

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 2, 2019, 10:00 a.m.

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

The roll was called with 124 members present.

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

Prayer by guest chaplain, Rev. Sandra Brown, Pastor, First Presbyterian Church, Topeka:

Almighty God, as this body convenes today to work for the well-being of the people of Kansas, bless them with the fruit of your Spirit: with love, with joy, with peace; with patience, kindness, and generosity; with faithfulness, mercy, and self-control. Gently remind them that there is not one human being who is not made in your image, and that includes their fellow legislators. Thank you for each one of them, for the gifts they bring to their work. Make their time fruitful today. Bless them, and bless their families. . . . make your face shine upon them. . . . be gracious to them, and give them peace. Amen.

The Pledge of Allegiance was led by Rep. Ballard.

INTRODUCTION OF GUESTS

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

I appreciate a few minutes of your time. I am honored to introduce to you today Ben Saucedo. He is a candidate for Man of the Year 2019 for the Leukemia and Lymphoma Society. He is married to his wife Alysia. Ben serves as a city councilman in Park City. The Man and Woman of the Year Competition is a 10-week fundraising effort to raise money and awareness to the work and efforts of the Leukemia and Lymphoma Society. This is an organization that is very close to Ben's heart. You can look and see all the work that they are doing to help raise funds to fight blood cancers through research and development, as well as assist families who are struggling with these horrible diseases. Those are just two great reasons we are excited about this opportunity. There is another one though, and it is much more personal to Ben and his family.

On March 30, 2018, Ben's younger sister, Melinda Saucedo, was taken to the hospital because her lab work came back very irregular and doctors were concerned about her hemoglobin levels. She was admitted to Wesley Hospital in Wichita that evening. They began blood transfusions that evening as they awaited the test results. The next morning doctors confirmed their worst fears as they said his sister had Leukemia and it was an aggressive form. Her oncologist told them that things could either get better really quickly or could get worse really quickly. From there, the next few days were a whirlwind as they began chemotherapy, and they learned more of the seriousness of this disease. On April 12, 2018, they said goodbye, on this earth, to Ben's sister. She left behind a beautiful 8-year-old daughter, parents, two brothers, and countless friends and family. The shock hit them hard at how aggressive and completely devastating this disease was. They didn't have time to react to the initial diagnosis because of how aggressive the leukemia was, and how quickly the situation was evolving. Ben made a promise to himself and his sister that he would do what he could to help others who are affected by this horrible disease. He didn't know at the time exactly how and in what capacity, but he knew that he wanted to give his time so that when someone else would hear the word "leukemia," they would have more options, better treatments, and hopefully better outcomes than the Saucedo's had. If you want more information about the Leukemia and Lymphoma Society please get a flyer from my desk.

Please join me in welcoming my friend Ben Saucedo.

INTRODUCTION OF GUESTS

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

A special thank you to the hard working, dedicated and committed professionals in the Capitol Police Force and the Capitol Custodial Team. These professionals are essential to the efficient operation of the building and the many happenings throughout the year which include the legislative session.

Capitol Custodial Team:

Laura Smith (Lead), Mary Alcala, Mike Bronson, Delores Sharp, Vernice Chavez, Tod Anderson, Gloria Pineda, Sheryl Rath, Kevin King, Yun Knight, Eric Steele, Dustin Pederzani, Sarah Meraz, Ryan Medeiros, Larry Miller, Wes Coen, Allan Large, Mark Helton

Capitol Police Force:

Amber Harrington (Captain), Crystal Golightley (LEO III), Terry Golightley (LEO III), Brandon Bichsel (LEO III), Eric Hatcher (LEO III), Tim Tillman (LEO III), Jeff Lee (LEO III), Florencio Chavez, Jr. (LEO II), Ron Ellis (LEO II), Brad Fegan (LEO II), Joshua Franco (LEO II), Christine Herink (LEO II), Scott Herink (LEO II), Lamont Jackson (LEO II), Derrick Mahoney (LEO II), Jeremy Mason (LEO II), Michael Pagel (LEO II), Patrick Salen (LEO II), Jose Saucedo (LEO II), Scott Scheibe (LEO II), Greydon Walker (LEO II), Scott Whitsell (LEO II), Kyle Hoefft (LEO I), J. Britt Humphrey (LEO I), Bryce Manker (LEO I), Aaron Plum (LEO I), Michael Tucker (LEO I), Andrew Adams (LEO I 999), Michael Casey (LEO I 999), Janita Corneluis (LEO I 999), Kent Dean (LEO I 999), Kenneth Dick (LEO I 999), Larry Dixon (LEO I 999), Ronald Hollar (LEO I 999), Richard Hunderfund, Jr. (LEO I 999), Terry Jones

