Approved: July 13, 2012

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(Date)

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Kinzer at 3:30 Monday, February 20, 2012 in 346-S of the Capitol.

All members were present except:
Ponka-We Victors

Committee staff present:
Katherine McBride, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Nancy Lister, Committee Assistant

No Conferees appeared before the Committee.

Others in attendance:
See attached.

Chairman Kinzer stated that he intended to work **HB 2629**, **HB 2655**, and **HB 2260** today. Since **HB 2521** and **HB 2523** are exempt bills, they can be worked after turnaround and may not be addressed today.

Chairman Kinzer commented on **HB 2482–Relating to the Kansas adoption and relinquishment act; parental rights**, the bill which was tabled last week, after taking some time to pause to think through a procedural question. There was a question whether just a pure motion to table, after the initial motion to table had been made was in order. In looking at that question, Committee Chairs have a fair amount of discretion, but he prefers to use the rules the Committee is all familiar with. On the issue of tabling, once an amendment has gone on, then a new motion to table- even if a motion to table had already been raised- is in fact in order at that point in time. That was not the motion the Representative had made. Representative Victors had moved to table to a date certain. Chairman Kinzer's point was given that an amendment had gone on, she did not need to make the motion in that fashion in order for the motion to be in order. That is just a general point he wanted the Committee to be aware of going forward. The other point the Chairman wanted to discuss is the bill tabled to a date certain, if someone wanted to try and undo that action. Normally if a bill is tabled, a motion for reconsideration is not the proper mechanism but rather just a motion to take it from the table is the proper mechanism.

However, in this case, where a motion has been tabled until a date certain, the rules seem a little murky. Since this is the last day the Committee can consider non-exempt house bills, Chairman Kinzer stated he was not aware of anyone wanting to make a motion, but suggested, given today is the next legislative day after the bill was tabled, that procedurally, he would view a motion to reconsider as being in order today, if someone made a motion to reconsider who voted on the prevailing side of the motion to table. If such a motion is not made, then the bill is tabled until May 1, 2012. But, absent some action by leadership to bless the bill or do something of that nature, Chairman Kinzer advised the Committee would not be in a position to take any action, even were the Committee able to meet on May 1, 2012 and say okay, the bill is removed from the table and let's do something, the Committee would be checkmated by other rules. Chairman Kinzer acknowledged that this information might be more than anyone wanted or needed to know about that particular bill or the process, but he wanted to lay those things on the table, particularly because it was a little bit unusual. Those are the motions that are in order going forward. He is not asking anyone to make a motion, but wanted everyone to understand their options.

With no one making a motion regarding this tabled bill, Chairman Kinzer asked the Committee to consider final action on **HB 2629–Relating to a product liability claim arising from an alleged defect in a used product.** Chairman Kinzer stated he knew there were some balloons being offered by Representative Brookens for the Committee to consider, and these were handed out while Katherine McBride provided an overview of the bill content. (Attachment 1)

*Representative Brookens moved, Representative Suellentrop seconded, to recommend **HB 2629** favorably for passage.*

*Representative Brookens moved, Representative Suellentrop seconded, to amend **HB 2629** with a balloon amendment.*

Representative Brookens stated the amendment deals with the exceptions as the bill was written. Product liability claims are a very broad issue, as defined in statute. All the testimony suggested that the goal was to undo the *Gaumer* case, which deals with strict liability, and the amendment was crafted for the express purpose of making sure we honor that goal, with respect to *Gaumer*, without completely gutting the duties of the seller or the rights that a purchaser might have. Consequently, the bill was recrafted so that on line seven there is a part (a), which makes the word, "either" unnecessary on line 9. It also puts a period on line 21 and also creates a new (b) (1). That (b) (1) would tell us, "Except as provided in subsection (b) (2), a retail seller of used products shall not be subject to liability in a product liability claim arising from an alleged defect in a product if the product seller establishes that such seller resold the product after the product was used by a consumer or other product user and the product was sold in substantially the same condition as it was when it was acquired for resale." On (2), there will still be a claim if it

arises out of intentional misrepresentation, an alleged breach of an express warranty- express meaning in the eyes of the law, something that is very clearly stated as a warranty- either written or verbally, that it is clearly a promise. It is defined more clearly in K.S.A. 84-2-313 and amendments thereto. Representative Brookens advised there was a group working on the wording, and there were quite a few challenges with the wording. Ultimately, several of the committee members felt this was written the most clear way.

