

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 23, 2015, 10:00 a.m.

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

COMMUNICATIONS FROM STATE OFFICERS

I, KRIS KOBACH, Secretary of State of the State of Kansas, do hereby certify that Gregory Lewis was appointed by the Governor effective March 23, 2015, for the unexpired term One-Hundred Thirteenth District of the Kansas House of Representatives, to fill the vacancy created by the resignation of Basil Dannebohm, and was administered the following oath of office on March 23, 2015.

State of Kansas
County of Shawnee}SS.

I, Gregory Lewis, do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of Kansas House of Representatives, District 113, so help me God.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and cause to be affixed my official seal this 23rd day of March, A.D. 2015.

KRIS KOBACH
Secretary of State
ERIC RUCKER
Assistant Secretary of State

Speaker Merrick welcomed Rep. Lewis to the House of Representatives.
The House is again organized with 125 members.

The roll was called with 124 members present.
Rep. Kelley was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God in heaven,
 Thank You for this beautiful day
 and a new week that promises to be a busy one.
 May we not be shocked at what lies ahead
 nor shocked by potential controversy.
 In all our discussion and debate
 help us to speak kind words and
 avoid harsh words that may shock others.
 Help us to be encouraging to one another,
 not shocking or provoking.
 Help us to work together to keep composure.
 None of us are shocked about the
 decisions that are to be made.
 Nor will we be shocked when You grant
 wisdom, direction and common sense to each one.
 May we not be shocked at the outcome of our work
 as some may have been shocked of the outcome
 of a game yesterday.
 Lord, I know this prayer does not come as a shock to You,
 nor is it shocking to You that I would pray this in Your Name,
 Amen.

The Pledge of Allegiance was led by Rep. Curtis.

INTRODUCTION OF GUESTS

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

I have with me today the 2015 Class 2A State Scholars Bowl Champions from Yates Center. This is the second year in a row that the Wildcats have brought home the championship trophy from the state meet. Members of the team are: Rhett Stratman, Andrew Pringle, Drake Busted, Hayden Splechter, Charles Hess, Mikey Bruner, and their teacher and coach, Collette Jacobs.

I feel very positive about the quality of education we are providing in the 13th District. There is no doubt that every teacher and administrator these young people have been in contact with throughout their academic upbringing have had a part in making this award possible.

Congratulations to this team and to the Yates Center School District.

Rep. Hibbard presented a framed House certificate to the team and coach.

INTRODUCTION OF GUESTS

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

Today I am proud to recognize the Boys 6A High School State Football Champions, the Shawnee Mission East Lancers. With me today are Head Coach Dustin Delaney, Assistant Coach Chip Ufford, Senior Team Members Gunnar England, Clark Doerr, Will Oakley, Alec Dean, Jackson Gossick, Sam Huffman, Kyle Ball, Sam Pottenger, James Wooldridge, Tyler Maxwell, Jackson Lovelace, and Principal John McKinney. I am pleased to recognize the team for bringing home the first state football championship in our 56-year school history. This achievement is a testament not just to skill on the gridiron, but also the many benefits of high school activities have on character development. Among this group we have 22 academic honor award winners, and 9 Eagle Scouts. The team engaged in a variety of community service projects such as landscape work for Hope House, working at the Harvesters Food Pantry and reading to elementary school students in our district. Through it all they learned the value of teamwork, grit and determination. Their run at the championship began last year when they made it to the final game based on a season of improbable Hail Mary plays, and late conversions. They learned never to give up on themselves, and to believe in the power of perseverance. This year, their 13-0 championship season hinged on a gutsy double overtime 2 point conversion in the semi-final game. Please join me in honoring the 2014 6A State Football Champion Shawnee Mission East Lancers.

INTRODUCTION OF GUESTS

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

Today I would like to introduce Robert Moran, head coach of the Clay Center High School Tigers volleyball team as well as high school Counselor and Athletic Director. Coach Vince Lombardi once said, "The quality of a person's life is in direct proportion to their commitment to excellence, regardless of their chosen field of endeavor. Coach Moran is a quality coach, a quality counselor and a quality person but today we are recognizing him as the 2014 class 4A division 2 Volleyball Coach of the Year. His coaching career spans 20 years, 15 at the high school level with a record of 371 wins and 170 losses. Coach Moran attributed a hard-working core of senior girls who played together through middle school and high school as the key to winning the class 4A -Division 2 State Volleyball Championship.

Accompanying Coach Moran are Seniors Macey Dieckman, Emily Ebert, Mack Edmundson, Macy Franson, Kelsey Jones, Amanda Roth and Lorren Williams, Juniors Courtney Hammel, and Hannah Swihart and Sophomores Megan Blake, Samantha Carson, Taylor Humphrey, and Lauren Lane. The hard work and discipline these girls demonstrate on the court is also evident in the classroom. The cumulative grade point average of these 13 young ladies is 3.84. Incidentally many (all) of these girls were also members of the CCCHS basketball team which placed third at the State Tournament this year.

