

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 19, 2018, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Kuether and Proehl were excused on verified illness.

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

Prayer by Chaplain Brubaker:

Heavenly Father,
thank You for the blessing of a new week.
Today as we celebrate Presidents' Day
and honor the 45 Presidents of the United States,
may some of their words bring us encouragement.
"It is by a thorough knowledge of the whole subject
that people are enabled to judge correctly of the past
and to give a proper direction to the future." (James Monroe)
Anyone worth their salt will stick up for what they believe is right,
but it takes a slightly better person
to acknowledge instantly
and without reservation that they are in error."
(Andrew Jackson)
"Times change, and we change with them." (William Henry Harrison)
"An honorable defeat is better than a dishonorable victory." (Millard Fillmore)
And lastly, a great word from President Teddy Roosevelt:
"If you could kick the person in the pants
responsible for most of your trouble,
you wouldn't sit for a month."
Help us to learn from these wise words.
Today, Lord, we remember Rev. Fred Hollomon
who passed away last week.
He served as a faithful chaplain here in the House as well as the Senate.
Be with his family in this time of loss.
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Lewis.

INTRODUCTION OF GUESTS

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

This morning I am honored to introduce to you some of Kansas' finest; members of the 2018 State Future Farmers of America leadership. FFA was officially formed in 1928 when 33 students from 18 states gathered at a hotel during the American Royal Livestock Show in Kansas City, Missouri. Concerned with the growing trend of that time, boys losing interest and leaving the farm, the organization was formed to offer "a greater opportunity for self-expression and for the development of leadership. In this way they will develop confidence in their own ability and pride in the fact that they are farm boys." Of course, today with approximately 200 programs and 9800 members across the State of Kansas, the focus is not just on "farm boys" but on anyone interested in being a future agriculture leader. Today's FFA students are the leaders and innovators of tomorrow who will be responsible for ensuring a safe and stable food and fiber supply for the growing world population.

Rep. Hoffman introduced the following students to the House:

Eli Ohlde - President, Clifton-Clyde
 John Kennedy - Vice President, Jackson Heights
 Marie Reveles - Secretary, Hays
 Quentin Umphenour - Treasurer, Jayhawk-Linn
 Riley Sleichter - Reporter, Abilene
 Skyler Denio - Sentinel, Hoxie

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2752, AN ACT concerning gaming; creating the Kansas sports wagering act; amending K.S.A. 2017 Supp. 19-101a, 21-6403, 21-6507, 74-8702, 74-8710, 74-8711, 74-8716, 74-8734, 74-8741, 74-8751, 74-8752, 74-8760, 74-8763 and 74-8769 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy, Utilities and Telecommunications: **Sub SB 323**.

Federal and State Affairs: **SB 307**.

Health and Human Services: **SB 312**.

Judiciary: **SB 266**.

Transportation: **SB 294, SB 324**.

CONSENT CALENDAR

No objection was made to **SB 256** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2729** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2558, HB 2608** 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

HB 2558, AN ACT concerning wildlife; relating to controlled shooting areas; licenses; amending K.S.A. 32-946 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Concannon, Kuether, Proehl.

The bill passed.

HB 2608, AN ACT concerning real estate; authorizing the conveyance of land from the department of corrections to fire district 1 of Leavenworth county, Kansas, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Concannon, Kuether, Proehl.

The bill passed.

HB 2435, AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Concannon, Kuether, Proehl.

The bill passed.

HB 2488, AN ACT concerning the motor-fuel tax law; relating to definitions, special fuels; amending K.S.A. 2017 Supp. 79-3401 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Concannon, Kuether, Proehl.

The bill passed as amended.

HB 2547, AN ACT concerning the Kansas state fair board; terms of members; expiration date; amending K.S.A. 2017 Supp. 74-520a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Helgerson.

Present but not voting: None.

Absent or not voting: Concannon, Kuether, Proehl.

The bill passed.

Sub HB 2556, AN ACT concerning emergency communications services; establishing the state interoperability advisory committee, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 25; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Clark, Clayton, Crum, S., Curtis, E. Davis, Deere, Dierks, Dietrich, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Holscher, Horn, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Rafie, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Averkamp, Barker, Burris, B. Carpenter, Claeys, Corbet, Cox, Delperdang, Dove, Garber, Hawkins, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Mason, Osterman, R. Powell, Rahjes, Sutton, Vickrey, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Concannon, Kuether, Proehl.

