

# Journal of the House

TWENTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 20, 2014, 11:00 a.m.

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

The roll was called with 123 members present.

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

Rep. E. Davis was excused on verified illness later in the morning.

Prayer by guest chaplain, J. Kevin Ingram, President, Manhattan Christian College, and guest of Rep. Hutton:

Father, thank you for a new day. I know that in the midst of each our days there will be both challenges and opportunities, and that is why I am especially grateful to know that You are here with us as this day begins. As the day unfolds use the intimate knowledge You have of each of us to comfort and strengthen us in the unique and special ways we each need.

Father, I also want to thank you for these servants of the great state of Kansas. Bless them as they serve, Lord. They, and their loved ones, all make sacrifices so they can fill their important roles and that is why I ask your blessing on all of them while they are apart from each other. Keep them safe Lord, and even provide special time to share together to help keep their relationships strong even in the midst of busy schedules.

Father, I humbly ask You to guide them in their deliberations and decisions today. As they interact and share ideas, and even share differing opinions, help them come together in unity for the best of the great citizens of Kansas. Provide your wisdom and insight individually and corporately, and help them wisely navigate the issues and challenges our state faces.

And Lord, I want to close this prayer by simply giving thanks to You! When you look around the world we live in we can't help but see how blessed we are to live where we do and are grateful to You, our Almighty God, for all that you bless us with. May we be ever mindful of those blessings and never take for granted the responsibility of stewardship You place on

each of us as we live here on earth, and at this specific time and place in the state of Kansas. Thank you, Lord!  
In Christ name I pray, Amen.

The Pledge of Allegiance was led by Rep. Concannon.

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

The following bills were introduced and read by title:

**HB 2734**, AN ACT concerning pharmacy benefits managers; relating to requirements and fiduciary duties; disclosure of certain information to covered entities; civil penalty; audit of the pharmacy benefits management contract with the state health care benefits program, by Committee on Appropriations.

**HB 2735**, AN ACT concerning income taxation; relating to credits; crude oil production, horizontal and vertical well drilling, definitions, by Committee on Taxation.

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

The following bills were referred to committees as indicated:

Local Government: **HB 2733**.

Taxation: **HB 2731**, **HB 2732**.

### **CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2531**, **HB 2704** from Committee on Taxation and rereferral to Committee on Insurance.

Also, the withdrawal of **HB 2712** from Committee on Taxation and rereferral to Committee on Judiciary.

### **COMMUNICATIONS FROM STATE OFFICERS**

From Pat George, Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), Star Bond Annual Report, 2013.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

### **MESSAGES FROM THE SENATE**

The Senate accedes to the request of the House for a conference on **HB 2296** and has appointed Senators Holmes, O'Donnell and Faust-Goudeau as conferees on the part of the Senate.

Also, announcing passage of **SB 98**, **SB 248**, **SB 271**, **SB 286**, **SB 303**, **SB 329**, **SB 349**.

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

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

**SB 98**, **SB 248**, **SB 271**, **SB 286**, **SB 303**, **SB 329**, **SB 349**.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **6055**—

By Representative Gonzalez

A RESOLUTION designating Hispanic Legislative Day at the Capitol.

WHEREAS, Each year, the United States recognizes the economic, cultural and social contributions that the Latino community has brought to our nation, including contributions to law, religion, agriculture, art, music, education, technology, architecture, cuisine, theater and exploration; and

WHEREAS, The United States Census Bureau estimates the Hispanic population in the United States at over 53,000,000 people, making the Latino community the largest racial or ethnic minority group in the United States. The Hispanic or Latino population in Kansas is more than 300,000; and

WHEREAS, The history and culture of the state of Kansas have been significantly influenced by the Hispanic community. Latino culture and traditions are respected, celebrated and honored as part of a rich legacy throughout the United States; and

WHEREAS, Kansas is fortunate to count among its population a large concentration of citizens of Spanish and Latin American descent, including those who have lived in Kansas for generations and those who are new to the Sunflower State, who contribute to Kansas' economy and society through their commitment to professions, commerce, family and the arts; and

WHEREAS, Time and again throughout our nation's history, the Latino community has helped establish America as a place of freedom and opportunity, and their contributions have illustrated what is best about our great nation. Their hard work, love and deep commitment to faith and family have shaped the character of our country and helped preserve the values that we all cherish; and

WHEREAS, Accomplishments made by the Latino community serve as an inspiration to all who seek freedom, opportunity and a new beginning for themselves and their children; and

WHEREAS, On March 6, 2014, Kansas' Hispanic community will celebrate Hispanic Legislative Day at the Capitol as a fantastic opportunity for people across the state of Kansas to note the rich cultures, traditions and contributions of Hispanic Americans: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we designate March 6, 2014, as Hispanic Legislative Day at the Capitol. We urge all Kansans to celebrate the contributions the Hispanic community has made and continue to make to the great state of Kansas; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Gonzalez.

