

# Journal of the House

THIRTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 26, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 122 members present.  
Reps. McKinney and Neufeld were excused on legislative business.  
Rep. K. Wolf was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,  
We read in Your Word,  
“Whoever can be trusted with very little can also be trusted with much,  
and whoever is dishonest with very little will also be dishonest with much.”  
*(Luke 16:10)*  
Lord, the lesson here is that we who make decisions regarding money,  
need to be wise, trustworthy, and accountable.  
Many of the bills we consider are those which call for decisions on  
when, how, and where money is spent.  
Please give us wisdom,  
keep us honest,  
and may we prove to be good stewards of all You have provided us.  
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Treaster.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2936**.  
Commerce and Labor: **HB 2937**.  
Elections and Governmental Organization: **HB 2935**.  
Taxation: **HB 2938**.

## MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **Sub. SB 89**, requests a conference and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.  
The Senate nonconcurrs in House amendments to **H. Sub. for SB 359**, requests a conference and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **Sub. SB 89**.  
Speaker pro tem Dahl thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 359**.

Speaker pro tem Dahl thereupon appointed Reps. Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

#### CONSENT CALENDAR

No objection was made to **HB 2827** appearing on the Consent Calendar for the first day. No objection was made to **HB 2908** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2824; SB 447** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2824**, An act amending the railroad leasing act; concerning track leases; amending K.S.A. 2007 Supp. 66-532 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Faust-Goudeau, McKinney, Neufeld, K. Wolf.

The bill passed.

**SB 447**, An act concerning agriculture; relating to the agricultural and specialty chemical remediation act; increasing reimbursement limits; extending deposit loan program; amending K.S.A. 2-3708, 2-3713 and 2-3714 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Faust-Goudeau, McKinney, Neufeld, K. Wolf.

The bill passed.

**HB 2642.** An act concerning the commission on judicial performance; relating to access to court records; immunity from liability; amending K.S.A. 20-3202, 20-3204, 20-3205, 20-3206, 25-4169a, 59-2122, 60-3104 and 60-31a04 and K.S.A. 2007 Supp. 38-2211, 38-2309 and 59-2979 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 20; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, King, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Faber, Hodge, Huebert, Kelley, Kiegerl, Kinzer, Knox, Mast, Masterson, Merrick, Olson, Ward, Watkins.

Present but not voting: None.

Absent or not voting: McKinney, Neufeld, K. Wolf.

The bill passed as amended.

**HB 2644.** An act concerning conservators and guardians; relating to the appointment thereof; amending K.S.A. 59-3051, 59-3056, 59-3058, 59-3061, 59-3062, 59-3068 and 58-3069 and K.S.A. 2007 Supp. 59-3059, 59-3060 and 59-3083 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: McKinney, Neufeld, K. Wolf.

The bill passed as amended.

**HB 2758.** An act concerning schools; relating to cyberbullying, school district policies; amending K.S.A. 2007 Supp. 72-8256 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller,

McLachlan, McLeland, Menghini, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Aurand, Crum, Grange, Hodge, Huebert, Humerickhouse, Knox, Metsker, Otto, Peck, Powell, Treaster, Whitham.

Present but not voting: None.

Absent or not voting: McKinney, Neufeld, K. Wolf.

The bill passed as amended.

**HB 2768.** An act concerning public health; relating to removal of dead bodies; amending K.S.A. 2007 Supp. 65-1753 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: McKinney, Neufeld, K. Wolf.

The bill passed as amended.

**HB 2816.** An act concerning school districts; relating to school safety violations; amending K.S.A. 2007 Supp. 72-89c01 and 72-89c02 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: McKinney, Neufeld, K. Wolf.

The bill passed as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Watkins in the chair.

**COMMITTEE OF THE WHOLE**

On motion of Rep. Watkins, Committee of the Whole report, as follows, was adopted:  
 Recommended that **HB 2698** be passed over and retain a place on the calendar.  
 Committee report to **HB 2570** be adopted; and the bill be passed as amended.  
 Committee report to **HB 2695** be adopted; and the bill be passed as amended.  
 Committee report to **HB 2804** be adopted; and the bill be passed as amended.  
 Committee report recommending a substitute bill to **Sub. HB 2757** be adopted; and the substitute bill be passed.

