

# Journal of the Senate

THIRTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 21, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-nine senators present.  
Senator Apple was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

It's like this every session, Lord;  
Would You help me, please?  
I'm trying to establish  
My priorities.

Do I study through the night  
To help my bill to carry,  
Or get the rest I need and hope  
I will not be embarrassed?

Do I vote the party line  
And upset some supporters,  
Or break ranks with my colleagues  
And pacify the voters?

Do I accept an invitation  
To address important folks,  
Or take my daughter out  
For burgers, fries and cokes?

Do I meet with civic leaders  
Discussing urban blight  
Or make sure some little guy  
Is getting treated right?

I have a lot more questions  
But I have no time to spare.  
I don't want to be accused of  
A filibuster prayer!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 438**, AN ACT concerning the state directory of new hires; relating to information submitted by employers; amending K.S.A. 2011 Supp. 75-5743 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 439**, AN ACT concerning abstracters; relating to license fees; amending K.S.A. 58-2801 and repealing the existing section, by Committee on Ways and Means.

**SB 440**, AN ACT concerning the arts; creating the creative arts industries commission within the department of commerce; transferring the powers, functions and duties from the Kansas arts commission and the Kansas film services commission to the creative arts industries commission; abolishing the Kansas arts commission and the Kansas film services commission; amending K.S.A. 46-1801, 74-7901 and 75-2249 and K.S.A. 2011 Supp. 8-1,161, 73-2502, 73-2504, 75-2269 and 75-5072 and repealing the existing sections; also repealing K.S.A. 74-5202, 74-5203, 74-5204, 74-5205 and 74-5206 and K.S.A. 2011 Supp. 74-9201 and 74-9202, by Committee on Ways and Means.

**SB 441**, AN ACT concerning certificates of title for certain motor vehicles; amending K.S.A. 2011 Supp. 8-198 and repealing the existing section, by Committee on Ways and Means.

**SB 442**, AN ACT concerning taxation; relating to property and sales tax exemptions for health clubs; amending K.S.A. 2011 Supp. 79-201 and 79-3603 and repealing the existing sections, by Committee on Ways and Means.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2455**.

Federal and State Affairs: **SB 437; HCR 5031**.

Financial Institutions and Insurance: **HB 2593**.

Judiciary: **HB 2324, HB 2413, HB 2469; Sub HB 2470; HB 2484, HB 2496, HB 2531, HB 2600**.

Natural Resources: **HB 2685**.

Transportation: **HB 2499**.

Ways and Means: **SB 433, SB 434, SB 435, SB 436; HB 2537**.

### CHANGE OF REFERENCE

The President withdrew **SB 411** from the Committee on **Assessment and Taxation** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 413** from the Committee on **Commerce** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 361, SB 401, SB 410** from the Committee on **Education** and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 423** from the Committee on **Judiciary** and referred the bill to the Committee on **Ways and Means**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2432, HB 2464, HB 2468, HB 2473, HB 2569, HB 2612, HB 2613, HB 2708.**

Announcing adoption of **HCR 5032.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2432, HB 2464, HB 2468, HB 2473, HB 2569, HB 2612, HB 2613, HB 2708; HCR 5032** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1823—

A RESOLUTION honoring Henry Williams and the Uppercut Boxing Club.

WHEREAS, Henry Williams is the winner of the 2011 Sargent Shriver Annual Achievement Award, one of two prestigious recognitions presented annually by the national Community Action Partnership; and

WHEREAS, Williams was nominated for the award by Becky Gray and Steve Lohr, director of the Southeast Kansas Community Action program (SEK-CAP). Lohr said Williams was selected from among 1,100 community action programs across the nation; and

WHEREAS, Williams began working with SEK-CAP in 2000, when he earned a Personal Responsibility and Achievement Award. His desire to give back to his community led to the establishment of the Uppercut Boxing Club, the only stand-alone youth development organization in Independence, Kansas, focusing on enabling youth in a positive manner and preventing delinquency; and

WHEREAS, Working out of his home in the beginning, Williams helped young people train for amateur boxing four nights a week and mowed lawns to obtain the funds necessary to purchase basic boxing equipment. Through persistent contact, he gained the support of churches, schools and local law enforcement; and

WHEREAS, The Uppercut Boxing Club has developed a positive reputation throughout the Independence community. The Uppercut Boxing Club obtained a grant from the Kansas Health Foundation and many community partners have participated in fundraising efforts. Additionally, individual and community supporters serve as board members and volunteers in the program; and

WHEREAS, Through Williams' interactions with SEK-CAP, dedication and hard work, Williams and the Uppercut Boxing Club have improved their own community, making Independence a better place to live: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor and recognize Henry Williams for his accomplishments and the Uppercut Boxing Club for its service to the Independence, Kansas community; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1823** was adopted unanimously.

