

# Journal of the House

TWENTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 17, 2014, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Alcalá, Anthimides and Peterson were excused on verified illness.

Rep. Ruiz was excused on excused absence by the Speaker.

Prayer by Christina Fowler, pastor, Olive Branch Chapel, Russell, and guest of Rep. Waymaster:

God of creation, we thank you for every gift you have bestowed upon us. We acknowledge that every good and perfect gift we have been given comes from you. We thank you for this state and this nation, and all the freedoms and privileges You have bestowed upon us.

Thank you for this legislative body which works so diligently and tirelessly on behalf of the people of Kansas. Bring unity and oneness to this group, and grant them wisdom so every decision they make aligns with Your will. Grant clarity when confusion tries to invade. Grant knowledge where ignorance begins to overpower. Lord, I ask that you would pour out Your peace and blessings upon each one here today. Thank you for their willingness to serve the people of Kansas. Amen

The Pledge of Allegiance was led by Rep. Ballard.

## INTRODUCTION OF GUESTS

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

Today, we have with us a group of 4-H youth who participated in a program called "Citizenship in Action." Last night, approximately 278 4-H members from across the state came to the Capitol, sat in the chairs of both the House and Senate, and conducted a mock legislative session.

The Kansas 4-H program, with the support of the Kansas 4-H Foundation, for years has developed leaders with club meetings, parliamentary procedures, and project talks. Last night's session was an extension of those programs for 4-H members who are in high school. No other youth program in Kansas presents its members with this kind of

training. As I mentioned last year during session, it would be interesting to know just how many Legislators got our first exposure to leadership through a 4-H meeting.

Today, I would like to congratulate these young men and women for the way they conducted themselves last evening. I have no doubt that among them today are some of our future Representatives and Senators.

I would like to recognize Sara Keathley who is events coordinator for the Kansas 4-H program. She is responsible for doing the leg work that makes this event possible. The 4-H youth development staff works with local 4-H leaders to provide support for local 4-H programs.

The 4-H Foundation is the group that secures contributions to fund all the state activities, including Rock Springs Ranch and Clovia Scholarship House on the KSU campus.

I would like to introduce the 4-H members of the committee that organized the mock session.

We also have with us Rep. Swanson, Rep. Hoffman, Rep. Schroeder who is a sponsor; Rep. Johnson, member of the Financial Advisory Committee; and Gordon Hibbard, Director of the 4-H Foundation, whom many of you know and whom I call "brother."

Gordon, I present you with this official certificate from the House of Representatives to the Kansas 4-H Foundation in recognition of your efforts to provide leadership programs for Kansas youth that develop leaders for our future.

### **INTRODUCTION OF GUESTS**

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

During the week of February 15-22, the Kansas FFA Association is celebrating 86 years of FFA. Programs are located in both rural and urban areas of Kansas with FFA members found in 88 of the 105 counties across Kansas.

Over 86 years, agricultural education, the National FFA Organization and the Kansas FFA Association have grown and developed with the changing times so as to aid members in continuing to be career ready and successful for a lifetime. Programming continues to be adjusted and developed to remain relevant in today's societal needs by expanding agricultural opportunities encompassing science, business and technology, in addition to production farming.

A quote from the FFA Creed, "I believe in the future of agriculture, with faith born not of words but of deeds – achievements won by the present and past generations of agriculturists; in the promise of better days through better ways, even as the better things we now enjoy have come to us from the struggles of former years."

Fifty-seven years ago my husband, Leo Schwartz, was awarded the first FFA Star Farmer of Kansas Degree. Thirty-three years ago our son, Douglas, was recognized as the Regional Star Farmer of America FFA Degree.

Today we welcome the state officer team of the Kansas FFA Association – six students who are attending college with diverse majors ranging from Bakery Science and Management, Computer Science Education, Agricultural Education to Agribusiness.

The students are: Lindy Bilberry, President, from Garden City, a freshman at Kansas

State University; Carrie Carlson, Vice President, from Lincolnville, a freshman at Kansas State University; Chance Hunley, Secretary, from Riverton, a freshman at Kansas State University; Cody Holliday, Treasurer, from Jackson Heights, a freshman at Kansas State University; Daryl Simmons, Reporter, from Minneapolis, a sophomore at Butler Community College; Elizabeth Allen, Sentinel, from Holton, a freshman at Kansas State University.

Please join me in welcoming the FFA Leadership team of 2013-1024.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2723**, AN ACT creating the taxpayer empowerment, accountability and transparency in state contracting act, by Committee on Appropriations.

**HB 2724**, AN ACT concerning the uniform commercial driver's license act; definitions, tank vehicle; amending K.S.A. 2013 Supp. 8-2,128 and repealing the existing section, by Committee on Taxation.