**CONSENT CALENDAR**

No objection was made to **HB 2547** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2561**, **HB 2591** appearing on the Consent Calendar for the second day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2493**, AN ACT concerning crimes, punishment and criminal procedure; relating to sureties; unlawful sexual relations; appearance bonds; surety regulation; amending K.S.A. 22-2809a and K.S.A. 2013 Supp. 21-5512, 21-5703, 21-5709, 21-5710, 21-6316 and 21-6329 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Bollier, Bradford, Bridges, Bruchman, Burroughs, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Victors, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Boldra, Brunk, Couture-Lovelady, Grosserode, Jones, Mast, McPherson, Powell, Ryckman Sr., Vickrey.

Present but not voting: None.

Absent or not voting: Ward.

The bill passed, as amended.

**HB 2495**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; probation and postrelease supervision; amending K.S.A. 2013 Supp. 21-6604, 21-6608 and 22-3716 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Schwartz.

Present but not voting: None.

Absent or not voting: Ward.

The bill passed, as amended.

**HB 2501**, AN ACT concerning human trafficking and related crimes; relating to court records and reporting; fines; diversion; buying sexual relations; staff secure facility requirements; amending K.S.A. 2013 Supp. 12-4106, 12-4416, 21-6421, 21-6422, 22-2909, 22-4704 and 65-535 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Ward.

The bill passed, as amended.

**HB 2502**, AN ACT concerning criminal history record information; definitions; amending K.S.A. 2013 Supp. 22-4701 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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

Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Ward.

The bill passed.

**HB 2511**, AN ACT concerning property taxation; relating to sale or abandonment of personal property before taxes paid; liens, exceptions; amending K.S.A. 79-2109 and repealing the existing section; also repealing K.S.A. 79-2110, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Ward.

The bill passed.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Rubin, the House nonconcurred in Senate amendments to **S Sub for HB 2389** and asked for a conference.

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

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

#### **COMMITTEE OF THE WHOLE**

On motion of Rep. Kelley, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2448**, **HB 2525**, **HB 2550** be passed.

Committee report to **HB 2668** be adopted; also, on motion of Rep. Burroughs to amend, the motion did not prevail.

Also, on motion of Rep. Frownfelter to refer **HB 2668** to Committee on Insurance, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2447** be adopted; and the bill be passed as amended.  
 Committee report to **HB 2398** be adopted; and the bill be passed as amended.  
 Committee report to **HB 2490** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2582** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2526** be amended on page 1, following line 8, by inserting:

"Section 1. K.S.A. 2013 Supp. 21-5111 is hereby amended to read as follows: 21-5111. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

(a) "Act" includes a failure or omission to take action.

(b) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.

(c) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, whose duties include assignments which involve seizing or taking any animal into custody.

~~(c)~~ (d) "Conduct" means an act or a series of acts, and the accompanying mental state.

~~(d)~~ (e) "Conviction" includes a judgment of guilt entered upon a plea of guilty.

~~(e)~~ (f) "Deception" means knowingly creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind. Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that such person did not subsequently perform the promise. Falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive reasonable persons, is not deception.

~~(f)~~ (g) "Deprive permanently" means to:

(1) Take from the owner the possession, use or benefit of property, without an intent to restore the same;

(2) retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

(3) sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.

~~(g)~~ (h) "Distribute" means the actual or constructive transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale, furnishing, buying for, delivering, giving, or any act that causes or is intended to cause some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, or otherwise authorized by law.

~~(h)~~ (i) "DNA" means deoxyribonucleic acid.

~~(i)~~ (j) "Domestic violence" means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other

crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. For the purposes of this definition:

(1) "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

(2) "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

~~(j)~~ (k) "Domestic violence offense" means any crime committed whereby the underlying factual basis includes an act of domestic violence.

~~(k)~~ (l) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.

~~(l)~~ (m) "Expungement" means the sealing of records such that the records are unavailable except to the petitioner and criminal justice agencies as provided by K.S.A. 22-4701 et seq., and amendments thereto, and except as provided in this act.

~~(m)~~ (n) "Firearm" means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.

(o) "Firefighter" means a regular or volunteer member of an organized fire department of any city, county, township or other political subdivision of the state whose duties include the fighting and extinguishment of fires and the protection of life and property therefrom.

~~(n)~~ (p) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.

~~(o)~~ (q) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.

~~(p)~~ (r) "Law enforcement officer" means:

(1) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;

(2) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 2013 Supp. 21-5412 and subsection (d) of K.S.A. 2013 Supp. 21-5413, and amendments thereto, any employee of the Kansas department of corrections; or

(3) any university police officer or campus police officer, as defined in K.S.A. 22-



2401a, and amendments thereto.

