

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 20, 2015, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Father Don Davidson:

Mighty God, thank you for giving us tasks that frustrate us, for in that frustration we find strength. Thank you for giving us hope, for in that hope we find a reason to continue. Thank you, Lord, for giving us examples, for through those examples we find that our situation is hardly as difficult as it first appeared and thank you, God, for giving us the honesty and the willingness to know ourselves well enough to consider being a happily frustrated, hopeful example for others. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 256, AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance; amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122, by Committee on Federal and State Affairs.

SB 257, AN ACT concerning property tax; relating to exemptions; providing a ten-year limitation on exemption for property used for renewable energy resources or technologies; amending K.S.A. 2014 Supp. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

SB 258, AN ACT repealing K.S.A. 2014 Supp. 79-201x; eliminating property tax exemption from statewide school levy for property used for residential purposes to the extent of \$20,000 of its appraised valuation, by Committee on Assessment and Taxation.

SB 259, AN ACT concerning personal property taxation; relating to motor vehicles; computation of amount of tax; state school district ad valorem tax levy; amending K.S.A. 79-5105 and repealing the existing section, by Committee on Assessment and Taxation.

SB 260, AN ACT concerning income taxation; relating to certain modifications of Kansas adjusted gross income relative to passive income; amending K.S.A. 2014 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **HB 2142**.

Judiciary: **SB 255**.

Public Health and Welfare: **SB 254**.

Transportation: **HB 2044**, **HB 2090**, **HB 2094**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 52, AN ACT concerning water; related to the diversion of water; chief engineer; amending K.S.A. 82a-706b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

SB 55, AN ACT concerning insurance; relating to certain financial examinations; pertaining to consulting fees; examination period; amending K.S.A. 40-2127 and K.S.A. 2014 Supp. 40-223 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

SB 72, AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2014 Supp. 75-5091 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, Schmidt, Tyson, Wagle, Wilborn, Wolf.

Nays: Denning, Lynn, Melcher, Pilcher-Cook, Smith.

The bill passed, as amended.

SB 95, AN ACT concerning abortion; creating the Kansas unborn child protection from dismemberment abortion act, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Schmidt.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: To destroy an unborn child by employing the barbaric and immoral practice of dismemberment is deplorable. It is unimaginable how such a procedure could be utilized by a medical practitioner. Given its use, however, I'm saddened to say the necessity of this bill arises. Failure to specifically prohibit dismemberment abortion not only continues the liberal assault on the unborn, it amounts to the implicit approval of a brutal and inhumane procedure and will further coarsen society to the humanity of the unborn, as well as all vulnerable and innocent human life. Accordingly, I vote "Aye."—TERRY BRUCE

Senators Abrams, Arpke, Baumgardner, Holmes, Lynn, Olson, Ostmeyer, Petersen, Pilcher-Cook and Smith request the record to show they concur with the "Explanation of Vote" offered by Senator Bruce on **SB 95**.

Madam President: Some women are faced with difficult choices; some of those women feel they have no choice. Prior to the passage of the laws to allow for safe and legal abortions, abortions were taking place, however, with women putting their lives at risk and by doctors who became criminals. I believe **SB 95** takes a step back to that former time, placing a doctor in the difficult position of following the code to provide the best standard of care or breaking the law with the same result – greater risks for some women. If we are spending tax dollars, let us spend them on research and training to improve our medical practices rather than litigation on constitutionality. This vote is not an easy choice, but I vote "No" and believe in doing so I am standing on the side of love.—Marci Francisco

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 95**.

Madam President: I vote "No" on **SB 95** because it will do nothing to reduce the number of abortions in the state of Kansas. It will only make them less safe and more costly.—LAURA KELLY

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Kelly on **SB 95**.