Please join me in congratulating Kansas Coach of the Year, Robert Moran, and the Clay Center Community High School State Volleyball Championship team.

Rep. Swanson presented a framed House certificate to the team and coach.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2417, AN ACT concerning abortion; prohibiting decapitation of unborn children, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 161**.

Judiciary: **SB 86**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2002**, **HB 2054** from Committee on Appropriations and rereferral to Committee on Judiciary.

MESSAGES FROM THE SENATE

Announcing passage of **SB 42**, **SB 98**, **Sub SB 155**, **SB 175**, **SB 193**, **SB 246**, **SB 276**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 42, **SB 98**, **Sub SB 155**, **SB 175**, **SB 193**, **SB 246**, **SB 276**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Vickrey, **HR 6021**, by Reps. Merrick and Burroughs, as follows, was introduced and adopted:

HR 6021— A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2015 regular session of the legislature shall occupy the same seats assigned pursuant to 2015 House Resolution No. 6002 with the following exception: Lewis, seat No. 106.

CONSENT CALENDAR

No objection was made to **SB 8** appearing on the Consent Calendar for the first day.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 73**, **SB 150** be passed.

Committee report to **HB 2112** be adopted; and the bill be passed as amended.

Committee report to **SB 108** be adopted; and the bill be passed as amended.

Committee report to **SB 127** be adopted; and the bill be passed as amended.

Committee report to **SB 124** be adopted; also, on motion of Rep. Kuether, **SB 124** be amended on page 8, in line 11, after "resources" by inserting ", utilities"; in line 12, after "resources" by inserting ", energy and environment"; and the bill be passed as amended.

Committee report to **SB 154** be adopted; also on motion of Rep. Frownfelter to amend **SB 154**, the motion did not prevail. Also, on further motion of Rep. Frownfelter to amend, rose and reported progress.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 70** be amended on page 1, in line 18, after the period by inserting "If such applicant is employed by a school district, such school district may pay such fee on behalf of such applicant.";

On page 2, in line 5, after "(c)" by inserting "The school district may pay for the cost of the criminal history records check or may require"; also in line 5, by striking "shall" and inserting "to"; in line 6, by striking "for the criminal history records check";

On page 7, in line 37, by striking all after the period; in line 38, by striking all before the period and inserting "The public innovative district may pay for the cost of the criminal history records check or may require each person subject to the provisions of this subsection to pay a fee in an amount necessary to reimburse the public innovative district for the cost of the criminal history records check";

On page 1, in the title, in line 1, by striking "teachers" and inserting "schools"; also in line 1, after "to" by inserting "employee"; also in line 1, by striking "and"; in line 2, by striking all before the semicolon; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 105** be passed.

Committee on **Judiciary** recommends **SB 157** be passed.

Committee on **Judiciary** recommends **SB 11** be amended on page 8, in line 14, by striking "regardless of" and inserting "if"; in line 15, after "damage" by inserting "exceeds \$5,000"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 59** be amended on page 1, in line 10, by striking "wildlife and parks"; in line 11, after "violations" by inserting "of the wildlife, parks and tourism laws of this state or rules and regulations adopted thereunder"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 149** be amended on page 9, by striking all in lines 19 through 43;

By striking all on pages 10 through 15;

On page 16, by striking all in lines 1 through 3; in line 30, by striking "(d), (e), (f), (h), (i) and (j)" and inserting "(e), (f) and (g)";

On page 34, in line 31, by striking "59-29a08,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking "59-29a08,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 183** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2014 Supp. 60-2403 is hereby amended to read as follows: 60-

2403. (a) (1) Except as provided in subsection (b) ~~or (d)~~, if a renewal affidavit is not filed or if execution, including any garnishment proceeding, support enforcement proceeding or proceeding in aid of execution, is not issued, within five years from the date of the entry of any judgment in any court of record in this state, including judgments in favor of the state or any municipality in the state, or within five years from the date of any order reviving the judgment or, if five years have intervened between the date of the last renewal affidavit filed or execution proceedings undertaken on the judgment and the time of filing another renewal affidavit or undertaking execution proceedings on it, the judgment, including court costs and fees therein shall become dormant, and shall cease to operate as a lien on the real estate of the judgment debtor. When a judgment becomes and remains dormant for a period of two years, it shall be the duty of the judge to release the judgment of record when requested to do so.

(2) A "renewal affidavit" is a statement under oath, signed by the judgment creditor or the judgment creditor's attorney, filed in the proceedings in which the judgment was entered and stating the remaining balance due and unpaid on the judgment.