Chairman Kinzer offered he agreed with the direction Representative Brookens was going with this amendment but suggested, for Representative Brookens' consideration, whether the word "intentional" should be a modifier for "concealment" and "nondisclosure" as well, or just be left alone. Representative Brookens stated he had no problem with that suggestion, but he felt that it was already in there, because it is difficult to conceal something if one doesn't already know it is there. However, he had no issue with adding the word "intentional" in those two areas of proposed section (b) (2) in the amendment, and he concurred with including this in his proposed balloon.

Representative Bowman clarified he was not in favor with the proposed section (b) (2), as someone could challenge whether there was concealment or non-disclosure with a law suit anyway, regardless of whether it was done intentionally.

Representative Brookens offered he thinks it is important that we keep in mind we are not simply trying to enhance the ability of a seller, we are trying to make sure it fairly represents what the law ought to be in Kansas. That includes if somebody deliberately hides a problem, that the buyer of the product has redress, which is part of why the section (b) (2) is in the amendment. He advised he thinks this is still very important, and we do not wish to simply take away all of the rights of the purchaser. At the same time, if the seller is concerned, a seller always has the ability when it comes to warranties- not deliberate concealment of a problem- but to sell as is. Representative Brookens stated this is a good improvement to what we had in the bill and clearly is a strong improvement over what the Kansas law is after the *Gaumer* case, and moved his amendment.

*Representative Brookens moved, Representative Suellentrop seconded, to amend **HB 2629** with a balloon amendment. Motion carried.*

*Representative Brookens moved, Representative Rubin seconded, to amend **HB 2629** with a second amendment to one more area of coverage, for an alleged breach of an implied warranty, as defined in K.S.A. 84-2-314.*

Representative Brookens stated that this second amendment deals with a completely different issue. (Attachment 2) They have already dealt with express warranties, and this amendment

would add one more area of coverage, an alleged breach of an implied warranty, as defined in K.S.A. 84-2-314.

Chairman Kinzer asked staff to pull the statute and read it to the Committee. The reason why the amendment was being addressed separately is there might be a distinction in the Committee's thinking in considering these different types of warranties and whether we want immunity in one case and not the other case. K.S.A. 84-2-314 is only the implied warranty with respect to merchantability. It is not the implied warranty with respect to fitness for a particular purpose. Katherine McBride read the definition of K.S.A. 84-2-314.

Representative Patton clarified with Representative Brookens that the language in the amendment would be subject to the contract of the parties. Even with that, under the law, the parties could eliminate this implied warranty by contract. Representative Brookens stated part of the value is that statute even says "unless limited under the agreement of the parties" so it is abundantly clear. It is a daily occurrence for a seller of used tractors or used semis, to routinely sell the product as is. I have a client that sells used semis. If he sells a 1988 semi, he will be impliedly warranting that it is merchantable in the fashion of how a 1988 truck is merchantable, and it is not going to be expected to be as good as a 2008 semi. He still has the ability to say that the truck is "as-is". It comes up a lot with agricultural equipment. There is that implied warranty that it can be sold "as-is". Representative Brookens moved his amendment.

*Representative Brookens moved, Representative Rubin seconded, to amend **HB 2629** with a second balloon amendment. Motion carried.*

Representative Collins asked if the second amendment would still have the implied warranties that are in the first amendment. Chairman Kinzer clarified that the second amendment would be added to the first amendment so that there would be express and implied warranties within the amendment.

*Representative Brookens moved, Representative Kelly seconded, to recommend **HB 2629** favorably for passage as amended. Motion carried.*

Chairman Kinzer asked the committee to consider final action on **HB 2655–Relating to interference with the judicial process**. Chairman advised the testimony focused on the proposed amendment that Representative Rubin is going to propose. Katherine McBride provided a brief overview of the bill content. Ms. McBride stated a balloon amendment being handed out reflects what Representative Rubin had presented at the hearing of the bill. Chairman Kinzer clarified that the balloon changes the language on Page one but leaves the language alone on Page two. (Attachment 3)

*Representative Rubin moved, Representative Brookens seconded, to recommend **HB 2655** favorably for passage.*