~~(q)~~ (s) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.

~~(r)~~ (t) "Obtains or exerts control" over property includes, but is not limited to, the taking, carrying away, sale, conveyance, transfer of title to, interest in, or possession of property.

~~(s)~~ (u) "Owner" means a person who has any interest in property.

~~(t)~~ (v) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

~~(u)~~ (w) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.

~~(v)~~ (x) "Possession" means having joint or exclusive control over an item with knowledge of or intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

~~(w)~~ (y) "Property" means anything of value, tangible or intangible, real or personal.

~~(x)~~ (z) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

~~(y)~~ (aa) "Prosecutor" means the same as prosecuting attorney in K.S.A. 22-2202, and amendments thereto.

~~(z)~~ (bb) "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

~~(aa)~~ (cc) "Public officer" includes the following, whether elected or appointed:

(1) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state;

(2) a member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state;

(3) a judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy;

(4) a hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer;

(5) a law enforcement officer; and

(6) any other person exercising the functions of a public officer under color of right.

~~(bb)~~ (dd) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

~~(cc)~~ (ee) "Solicit" or "solicitation" means to command, authorize, urge, incite, request or advise another to commit a crime.

~~(dd)~~ (ff) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

~~(ee)~~ (gg) "Stolen property" means property over which control has been obtained

by theft.

~~(ff)~~ ~~(hh)~~ "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

~~(gg)~~ ~~(ii)~~ "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.";

Also on page 1, in line 18, by striking the colon; in line 19, by striking "(1) "; in line 20, after "officer" by inserting ", university or campus police officer, animal control officer or firefighter"; also in line 20, after "such" by inserting "firefighter or"; in line 21, after "such" by inserting "firefighter's or"; also in line 21, by striking "; or"; by striking all in lines 22 and 23; in line 24, by striking "duty";

On page 2, following line 2, by inserting:

"(g) Assault of a sports official is assault, as defined in subsection (a), committed against a sports official while such sports official is engaged in the performance of such sports official's duty.";

Also on page 2, in line 3, by striking "(g)" and inserting "(h)"; in line 8, by striking "A person convicted of aggravated assault of a law"; by striking all in lines 9 and 10; following line 14, by inserting "(7) Assault of a sports official is a class B person misdemeanor.";

Also on page 2, in line 15, by striking "(h)" and inserting "(i)"; following line 36, by inserting:

"(j) As used in this section, "sports official" means the same as provided in K.S.A. 2013 Supp. 21-6507, and amendments thereto.";

On page 3, in line 23, by striking the colon; by striking all in lines 24 through 26; in line 27, by striking "(B)"; also in line 27, after "identified" by inserting "firefighter, university or campus police officer, animal control officer or"; in line 31, after the first "such" by inserting "firefighter or"; also in line 31, after the second "such" by inserting "firefighter's or"; in line 33, by striking the colon; by striking all in lines 34 through 36; in line 37, by striking "(B)"; also in line 37, after "identified" by inserting "firefighter, university or campus police officer, animal control officer or"; in line 41, after the first "such" by inserting "firefighter or"; also in line 41, after the second "such" by inserting "firefighter's or";

On page 4, in line 17, by striking the colon; in line 18, by striking "(A)"; in line 19, after the first "officer" by inserting ", university or campus police officer, animal control officer or firefighter"; also in line 19, by striking the first "the" and inserting "such firefighter or"; also in line 19, by striking the last "the" and inserting "such firefighter's or"; in line 20, by striking "or"; by striking all in lines 21 through 23; in line 25, by striking the colon; in line 26, by striking "(A)"; in line 27, after the first "officer" by inserting ", university or campus police officer, animal control officer or firefighter"; also in line 27, by striking the first "the" and inserting "such firefighter or"; also in line 27, by striking the last "the" and inserting "such firefighter's or"; in line 28, by striking "or"; by striking all in lines 29 and 30; in line 31, by striking "duty"; in line 32, by striking the colon; in line 33, by striking "(A)"; in line 34, after the first "officer" by inserting ", university or campus police officer, animal control officer or firefighter";

also in line 34, by striking the first "the" and inserting "such firefighter or"; also in line 34, by striking the last "the" and inserting "such firefighter's or"; in line 35, by striking "; or"; by striking all in lines 36 and 37; in line 38, by striking "duty";

On page 5, following line 30, by inserting:

"(i) Battery against a sports official is battery, as defined in subsection (a), committed against a sports official while such sports official is engaged in the performance of such sports official's duty.";

Also on page 5, in line 31, by striking "(i)" and inserting "(j)";

On page 6, following line 15, by inserting:

"(9) Battery against a sports official is a class A person misdemeanor.";

Also on page 6, in line 16, by striking "(j)" and inserting "(k)";

On page 7, in line 22, by striking "and"; in line 26, before the period by inserting:

"; and

(10) "sports official" means the same as provided in K.S.A. 2013 Supp. 21-6507, and amendments thereto";

On page 8, in line 37, after "Supp." by inserting "21-5111,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "21-5111,"; and the bill be passed as amended.

