

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 6, 2014, 11:00 a.m.

The Legislature was not in session Tuesday, February 4, and Wednesday, February 5, because of inclement weather.

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

The roll was called with 123 members present.

Rep. Peterson was excused on verified illness.

Upon the resignation of Rep. Shultz on Monday, February 3, the House is now organized with 124 members.

Prayer by Chaplain Brubaker:

God of Creation,
You really outdid Yourself this time
with all this snow and sub-zero weather.
In the midst of this winter weather,
help us to focus on the positives—
such as the beauty of the pure white snow,
the moisture that it brings to our farmlands,
for the chance to pull back and slow down
which gives way for time of reflection and contemplation.
Thank You for watching over all Kansans the last couple of days.
Thank you for all the public servants who have worked
long hard hours to clear roads and highways.
Thank you for the way our citizens came together
to help those who needed assistance.
Now I ask that you be with our leaders today
as they get back to work.
I pray that the climate inside will be much warmer
than the climate outside.
This can only happen if everyone keeps focused
on working together and with each other.
I pray this in Your name, Amen.

The Pledge of Allegiance was led by Rep. Winn.

PERSONAL PRIVILEGE

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

Today it is my honor and privilege to welcome to Kansas and the to House of Representatives Her Excellency, Dr. Tebelelo Mazile Seretse, the Ambassador of the Republic of Botswana to the United States.

Her Excellency is visiting the Kansas City Metro Area to participate in a World Trade Center market briefing on doing business in Botswana, entitled: Business Beyond Our Borders: Botswana.

Her Excellency has the distinct honor of being the first woman to be appointed Botswana Ambassador to the United States.

Since being posted in Washington, Her Excellency has already achieved several milestones in a relatively short period.

Ambassador Seretse has organized three missions to Botswana—two trade and one education.

Secondly, she was appointed to be one of the two ambassadors who organized Africa Day 2012.

She has appeared on NBC, CNN, Inside Africa, PBS-This is America”—highlighting Botswana’s participating in Passport DC The Embassy Open House.

She has been the guest lecturer at many universities such as Morgan State, Howard University, University of Syracuse, University of Cincinnati and Boston University.

Furthermore, she has participated in several roundtable discussions and made presentations by both Women Ambassadors and African Ambassador throughout the United States.

Ambassador Seretse graduated from Morgan States University in 1978 with two degrees—one a Bachelor of Arts in Economics and a Bachelor of Science in Accounting. She completed her Master of Arts degree from the University of Cincinnati and law degree from University of Botswana.

A senior Partner in Seretse Attorneys firm, Her Excellency is the mother of three children who all are at the University.

Please join me in welcoming Her Excellency, Ambassador Dr. Tebelelo Mazile Seretse.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2563, AN ACT concerning school districts; relating to food service programs; student meals; accounts; amending K.S.A. 72-5120 and repealing the existing section, by Representative Edwards.

HB 2564, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system; normal retirement date; requiring 60-day re-employment wait; amending K.S.A. 2013 Supp. 74-49,204 and repealing the existing section, by Committee on Pensions and Benefits.

HB 2565, AN ACT concerning the correctional industries fund; authorizing use of funds for workers compensation insurance; amending K.S.A. 2013 Supp. 75-5282 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce, Labor and Economic Development: **HB 2560**.

Health and Human Services: **HB 2561**.

Judiciary: **HB 2562**.

MESSAGE FROM THE GOVERNOR

HB 2303 approved on February 3, 2014.

COMMUNICATIONS FROM STATE OFFICERS

From Lawton R. Nuss, Chief Justice, Kansas Supreme Court, pursuant to K.S.A. 20-320, State of the Judiciary, 2014 Annual Report of the Chief Justice.

From Cochran Head Vick & Co., P.S., Certified Public Accountants, Kansas and Missouri Metropolitan Culture District Commission, Financial Statements, for year ended December 31, 2012.

From Ernest E. Garcia, Superintendent, Kansas Highway Patrol, pursuant to KSA 60-4117, report regarding state forfeiture funds.