(LEO I 999), Ernest Lang (LEO I 999), Carl Larsen (LEO I 999), Jack Metz (LEO I 999), Michael Rafferty (LEO I 999), Leonard Richter (LEO I 999), Dennis Stallbaumer (LEO I 999), Larry Stallbaumer (LEO I 999), Richard Thompson (LEO I 999)

Thank you for your service supporting the members of the House of Representatives, Senate, Executive Branch, visitors to the Capitol and citizens of Kansas.

Please join me in thanking these professionals.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Burroughs, **HR 6024**, as follows, was introduced and adopted:

HR 6024—A RESOLUTION recognizing Rick Riggs' service to the State of Kansas.
By Representative Burroughs

A RESOLUTION recognizing Rick Riggs for his many years of service and dedication to the State of Kansas.

WHEREAS, Ralph Richard "Rick" Riggs began his honorable career of 43 years with the State of Kansas in 1975, working at the Kansas Department of Corrections, where he worked as a correctional and parole officer; and

WHEREAS, Rick continued his service to Kansas as a management analyst for the Kansas Corporation Commission; and

WHEREAS, In 1984, Rick began his long and storied career in the Kansas Legislative Division of Post Audit as a staff auditor; and

WHEREAS, From 1998 through 2018, Rick served as the Division of Post Audit's Administrative Auditor, where he assisted the Post Auditor in implementing the Division's policies, procedures, and hiring process. He oversaw the Division's auditor training and development, compliance with federal auditing standards, and many other crucial tasks and assignments; and

WHEREAS, During his 35 years of service in the Legislative Division of Post Audit, Rick garnered an extensive understanding of government performance auditing, becoming not only an expert in his office but a respected institutional figure; and

WHEREAS, Working under three Post Auditors, Rick proved to be a crucial and reliable source of information, ensuring effective, efficient, and smooth transitions for incoming Post Auditors and in the overall administration of the Division; and

WHEREAS, Rick earned his Bachelor of Arts in Psychology from Washburn University and his Master's in Public Administration from the University of Kansas. Rick also earned a Project Management Certificate from the Employment Security Systems Institute; and

WHEREAS, Rick is supported in his endeavors by his wife, Perrin, with whom he has co-owned a local dog-training company since 2000: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize Rick Riggs for his many years of service and dedication to the State of Kansas, especially to the Legislative Division of Post Audit, and we wish him all the best during his well-deserved retirement; and

Be it further resolved: Because long-standing public servants are essential to government, the State of Kansas appreciates and celebrates Rick as a dedicated employee and all of his work for the state; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Burroughs.

INTRODUCTION OF GUESTS

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

It is my pleasure this morning to present this resolution recognizing Rick Riggs for forty-three years of service to Kansas.

Rick has been an integral member of our Legislative Post Audit Team and is both admired and respected by his coworkers and legislative committee members. As a sixteen year member, I have served with Rick and have long respected and valued his contributions to our audit process.

Over several decades, Rick has contributed to multiple policy issues with his institutional knowledge and audit recommendations. With his assistance, our Legislative Post Audit has received numerous national awards. I know that many of my colleagues have also appreciated his research and guidance throughout his career.

Please join me in acknowledging Rick's commitment to the Legislative Post Audit and the great State of Kansas. It is my pleasure to again congratulate and recognize Rick Riggs for his forty-three years of service to Kansas.