Representative Rubin recommended **HB 2655** be amended with the balloon, which was handed out to all Committee members and staff. The balloon offered takes out all the language in the bill on Page one defining or presenting what they were proscribing in the way of altering, damaging, destroying, or falsifying documents. The original language was modeled on federal statute, and, after consulting with among others the district attorney in Johnson County, Steve Howe, we concluded a better and more precise way to do this was to use model language that has been used in other states, specifically Indiana. It proscribes and makes criminal the types of withholding, altering, damaging, removing, or falsifying of documents described in the balloon, and that is a separate type of crime on the rubric of interference of judicial process. The penalties on Page two state, as originally provided in the bill, that it is a severely level eight non-person felony if the underlying criminal case or investigation deals with a felony. If the underlining case is or was a misdemeanor, then the penalty is, the section provides, a Class A non-person misdemeanor. Chairman Kinzer asked if there was a second to Representative Rubin's motion.

*Representative Rubin moved, Representative Ryckman seconded, to amend **HB 2655** with the balloon amendment. Motion carried.*

*Representative Rubin moved, Representative Smith seconded, to recommend **HB 2655** favorably for passage, as amended. Motion carried.*

Chairman Kinzer asked the Committee to consider final action on **HB 2260–Kansas preservation of religious freedom act**. Katherine McBride provided a brief overview of the bill content. Chairman Kinzer asked Ms. McBride to restate the drafting error. Ms. McBride stated she believed that was on Line 33 on Page two: was Section 16, Article 15- was in error of a practice or policy. We understand that was a constitutional reference intended to make this entire act apply to all government actions, including all state and local laws, rules, and regulations. Chairman Kinzer stated he would ask what the Committee's pleasure is with respect to the bill, and then we would see about, as a matter of consent, allowing the revisors to correct the bill.

*Representative Rubin moved, Representative Smith seconded, to recommend **HB 2260** favorably for passage.*

Chairman Kinzer stated that staff has informed us that there is a drafting error on Page two, Line 33, that there first is a reference to Section 15, which should in fact be Section 16. Without objection, we will allow the revisors to correct that.

Representative Pauls had an amendment that she was passing out. (Attachment 4) She also was handing out copies of K.S. A. 44-1001, which she thought would be helpful, as there was a reference in the statute. (Attachment 5)

Representative Pauls stated she found the paragraph that starts on lines 20 through 24 to be a double negative and confusing. She had played around with how to rephrase it and spoke to the revisors to clarify it a bit.

Representative Pauls moved, Representative Kelly seconded, to amend ***HB 2260*** *Section (B) (2) beginning on Line 20 to read "Compelling governmental interest" includes the prohibition of a practice or policy of discrimination against individuals in employment relations, in access to free and public accommodations or in housing as set forth in K.S.A. 44-1001 et seq., and amendments thereto, and the laws and constitution of the United States. "Compelling governmental interest" shall not include any additional prohibitions not set forth in such laws."*

Representative Pauls advised the way the bill is drafted right now, it basically says that no other government entities, such as a city or county, shall add another group to the protected class of citizens that we have under the Kansas Civil Rights Act. In the handout of K.S.A. 44-1001, she has underlined for the Committee those protections listed against discrimination in public housing and equal opportunity sections. The bill in essence would state that one cannot abridge any of those protections by claiming a religious exemption, for example.

Chairman Kinzer suggested Representative Pauls may want to consider restating what is in the box in the amendment to add "compelling governmental interests with respect to the practice or policies of discrimination against individuals, employment relations, access to free and public accommodations and housing shall not include any additional prohibitions not set forth in such laws." His concern was there are other compelling governmental interests that are found in other statutes, and we should clarify that in this bill we are defining what the compelling governmental interests are with respect to these four areas.

Jason Thompson stated he was trying to follow the interests with respect to those same things just said and he thought it was kind of implied. Chairman Kinzer agreed that it is implied, but he wanted to be cautious to make sure that it is crystal clear. Restating the language would be a bit clunky but would decrease the likelihood of any confusion as to what we meant. Chairman Kinzer stated so essentially we are stating it once in the affirmative and once in the negative. Hopefully that is clear. The first part includes and the second part shall not include any prohibitions not set forth in K.S.A. 44-1001 and amendments thereto and the laws and constitutions of the United States. Representative Pauls concurred.