Committee report to **HB 2648** be adopted; also, on motion of Rep. O'Neal be amended on page 1, in line 42, by striking all after "members";

On page 2, in line 11, by striking all after the second comma; in line 12, by striking "and"; and **HB 2648** be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce and Labor** recommends **HB 2746** be amended on page 3, in line 19, by striking all after "(2)"; by striking all in lines 20 and 21; in line 22, by striking all before the semicolon and inserting the following:

"(A) Whether an applicant has committed any of the following during the term of any prior real estate license:

(i) A violation of any of the practices enumerated in K.S.A. 58-3062, and amendments thereto;

(ii) a violation of this act or rules and regulations adopted hereunder; or

(iii) a violation of the brokerage relationships in real estate transactions act, K.S.A. 58-30,101 et seq., and amendments thereto;

(B) whether an applicant has been finally adjudicated and a determination was made by a federal, state or other appropriate licensing body that the applicant committed any violation that is comparable to a violation in subparagraph (A) during the term of any real estate license issued to the applicant by another jurisdiction";

On page 10, in line 35, by striking all after the stricken material; by striking all in line 36; in line 37, by striking "(2)";

And by renumbering the remaining subparagraphs accordingly;

On page 11, in line 30, by striking "or attempt to represent";

On page 12, by striking all in lines 11 through 14 and inserting the following:

"(20) fail to respond in a timely manner to any request from the commission or the commissioner's designee for documents or information that concerns directly or indirectly any real estate transaction or the licensee's real estate business.";

And by renumbering the remaining paragraphs accordingly;

On page 14, after line 21, by inserting the following:

"(6) Fail to submit to the supervising broker or branch broker, within 10 business days, any document that must be maintained in the supervising broker's or branch broker's business records for each real estate transaction. The 10-day period shall commence when the document is executed by the client or customer or, if a signature is not required or is not obtained, upon presentation of a document to the client or customer.";

On page 16, in line 3, after "(e)" by inserting "No licensee shall:

(1) Threaten to engage in or engage in physical abuse towards a client, customer or another licensee;

(2) threaten to file a lien on residential property;

(3) engage in harassment towards a client, customer or another licensee;

(4) conduct real estate business with impaired judgment or objectivity as the result of mental illness or addiction to alcohol or controlled substances;

(5) be finally adjudicated by a federal or state agency and found to be guilty of a violation of a federal or state law regulating the real estate industry or regulating a closely related industry whose licensees or members are commonly involved in real estate matters;

(6) be finally adjudicated by a federal or state agency and found to be guilty of a violation of a federal or state law prohibiting discrimination against any client or customer on the basis of color, race, gender, religion, national origin, age, disability or familial status; or

(7) intentionally misappropriate or misuse any personal property or real property of a client or customer.

(f)";

And by relettering the remaining subsection accordingly;

Also on page 16, in line 12, by striking all after "licensee"; in line 13, by striking "broker or a principal,";

On page 17, in line 12, by striking "can" and inserting "cannot"; in line 17, by striking "broker,"; in line 18, by striking "associate broker or salesperson" and inserting "licensee"; in line 21, by striking "purchasing" and inserting "purchase"; in line 24, by striking all after "estate"; in line 25, by striking "salesperson" and inserting "licensee";

On page 18, in line 23, by striking "or (20)" and inserting ", (20) or (25)"; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2826** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2826," as follows:

"Substitute for HOUSE BILL No. 2826

By Committee on Commerce and Labor

"AN ACT concerning homeowners' associations and associations of apartment owners; relating to certain duties, required procedures, attorney fees, dispute resolution and duties of the attorney general."; and the substitute bill be passed.

(**Sub. HB 2826** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **HB 2672** be amended on page 1, in line 17, before "health" by inserting "Kansas";

On page 2, in line 16, by striking "(1)";

On page 3, by striking all in lines 37 through 43;

By striking all on pages 4 through 6;

On page 7, by striking all in lines 1 through 16; in line 18, by striking "(a)"; in line 22, before "health" by inserting "Kansas"; by striking all in lines 27 through 43;

On page 8, in line 1, by striking "65-425, 65-431, 65-433," and inserting "and"; in line 2, by striking "and 65-436";

In the title, in line 10, by striking "65-425, 65-431, 65-433," and inserting "and"; in line 11, by striking "and 65-436"; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2675** be amended on page 5, preceding line 35, by inserting the following:

"Sec. 4. K.S.A. 2007 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, 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 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 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 program administered by the secretary of commerce;

(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 department of wildlife and parks 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 of social and rehabilitation services 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 pari-mutuel 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 at K.S.A. 74-4901 et seq., and amendments thereto; ~~and~~

(13) provide taxpayer information of persons suspected of violating K.S.A. 2007 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2007 Supp.

44-766, and amendments thereto, which information shall 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., as amended, and the results or status of such audit or investigation; and

*(14) provide taxpayer information to the commissioner of insurance for the purpose of providing notices as required by section 1, 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) 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.”;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 35, by striking “and” and inserting a comma; also in line 35, preceding “are” by inserting “and 79-3234”;

In the title, in line 11, by striking “and” where it appears for the first time, and inserting a comma; also in line 11, following “40-4909” by inserting “and 79-3234”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2686** be amended on page 1, in line 21, by striking “conduct” and inserting “regulation”; in line 22, by striking all following “company” and inserting “doing”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2845**, **HB 2873** be passed.