Senator King introduced and congratulated Henry Williams for being the winner of the 2011 Sargent Shriver Annual Achievement Award and the establishment of the Uppercut Boxing Club. The Senate acknowledged his achievement with a standing ovation.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 302** be amended on page 1, by striking all in lines 7 through 30; in line 31, by striking "Sec. 2" and inserting "Section 1"; in line 32, by striking "nonamenable species" and inserting "animals other than livestock, poultry or rabbits which can or may be used in and for the preparation of meat or meat products, poultry or poultry products";

On page 2, in line 23, after "establishment" by inserting "applying the mark of inspection"; in line 26, after "requested" by inserting ", except for minor deviations from a daily operating schedule approved by the area supervisor"; in line 42, by striking "or the secretary's"; in line 43, by striking "authorized representative";

On page 8, by striking all in lines 15 through 17;

On page 12, in line 6, by striking "such"; in line 7, by striking "as will" and inserting "that"; also in line 7, by striking "correctly" and inserting "accurately"; also in line 7, by striking "all transactions involved in"; in line 8, by striking "their businesses"; and inserting "transactions related to animals prepared for and capable of use as human food. Nothing in this section shall affect the exemptions established in K.S.A. 65-6a31, and amendments thereto"; in line 14, by striking "may" and inserting "shall";

And by renumbering sections accordingly; and the bill be passed as amended.

Also, **SB 357** be amended on page 1, in line 9, by striking "knowing,"; also in line 9, by striking "or being advised"; in line 25, by striking "or irreparable"; in line 26, by striking "damage to such land"; in line 28, by striking ", including, but not limited to, discing,"; by striking all in line 29; in line 30, by striking "dust control" and inserting "that shall include any recognized method of dust control in the applicable field office technical guide of the natural resources conservation service"; also in line 30, by striking "receive" and inserting "receives"; in line 31, by striking "determine" and inserting "determines"; in line 33, by striking "direct the"; in line 34, by striking "complaining citizen to present" and inserting "refer";

On page 2, in line 8, by striking "complaining party will appear" and inserting "complaint will be heard"; in line 13, after "receiving" by inserting "written"; in line 24, after "district." by inserting "Included in such recommendation shall be a determination by the local conservation district as to whether the land at issue is in compliance with a conservation plan promulgated by the owner or tenant under 7 C.F.R. § 12.5, as in effect on July 1, 2012. If the land at issue is determined to be in compliance with a conservation plan promulgated by the owner or tenant under 7 C.F.R. § 12.5, as in effect on July 1, 2012, the conservation district shall recommend no corrective action be taken by the board of county commissioners. If the land at issue is determined to not be in compliance with a conservation plan promulgated by the owner or tenant under 7 C.F.R. § 12.5, as in effect on July 1, 2012,";

On page 3, in line 12, by striking "may accept, reject or modify the recommendations"; by striking all in line 13; in line 14, by striking "commissioners" and inserting "shall accept or reject the recommendations of the local conservation district. In such case where the board of county commissioners rejects the local

conservation district's recommendations, the board of county commissioners may, if it is determined corrective action is needed other than the corrective action recommended by the local conservation district, request the local conservation district develop an alternative recommendation. A request for an alternative recommendation from the local conservation district by the board of county commissioners shall set forth the reasons why the board of county commissioners believes an alternative recommendation is necessary. Upon receiving an alternative recommendation from the local conservation district, the board of county commissioners shall accept or reject the alternative recommendation"; by striking all in lines 16 through 21; in line 24, after "appropriate" by inserting "under subsection (a)"; following line 38, by inserting:

"Sec. 2. K.S.A. 2-2008 is hereby amended to read as follows: 2-2008. (a) When work has been done by the county, or by anyone employed by it to carry out its orders respecting ~~the planting or cultivation~~ of any specific tract of land under K.S.A. 2-2004 ~~or 2-2006~~, and amendments thereto, and warrants issued therefor, the board of county commissioners shall notify the owner of the land, by certified mail or otherwise, of the amount thereof and require the owner to make a showing before them, on a day named, which shall not be less than 30 days after the date of the notice, as to why the cost of the work should not be levied against the land as a special assessment. Unless the owner of the land can show that the work was necessitated by circumstances beyond the owner's control, and which could not reasonably have been anticipated, the expense thereof shall be assessed against the land as a special assessment.