INTRODUCTION OF GUESTS

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

- 1) How many present can remember Super Bowl I? The inaugural Super Bowl where the Kansas City Chiefs took on the Green Bay Packers? We won't say who won. But Mr. Tom Hedrick was there. He is one of two surviving commentators from Super Bowl I, he was just 32 years old. He did witness the Kansas City Chiefs win their Super Bowl in 1970 where he was a play-by-play announcer.
- 2) Tom is a proud Kansan. He and his wife Lee reside in Baldwin City. He just recently retired as a mass media and communications instructor at his alma mater, Baker University, and has long been the voice of the Baker Wildcats. He also holds a Masters from the University of Kansas.
- 3) Throughout his career, Mr. Hedrick has been a voice in sports broadcasting for the Nebraska Cornhuskers, Kansas Jayhawks, Kansas City Chiefs, Dallas Cowboys, Texas Rangers, the Cincinnati Reds and three Super Bowls.
- 4) Tom spent many years as an announcer for CBS's coverage of the Cotton Bowl and for ABC's WideWorld of Sports.
- 5) Tom Hedrick has been named Kansas Sportscaster of the year six times and Missouri sportscaster of the year once.
- 6) His life-long career in sports broadcasting is so valuable, he wrote a textbook titled, *The Art of Sportscasting*, which is used by eight different universities including the University of Kansas.

We have guests from Baker University here today in the gallery to give witness as we honor an outstanding Kansan. I also want to recognize Tom's wife, Lee, and daughter, Nancy, who join him on the floor. Representative Claeys presented Mr. Hedrick with a framed House certificate in honor of his many accomplishments.

On motion of Rep. Hawkins, the House recessed until 11:15 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tem Finch in the chair.

MESSAGES FROM THE SENATE

The Senate announced the appointment of Senators Suellentrop, Berger, and Bollier to replace Senator Olson, Billinger, and Ware as conferees on **SB 28**

The Senate announced the appointment of Senator Wagle to replace Senator Tyson as a conferee on **HB 2033**.

The Senate announced the appointment of Senators McGinn and Hawk to replace Senators Olson and Ware as conferees on **HB 2203**.

The Senate announced the appointment of Senators Wilborn, Rucker, and Miller to replace Senators Petersen, Goddard, and Pettey as conferees on **HB 2248**.

The Senate adopts the Conference Committee report on **SB 18**.

The Senate adopts the Conference Committee report on **SB 20**.

The Senate adopts the Conference Committee report on **SB 63**.

The Senate adopts the Conference Committee report on **HB 2290**.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2033**, and has appointed Senators Wagle, Kerschen and Holland as Second conferees on the part of the Senate.

CONSENT CALENDAR

No objection was made to **SB 155** appearing on the Consent Calendar for the second day.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2033** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

SUSAN WAGLE

DAN KERSCHEN

Conferees on part of Senate

STEVEN JOHNSON

LES MASON

Conferees on part of House

On motion of Rep. Johnson the conference committee report on **HB 2033** to agree to disagree, was adopted.

Finch thereupon appointed Reps. Johnson, Mason and Gartner as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2223** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 30 and inserting:

"New Section 1. (a) Under the authority of this section and the legislative post audit act, and subject to appropriations therefor, the legislative post audit committee shall direct the post auditor and the division of post audit to conduct a systematic and comprehensive review, analysis and evaluation, under the provisions of the legislative post audit act, of economic development incentive programs, as defined in section 2, and amendments thereto, as selected by the legislative post audit committee. The evaluation procedure established by this section is intended to enhance and facilitate the ability of the legislature to fulfill its responsibility to evaluate and oversee economic development incentive programs. The oversight of economic development incentive programs is intended to remain with the legislature, independent of the legislative post audit committee. This section shall not be construed to limit, in any way, oversight of economic development incentive programs to the legislative post audit committee.

(b) The evaluations shall be considered within the meaning of the term audit for purposes of the legislative post audit act and shall be conducted by the post auditor and the division of legislative post audit pursuant to a schedule developed by the legislative post audit committee, such that all economic development incentive programs shall be reviewed every three years, and new economic development incentive programs shall be reviewed the year after the program commences, and then every three years thereafter. The timing and extent of the evaluations may be subject to adjustment by the legislative post audit committee in a manner consistent with the requirements of this section as necessary to conform with resources available to the post auditor in consideration of the demands of other duties under the legislative post audit act.

(c) In conducting such evaluations, the post auditor and the division of post audit shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under K.S.A. 46-1106(e), and amendments thereto, and shall be subject to the same duty of confidentiality as provided by the legislative post audit act.