Committee on **Judiciary** recommends **HB 2732** be amended on page 4, in line 26, after the period by inserting “The sentencing judge shall not impose a downward dispositional departure sentence for any crime of extreme sexual violence, as defined in K.S.A. 21-4716, and amendments thereto.”; in line 27, by striking “dispositional or”; in line 28, by striking “without a signed written agreement by the”; in line 29, by striking “prosecutor”; in line 30, by striking “. Such downward durational departure”; in line 31, by striking “sentence shall be no” and inserting “, to”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2850** be amended on page 2, in line 18, by striking “(d)(1)” and inserting “(f)(1)”; in line 41, by striking all after “(d)”; by striking all in lines 42 and 43;

On page 3, by striking all in lines 1 and 2 and inserting “In a criminal proceeding under this section, a person claiming an exemption, exception or exclusion has the burden of going forward with evidence of the claim.”; in line 3, after the “(e)” by inserting “The present incarceration of a person alleged to be violating this section shall not be a bar to prosecution under this section.

(f)”;

Also on page 3, in line 41, by striking “(f)” and inserting “(g)”;

and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2018** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2018,” as follows:

”Substitute for HOUSE BILL No. 2018

By Committee on Taxation

“AN ACT creating the state court of tax appeals and abolishing the state board of tax appeals; amending K.S.A. 9-1402, 12-110a, 12-631, 12-1664, 12-16,109, 12-1737, 12-1742, 12-1744a, 12-1744b, 12-1744c, 12-1744d, 12-1755, 12-1934, 12-3206, 12-3805, 14-1060, 17-1374, 19-236, 19-431, 19-15,103, 19-15,106, 19-15,116, 19-15,123, 19-2106f, 19-2653, 19-2752a, 19-3554, 19-4420, 19-4442, 20-356, 20-363, 20-626, 24-133, 24-665, 24-1219, 31-144, 38-549, 68-151n, 72-4142, 72-6443, 72-8203b, 74-2426, 74-2433a, 74-2433b, 74-2433c, 74-2433d, 74-2433e, 74-2433f, 74-2433g, 74-2434, 74-2435, 74-2436,



74-2437, 74-2437a, 74-2437b, 74-2438, 74-2439, 74-2442, 75-430, 75-5104, 75-5107, 75-5121, 79-213a, 79-425a, 79-6a14, 79-1404a, 79-1409, 79-1410, 79-1413a, 79-1422, 79-1426, 79-1478, 79-1478a, 79-1479, 79-1481, 79-1489, 79-1703, 79-1704, 79-1964a, 79-1964b, 79-2416d, 79-2925a, 79-2938, 79-2939, 79-2940, 79-2941, 79-2951, 79-3107c, 79-3221, 79-32,193 and K.S.A. 2007 Supp. 2-131e, 72-6441, 72-6451, 74-2433, 74-2438a, 74-4911f, 75-37,121, 75-4201, 77-529, 79-210, 79-213, 79-332a, 79-5a27, 79-1427a, 79-1437f, 79-1448, 79-1476, 79-1609, 79-1611, 79-1701, 79-1702, 79-2005, 79-2977, 79-3226, 79-3233g, 79-3694, 79-5205, 80-119, 80-808, 80-1920 and 82a-1030 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2018** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **HB 2358** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2358,” as follows:

“Substitute for HOUSE BILL No. 2358

By Committee on Transportation

“AN ACT concerning certificates of title; relating to notice of security interest; amending K.S.A. 2007 Supp. 8-135 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2358** was thereupon introduced and read by title.)

Committee on **Veterans, Military and Homeland Security** recommends **HB 2905**, **HB 2923** be passed.

Select Committee on **Corrections Reform and Oversight** recommends **HB 2740** be amended on page 1, in line 34, before “40” by inserting “not less than”; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2939**, An act concerning sales taxation; relating to exemptions; hospitalized veterans writing project; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2940**, An act concerning sales taxation; relating to exemptions; boys and girls club of Manhattan, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2941**, An act concerning sales taxation; relating to countywide retailers’ sales tax; Jefferson county; amending K.S.A. 2007 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

**HB 2942**, An act concerning sales taxation; relating to exemptions; GM Fairfax salaried retiree club; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2943**, An act concerning civil actions and civil penalties; relating to the submission of false or fraudulent claims to or the performance of fraudulent acts upon the state or a political subdivision thereof, by Committee on Appropriations.

#### REPORT ON ENGROSSED BILLS

**HB 2642**, **HB 2644**, **HB 2758**, **HB 2768**, **HB 2816** reported correctly engrossed February 25, 2008.

#### READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1418, under Reports of Standing Committees, in the second report from Committee on Elections and Governmental Organization, please delete “(**Sub. HB 2757** was thereupon introduced by title.)” and insert “(**Sub. HB 2757** was thereupon introduced and read by title.)”

FEBRUARY 26, 2008

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On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 27, 2008.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