(3) A "support enforcement proceeding" means any civil proceeding to enforce any judgment for payment of child support or maintenance and includes, but is not limited to, any income withholding proceeding under the income withholding act, K.S.A. 2014 Supp. 23-3101 et seq., and amendments thereto, any contempt proceeding and any civil proceeding under the uniform interstate family support act, K.S.A. 2014 Supp. 23-36,101 et seq., and amendments thereto.

(b) Except for those judgments which have become void as of July 1, 2007, no judgment for the support of a child shall be or become dormant for any purpose except as provided in this subsection. Except for those judgments which have become void as of July 1, 2015, no judgment for court costs, fees, fines or restitution shall be or become dormant for any purpose except as provided in this subsection. If a judgment would have become dormant under the conditions set forth in subsection (a), the judgment shall cease to operate as a lien on the real estate of the judgment debtor as of the date the judgment would have become dormant, but the judgment shall not be released of record pursuant to subsection (a).

(c) The time within which action must be taken to prevent a judgment from becoming dormant does not run during any period in which the enforcement of the judgment by legal process is stayed or prohibited.

~~(d) If a renewal affidavit is not filed or if execution is not issued, within 10 years from the date of the entry of any judgment of restitution in any court of record in this state, the judgment, including court costs and fees therein shall become dormant, and shall cease to operate as a lien on the real estate of the judgment debtor. Except as provided in subsection (b), when a judgment becomes and remains dormant for a period of two years, it shall be the duty of the judge to release the judgment of record when requested to do so.;~~

Also on page 1, in line 7, by striking "office of judicial administration" and inserting "judicial administrator";

On page 2, in line 9, by striking all after "the"; in line 10, by striking "administration" and inserting "judicial administrator"; in line 26, by striking "office of judicial administration" and inserting "judicial administrator";

On page 7, in line 40, after "Supp." by inserting "60-2403,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "debtors of the state" and inserting "courts"; also in line 1, after "to" by inserting " court costs, fees, fines and restitution;" in line 2, after "Supp." by inserting "60-2403,,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 184** be amended as recommended by House Committee on Judiciary as reported in the Journal of the House on March 19, 2015, and the bill as printed as **SB 184** be further amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 184," as follows:

"House Substitute for SENATE BILL NO. 184

By Committee on Judiciary

"AN ACT concerning driver's licenses; requiring certain individuals to enter into a payment plan to receive restricted driving privileges; amending K.S.A. 2014 Supp. 8-2110 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 184** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 206** be amended on page 2, by striking all in line 33; in line 34, by striking all before the semicolon and inserting "court costs and costs incurred in investigating the violation"; following line 36, by inserting:

"(5) In any enforcement action under this section, if the court finds that any of the provisions of K.S.A. 45-215 et seq., and amendments thereto, were violated, such court:

(A) Except as provided in subsection (c)(5)(B), may require the public agency to pay the attorney general's reasonable attorney fees; and

(B) shall require the public agency to pay the attorney general's reasonable attorney fees, if the public agency's violation was not made in good faith and without a reasonable basis in fact or law.";

On page 3, in line 32, after "public" by inserting "body or"; in line 35, after "public" by inserting "body or"; in line 36, after "public" by inserting "body or"; in line 37, after "public" by inserting "body or";

On page 4, in line 3, after "public" by inserting "body or"; in line 6, after "public" by inserting "body or"; in line 11, after "public" by inserting "body or"; in line 13, after "public" by inserting "body or"; in line 28, after "public" by inserting "body or"; in line 30, after "public" by inserting "body or"; in line 38, after "public" by inserting "body or";

On page 5, in line 1, after "public" by inserting "body or"; by striking all in line 2; in line 3, by striking all before the semicolon and inserting "court costs and costs incurred in investigating the violation"; following line 5, by inserting:

"(4) In any enforcement action under this section, if the court finds that any of the provisions of K.S.A. 75-4317 et seq., and amendments thereto, were violated, such court:

(A) Except as provided in subsection (c)(4)(B), may require the public body or agency to pay the attorney general's reasonable attorney fees; and

(B) shall require the public body or agency to pay the attorney general's reasonable attorney fees, if the public body or agency's violation was not made in good faith and without a reasonable basis in fact or law.";

Also on page 5, in line 7, after "public" by inserting "body or";

On page 6, following line 34, by inserting:

"Sec. 10. K.S.A. 2014 Supp. 45-221 is hereby amended to read as follows: 45-221.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2014 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2014 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this

subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption

shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set

forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to ~~subsection (b) of~~ K.S.A. 40-409**(b)**, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under ~~subsection (a) of~~ K.S.A. 40-2,156**(a)**, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability

partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with ~~subsection (h)(1) of~~ K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2014 Supp. 21-5111, and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, ~~a district attorney or county attorney or an assistant district attorney or assistant county attorney~~, special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request

to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.";

On page 9, in line 4, after "a" by inserting "public"; in line 40, by striking "agency or"; also in line 40, after "body" by inserting "or agency";

On page 11, in line 5, after "Supp." by inserting "45-221,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "Supp." by inserting "45-221,"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 247** be passed.