(d) Evaluations shall be conducted with the goal of enabling evidence-based policy determinations by the legislature with respect to economic development incentive programs. To the extent reasonably possible, evaluations shall utilize direct and documented evidence and primary-source instead of secondary source data. An evaluation shall include, as directed by the post audit committee:

(1) A description of the economic development incentive program, its history and

its goals;

(2) a literature review of the effectiveness of this type of incentive program, including an inventory of similar incentive programs in other states;

(3) an estimate of the economic and fiscal impact of the incentive program;

This estimate may take into account the following considerations in addition to other relevant factors:

(A) The extent to which the incentive program changes business behavior;

(B) the results of the incentive program for the economy of Kansas as a whole, including both positive direct and indirect impacts and any negative effects on other Kansas businesses;

(C) a comparison with the results of other incentive programs or other economic development strategies with similar goals;

(D) an assessment of whether protections are in place to ensure that the fiscal impact of the incentive program does not substantially increase beyond the state's means or expectations in future years;

(E) an assessment of the incentive program's design and whether the incentive program is being effectively administered in accordance with the program's enacting statute or statutes;

(F) an assessment of whether the incentive program is achieving its goals;

(G) recommendations for any changes to state policy, rules and regulations or statutes that would allow the incentive program to be more easily or conclusively evaluated in the future. These recommendations may include changes to collection, reporting and sharing of data, and revisions or clarifications to the goals of the incentive program;

(H) a return on investment calculation for the economic development incentive program. For purposes of this paragraph, "return on investment calculation" means analyzing the cost to the state or political subdivision for providing the economic development incentive program and analyzing the benefits realized by the state or political subdivision from providing the economic development incentive program;

(I) the methodology and assumptions used in carrying out the reviews, analyses and evaluations required under this subsection, including an analysis of multiplier effects and a critique of the multiplier effect determination methodologies utilized in the evaluation report, including any determinations made using standard industry software models, and any respective limitations or potential effects of such methods on outcomes; and

(J) an analysis of significant opportunity costs of the incentive program at the state and local level;

(4) any other information that the legislative post audit committee deems necessary to assess the effectiveness of the incentive program and whether it is achieving the goals of the incentive program; and

(5) all information, after redaction, as necessary, by the post auditor to remove information confidential under state or federal law, required for publication pursuant to section 3, and amendments thereto, with respect to the economic development incentive program being evaluated.

(e) The post auditor shall prepare and submit a written report with respect to each evaluation to the legislative post audit committee as provided by the legislative post audit act and, in addition, shall prepare and provide any redacted information, with

respect to the economic incentive program evaluated, required for publication by the secretary of commerce pursuant to section 3, and amendments thereto, to the secretary of commerce if such information is not otherwise available to the secretary of commerce.

(f) This section shall be a part of and supplemental to the legislative post audit act.

New Sec. 2. As used in sections 2 and 3, and amendments thereto:

(a) "Administering agency" means the state agency or department charged with administering a particular economic development incentive program, as set forth by the program's enacting statute or, where no department or agency is set forth, the department of revenue.

(b) "Economic development incentive program" means:

(1) Any economic development incentive program administered wholly or in part by the secretary of commerce;

(2) any tax credit program, except for social and domestic tax credits, regardless of the administering agency;

(3) property that has been exempted from ad valorem taxation under the provisions of section 13 of article 11 of the constitution of the state of Kansas;

(4) property that has been purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, that is exempt from ad valorem taxation under K.S.A. 79-201a *Second*, and amendments thereto; and

(5) any economic development fund, including, but not limited to, the job creation program fund established by K.S.A. 74-50,224, and amendments thereto, and the economic development initiatives fund, established by K.S.A. 79-4804, and amendments thereto.

(c) "Enterprise" means a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust or other entity engaged in business.

(d) "Recipient" means the enterprise that is the original applicant for and that receives proceeds from an economic development incentive program directly from the administering agency. "Recipient" includes an enterprise that is no longer solvent due to bankruptcy and a recipient with respect to an economic development project that has failed.