The substitute bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **Sub HB 2147** be passed over and retain a place on the calendar.

HB 2465, HB 2511 be passed.

Committee report to **HB 2628** be adopted; and the bill be passed as amended.

On motion of Rep. Neighbor to amend **HB 2486**, Rep. Francis requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed.

Committee report to **SB 217** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **HB 2147** be adopted.

Also, on motion of Rep. Osterman, to amend **Substitute for HB 2147**, on page 1, in line 28, by striking all after the comma; by striking all in line 29; in line 30, by striking all before "from";

and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Children and Seniors** recommends **HB 2639** be passed.

Committee on **Children and Seniors** recommends **HB 2530** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2017 Supp. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2017 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2017 Supp. 23-3502, and amendments thereto; ~~and~~

(E) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance; ~~and~~

(F) animal control officers, as defined in K.S.A. 47-1701, and amendments thereto, and persons authorized to take custody of an animal pursuant to K.S.A. 2017 Supp. 21-6412(e), and amendments thereto, when investigating suspected cruelty of animals.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) *Form of report.* (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) *To whom made.* Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 2017 Supp. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the Kansas department of corrections shall be made to the attorney general or the secretary of corrections. Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services shall be made to the appropriate law enforcement agency. All other reports of child abuse or neglect by persons employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either department, shall be made to the appropriate law enforcement agency.

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) *Violations.* (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) *Immunity from liability.* Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.";

On page 2, in line 42, after the first comma by inserting "an animal control officer, as defined in K.S.A. 47-1701, and amendments thereto, a person investigating suspected cruelty to animals who is authorized to take custody of an animal pursuant to K.S.A. 2017 Supp. 21-6412(e), and amendments thereto,";

On page 4, in line 12, after "Supp." by inserting "38-2223,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "adults" by inserting "and children; animal control officers and persons investigating suspected cruelty to animals"; in line 3, after "Supp." by inserting "38-2223,"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2567** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2568** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2603** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2581** be amended on page 2, in line 3, by striking "2" and inserting "1"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2648** be amended on page 1, in line 23, after "a" by inserting "uniformed or properly identified";

On page 2, in line 41, by striking "a" and inserting "uniformed or properly identified";

On page 3, in line 15, by striking "a" and inserting "uniformed or properly identified";

On page 4, in line 3, by striking "a" and inserting "uniformed or properly identified"; in line 19, by striking "a" and inserting "uniformed or properly identified"; in line 34, by striking "a" and inserting "uniformed or properly identified"; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2701** be amended on page 2, in line 18, by striking "be residents of" and inserting "reside or work in"; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **Substitute for SB 323**, as amended by Senate Committee of the Whole, be passed.

Committee on **General Government Budget** recommends **HB 2634** be passed.

Committee on **Judiciary** recommends **HB 2481** be passed.

Committee on **Judiciary** recommends **HB 2706** be passed.

Committee on **Judiciary** recommends **HB 2707** be passed.

Committee on **Judiciary** recommends **HB 2458** be amended on page 3, in line 20, after "adult" by inserting "or an elder person"; in line 23, after "adult" by inserting "or an elder person"; in line 25, after "adult" by inserting "or an elder person"; in line 27, after "adult" by inserting "or an elder person"; in line 30, after "adult" by inserting "or elder person"; in line 38, after "adult" by inserting "or elder person"; in line 39, by striking all after "(b)"; by striking all in lines 40 through 43;

On page 4, by striking all in lines 1 through 14; in line 15, by striking "(c)"; also in line 15, after "adult" by inserting "or an elder person"; in line 29, by striking "(c)" and inserting "(b)"; by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 through 11; in line 13, by striking "mistreatment of"; in line 14, by striking "subsections (a)(2) and (b)(2)" and inserting "subsection (a) (2)"; in line 26, by striking the comma and inserting "or"; also in line 26, by striking "or (b)(3)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2523** be amended on page 2, in line 4, by striking "10" and inserting "five"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2524** be amended on page 1, in line 12, before "in" by inserting "or the protection from stalking or sexual assault act, K.S.A. 60-31a01 et seq., and amendments thereto,"; in line 18, after the period by inserting "The clerk of the court shall supply the forms for the petition and order, which shall be prescribed by the judicial council."; in line 27, by striking all after "(2)"; by striking all in line 28; in line 29, by striking all before the period and inserting "When an order issued under this section is made in conjunction with a petition filed under the protection from stalking or sexual assault act, K.S.A. 60-31a01 et seq., and amendments thereto, the court shall ensure the petitioner's address and telephone number are not disclosed to the account holder. When an order issued under this section is made in conjunction with a petition filed under the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, and the court finds the petitioner's address, telephone number, or both, need to remain confidential pursuant to K.S.A. 60-3104(c), and amendments thereto, the court shall direct that the petitioner's information remain confidential";