**Education Budget Committee** recommends **HB 2506** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Energy and Environment** recommends **HB 2458** be amended on page 1, by striking all in lines 6 through 30;

On page 2, following line 10, by inserting:

"offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator and shall not charge the customer-generator any additional standby, capacity, interconnection or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator"; in line 11, before "provide" by inserting "(c)"; in line 15, by striking "(c)" and inserting "(d)"; in line 23, before the period, by inserting "in accordance with normal practices for customers in the same rate class"; in line 27, before "consumption" by inserting "monthly"; also in line 27, by striking "prior to January 1, 2030,"; in line 31, by striking "On and after January 1, 2030, compensation for all"; by striking all in line 32; in line 33, by striking all before the period and inserting "Any net excess generation credit remaining in any such net-metering customer's account at the end of each calendar year shall expire"; in line 36, after "customer-generator's" by inserting "monthly"; by striking all in lines 40 through 43;

On page 3, by striking all in lines 1 and 2; in line 3, by striking "66-1264,"

By renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "66-1264," and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2553** be passed.

Committee on **Federal and State Affairs** recommends **HB 2578** be amended on page 1, in line 10, by striking ": (1) The applicant is"; by striking all in lines 11 through

18; in line 19, by striking all before the period and inserting "a condition as provided in 27 C.F.R. § 479.85 exists which the chief law enforcement officer cannot certify. If certification of the application is not completed, the chief law enforcement officer, or such officer's designee, shall provide written notification to the applicant that certification of the application cannot be completed and the reason for such denial of certification"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2517** be passed.

Committee on **Judiciary** recommends **HB 2684** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2489** be amended on page 5, in line 22, before "77-" by inserting "74-99b06,"; following line 37, by inserting:

"Sec. 3. K.S.A. 2013 Supp. 74-99b06 is hereby amended to read as follows: 74-99b06. (a) All resolutions and orders of the board shall be recorded and authenticated by the signature of the secretary or any assistant secretary of the board. The book of resolutions, orders, minutes of open meetings, annual reports and annual financial statements of the authority shall be public records as defined by K.S.A. 45-215 et seq., and amendments thereto. All public records shall be subject to regular audit as provided in K.S.A. 46-1106, and amendments thereto.

(b) ~~(+)~~ Notwithstanding any provision of K.S.A. 45-215 et seq., and amendments thereto, to the contrary, the following records of the authority shall not be subject to the provisions of the Kansas open records act, when in the opinion of the board, the disclosure of the information in the records would be harmful to the competitive position of the authority:

~~(A)~~ (1) Proprietary information gathered by or in the possession of the authority from third parties pursuant to a promise of confidentiality;

~~(B)~~ (2) contract cost estimates prepared for confidential use in awarding contracts for research development, construction, renovation, commercialization or the purchase of goods or services; and

~~(C)~~ (3) data, records or information of a proprietary nature produced or collected by or for the authority, its employees, officers or members of its board; financial statements not publicly available that may be filed with the authority from third parties; the identity, accounts or account status of any customer of the authority; consulting or other reports paid for by the authority to assist the authority in connection with its strategic planning and goals; and the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the authority.

~~(2) The provisions of this subsection shall expire on July 1, 2009. Prior to such date the legislature shall review the provisions of this subsection.~~

(c) Notwithstanding any provision of this section to the contrary, the authority may claim the benefit of any other exemption to the Kansas open records act listed in K.S.A. 45-215 et seq., and amendments thereto.";

Also on page 5, in line 38, by striking "and" and inserting a comma; also in line 38, after "45-229" by inserting "and 74-99b06";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the first "and" and inserting a comma; also in line 2, after "45-229" by inserting "and 74-99b06"; and the bill be passed as

amended.

### **COMMITTEE ASSIGNMENT CHANGES**

Speaker Merrick announced the appointment of Rep. Mason to replace Rep. Schwab on Committee on Taxation.

Also, the appointment of Rep. Mason to replace former Rep. Shultz on Committee on Transportation.

Also, the appointment of Rep. Tietze to replace Rep. Trimmer on Committee on Energy and Environment for Friday, February 21.

Also, the appointment of Rep. Houston to replace Rep. Perry on Committee on Judiciary for Thursday, February 20.

### **REPORT ON ENGROSSED BILLS**

**HB 2493, HB 2495, HB 2501** reported correctly engrossed February 19, 2014.

### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6052** reported correctly enrolled and properly signed on February 20, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, February 21, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