(e) "Social and domestic tax credits" means the adoption credit created pursuant to K.S.A. 79-202a, and amendments thereto, the earned income tax credit created pursuant to K.S.A. 2018 Supp. 79-32,205, and amendments thereto, the food sales tax credit created pursuant to K.S.A. 2018 Supp. 79-32,271, and amendments thereto, the child and dependent care tax credit created pursuant to K.S.A. 2018 Supp. 79-32,111c, and amendments thereto, and the homestead property tax refund created pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

(f) "Tax credit program" means any credit allowed against the tax imposed by the Kansas income tax act, the premium or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 3. (a) The department of commerce shall collect incentive data from

economic development incentive programs that provide more than \$50,000 of annual incentives from administering agencies as required by this section. Such data shall be collected from administering agencies and be stored in a database that is available to the public in a digital format. The database shall contain information from multiple years and must be searchable, printable and available to access over the internet on the department of commerce's website on a permanently accessible web page that may be accessed via a conspicuous link to that web page placed on the front page of the department's website. Information included in the database shall be updated by the department of commerce on an annual basis and such update shall be completed prior to the end of the following fiscal year in which such incentive was earned or distributed.

(b) The database required to be created by subsection (a) shall contain the following information or shall contain a link by which the user can access such information:

(1) User information for each economic development incentive program, including the:

(A) Names and addresses, including county, of recipients receiving benefits from the program and, for sales tax and revenue bonds issued under the STAR bond financing act, K.S.A. 2018 Supp. 12-17,162 et seq., and amendments thereto, the names of principals and officers for each project developer;

(B) annual amount of incentives claimed, distributed to or received by each recipient and any remaining balance of the total amount of incentives claimed or awarded to the recipient;

(C) qualification criteria for the economic development incentive program, including, if available, qualification criteria specific to the recipient. Qualification criteria shall include, but not be limited to, any requirements regarding the number of jobs created or the amount of initial or annual capital improvement;

(D) required benchmarks for continued participation in the economic development incentive program and progress made toward the benchmarks; and

(E) years for which the recipient has received benefits under the economic development incentive program;

(2) descriptive information for each economic development program, which shall include:

(A) A description and history of the program, including its inception date;

(B) the purpose or goals of the program and the criteria for qualification;

(C) applications for the program, if any, and relevant resources or contacts;

(D) the program cost and return on investment, including assumptions used to calculate the return on investment;

(E) the program compliance rate;

(F) annual reports, if required by statute; and

(G) evaluations of the program, if any; and

(3) annual data, which shall be organized by recipient, county and program and shall include the:

(A) Total amount of annual incentives from a program claimed or received by a recipient;

(B) total amount of incentives received by recipients in each county; and

(C) total amount of incentives distributed by each program.

(c) Data collected pursuant to this section must be aggregated and provided by

program, recipient and county.

(d) Except as otherwise provided in this subsection, and notwithstanding any information publication requirements listed in this section, no information shall be disclosed by the secretary of commerce under this section if such disclosure would:

- (1) Violate any federal law;
- (2) violate the confidentiality provisions of any agreement executed before July 1, 2019;
- (3) in the discretion of the secretary of commerce, be detrimental to the development of a STAR bond project or jeopardize an economic development incentive program or project; or
- (4) disclose the names or other personally identifying information of individuals who have made contributions or investments pursuant to the provisions of an economic development incentive program for the purpose of receiving a tax credit.

Information that is otherwise publicly available shall not be considered confidential and shall be subject to publication as provided in this section.

(e) (1) The secretary of commerce shall report in writing to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate any information not disclosed by the secretary pursuant to subsection (d)(3) and the reason the information was not disclosed. Any testimony or oral presentation before the committee or discussion by the committee with respect to the report shall be considered the discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships pursuant to the provisions of K.S.A. 75-4319(b)(4), and amendments thereto, for purposes of the Kansas open meetings act, and shall be closed to the public.

(2) The report of the secretary pursuant to subsection (e)(1) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

New Sec. 4. (a) In addition to any other reports by the secretary of commerce to the legislative post audit committee, the house committee on commerce, labor and economic development or the senate committee on commerce otherwise required by law, each year, commencing in 2020, the secretary of commerce shall make an oral presentation before the legislative post audit committee, the house committee on commerce, labor and economic development and the senate committee on commerce at mutually agreed times during the period from the commencement of the legislative session to the end of January, and shall provide a report to each such committee with respect to each economic development incentive program as defined by section 2, and amendments thereto.