From Andy Tompkins, President and CEO, Kansas Board of Regents, pursuant to KSA 76-717, Report on the Implementation of Qualified Admissions, January 27, 2013.

From Molly McGovern, Administrator for the Bi-State Commission, Annual Report and Comprehensive Annual Financial Report for the Kansas and Missouri Metropolitan Culture District Commission, January 31, 2014.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION NO. **6045**—

By Representative Hedke

A RESOLUTION commending the nation of Israel for its cordial and mutually beneficial relationship with the United States and the State of Kansas.

WHEREAS, The claim and presence of the Jewish people in Israel has remained constant throughout the past 4,000 years of history; and

WHEREAS, The legal basis for the establishment of the modern State of Israel was a binding resolution under international law, which was unanimously adopted by the League of Nations in 1922 and subsequently affirmed by both houses of the United States Congress; and

WHEREAS, This resolution affirmed the establishment of a national home for the Jewish people in the historical region of the Land of Israel, including the areas of Judea, Samaria and Jerusalem; and

WHEREAS, Article 80 of the United Nations charter recognized the continued validity of the rights granted to states or peoples which already existed under international instruments, and therefore, the 1922 League of Nations resolution remains valid, and the 650,000 Jews currently residing in the areas of Judea, Samaria and

eastern Jerusalem reside there legitimately; and

WHEREAS, Israel declared its independence and self-governance on May 14, 1948, with the goal of reestablishing its legally recognized lands as a homeland for the Jewish people; and

WHEREAS, The United States, having been the first country to recognize Israel as an independent nation and as Israel's principal ally, has enjoyed a close and mutually beneficial relationship with Israel and her people; and

WHEREAS, Israel is the greatest friend and ally of the United States in the Middle East and the values of our two nations are so intertwined that it is impossible to separate one from the other; and

WHEREAS, The State of Kansas and Israel have enjoyed cordial and mutually beneficial relations since 1948, a friendship that continues to strengthen with each passing year: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend Israel for its cordial and mutually beneficial relationship with the United States and with the State of Kansas and support Israel in its legal, historical and moral right of self-governance and self-defense upon the entirety of its own lands, recognizing that Israel is neither an attacking force nor an occupier of the lands of others and that peace can be afforded in the region only through a whole and united Israel; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the President of the United States, Governor Sam Brownback and the U.S. legislators representing Kansas.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Kuether, **HR 6044**, A resolution commemorating the 10th Anniversary of National Wear Red Day, was adopted:

Rep. Kuether addressed a few remarks to the members of the House concerning heart disease.

COMMITTEE OF THE WHOLE

Speaker Merrick announced that order of business, General Orders, would be passed over today.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2495** be amended on page 11, following line 4, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 21-6608 is hereby amended to read as follows: 21-6608. (a) The period of suspension of sentence, probation or assignment to community corrections fixed by the court shall not exceed two years in misdemeanor cases, subject to renewal and extension for additional fixed periods of two years. Probation, suspension of sentence or assignment to community corrections may be terminated by the court at any time and upon such termination or upon termination by expiration of the term of probation, suspension of sentence or assignment to community corrections, an order to this effect shall be entered by the court.

(b) The district court having jurisdiction of the offender may parole any misdemeanant sentenced to confinement in the county jail. The period of such parole

shall be fixed by the court and shall not exceed two years and shall be terminated in the manner provided for termination of suspended sentence and probation.