(b) The assessment shall be made by an order of the board of county commissioners, which order shall be recorded in its minutes, and shall be collected as a special assessment. The amount of the assessment shall not exceed \$3 per acre for each acre on which work is done for any one year, unless the board of county commissioners determines at its first meeting during any calendar year that \$3 per acre is not adequate to cover the actual cost of the work. Upon such determination the board of county commissioners shall fix, at the first business meeting of the board during any calendar year, an amount in excess of \$3 per acre which the board determines to be a reasonable assessment per acre to cover the actual cost of the work during such calendar year. If the amount assessed against any such acre in any year exceeds \$3 or exceeds the amount fixed by the board of county commissioners in any year to cover the cost per acre of the work for that year, or the total amount assessed against any such acre in more than one year and which is uncollected exceeds \$3 or exceeds the amount fixed by the board of county commissioners in any year to cover the cost per acre of the work for that year, such amount shall be collected in annual installments not exceeding \$3 or the amount fixed by the board of county commissioners at its first meeting during any calendar year to cover the actual cost of the work per such acre, as applicable.

(c) For good cause shown, the board of county commissioners may divide the cost between the owner of the land and the county. ~~All moneys collected on such special assessment shall be credited to the soil drifting fund.~~ Any landowner aggrieved at the amount of the assessment against the landowner's land may bring an action in the district court of the county in which the land is situated to test the validity of the assessment or to enjoin its collection, but such action must be brought within 30 days after the assessment is made, and cannot be brought thereafter.";

And by renumbering sections accordingly;

Also on page 3, by striking "is" and inserting ", 2-2006, 2-2007 and 2-2008 and

K.S.A. 2011 Supp. 2-2003 and 2-2005 are";

On page 1, in the title, in line 3, after "2-2004" by inserting "and 2-2008"; also in line 3, by striking "section" and inserting "sections; also repealing K.S.A. 2-2006 and 2-2007 and K.S.A. 2011 Supp. 2-2003 and 2-2005"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 373** be passed.

Also, **SB 273** be amended on page 2, in line 9, after the first "any" by inserting "financial"; in line 15, by striking "\$100,000" and inserting "\$50,000"; in line 16, by striking "\$50,000,000" and inserting "\$200,000,000"; in line 18, by striking all after "(B)" in line 19, by striking all before the period and inserting "\$200,000 for any insurance company or society which has \$200,000,000 or more in gross premiums, both direct and assumed, in the preceding calendar year.

(3) The amount paid for all outside consulting and data processing fees necessary to perform any market regulation examination at any one company or society, including examination of such company's or society's subsidiaries, or any combination thereof, and the *pro rata* amount to fund the purchase of examination equipment and computer software shall not collectively total more than \$25,000"; and the bill be passed as amended.

**SB 372** be amended on page 6, in line 16, by striking "has the power to" and inserting ", after notice and an opportunity for hearing, may";

On page 1, in the title, in line 1, by striking "transmitters"; and inserting "transmitter"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 367** be passed.

Also, **SB 304** be amended on page 1, in line 20, by striking the comma and inserting "or"; also in line 20, by striking "or"; in line 21, by striking "the behavioral sciences regulatory board";

On page 2, in line 9, after "(b)" by inserting "Except as provided in subsection (i),"; in line 19, by striking "qualifications"; following line 22, by inserting:

"(5) a statement that the applicant has complied with such other qualifications as may be established by the attorney general by rules and regulations;"; by striking all in lines 26 through 33;

And by redesignating subsections accordingly;

On page 3, following line 24, by inserting:

"(i) A batterer intervention program may be exempted from the initial application for certification as a certified batterer intervention program if such program had been previously certified or certified by the attorney general as a batterer intervention program on the day preceding the effective date of this act.