(b) The report shall include the following with respect to each economic development incentive program:

- (1) A summary of the program;
- (2) an annual update;
- (3) an analysis of economic impact data utilizing direct, primary source or auditable data, to the extent such data is reasonably available, and excluding any tertiary or indirect effects of the economic development program; and
- (4) any other information or analysis specified by the committee.

Sec. 5. K.S.A. 2018 Supp. 75-5133 is hereby amended to read as follows: 75-5133.
(a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(g), and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;

(18) release or publish charitable gaming information obtained in charitable gaming licensee and registration applications and renewals in accordance with the Kansas charitable gaming act, K.S.A. 2018 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises;
~~and~~

(19) provide to the attorney general confidential information for purposes of

determining compliance with or enforcing K.S.A. 50-6a01 et seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential; and

(20) disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 6. K.S.A. 2018 Supp. 79-3234 is hereby amended to read as follows: 79-3234.

(a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, ~~subsection (g) of K.S.A. 46-1106(g), K.S.A. 46-1114, or K.S.A. 79-32, 153a,~~ and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of ~~subsection (g)~~ of K.S.A. 46-1106(g) or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the Kansas department of wildlife, parks and tourism to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department for children and families for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the

administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act, K.S.A. 74-4901 et seq., and amendments thereto;

(13) ~~(i)(A)~~ provide taxpayer information of persons suspected of violating K.S.A. 2018 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of ~~subsection (i)(3)(D)~~ of K.S.A. 44-703(i)(3)(D) and K.S.A. 2018 Supp. 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of ~~subsection (i)(3)(D)~~ of K.S.A. 44-703(i)(3)(D) and K.S.A. 2018 Supp. 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not be limited to, withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the results or status of such audit or investigation;

~~(ii)(B)~~ any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

~~(iii)(C)~~ each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns; ~~and~~

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary: (A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such

records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential; and

(16) disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 7. K.S.A. 12-5245 is hereby amended to read as follows: 12-5245. (a) Upon receipt of the approval of the secretary as provided in ~~subsection (e) of K.S.A. 12-5244(c), and amendments thereto,~~ the governing body may proceed with the establishment of the district. Before doing so, the governing body shall adopt a plan for the development or redevelopment of housing and public facilities in the proposed district. Such plan may include plans for one or more projects, and the length of any individual project shall not exceed ~~15~~ 25 years. The plan shall include, but not be limited to, the following:

(1) The legal description and map required by ~~subsection (a) of K.S.A. 12-5244(a), and amendments thereto;~~

(2) the existing assessed valuation of the real estate in the proposed district, listing the land and improvement values separately;

(3) a list of the names and addresses of the owners of record of all real estate parcels within the proposed district;

(4) a description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed district, and the location thereof;

(5) a listing of the names, addresses and specific interests in real estate in the proposed district of the developers responsible for development of the housing and public facilities in the proposed district;

(6) the contractual assurances, if any, the governing body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district; and

(7) a comprehensive analysis of the feasibility of providing housing tax incentives in the district, as provided in this act, ~~which that~~ shows the public benefits derived from such district will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such district. If other sources of public or private funds are to be used to finance the improvements, they shall be identified in the analysis.

(b) Prior to the adoption of the plan and designation of the district, the governing body shall adopt a resolution stating that the governing body is considering such action. The resolution shall provide notice that a public hearing will be held to consider the adoption of the plan and the designation of the district and contain the following elements:

- (1) The date, hour and place of the public hearing;
- (2) the contents of ~~paragraphs (1) through (4) in~~ subsection (a) ~~of this section (1) through (4);~~
- (3) a summary of the contractual assurances by the developer and comprehensive feasibility analysis; ~~and~~
- (4) a statement that the plan is available for inspection at the office of the clerk of the city or county at normal business hours; and
- (5) a statement inviting members of the public to review the plan and attend the public hearing on the date announced in the resolution; ;

(c) The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution. The resolution shall be published at least once in the official newspaper of the city or county, with the final publication being not less than one week or more than two weeks preceding the date fixed for the public hearing.

(d) A certified copy of the resolution shall be delivered to the planning commission of the city or county and the board of education of any school district levying taxes on property within the proposed district. If the resolution is adopted by a city governing body, a certified copy also shall be delivered to the board of county commissioners of the county. If the resolution is adopted by a county governing body, it also shall be delivered to the governing body of any city located within three miles of such proposed district.