**HB 2725**, AN ACT concerning civil procedure and civil actions; relating to writ of habeas corpus; abuser of writ; amending K.S.A. 2013 Supp. 60-1501 and repealing the existing section, by Committee on Federal and State Affairs.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2692, HB 2694, HB 2695.**

Appropriations: **HB 2720.**

Children and Seniors: **HB 2716, HB 2717, HB 2718.**

Commerce, Labor and Economic Development: **HB 2721.**

Corrections and Juvenile Justice: **HB 2696, HB 2698, HB 2699, HB 2700, HB 2703, HB 2705, HB 2706, HB 2707, HB 2708.**

Financial Institutions: **HB 2687.**

Health and Human Services: **HB 2691, HB 2697, HB 2701.**

Insurance: **HB 2688, HB 2690, HB 2704.**

Judiciary: **HB 2689, HB 2710, HB 2711, HB 2712, HB 2719.**

Taxation: **HB 2714, HB 2722.**

Transportation: **HB 2693, HB 2702, HB 2713, HB 2715.**

### **CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2671** from Committee on Health and Human Services and referral to Committee on Insurance.

### **CONSENT CALENDAR**

Objection was made to **HB 2510** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

No objection was made to **HB 2504, HB 2507** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2537** appearing on the Consent Calendar for the second day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2470**, AN ACT concerning the state board of regents; relating to state educational institutions; pertaining to the purchase of certain insurance; amending K.S.A. 2013 Supp. 75-4101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Alcalá, Anthimides, Peterson, Ruiz.

The bill passed.

**HB 2544**, AN ACT concerning postsecondary educational institutions; relating to distance education; state authorization reciprocity agreement; amending K.S.A. 2013 Supp. 74-32,164 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Alcalá, Anthimides, Peterson, Ruiz.

The bill passed.

**REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **HB 2493** be amended on page 3, in line 31, by striking "or cosigner";

On page 5, in line 33, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; in line 36, by striking "Notwithstanding any other provision of law, any"; by striking all in lines 37 through 39;

On page 6, in line 38, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; in line 41, by striking "Notwithstanding any other provision of"; by striking all in lines 42 and 43;

On page 7, by striking all in line 1;

On page 8, in line 12, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; in line 15, by striking "Notwithstanding any other provision of"; by striking all in lines 16 through 18; in line 34, after "surety," by inserting "and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto,"; by striking all in lines 38 through 41; following line 41, by inserting:

"Sec. 6. K.S.A. 2013 Supp. 21-6329 is hereby amended to read as follows: 21-6329. (a) It is unlawful for any covered person:

(1) Who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise;

(2) through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property; or

(3) employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(b) Violation of this section or conspiracy to commit a violation of this section is a severity level 2, person felony.

(c) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-5302, and amendments thereto, shall not apply to conspiracy to commit a violation of this section.

(d) (1) Notwithstanding the provisions of K.S.A. 2013 Supp. 21-6611, and amendments thereto, any person convicted of engaging in conduct in violation of this section, through which the person derived pecuniary value, or by which the person caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

(2) The court shall hold a hearing to determine the amount of the fine authorized by this subsection.

(3) For the purposes of this subsection, "pecuniary value" means:

(A) Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; and

(B) any other property or service that has a value in excess of \$100.

(e) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, unless the court determines on the record that the defendant is not likely to re-offend, an appropriate intensive pretrial supervision program is available and the defendant agrees to comply with the mandate of such pretrial supervision. ~~Notwithstanding any other provision of law, any person arrested and charged under this section shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto.~~;

And by renumbering sections accordingly;

On page 9, in line 33, by striking "and" and inserting a comma; also in line 33, after "21-6316" by inserting "and 21-6329";

On page 1, in the title, in line 4, by striking the first "and" and inserting a comma; also in line 4, after "21-6316" by inserting "and 21-6329"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2444** be amended on page 1, in line 16, by striking "regardless" and inserting "irrespective"; in line 17, by striking the first "a" and inserting "the"; also in line 17, by striking "contains" and inserting "has"; in line 19, by striking "for" and inserting "of"; in line 20, by striking "or" and inserting "and"; in line 21, by striking "such" and inserting "the"; in line 22, by striking "presently"; in line 23, by striking "for" and inserting "with regard to"; in line 25, after "Compel" by inserting "any distribution"; in line 26, by striking "in the capacity" and inserting "while serving"; also in line 26, by striking "to make a distribution to such"; in line 27; by striking "beneficiary, if such beneficiary" and inserting "either"; also in line 27, after "presently" by inserting "authorized to make to such beneficiary"; also in line 27, by striking "do so" and inserting "make to such beneficiary and did not make"; in line 28, by striking "relating" and inserting "with respect"; and the bill be passed as amended.

#### COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Kuether to replace Rep. Ruiz as a member of the Committee on Commerce, Labor and Economic Development for Monday, February 17, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, February 18, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*