Madam President: I vote "No" on **SB 95**; a so-called "Kansas Unborn Child Protection From Dismemberment Act." I am personally and publicly opposed to dismemberment of any human, born or deceased. (I believe that most of the world shares my shock over the rise of beheadings.) And I realize, all of this is theater and grand posturing and dedication to reducing women's private health-related choices that should, by constitutionality, remain unfettered. Kansans want more access and less governmental intrusion in their lives. It might play well for headlines back home. And, so, **SB 95**'s title, despite its sinister somber idioms, to quote a quotable Alaskan is merely putting "lipstick on a pig;" limiting freedom to Americans. And by voting for this (actually "The Physician Intimidation and Criminalization Act), you are! You are insuring that approximately nine (9%) percent of all women who are in an unwanted or crisis pregnancy will not have the safest clinical-based option. You are insuring yet another expensive lawsuit against our state; our broke, cash-strapped state, as we continue our race to the bottom of the fifty states. The continued mislabeling of a fetus in **SB 95** as an "unborn child" does not undo the correct scientific category of this period of human gestation. I trust medical manuals for accurate biological definitions. Although I am not a woman, I trust women to conduct their lives in a free society. Accordingly, I vote "No" on **SB 95**.—DAVID HALEY

COMMITTEE ASSIGNMENTS

President Wagle announced the temporary appointment, for Monday, February 23, 2015's meeting, of Senator Hensley to replace Senator Holland, Senator Schmidt to replace Senator Olson and Senator Tyson to replace Senator Wolf on the Committee on **Federal and State Affairs**.

SPECIAL ANNOUNCEMENT

Senator Bruce cited Senate Rule 56, giving one day's notice to the Senate, concerning the appointments of Alan Schmidt and Laura McConwell to be considered on Monday, February 23, 2015.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 84** be amended on page 1, in line 18, after "properties" by inserting ", unless the exterior of the property is being maintained and the property is either the subject of a probate action, action to quiet title or other ownership dispute, or the property is subject to a mortgage"; in line 25, by striking ", morals"; in line 26, by striking "including, but not limited to, economic welfare,"; in line 30, by striking "light" and inserting "lack of ventilation"; in line 31, by striking all after the second semicolon; by striking all in lines 32 through 34; in line 35, by striking all before "unsightly";

On page 2, in line 1, by striking "inadequate drainage;"; in line 2, after "building" by inserting "or property maintenance codes"; following line 12, by inserting:

"The provisions of subsection (c)(2) shall expire on July 1, 2019.";

Also on page 2, in line 19, by striking "for community development or economic"; in line 20, by striking "development purposes" and inserting "prior to July 1, 2019, for ancillary facilities relating to housing, including, but not limited to, infrastructure, open space, parks and parking facilities"; in line 27, after "(2)" by inserting "Prior to July 1,

2019,"; in line 34, by striking "community"; in line 35, by striking "development or economic development purposes" and inserting "ancillary facilities relating to housing, including, but not limited to, infrastructure, open space, parks and parking facilities";

On page 3, in line 6, after "or" by inserting "prior to July 1, 2019,"; in line 23, after "or" by inserting "prior to July 1, 2019,"; in line 27, after "or" by inserting "prior to July 1, 2019,"; in line 35, after "or" by inserting "prior to July 1, 2019,"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 70** be amended on page 2, following line 8, by inserting:

"(d) (1) Each person subject to the provisions of this section who has been convicted of any offense or act specified in K.S.A. 72-1397(a) or (b), and amendments thereto, or who has entered into a criminal diversion agreement after having been charged with any offense or act specified in K.S.A. 72-1397(b), and amendments thereto, shall file a report with the school district indicating the name, address and social security number of such person. Such report shall be filed within 30 days of the date of such conviction or the date such person entered into any such diversion agreement.

(2) Failure to file a report as required by this subsection is a class B misdemeanor.";

On page 5, in line 23, by striking "Any person" and inserting "Each person subject to the provisions of this section";

On page 7, in line 23, after "checks" by inserting ", utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation"; following line 31, by inserting:

"(g) (1) Each person subject to the provisions of subsection (f) who has been convicted of any offense or act specified in K.S.A. 72-1397(a) or (b), and amendments thereto, or who has entered into a criminal diversion agreement after having been charged with any offense or act specified in K.S.A. 72-1397(b), and amendments thereto, shall file a report with the public innovative district indicating the name, address and social security number of such person. Such report shall be filed within 30 days of the date of such conviction or the date such person entered into any such diversion agreement.