Sec. 8. K.S.A. 2018 Supp. 12-5248 is hereby amended to read as follows: 12-5248. (a) (1) Any city or county ~~which that~~ has established a housing incentive district as provided in this act may issue special obligation bonds to finance the implementation of the plan adopted for the district by the governing body. ~~Such The~~ special obligation bonds shall be made payable, both as to principal and interest:

(A) From property tax increments allocated to, and paid into a special fund of the city or county under the provisions of ~~subsection (b) of~~ K.S.A. 12-5250 (b), and amendments thereto;

(B) from revenues of the city or county derived from or held in connection with the implementation of the project or projects in the district;

(C) from any private sources, contributions or other financial assistance from the state or federal government;

(D) from any financial sureties or other guarantees provided by the developer;

(E) from a pledge of any other lawfully available city or county revenue sources, including, but not limited to: ~~(1) (i)~~ A portion of all increased franchise fees collected

from utilities and other businesses using public rights-of-way within the district; or ~~(2)~~ (ii) a portion of the sales and use tax revenues received by the city or county and collected pursuant to K.S.A. 12-187, and amendments thereto; or

(F) by any combination of these methods.

The city or county may pledge ~~such the~~ revenue to the repayment of ~~such the~~ special obligations bonds prior to, simultaneously with, or subsequent to the issuance of ~~such the~~ special obligation bonds.

(2) Bonds issued under this subsection shall not be general obligations of the city or county, ~~not nor~~ in any event shall they give rise to a charge against the general credit or taxing powers of the city or county, or be payable out of any funds or properties other than any of those set forth in this subsection. ~~Such~~ The bonds shall ~~so~~ state such information on their face.

(3) The bonds issued under the provisions of this subsection shall be special obligations of the city or county and are declared to be negotiable instruments. The bonds shall be executed by the mayor and clerk of the city or, in the case of counties, by the chairman of the board of county commissioners and clerk of the county, and shall be sealed with the corporate seal of the city or the seal of the county. All details pertaining to the issuance of ~~such the~~ special obligation bonds shall be determined by ordinance of the city or resolution of the county. All special obligation bonds issued pursuant to this act shall be exempt from all state taxes. The special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. The special obligation bonds shall contain the following recitals, ~~viz.:~~ The authority under which ~~such the~~ special obligation bonds are issued; that they are in conformity with the provisions, restrictions and limitations thereof; and that ~~such the~~ special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in paragraph (1) ~~of this subsection~~.

(4) The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed ~~15~~ 25 years.

(5) Any city or county issuing special obligation bonds under the provisions of this act may refund all or part of ~~such the~~ issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(b) In the event the city or county shall default in the payment of any special obligation bonds as authorized pursuant to ~~paragraph (1) of subsection (a)~~ (1) of this section, and amendments thereto, no public funds shall be used to pay the holders thereof except as otherwise specifically authorized in this act.

(c) Any and all terms, conditions, exclusions and limitations ~~which that~~ are otherwise applicable to bonds issued by authority of K.S.A. 12-1774, and amendments thereto, shall also be applicable to bonds issued pursuant to this section.

Sec. 9. K.S.A. 12-5250 is hereby amended to read as follows: 12-5250. (a) All taxable tangible property located within a district established in accordance with this act shall be assessed and taxed for ad valorem tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all ad valorem taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected. Except as otherwise provided in this section, the county treasurer shall distribute such taxes as may be collected in the same manner as if such property were located outside the district. Each district established under the provisions of this act shall constitute a

separate taxing unit for the purpose of the computation and levy of taxes.

(b) Beginning with the first payment of taxes ~~which that~~ are levied following the date of the approval of any district in accordance with this act, and amendments thereto, real property taxes received by the county treasurer resulting from taxes which are levied subject to the provisions of this act by and for the benefit of a taxing subdivision on property located within such district constituting a separate taxing unit under the provisions of this section, shall be divided as follows:

(1) From the taxes levied each year subject to the provisions of this act by or for each taxing subdivisions upon property located within a district constituting a separate taxing unit under the provisions of this act, the county treasurer first shall allocate and pay to each such taxing subdivision all of the real property taxes collected which are produced from that portion of the current assessed valuation of such real property located within such separate taxing unit which is equal to the total assessed value of such real property on the date of the establishment of the district.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within a district and constituting a separate taxing unit under the provisions of this section in excess of an amount equal to the total assessed value of such real property on the effective date of the establishment of the district shall be allocated and paid by the county treasurer to the treasurer as follows:

(A) In districts established by a city, the amount shall be paid to the treasurer of the city and deposited in a special fund of the city to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such city to finance, in whole or in part, such housing project.