Committee on **Transportation** recommends **SB 215** be amended on page 4, following line 6, by inserting:

"Sec. 2. K.S.A. 8-143e is hereby amended to read as follows: 8-143e. The county treasurer shall issue to the owner a registration receipt on each application for a truck or truck tractor license. The registration application and receipt shall be in such number and contain such information as the division shall determine. Except as provided by K.S.A. 8-142 First, and amendments thereto, a copy of the registration receipt shall be carried in the cab of such truck or truck tractor during all the time the same is operated on the highways of this state. Any truck or truck tractor for which the owner has declared the maximum gross weight to be more than ~~twelve thousand (12,000)~~ 12,000 pounds shall have painted or otherwise durably marked on ~~said the~~ vehicle on both sides ~~thereof~~, in plain letters not less than two ~~(2)~~ inches in height and with not less than ~~one fourth (1/4)~~ 1/4 inch stroke, the gross weight for which ~~said the~~ vehicle is licensed, and the name and address of the owner or lessee ~~thereof~~. ~~Provided, That,~~ If the division ~~shall find~~ finds that any insignia or trademark painted or otherwise durably marked on any such vehicle is sufficient to properly show the gross weight for which ~~said the~~ vehicle is licensed and to identify the owner and show the address of the owner ~~thereof~~, the division may issue a permit authorizing the use of such insignia or trademark. ~~Provided further, That,~~ A vehicle registered as a farm truck or truck tractor shall not be

required to be so painted or marked. When such painting or marking shall become illegible, the same shall be repainted or remarked, as herein required.";

Also on page 4, in line 7, before "K.S.A" by inserting "K.S.A. 8-143e and"; also in line 7, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 8-143e and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **SB 112** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 112," as follows:

"House Substitute for SENATE BILL NO. 112

By Committee on Veterans, Military and Homeland Security

"AN ACT concerning military service members and military spouses; expedited professional credentialing; amending K.S.A. 2014 Supp. 48-3406 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 112** was thereupon introduced and read by title.)

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Mast to replace Rep. Highland on Committee on Education for March 23. Rep. Highland will resume his membership on March 24.

On motion of Rep. Vickrey, the House recessed until 1:30 p.m..

AFTERNOON SESSION

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Proehl, the House nonconcurrred in Senate amendments to **HB 2006** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

On motion of Rep. Ryckman, the House nonconcurrred in Senate amendments to **HB 2010** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Ryckman, Schwartz and Henry as conferees on the part of the House.

On motion of Rep. Proehl, the House nonconcurrred in Senate amendments to **HB 2044** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

On motion of Rep. Proehl, the House nonconcurrred in Senate amendments to **S Sub**

for **HB 2090** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **HB 2231** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Schwartz, Boldra and Victors as conferees on the part of the House.

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **HB 2364** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Schwartz, Boldra and Victors as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Schwab, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on motion of Rep. Frownfelter to amend **SB 154** (see page 487). The motion did not prevail.

Also, on motion of Rep. Ward to amend **SB 154**, Rep. Suellentrop requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2054** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2054," as follows:

"Substitute for HOUSE BILL NO. 2054

By Committee on Judiciary

"AN ACT enacting the public speech protection act."; and the substitute bill be passed.

(**Sub HB 2054** was thereupon introduced and read by title.)

Committee on **Veterans, Military and Homeland Security** recommends **SB 12** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 12," as follows:

"House Substitute for SENATE BILL NO. 12

By Committee on Veterans, Military and Homeland Security

"AN ACT concerning crimes, punishment and criminal procedure; relating to service members of the United States armed forces; diversion; sentencing;; amending K.S.A. 2014 Supp. 12-4415, 21-6630, 21-6815 and 22-2908 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 12** was thereupon introduced and read by title.)

CHANGE OF CONFEREES

Speaker Merrick announced the appointment of Rep. Highberger as a member of the conference committee on **SB 113** to replace Rep. Carmichael.

REPORT ON ENROLLED BILLS

HB 2053 reported correctly enrolled, properly signed and presented to the Governor on March 23, 2015.

REPORT ON ENROLLED RESOLUTIONS

HR 6019 reported correctly enrolled and properly signed on March 23, 2015.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Tuesday, March 24, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

