts and circumstances, shall include, but not be limited to, an analysis of the following factors:

- (A) Specific information about the relevant industry;
 - (B) whether the history, nature, and effect of the restraint stimulates or harms interbrand competition;
 - (C) whether there were legitimate business justifications; and
 - (D) whether the defendant involved has market power.
- (3) The reasonableness standard described in subsections (b)(1) and (b)(2) shall not apply to any claim of horizontal price-fixing between or among competitors that otherwise violates the Kansas restraint of trade act. A manufacturer or wholesaler that also engages in retail sales shall not be considered engaged in horizontal conduct with respect to sales the manufacturer or wholesaler makes to third-party retailers.";

Also on page 2, in line 11, by striking all after "(c)", by striking all in lines 12 through 23; in line 24, by striking all before "The"; in line 26, by striking "or becomes"; in line 27, by striking "subject to";

On page 4, in line 33, after "(b)" by inserting "(1)"; in line 35, by striking all after "by"; by striking all in lines 36 and 37; in line 38, by striking all before "shall" and inserting "the Kansas restraint of trade act"; in line 41, by striking "this" and inserting "the Kansas restraint of trade"; in line 43, after "defendant." by inserting "(2)";

On page 5, in line 3, after "recover" by inserting "either, but not both: (A)"; also in line 3, after "sustained" by inserting "; or (B) upon a showing of willful or wanton conduct by the defendant, the full consideration or sum paid by such person for any goods, wares, merchandise and articles included in or advanced or controlled in price by such defendant, or the full amount of money borrowed"; in line 4, after the period by inserting "(3)"; in line 6, by striking "such acts" and inserting "the Kansas restraint of trade act"; following line 14, by inserting:

"New Sec. 6. Section 1 and the amendments to K.S.A. 50-101, 50-158 and 50-161 by this act shall be applied retroactively to any cause of action premised on any provision of the Kansas restraint of trade act repealed by this act, and any such cause of action that has accrued as of March 1, 2013, shall be abated, but such causes of action that were pending in any court before March 1, 2013, shall not be abated. All other non-remedial provisions of this section shall be applied prospectively.";

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

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Houston to replace Rep. Dillmore on Committee on Taxation for March 21.

Also, the appointment of Rep. Menghini to replace Rep. Dillmore on Committee on Elections for March 22.

Also, the appointment of Rep. Meier to replace Rep. Sawyer on Committee on Elections for March 22.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, March 22, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