(j) (1) Except as provided further, the program director, program supervisor or program coordinator of any batterer intervention program shall be licensed to practice in Kansas as a licensed psychologist, licensed baccalaureate social worker, licensed master social worker, licensed specialist clinical social worker, licensed marriage and family therapist, licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, licensed master level psychologist or licensed clinical psychotherapist.

(2) Any person not licensed as required in subsection (j)(1) who is a program director, program supervisor or program coordinator immediately prior to the effective date of this act may continue to be a program director, program supervisor or program

coordinator on and after the effective date of this act if such person remains employed or contracted by the same program, and such program remains a certified batterer intervention program. When such person is no longer employed or contracted by the program in which they were a program director, program supervisor or program coordinator immediately prior to the effective date of this act, such person shall not be a program director, program supervisor or program coordinator for any certified batterer intervention program without meeting the license requirements prescribed in subsection (j)(1).";

On page 4, in line 34, by striking "qualifications" and inserting "policies and procedures"; in line 37, by striking "training and education requirements, continuing or otherwise," and inserting "orientation training and continuing education requirements"; in line 38, after "coordinators" by inserting ", and any agent or employee of a certified batterer intervention program who directly provides intervention services to clients of such program"; by striking all in lines 41 through 43;

On page 5, by striking lines 1 and 2, and inserting:

"(b) Such rules and regulations shall require the following:

(1) The Kansas domestic violence offender assessment shall be completed by: (A) An individual who is licensed to practice in Kansas as a licensed psychologist, licensed baccalaureate social worker, licensed master social worker, licensed specialist clinical social worker, licensed marriage and family therapist, licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, licensed master level psychologist or licensed clinical psychotherapist; or (B) an individual who meets the requirements of subsection (b)(2).

(2) Any person who is not licensed as required in subsection (b)(1)(A) who is completing domestic violence offender assessments as an employee of or volunteer for a batterer intervention program immediately prior to the effective date of this act may continue to complete such assessments on and after the effective date of this act if such person remains an employee of or volunteer for the same program, and such program remains a certified batterer intervention program. When such person is no longer an employee of or volunteer for the program in which they were employed or volunteering immediately prior to the effective date of this act, such person shall not be allowed to complete the Kansas domestic violence offender assessment for any certified batterer intervention program without meeting the license requirements prescribed in subsection b)(1)(A).";

Also on page 5, in line 23, by striking "amendment" and inserting "amendments";

On page 6, in line 25, by striking "recovered" and inserting "imposed"; in line 26, after "be" by inserting "recovered by the attorney general,";

On page 7, in line 43, by striking "educational requirement for" and inserting "orientation training and continuing education requirements for staff who will be directly providing intervention services to clients of";

On page 11, following line 11, by inserting:

"Sec. 15. K.S.A. 2011 Supp. 21-5414 is hereby amended to read as follows: 21-5414. (a) Domestic battery is:

(1) Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) knowingly causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) Domestic battery is a:

(1) ~~Except as provided in subsection (b)(2) or (b)(3), a Class B person misdemeanor and the offender shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the offender enroll in and successfully complete a domestic violence prevention program; except as provided in subsection (b)(2) or (b)(3) to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program;~~

(2) ~~except as provided in subsection (b)(3), a class A person misdemeanor, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a second time and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000, except as provided in subsection (b)(3). The five days imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program. The offender shall serve at least five consecutive days imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to enter into and complete a treatment program for domestic violence prevention~~ undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program; and

(3) ~~a person felony, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a third or subsequent time, and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. The offender convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the offender has served at least 90 days imprisonment. The court shall require as a condition of parole that such offender enter into and complete a treatment program for domestic violence~~ As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program. If the offender does not ~~enter into and complete a treatment program for domestic violence~~ undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, the offender shall serve not less than 180 days nor more than one year's imprisonment. The 90 days imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program.

(c) As used in this section:

(1) "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past,



and persons who have a child in common regardless of whether they have been married or who have lived together at any time. "Family or household member" also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of K.S.A. 21-3412a, prior to its repeal, this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to July 1, 2001 shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(d) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any five-year period.