(c) For all crimes committed on or after July 1, 1993, the duration of probation in felony cases sentenced for the following severity levels on the sentencing guidelines grid for nondrug crimes and the sentencing guidelines grid for drug crimes is as follows:

- (1) For nondrug crimes the recommended duration of probation is:
 - (A) 36 months for crimes in crime severity levels 1 through 5; and
 - (B) 24 months for crimes in crime severity levels 6 and 7;
 - (2) for drug crimes the recommended duration of probation is 36 months for crimes in crime severity levels 1 and 2 committed prior to July 1, 2012, and crimes in crime severity levels 1, 2 and 3 committed on or after July 1, 2012;
 - (3) except as provided further, in felony cases sentenced at severity levels 9 and 10 on the sentencing guidelines grid for nondrug crimes, severity level 4 on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, and severity level 5 of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation of up to 12 months in length;
 - (4) in felony cases sentenced at severity level 8 on the sentencing guidelines grid for nondrug crimes, severity level 3 on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, and severity level 4 of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and felony cases sentenced pursuant to K.S.A. 2013 Supp. 21-6824, and amendments thereto, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation, or assignment to a community correctional services program, as provided under K.S.A. 75-5291 et seq., and amendments thereto, of up to 18 months in length;
 - (5) if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by the length of the probation terms provided in subsections (c)(3) and (c)(4), the court may impose a longer period of probation. Such an increase shall not be considered a departure and shall not be subject to appeal;
 - (6) except as provided in subsections (c)(7) and (c)(8), the total period in all cases shall not exceed 60 months, or the maximum period of the prison sentence that could be imposed whichever is longer. Nonprison sentences may be terminated by the court at any time;
 - (7) if the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. If the defendant is ordered to pay full or partial restitution, the period may be continued as long as the amount of restitution ordered has not been paid; and
 - (8) the court may modify or extend the offender's period of supervision, pursuant to a modification hearing and a judicial finding of necessity. Such extensions may be made for a maximum period of five years or the maximum period of the prison sentence that could be imposed, whichever is longer, inclusive of the original supervision term.
- (d) In addition to the provisions of subsection (a), a defendant who has a risk assessment of low risk, has paid all restitution and has been compliant with the terms of probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction for a period of 12 months shall be eligible for discharge

from such period of supervision by the court. The court shall grant such discharge unless the court finds ~~substantial and compelling reasons for by clear and convincing evidence that~~ denial of such discharge will serve community safety interests.";

On page 13, in line 1, by striking "following"; in line 2, by striking "violation sanctions may be imposed" and inserting "court may impose the following sanctions"; in line 17, after "subsection" by inserting "(b)(4)(A), (b)(4)(B) or"; in line 29, after "subsection" by inserting "(b)(4)(A), (b)(4)(B),";

On page 15, in line 29, by striking "the date of"; in line 30, by striking "conviction for the original crime" and inserting "when the offender was sentenced for the original crime or committed the original crime for which sentenced";

And by renumbering sections accordingly;

On page 16, in line 19, after "21-6604" by inserting ", 21-6608"; in line 21, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 3, after "21-6604" by inserting ", 21-6608"; and the bill be passed as amended.

Committee on **Energy and Environment** recommends **HB 2488** be amended on page 5, in line 19, by striking all after "authority"; by striking all in lines 20 through 24; in line 25, by striking all before the "period"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2446**, **HB 2448** be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2566, AN ACT concerning court fees; relating to forensic and scientific laboratories; amending K.S.A. 2013 Supp. 28-176 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2567, AN ACT concerning public records; relating to the open records act; definitions; amending K.S.A. 2013 Supp. 45-217 and repealing the existing section, by Committee on Judiciary.

HB 2568, AN ACT concerning domestic relations; relating to the Kansas family law code; child support guidelines; amending K.S.A. 2013 Supp. 20-165, 23-2201, 23-2215, 23-2216, 23-2223, 23-2224, 23-2707, 23-3002, 23-3005 and 23-3203 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 23-2217, 23-2218 and 23-2225, by Committee on Judiciary.

HB 2569, AN ACT concerning liens or claims against real or personal property; relating to prohibitions on certain filings; public officials; notice; criminal penalties; amending K.S.A. 2013 Supp. 58-4301 and repealing the existing section, by Committee on Judiciary.

HB 2570, AN ACT concerning veterans; relating to license plates for disabled veterans; pertaining to parking in certain public parking garages; amending K.S.A. 8-161 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2571, AN ACT concerning military service family members; designating Kansas gold star family day, by Committee on Veterans, Military and Homeland Security.