(2) Failure to file a report as required by this subsection is a class B misdemeanor."; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 171** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 171," as follows:

"Substitute for SENATE BILL NO. 171

By Committee on Ethics and Elections

"AN ACT concerning elections and voting; relating to certain municipalities and special districts; amending K.S.A. 2-623, 13-1221, 19-2760, 19-3505, 19-3507, 24-504, 25-204, 25-209, 25-210, 25-212, 25-610, 25-1115, 25-2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-2804, 25-2901, 25-3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624, 24-412, 24-414, 24-459, 24-506, 25-205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3801 and 42-706 and repealing the existing sections; also repealing K.S.A.

12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-2762 and 71-1417.";

And the substitute bill be passed.

Also, **SB 26** be amended on page 1, in line 21, by striking "in" and inserting "by the candidate or the candidate's spouse for travel, lodging and"; in line 24, after "the" by inserting "state or"; also in line 24, after the stricken material by inserting "or"; in line 26, by striking "; or"; by striking all in lines 27 through 30; in line 31, by striking "community"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 45** be amended on page 7, in line 5, before " a shotgun" by inserting "any pistol, revolver or other firearm concealed on one's person if such person is under 21 years of age, except when on such person's land or in such person's abode or fixed place of business; or

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

Committee on **Judiciary** recommends **SB 38** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 38," as follows:

"Substitute for SENATE BILL NO. 38

By Committee on Judiciary

"AN ACT concerning patent infringement; relating to bad faith assertions of patent infringement; Kansas consumer protection act.";

And the substitute bill be passed.

Also, **SB 15** be amended on page 1, in line 17, after "law." by inserting ""Dispositive motion" also shall include any motion determined by a judge to be seeking any disposition described in this subsection, regardless of the title assigned to such motion at the time of filing."; and the bill be passed as amended.

SB 59 be amended on page 1, in line 13, after "arraignments." by inserting "A district magistrate judge shall have jurisdiction over uncontested actions for divorce."; in line 14, by striking "in civil cases,."; in line 17, after the first "and" by inserting "all other civil cases, and shall have"; in line 18, by striking all after the period; by striking all in lines 19 through 22; in line 23, by striking "for divorce.";

On page 3, in line 18, by striking "for" and inserting ", the chief judge shall reassign"; also in line 18, by striking "filed under the"; in line 19, by striking "Kansas code for care of children"; in line 21, by striking "the chief judge shall reassign such action"; and the bill be passed as amended.

SB 104 be amended on page 7, following line 35, by inserting:

"Sec. 9. K.S.A. 2014 Supp. 38-2203 is hereby amended to read as follows: 38-2203. (a) Proceedings concerning any child who may be a child in need of care shall be governed by this code, except in those instances when the court knows or has reason to know that an Indian child is involved in the proceeding, in which case, the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may apply to: The filing to initiate a child in need of care proceeding, K.S.A. 2014 Supp. 38-2234, and amendments thereto; ex parte custody orders, K.S.A. 2014 Supp. 38-2242, and amendments thereto; temporary custody hearing, K.S.A. 2014 Supp. 38-2243, and

amendments thereto; adjudication, K.S.A. 2014 Supp. 38-2247, and amendments thereto; burden of proof, K.S.A. 2014 Supp. 38-2250, and amendments thereto; disposition, K.S.A. 2014 Supp. 38-2255, and amendments thereto; permanency hearings, K.S.A. 2014 Supp. 38-2264, and amendments thereto; termination of parental rights, K.S.A. 2014 Supp. 38-2267, 38-2268 and 38-2269, and amendments thereto; establishment of permanent custodianship, K.S.A. 2014 Supp. 38-2268 and 38-2272, and amendments thereto; the placement of a child in any foster, pre-adoptive and adoptive home and the placement of a child in a guardianship arrangement under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(b) Subject to the uniform child custody jurisdiction and enforcement act, K.S.A. 2014 Supp. 23-37,101 through 23-37,405, and amendments thereto, the district court shall have original jurisdiction of proceedings pursuant to this code.

(c) The court acquires jurisdiction over a child by the filing of a petition pursuant to this code or upon issuance of an ex parte order pursuant to K.S.A. 2014 Supp. 38-2242, and amendments thereto. When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has: (1) Become 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school unless there is no court approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches the age of 21; (2) been adopted; or (3) been discharged by the court. Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties and 30 days after receipt of the request, jurisdiction will cease.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child, the court, upon its own motion or the motion of a party or interested party at a hearing or upon agreement of all parties or interested parties, shall enter an order discharging the child. Except upon request of the child pursuant to subsection (c), the court shall not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school and has not completed the child's high school education.