Representative Patton inquired whether the trades, law, and Constitution of the United States refer to federal statutes. Chairman Kinzer confirmed this.

Representative Pauls closed and moved her amendment.

*Representative Pauls moved, Representative Kelly seconded to amend **HB 2260** Section (B) (2) beginning on Line 20 to read "Compelling governmental interest" includes the prohibition of a practice or policy of discrimination against individuals in employment relations, in access to free and public accommodations or in housing as set forth in K.S.A. 44-1001 et seq., and amendments thereto, and the laws and constitution of the United States." and beginning at the end of Line 24, it would read "Compelling governmental interest" with respect to the prohibition of a practice or policy of discrimination against individuals in employment relations, in access to free and public accommodations and housing, shall not include any additional prohibitions not set forth in K.S.A. 44-1001 et seq. and amendments thereto and the laws and the Constitution of the United States." Motion carried.*

Chairman Kinzer stated he had a small amendment to make which modifies lines 18 and 19 to replace the terms for cruelty, neglect, degradation, and inhumanity with "abuse and neglect as defined by state law" which are terms in existing law, so it will not leave it up to the courts to interpret new terms not currently used in statute. Also, on line 27, the words "free exercise clause of the" have been added, which better identifies that part of the first amendment being addressed. (Attachment 5)

*Chairman Kinzer moved, Representative Holmes seconded, to amend **HB 2260** with the amendment. Motion carried.*

Representative Rubin advised that the word "tenant" in line 29 and "tenants" in line 31 are misspelled and should read "tenet" and "tenets" respectively. Chairman Kinzer noted that the revisors would be allowed to correct these spellings without objection.

*Representative Brookens moved, Representative Colloton seconded, to amend **HB 2260** on Page two, line 19, at the end add the word "or" and on line 20 at the end replace the semi-colon with a period, and strike lines 21 and 22."*

Representative Brookens stated there is a particular group of people who came to mind while he was reading this bill the first time through, and he is not interested in doing anything to cause the City of Topeka, or any other community in Kansas, to be at risk of paying their attorney's fees

nor actual damages. The goal is to have the rights of people protected and that they have recourse if that is not the case.

*Representative Brookens moved, Representative Colloton seconded, to amend **HB 2260** on Page two, line 19, at the end add the word "or" and on line 20 at the end replace the semi-colon with a period, and strike lines 21 and 22." Motion carried.*

Representative Kuether stated she had severe concerns with this bill. As stated on Page one, line 23 on of the bill, there is a statute, K.S.A. 44-1001, and it lists what one cannot discriminate against. We are not adding to that but we are talking about freedom of religion. The bill was introduced last year, and the proponents for the bill last year clearly were people that did not agree with same sex marriage. That bill was tabled and did not go anywhere, and here we are, with the same bill and same language, but now it is all about freedom of religion. Representative Kuether expressed that the bill isn't about freedom of religion, but about freedom to discriminate against people you don't agree with, whether it is because of their sexual preference or something else. It also creates a severe problem with separation of church and state. Representative Kuether stated she thinks it creates a problem that it is over stepping the states' rights with local control, and for these reasons she is not going to support this bill. She shared a quote with the Committee: "We establish no religion in this country, we command no worship. We mandate no belief, nor will we ever. Church and state are and must remain separate." The quote was from President Ronald Regan.

Representative Ryckman asked if anyone knew the results of other states that had passed religious freedom acts. Chairman Kinzer stated one has passed at the federal level, and there are about 12 states that have passed bills. He has not heard of any horror stories.

Representative Ward stated, regarding Representative Ryckman's question, he wanted to point out that the former language in this bill, before the Pauls amendment, on Page one, lines 20 through 24, and regarding the information found in K.S.A. 44-1001, he knows is not reflected in the federal bill that Clinton worked out that passed in the 1990s.

Representative Colloton stated on Page two, Section (3) subparagraph (1) it says "nothing shall be construed to impair the fundamental right of every parent to control the care and custody of such parent's minor children, including, but not limited to, control over education, discipline, religious and moral instruction, health, medical care, welfare, place of habitation, counseling and psychological and emotional well-being of such minor children". She did not realize, first of all, that parents had those rights in Kansas. She thought those were tempered by health concerns and health statutes, whether the children are attending schools, or they are tempered by mental health concerns. She didn't think parents had all of these rights unequivocally, and her concern is by referring to the fact that this law will not inhibit those in any way, are we creating those rights.