HB 2572, AN ACT concerning the prison made goods act; relating to juvenile

offenders; amending K.S.A. 2013 Supp. 75-5275 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION NO. 6046—

By Representatives Todd and Merrick

A RESOLUTION supporting Taiwan's participation in international trade agreements and an international climate organization and reaffirming Kansas' commitment to its relationship with Taiwan.

WHEREAS, Taiwan, officially known as the Republic of China, and the United States have a relationship marked by strong bilateral trade, educational and cultural exchange and tourism. Kansas and Taiwan share sister-city and sister-state relationships that are beneficial to all Taiwanese and Kansans; and

WHEREAS, Taiwan, the United States and Kansas all share the common values of freedom, democracy, human rights and rule of law; and

WHEREAS, The United States is Taiwan's third largest trading partner and Taiwan is the United States' 11th largest trading partner. Bilateral trade has reached \$63 billion; and

WHEREAS, Taiwan and Kansas have enjoyed a long and mutually beneficial relationship. Both countries anticipate continuing growth, with Taiwan ranking as Kansas' 14th largest export destination. Kansas goods worth \$128 million were shipped to Taiwan, including food, chemicals, computer and electronic products, transportation equipment and agricultural products; and

WHEREAS, Taiwan seeks to contribute to greater regional integration in the Asia-Pacific region and promote bilateral investment and trade relations with the United States. Taiwan applauds the United States' announcement of its intent, not only to join the Trans-Pacific Partnership, the proposed 21st century trade agreement between the U.S. and 11 other Asia-Pacific rim countries, but also to expand Trans-Pacific Partnership membership in the future to include other countries, such as Taiwan; and

WHEREAS, Taiwan has a dynamic market economy and is the leading supplier of high-tech products. Taiwan has the 17th largest economy in the world, is the 14th largest exporter and 16th largest importer. Taiwan ranks 20th in free trade according to the 2013 Prosperity Index. Taiwan is fifth out of 41 economies in the Asia-Pacific region. As an important economic power, Taiwan should be included in regional economic integration; and

WHEREAS, Negotiations for a Bilateral Investment Agreement between Taiwan and the United States are an important step toward strengthening bilateral trade. The Bilateral Investment Agreement will pave the way for entering into a Free Trade Agreement between the two countries, thereby increasing Kansas' exports to Taiwan and creating technical collaboration through tariff reduction and other trade facilitation measures; and

WHEREAS, Taiwan's absence from international organizations, such as the United Nations Framework Convention on Climate Change, has hampered its ability to participate in global climate initiatives and to respond to natural disasters such as

Typhoon Haiyan, which caused serious damage to the Philippines in November 2013. Because Taiwan and the Philippines are geographically close and both subject to the severe effects of typhoon, Taiwan should not be excluded from this international body; and

WHEREAS, Taiwan can be a valuable and constructive partner in the international response to adverse effects of climate change and severe weather emergencies, as evidenced by Taiwan's speedy and generous response to aid the victims of Typhoon Haiyan in the Philippines with donations of more than \$10 million: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support Taiwan's efforts to secure entry into the Trans-Pacific Partnership and endorse the signing of the Bilateral Investment Agreement with the United States; and

Be it further resolved: That we support Taiwan's participation in international organizations, such as the United Nations Framework Convention on Climate Change, that impact the health, safety and well-being of Taiwan; and

Be it further resolved: That we reaffirm Kansas' commitment to the strong and deepening sister-city and sister-state relationships between Taiwan and the state of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Jack J.C. Yang, Director General of the Taipei Economic and Cultural Office.

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the following appointments effective immediately:

Rep. Schwab replaces former Rep. Shultz as Chairman of the Committee on Insurance.

Also, Rep. Edmonds replaces Rep. Schwab as Vice Chairman of the Committee on Taxation.

Also, Rep. Kinzer replaces former Rep. Shultz as Chairman of the Committee on Rules and Journal.

Also, Rep. McPherson is appointed to fill the vacancy on Committee on Rules and Journal.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, February 7, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