(e) When a petition is filed under this code, a person who is alleged to be under 18 years of age shall be presumed to be under that age for the purposes of this code, unless the contrary is proved.

(f) A court's order issued in a proceeding pursuant to this code, shall take precedence over such orders in a civil custody case, a proceeding under article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, or a comparable case in another jurisdiction, except as provided by K.S.A. 2014 Supp. 23-37,101 through 23-37,405, and amendments thereto, uniform child custody jurisdiction and enforcement act.

(g) In any proceeding under this code, the court may allow a child to appear by means of two-way electronic audio-visual communication in lieu of personal presence of the child.

Sec. 10. K.S.A. 2014 Supp. 38-2343 is hereby amended to read as follows: 38-2343. (a) *Basis for extended detention; findings and placement.* Whenever a juvenile is taken into custody, the juvenile shall not remain in detention for more than 48 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, from the time the initial detention was imposed, unless the

court determines after hearing, within the 48-hour period, that further detention is necessary because detention is warranted in light of all relevant factors, including, but not limited to, the criteria listed in K.S.A. 2014 Supp. 38-2331, and amendments thereto, and the juvenile is dangerous to self or others or is not likely to appear for further proceedings.

(1) If the juvenile is in custody on the basis of a new offense which would be a felony or misdemeanor if committed by an adult and no prior judicial determination of probable cause has been made, the court shall determine whether there is probable cause to believe that the juvenile has committed the alleged offense.

(2) If the court finds the juvenile is dangerous to self or others, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate.

(3) If the court finds the juvenile is not likely to appear for further proceedings, the juvenile may be detained in a juvenile detention facility or youth residential facility which the court shall designate or may be released upon the giving of an appearance bond in an amount specified by the court and on the conditions the court may impose, in accordance with the applicable provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

(4) In the absence of the necessary findings, the court shall order the juvenile released or placed in temporary custody as provided in subsection (g).

(b) *Waiver of detention hearing.* The detention hearing may be waived in writing by the juvenile and the juvenile's attorney with approval of the court. The right to a detention hearing may be reasserted in writing by the juvenile or the juvenile's attorney or parent at anytime not less than 48 hours prior to trial.

(c) *Notice of hearing.* Whenever it is determined that a detention hearing is required the court shall immediately set the time and place for the hearing. Except as otherwise provided by ~~subsection (e)(1) of~~ K.S.A. 2014 Supp. 38-2332(c)(1), and amendments thereto, notice of the detention hearing shall be given at least 24 hours prior to the hearing, unless waived.

When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk.

(d) *Attorney for juvenile.* At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney, and may recess the hearing for 24 hours, excluding Saturdays, Sundays and legal holidays, to obtain attendance of the attorney appointed.

(e) *Hearing.* The detention hearing is an informal procedure to which the ordinary rules of evidence do not apply. The court may consider affidavits, professional reports and representations of counsel to make the necessary findings, if the court determines that these materials are sufficiently reliable. If probable cause to believe that the juvenile has committed an alleged offense is contested, the court shall allow the opportunity to present contrary evidence or information upon request. If the court orders the juvenile to be detained in a juvenile detention facility, the court shall record the specific findings of fact upon which the order is based.

(f) *Rehearing.* (1) If detention is ordered and the parent was not notified of the hearing and did not appear and later requests a rehearing, the court shall rehear the matter without unnecessary delay.

(2) Within 14 days of the detention hearing, if the juvenile had not previously

presented evidence regarding the determination of probable cause to believe that the juvenile has committed an offense, the juvenile may request a rehearing to contest the determination of probable cause to believe that the juvenile has committed an offense. The rehearing request shall identify evidence or information that the juvenile could not reasonably produce at the detention hearing. If the court determines that the evidence or information could not reasonably be produced at the detention hearing, the court shall rehear the matter without unnecessary delay.

(g) *Temporary custody.* If the court determines that detention is not necessary but finds that release to the custody of a parent is not in the best interests of the juvenile, the court may place the juvenile in the temporary custody of some suitable person willing to accept temporary custody or the commissioner. Such finding shall be made in accordance with K.S.A. 2014 Supp. 38-2334 and 38-2335, and amendments thereto.

