

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Tuesday, February 17, 2015, 112-N of the Capitol.

All members were present except:

Representative Janice Pauls – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department

Robert Allison-Gallimore, Legislative Research Department

Jason Thompson, Office of Revisor of Statutes

Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Luke Bell, Kansas Association of Realtors

Rebecca Proctor, Kansas Organization of State Employees

Candace Ayars, Ph.D.

Derrick Baxter

Lynette Lewis

Marjorie Riffin

Others in attendance:

[See Attached List](#)

Hearing on: HB2256 — Commercial real estate broker lien act.

Chairperson John Barker opened the hearing on **HB2256**. Jason Thompson, Office of Revisor of Statutes, gave an overview of the bill.

Luke Bell testified as a proponent of **HB2256** on behalf of the Kansas Association of Realtors ([Attachment 1](#)). Questions were directed to Mr. Bell by Representatives John Carmichael and James Todd.

After seeing that there were no other conferees, Chairperson Barker closed the hearing on **HB2256**.

Chairperson Barker asked if there were any amendments to the bill. Seeing none, he stated he wanted to work **HB2256**.

*Representative John Carmichael moved to suspend the rules and work **HB2256**, seconded by Representative Leslie Osterman. Chairperson Barker noted that it would take a two-thirds majority for the motion to pass. He called for a vote. The motion to suspend the rules and work the bill passed.*

*Representative John Carmichael moved to pass **HB2256**, seconded by Vice-Chairperson Charles Macheers. **HB2256** passed favorably.*

Hearing on: HB2151 — Workplace bullying, abuse and harassment; policies for state employees.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Chairperson Barker opened the hearing on **HB2151**. Jason Thompson, Office of Revisor of Statutes, gave an overview of the bill. Questions were asked by Representatives Jim Ward and Mark Kahrs.

Chairperson Barker recognized Rebecca Proctor of the Kansas Organization of State Employees as a proponent of **HB2151** ([Attachment 2](#)). Questions were directed to Ms. Proctor by Representatives John Whitmer, Steven Becker, James Todd, John Rubin, Craig McPherson, and John Carmichael.

Candance Ayars, Ph.D. provided proponent testimony on **HB2151** ([Attachment 3](#)). Representative John Whitmer had a question of Dr. Ayars.

Derrick Baxter then testified as a proponent of **HB2151** ([Attachment 4](#)).

Chairperson Barker recognized Lynette Lewis as a proponent ([Attachment 5](#)). Representative John Carmichael had questions for Ms. Lewis concerning her employment with the state.

Marjorie Riggan provided proponent testimony on **HB2151** ([Attachment 6](#)).

Representative Annie Kuether made the statement that she had heard many stories of state employees with these concerns in her district.

Chairperson Barker closed the hearing on **HB2151** after seeing that there were no further proponents and no opponents or neutrals.

Possible action on bills previously heard

HB2105 - An act concerning money laundering; enacting the Kansas comprehensive money laundering act

Chairperson Barker asked the committee to open their folders on **HB2105**. He then asked what their pleasure was.

*Representative Charles Macheers moved to pass **HB2105**, seconded by Representative Mark Kahrs.*

Representative Blaine Finch stated that he has an amendment from the Attorney General ([Attachment 7](#)). It addresses the concerns the Attorney General had about the identical offense and specific offense doctrines and making sure it is not in conflict with the current RICO statutes. The Office of the Securities Commissioner has also worked on this bill.

*Representative Blaine Finch moved to pass the amendment to **HB2105**, seconded by Representative John Whitmer.*

Representative John Carmichael had a question about Attachment A to the amendment, which was

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explained by Jason Thompson.

Representative Blaine Finch closed on the amendment. Chairperson Barker called for a vote, and the amendment to **HB2105** passed favorably.

Representative Craig McPherson urged the committee to vote against **HB2105**. Of the testimony that was given, the Attorney General's Office seemed very unconvinced of the need for this bill, and the Office of the Securities Commissioner did not give a prevailing reason for the criminalization in and of itself. The reason they were introducing the bill was to expand their policing ability. Representative McPherson sees no reason for this bill.

Representative Steven Becker is concerned about the penalties imposed in this bill involving a financial transaction. The penalty is considerably higher than it needs to be. Other financial crimes, such as forgery, do not carry that high of a penalty. In addition, the penalty jumps from a misdemeanor on the first conviction up to a level 6 felony on a second conviction.

Representative John Carmichael agreed with the concerns of his colleagues. He felt Natalie Chalmers' testimony showed that, although the Attorney General's Office didn't want to cross the recommendation of the Securities Commissioner's Office, there was no crying need for this legislation. The Attorney General's Office has authority to prosecute these crimes. In addition, the state cannot afford any more bed space for crimes like this. He is opposed to **HB2105**.

Representative Mark Kahrs moved to table **HB2105**, seconded by Representative Erin Davis. After a show of hands, **HB2105** was tabled.

HB2106 - an act concerning the Kansas uniform securities act; relating to criminal penalties; fees

Chairperson Barker asked the committee to open their folders on **HB2106**.

Representative Jim Ward moved that the committee report **HB2106** favorably for passage, seconded by Representative John Carmichael.

Chairperson Barker called for discussion, but there was none.

Representative Jim Ward closed on **HB2106**. Chairperson Barker called for a vote. **HB2106** passed favorably.

The meeting was adjourned at 4:52 p.m. The next meeting is scheduled for February 18, 2015.