Chairman Kinzer offered it is important that we remember that even a fundamental right is not an "unfettered" right and this language is in many of the other religious freedom acts. The case law on rights of parents with respect to control over their minor children is pretty voluminous. The point of this language was not to extend any new rights but merely to make sure, in defining the terms that we are defining, we do not create the impression that we are backing off from or undoing any rights that currently exist.

Representative Colloton suggested we add at the very end of Page two, Section (3) subparagraph (1) "as provided under the laws of Kansas and of the United States."

*Representative Colloton moved, Representative Brookens seconded, to amend **HB 2260** on Page two, line 31, in Section (3) subparagraph (1) at the end add the words, "as set forth in the laws and constitution of the state of Kansas and of the United States."*

Representative Brookens offered he was also considering at the beginning of the subparagraph after the words "Impair the fundamental right of every parent" adding the words "or create any new right", because it is not our goal to create or impinge, either one. Representative Colloton noted that in one place we say we are not creating anything new, and in the other, that the rights are those set forth in the constitutions of Kansas and the United States. She concurred that the language addition would be fine in the amendment.

*Representative Colloton moved, Representative Brookens seconded, to amend **HB 2260** on Page two, line 31, in Section (3) subparagraph (1) at the beginning of the subparagraph after the words "Impair the fundamental right of every parent" add the words "or create any new right" and at the end of subparagraph after the word "children" add the words, "as set forth in the laws and constitution of the state of Kansas and of the United States." Motion carried.*

Representative Colloton shared a war story with regards to Section (3) subparagraph (5) which in effect states nothing in the this act shall be construed to "protect actions or decisions to end the life of any child, born or unborn." She once served as an attorney in New York, and one night received a call from the city hospital assistant administrator, who had a situation where a child needed a transfusion or the child would die. The father was opposing the transfusion for religious reasons. She was able to find a judge who granted a temporary guardianship to the assistant administrator for the purposes of giving the transfusion. The father yelled at her when she came to the hospital with the order in hand, "The United States says I can believe what I want to believe. How dare you tell me that my son has to have this transfusion." After the transfusion, she remembers the mother silently mouthed the words to her, "Thank you." There was a hearing scheduled with the court within the first 24 hours after the transfusion was given. The child still ended up dying. Her point is she wants to know what we think this bill does with regards to a child whose life is at stake and a parent says, "No, do not administer medical care."

Chairman Kinzer advised the current constitutional standard in Kansas was reiterated just a couple of months ago in the *Steinmetz* case. It is that there would be the ability of the parent to try and show there was a sincerely held religious belief that was being burdened, say by an order, but then the state would be able to show that there was a compelling state interest, and then a decision would be made. This would create a statutory framework in which that same analysis would be done constitutionally. Chairman Kinzer stated in his view, it would not substantially alter the balance, especially since we have taken the *Pre-employment Division v. Smith* standard, the old *Sherbert v. Verner* standard as still being the constitutional standard in Kansas.

Representative Rubin advised he was looking at Section (3) subparagraph three, which effectively states nothing in this act shall be construed to "authorize the application or enforcement, in the courts of the state of Kansas, of any law, rule, code or legal system other than the laws of the state of Kansas and of the United States." He questioned whether a marriage between a gay couple that is recognized in other states would have to be recognized in Kansas. Chairman Kinzer stated there is a federal statute which specifically says that states do not have to recognize marriages in other states. Also, constitutionally, we have done the maximum that we can do on that, so we are not changing anything with this statute. Ultimately, those who take a position like some of us are might lose a full-faith-and-credit case in a federal court at some point, but given what we have done constitutionally, and what is in the law statutorily at the federal level, he does not think anything we do in this bill will not have a bearing on the outcome of such a case. It is going to be what it is going to be.