(h) ~~Audio-video~~ *Audio-visual communications.* Detention hearings may be conducted by two-way electronic ~~audio-video~~ audio-visual communication between the juvenile and the judge in lieu of personal presence of the juvenile or the juvenile's attorney in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's attorney during such proceedings or the juvenile's attorney may be personally present in court as long as a means of confidential communication between the juvenile and the juvenile's attorney is available.

Sec. 11. K.S.A. 2014 Supp. 38-2344 is hereby amended to read as follows: 38-2344. (a) When the juvenile appears without an attorney in response to a complaint, the court shall inform the juvenile of the following:

- (1) The nature of the charges in the complaint;
- (2) the right to hire an attorney of the juvenile's own choice;
- (3) the duty of the court to appoint an attorney for the juvenile if no attorney is hired by the juvenile or parent; and
- (4) that the court may require the juvenile or parent to pay the expense of a court appointed attorney.

Upon request the court shall give the juvenile or parent an opportunity to hire an attorney. If no request is made or the juvenile or parent is financially unable to hire an attorney, the court shall forthwith appoint an attorney for the juvenile. The court shall afford the juvenile an opportunity to confer with the attorney before requiring the juvenile to plead to the allegations of the complaint.

(b) When the juvenile appears with an attorney in response to a complaint, the court shall require the juvenile to plead guilty, nolo contendere or not guilty to the allegations stated in the complaint, unless there is an application for and approval of an immediate intervention program. Prior to making this requirement, the court shall inform the juvenile of the following:

- (1) The nature of the charges in the complaint;
- (2) the right of the juvenile to be presumed innocent of each charge;
- (3) the right to jury trial without unnecessary delay;
- (4) the right to confront and cross-examine witnesses appearing in support of the allegations of the complaint;
- (5) the right to subpoena witnesses;
- (6) the right of the juvenile to testify or to decline to testify; and
- (7) the sentencing alternatives the court may select as the result of the juvenile

being adjudicated a juvenile offender.

(c) If the juvenile pleads guilty to the allegations contained in a complaint or pleads nolo contendere, the court shall determine, before accepting the plea and entering a sentence: (1) That there has been a voluntary waiver of the rights enumerated in subsections (b)(2), (3), (4), (5) and (6); and (2) that there is a factual basis for the plea.

(d) If the juvenile pleads not guilty, the court shall schedule a time and date for trial to the court.

(e) First appearance may be conducted by two-way electronic ~~audio-video~~ audio-visual communication between the juvenile and the judge in lieu of personal presence of the juvenile or the juvenile's attorney in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's attorney during such proceedings or the juvenile's attorney may be personally present in court as long as a means of confidential communication between the juvenile and the juvenile's attorney is available.;

On page 8, in line 35, after "22-3405" by inserting ", 38-2203, 38-2343, 38-2344";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "3405" by inserting ", 38-2203, 38-2343, 38-2344"; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 16 through February 20, 2015:

Senator Bowers: recognizing Parkes Wolters on achieving the rank of Eagle Scout;

Senator Kelly: congratulating Chris Hupe on being named the Wamego Chamber of Commerce Citizen of the Year; congratulating Jake and Gladys Heim on their 60th Wedding Anniversary; congratulating Richard and Mary Hinchsliff on their 63rd Wedding Anniversary; congratulating Wamego Telecommunication on being named the Wamego Chamber of Commerce Business of the Year; congratulating Chris Richmond on receiving the 2014 Impact Award; congratulating Dale Burkholder on receiving the 2014 Impact Award;

Senator Faust-Goudeau: congratulating the American Diabetes Association on its 75th Anniversary; congratulating Frances Jones on her 98th Birthday;

Senator Ostmeyer: recognizing Michael A. Gabel on achieving the rank of Eagle Scout; congratulating Wheatfield High School on winning first place at the 3rd Annual Night At the Lab; and

Senator Pettey: congratulating Rosedale Middle School, the 8th Grade Class, and Antonio Droge on winning 1st Place in the I AM HERE-KC Healthy Kids contest.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 23, 2015.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