(B) In districts established by a county, the amount shall be deposited by the county treasurer in a special fund of the county to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such county to finance, in whole or in part, such housing project. If such special obligation bonds and interest thereon have been paid before the completion of a project, the city or county may continue to use such moneys for any purpose authorized by this act until such time as the project is completed, but for not to exceed ~~15~~ 25 years from the date of the establishment of the district. When such special obligation bonds and interest thereon have been paid and the project is completed, all moneys thereafter received from real property taxes within such district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes.

(c) Notwithstanding any other provision of law, it is hereby stated that is an object of all ad valorem taxes levied by or for the benefit of any taxing subdivision on taxable tangible real property located within any district created pursuant to this act, that such taxes may be applied and allocated to and when collected paid into a special fund of a city or county pursuant to the procedures and limitations of this act to pay the cost of a project including principal of and interest on special obligation bonds issued by such city or county to finance, in whole or in part, such project.

Sec. 10. K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 1 through 3 and inserting:

"AN ACT concerning economic development; relating to economic development incentive program evaluations; disclosure of economic development incentive program

data; economic development incentive financing to address rural housing shortages; amending K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and repealing the exiting sections.";

And your committee on conference recommends the adoption of this report.

JULIA LYNN

MARY PILCHER-COOK

TOM HOLLAND

Conferees on part of Senate

SEAN TARWATER

KEN CORBET

STAN FROWNFEELER

Conferees on part of House

On motion of Rep. Williams, the conference committee report on **HB 2223** was adopted.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Frownfelter, Samsel.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Blake Carpenter moved pursuant to House Rule 2303, that the House reconsider its previous action of failing to override the Governor's veto on **SB 67** and the bill be returned to that order bussiness Consideration of Vetoes.

On roll call, the vote was: Yeas 83; Nays 41; Present but not voting: 0; Absent or not voting: 1.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highland, Hineman, Hoffman,

Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kessinger, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Frownfelter.

The motion did not prevail.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with House Rule 1309, Rep. Woodard moved that **HB 2068** be withdrawn from Committee on Federal and State Affairs and be placed on the calendar under the order of business General Orders.

On motion of Rep. Hawkins, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Finch in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2419, AN ACT reconciling conflicting amendments to certain statutes; amending K.S.A. 2016 Supp. 41-102, as amended by section 2 of chapter 99 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413, 38-2212, 38-2232, 38-2242, 38-2243, 39-1431, 79-32,117 and 79-3602 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2232, as amended by section 24 of chapter 46 of the 2016 Session Laws of Kansas, 38-2242, as amended by section 25 of chapter 46 of the 2016 Session Laws of Kansas, and 38-2243, as amended by section 26 of chapter 46 of the 2016 Session Laws of Kansas; K.S.A. 2016 Supp. 41-102, as amended by section 10 of 2019 Senate Bill No. 70; K.S.A. 2017 Supp. 79-3602, as amended by section 5 of chapter 8 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413a, 22-3302a, 38-2212a, 39-1431a and 79-32,117p. , by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Patton, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 28**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 28** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

Conferees on part of House

GENE SUELLENTROP

EDWARD BERGER

Conferees on part of Senate

On motion of Rep. Patton the conference committee report on **SB 28** to agree to disagree, was adopted.

Finch thereupon appointed Reps. Patton, Ralph and Carmichael as second conferees on the part of the House.

On motion of Rep. Hawkins, the House recessed until 5:30 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker Finch in the chair.

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **SB 28**, and has appointed Senators Suellentrop, Berger and Bollier as Second conferees on the part of the Senate.

POINT OF ORDER

Rep. Helgeson rose on a point of order concerning the appropriations process.

REPORT ON ENGROSSED BILLS

HB 2223 reported correctly engrossed May 2, 2019.

On motion of Rep. Hawkins, the House adjourned until 10:00 a.m., Friday, May 3, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