On page 2, in line 14, after the period by inserting "The wireless services provider shall not charge a fee for the services provided pursuant to this section."; following line 23, by inserting:

"(g) Any wireless services provider operating in the state of Kansas shall adhere to a court order issued pursuant to this act."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2580** be amended on page 6, following line 5, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 50-725 is hereby amended to read as follows: 50-725. (a) A consumer reporting agency shall place a security freeze for a protected consumer if the consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze and the protected consumer's representative:

(1) Submits the request to the consumer reporting agency at the address or other

point of contact and in the manner specified by the consumer reporting agency;

(2) provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative; and

(3) provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; ~~and~~

~~(4) pays to the consumer reporting agency a fee as provided in subsection (g).~~

(b) If a consumer reporting agency does not have a record pertaining to a protected consumer when the consumer reporting agency receives a request under subsection (a), the consumer reporting agency shall create a record for the protected consumer.

(c) Within 30 days after receiving a request that meets the requirements of subsection (a), a consumer reporting agency shall place a security freeze for the protected consumer.

(d) Unless a security freeze for a protected consumer is removed in accordance with subsection (f) or (i), a consumer reporting agency shall not release the protected consumer's consumer report, any information derived from the protected consumer's consumer report, or any record created for the protected consumer.

(e) A security freeze for a protected consumer placed under subsection (c) shall remain in effect until:

(1) The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection (f); or

(2) the security freeze is removed in accordance with subsection (i).

~~(f)(1)~~ If a protected consumer or a protected consumer's representative wishes to remove a security freeze for a protected consumer, the protected consumer or the protected consumer's representative shall:

~~(A)(1)~~ Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency; and

~~(B)(2)~~ provide to the consumer reporting agency sufficient proof of identification of the protected consumer and:

~~(i)(A)~~ For a request by the protected consumer, proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; or

~~(ii)(B)~~ for a request by the representative of a protected consumer, sufficient proof of identification of the representative and sufficient proof of authority to act on behalf of the protected consumer; and

~~(C) pay to the consumer reporting agency a fee as provided in subsection (g).~~

~~(g)(1)~~ Except as otherwise provided in subsection (g)(2), A consumer reporting agency shall not charge a fee for any service performed under this section.

~~(2)~~ A consumer reporting agency may charge a reasonable fee, not exceeding \$10, for each placement or removal of a security freeze for a protected consumer, except a consumer reporting agency shall not charge any fee under this section if:

~~(A)~~ The protected consumer's representative has obtained a police report or provided an affidavit of alleged fraud against the protected consumer and provides a copy of the report or the affidavit to the consumer reporting agency; or

~~(B)~~ a request for the placement or removal of a security freeze is for a protected consumer who is under the age of 18 years at the time of the request and the consumer

~~reporting agency has a consumer report pertaining to the protected consumer.~~

(h) This section shall not apply to:

(1) A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;

(2) a person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's consumer report on request of the protected consumer or the protected consumer's representative; or

(3) a person or entity listed in K.S.A. 2017 Supp. 50-723(i)(1) and (6) through (12) or 50-724(a)(1) through (5), and amendments thereto.

(i) A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if such security freeze was placed or the record was created based on a material misrepresentation of a fact by the protected consumer or the protected consumer's representative.

(j) Any person who fails to comply with any requirement imposed under this section with respect to any protected consumer shall be liable pursuant to the provisions of the fair credit reporting act.

(k) This section shall be part of and supplemental to the fair credit reporting act.;

Also on page 6, in line 6, after "50-723" by inserting "and 50-725";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "50-723" by inserting "and 50-725"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2599** be amended on page 1, in line 5 before "Section", by inserting: "New";

On page 3, following line 4, by inserting:

"New Sec. 2. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less, motorcycles or travel trailers, who is a resident of the state of Kansas, may apply for and be issued one distinctive license plate for each such passenger vehicle, truck, motorcycle or travel trailer, a choose life license plate. Such license plates shall be issued for the same period of time as other plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles. Application for the registration of a passenger vehicle, truck, motorcycle or travel trailer and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

(e) The choose life license plate shall have a background design, an emblem or colors that designate the license plate as a choose life license plate.