Chairman Kinzer asked if the Committee wanted to consider the Department of Correction's amendment. They are in the bill with some special provisions, on the first page, which state their right to run the prisons and have health, safety, and security regulations is a compelling government interest. Corrections is saying they do not just want to be a compelling government interest, but want also to not have to use the least restrictive means. Representative Colloton stated she would like to adopt their proposed amendment. The proposed balloon amendment was handed out to Committee members by staff. The amendment would strike the language on Page one, lines 14 through 17, and then add a new subsection (c) stating this act shall not apply to the penological rules and regulation in any jail, correctional institution or juvenile detention facility. (Attachment 7)

Representative Colloton moved, Representative Pauls seconded, to amend ***HB 2260*** *with the balloon amendment. Motion carried.*

Representative Colloton questioned whether there was a real need to keep Subparagraph (2), lines 20 through 24, as amended earlier, in the bill. She expressed that it does no good to raise the issue of religious freedom in the bill, and then just pick out some discrimination laws

to favor and not others. She stated we don't need to do that to protect religious freedom. She would like to see this bill be a clean bill in religious freedom.

*Representative Colloton moved, Representative Kuether seconded, to amend **HB 2260** to strike on Page one, lines 20 through 24.*

Representative Rubin stated he opposed the amendment, as it would essentially destroy what he feels is one of the major purposes of this legislation, which is to protect the conscience rights of religious believers from, among other things, what has been in the news lately regarding to the federal government, and for Catholics not to have to purchase or fund, or provide for employees' health insurance that includes contraceptives, sterilization, or post fertilization abortion inducing drugs. Another purpose of this bill is to allow people with strongly held tenets and religious beliefs to not be forced to violate their consciences unless the government has a compelling government interest, as we have defined it in this section.

Representative Kuether stated she will rise in support of the amendment because on Page two, line 43 (b) and onto Page three, it is obviously superseding local ordinances, rules, regulations and policies. That is a big step. She believes that is called discrimination— allowing us to override these for the purposes of discrimination-which is clearly the focus of this bill and not what people talked about in terms of religious freedom and what is going on at the federal level.

Representative Pauls stated if we take these lines out, then we say if a community wants to put in a new protective class, such as sexual orientation, we are not protecting the religious liberties protected under the Civil Rights Act. She opposes the amendment.

Chairman Kinzer shared that he had recently asked the American Civil Liberties Union counsel very directly and confirmed this is not a preemption bill. If we intended to preempt local ordinances, we would have to do so in a direct fashion. There is not a single local ordinance on the books right now that will have to come off, or that will be unenforceable based on this bill passing. However, in establishing this balance of compelling state interest, we were crystal clear so that people didn't make the argument that this is going to let someone's religious beliefs lead them to act in a discriminatory fashion, that no, we are locking in existing law, well established law on those issues , and not merely state law, but anti-discrimination law in these areas at the federal level as well, including all the protections in the United States Constitution as well. We also wanted to make it clear we don't want a significant amount of litigation being created over a whole host of other local ordinances and what they might mean or not mean. Chairman Kinzer stated he opposed the amendment.

Representative Ward asked Chairman Kinzer if this bill were already passed and was Kansas law, how he would foresee this making an impact. Chairman Kinzer offered the best real life situation to look at is the very recent *Steinmetz* case in which a religious freedom act law was used. That was an instance where there was a sincerely held religious belief and it dealt with the same blood transfusion issue as talked about previously. This was a little less heart-wrenching issue because someone was looking at the issue with respect to themselves receiving it and not denying it to a child. The question became can a governmental regulation- that essentially says in order to receive a government held benefit—that is payment for a particular type of procedure—does the individual have to have the procedure at a place that does not accommodate the individual's religious beliefs. The court said no, that although there is a compelling interest in setting up procedures paid through Medicaid, there is no compelling government interest in having to use a hospital in Kansas verses a hospital in a different state where the procedure would meet the religious needs of the individual and for no more cost. Chairman Kinzer advised there were a host of other scenarios that were brought up. One of them was the issue of a Catholic church that couldn't build an extension because it would violate local zoning ordinances. There was a circumstance where a wedding photographer was cited because he did not want to be the photographer at a wedding that was a same sex marriage. He had stated, based on his religious beliefs, he would rather not be their photographer. There is a wide range of cases where this could come in to play, but it is always going come into play because of a state action, and not a private to private action.

Representative Colloton moved, Representative Kuether seconded, to amend ***HB 2260*** *to strike on Page one, lines 20 through 24. Motion failed.*

Representative Patton moved, Representative Rubin seconded, to recommend ***HB 2260*** *favorably for passage as amended. Motion carried.*

The next meeting is scheduled for February 29, 2012.

The meeting was adjourned at 5:27 p.m.