Sec. 3. K.S.A. 2017 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141.

(a) Any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by ~~subsection (e) of~~ K.S.A. 8-132(c), and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(b) The director of vehicles shall not issue any new distinctive license plate authorized for issuance on and after July 1, 1995, unless there is a guarantee of an initial issuance of at least 500 license plates.

(c) The provisions of this section shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,145, or K.S.A. 2017 Supp. 8-177d, 8-1,163 or 8-1,166, and amendments thereto.

(d) The provisions of subsection (a), shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148, and amendments thereto, or K.S.A. 2017 Supp. 8-1,153, 8-1,158 or 8-1,161, and amendments thereto.

(e) The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 2017 Supp. 8-1,160 and section 2, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not less than 1,000 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 1,000 paid orders for such plate have been received, the director of accounts and reports shall transfer \$40,000 from the state highway fund to the distinctive license plate fund.

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature on and after July 1, 2004, shall submit to the division of vehicles a nonrefundable amount not to exceed \$20,000, to defray the division's cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue 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 distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

(g) (1) Except for educational institution license plates issued under K.S.A. 8-1,142, and amendments thereto, the director of vehicles shall discontinue the issuance of any distinctive license plate authorized prior to July 1, 2004, and which is subject to the provisions of subsection (b) if:

(A) Less than 500 license plates, including annual renewals, are issued for that distinctive license plate by July 1, 2006; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period after July 1, 2006.

(2) The director of vehicles shall discontinue the issuance of any distinctive license plate authorized on and after July 1, 2004, if:

(A) Less than 500 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

(h) An application for any distinctive license plate issued after December 31, 2012, and the corresponding royalty fee may be collected either by the county treasurer or the entity benefiting from the issuance of the distinctive license plate. Annual royalty payments collected by the county treasurers shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of a segregated royalty fund which shall be administered by the state treasurer. All expenditures from the royalty fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the royalty fund shall be made to the entity benefiting from the issuance of the distinctive license plate on a monthly basis.

(i) Notwithstanding any other provision of law, for any distinctive license plate, the division shall produce such distinctive license plate for a motorcycle upon request to the division by the organization sponsoring the distinctive license plate.

(j) In addition to any residency requirements for all distinctive license plates, any person not a resident of Kansas, serving as a member of the armed forces stationed in this state shall be eligible to apply for any distinctive license plate as if the individual was a resident of this state. Such person shall be eligible to renew the distinctive license plate registration as long as the person is still stationed in this state at the time the registration is renewed.

Sec. 4. K.S.A. 2017 Supp. 8-1,141 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "plate" by inserting "and the choose life license plate"; amending K.S.A. 2017 Supp. 8-1,141 and repealing the existing section"; and the bill be passed as amended.

Committee on **Water and Environment** recommends **HB 2727** be amended on page 1, in line 14, after the third comma by inserting "oil and gas"; by striking all in lines 18 through 24; in line 25, by striking all before the period and inserting "Minerals are defined to include oil, natural gas, iron ore, coal, salt, sand, gravel or any other natural substance that may be of commercial value and is obtained by mining, quarrying or drilling on the surface or subsurface of the lands"; in line 27, by striking "oil and gas" and inserting "mineral ownership and mining, quarrying or drilling"; in line 28, by striking all after "property"; by striking all in lines 29 and 30; in line 31, by striking all before the period; in line 33, after "(b)" by inserting "The notice required under subsection (a) does not create a duty to investigate or disclose that does not otherwise exist for the licensee as required by law.

(c) "; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2745** from Committee on Appropriations and rereferral to Committee on Children and Seniors.

Also, the withdrawal of **HB 2738**, **HB 2739** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Corbet to replace Rep. Hibbard on Committee on Agriculture on February 19, 2018.

Also, the appointment of Rep. Claeys to replace Rep. Corbet on Committee on Taxation on February 19, 2018.

Also, the appointment of Rep. Hodge to replace Rep. Kuether on Committee on Corrections and Juvenile Justice on February 19, 2018.

Also, the appointment of Rep. Parker to replace Rep. Kuether on Committee on Judiciary on February 19, 2018.

REPORT ON ENROLLED BILLS

HB 2343 reported correctly enrolled, properly signed and presented to the Governor on February 16, 2018.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Tuesday, February 20, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