Sec. 16. K.S.A. 2011 Supp. 21-6604 is hereby amended to read as follows: 21-6604. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense and may impose the provisions of subsection (q);

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up

through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2011 Supp. 21-6609, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (c) of K.S.A. 2011 Supp. 21-6602, and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in K.S.A. 2011 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson or aggravated arson as defined in K.S.A. 2011 Supp. 21-5812, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in subsection (i) of K.S.A. 2011 Supp. 21-6804, and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. On a third or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 2011 Supp. 21-6107, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (d) of K.S.A. 2011 Supp. 21-6602, and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a

community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 2011 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2011 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 2011 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2011 Supp. 21-6824, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2011 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto, or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community

intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of K.S.A. 2011 Supp. 21-6824, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2011 Supp. 21-6608, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) Except as provided by subsection (f) of K.S.A. 2011 Supp. 21-6805, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2011 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2011 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2011 Supp. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in K.S.A. 2011 Supp. 21-6805, and amendments thereto. For those offenders who are convicted on or after July 1, 2003, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2011 Supp. 21-5706, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order

imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, "highway" and "street" means the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to K.S.A. 2011 Supp. 22-4616, and amendments thereto, the court shall require the defendant to: (1) Undergo a domestic violence offender assessment conducted by a certified batterer intervention program; and (2) follow all recommendations made by such program, unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence offender assessment and any other evaluation to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

(q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date

specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.";

And by renumbering sections accordingly;

Also on page 11, in line 37, after "12-4509" by inserting ", 21-5414, 21-6604";

On page 1, in the title, in line 2, after "12-4509" by inserting ", 21-5414, 21-6604"; and the bill be passed as amended.

**SB 322** be amended on page 20, in line 4, by striking "further" and inserting "in this section and K.S.A. 2011 Supp. 28-178, and amendments thereto"; in line 14, by striking "Any" and inserting "Such"; in line 15, by striking "21-4619, prior to its repeal,"; in line 16, by striking "60-1621, prior to its transfer,"; in line 18, after "179," by inserting "32-1049a,";

On page 21, following line 38, by inserting:

"Sec. 11. K.S.A. 2011 Supp. 32-1049a is hereby amended to read as follows: 32-1049a. (a) Failure to comply with a wildlife ~~and parks~~ parks and tourism citation means failure to:

(1) Appear before any district court in response to a wildlife ~~and parks~~ parks and tourism citation and pay in full any fine, court costs, assessments or fees imposed;

(2) fully pay or satisfy all fines, court costs, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife ~~and parks~~ parks and tourism laws of this state; or

(3) otherwise comply with a wildlife ~~and parks~~ parks and tourism citation as provided in K.S.A. 32-1049, and amendments thereto.

Failure to comply with a wildlife ~~and parks~~ parks and tourism citation is a class C misdemeanor, regardless of the disposition of the charge for which such citation, complaint or charge was originally issued.

(b) The term "citation" means any complaint, summons, notice to appear, ticket, warrant, penalty assessment or other official document issued for the prosecution of the wildlife ~~and parks~~ parks and tourism laws and regulations of this state.

(c) In addition to penalties of law applicable under subsection (a) when a person fails to comply with a wildlife ~~and parks~~ parks and tourism citation or sentence for a violation of wildlife ~~and parks~~ parks and tourism laws or rules and regulations, the district court in which the person should have complied shall mail a notice to the person that if the person does not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within 30 days from the date of mailing, the Kansas department of wildlife ~~and parks~~ parks and tourism shall be notified to forfeit or suspend any license, permit, stamp or other issue of the department. Upon receipt of a report of a failure to comply with a wildlife ~~and parks~~ parks and tourism citation under this section, and amendments thereto, the department shall notify the violator and suspend or forfeit the license, permit, stamp or other issue of the department held by the violator until satisfactory evidence of compliance with the wildlife ~~and parks~~ parks and tourism citation or sentence of the district court for violation of the wildlife ~~and parks~~ parks and tourism laws or rules and regulations of this state are furnished to the informing court. Upon receipt of notification of such compliance from the informing court, the department shall terminate the suspension action, unless the violator is otherwise suspended.



(d) Except as provided in subsection (e), when the district court notifies the department of a failure to comply with a wildlife ~~and parks~~ parks and tourism citation or failure to comply with a sentence of the district court imposed on violation of a wildlife ~~and parks~~ parks and tourism law or rule and regulation, the court shall assess a reinstatement fee of \$50 for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the state general fund.

(e) The district court shall waive the reinstatement fee provided for in subsection (d), if the failure to comply with a wildlife ~~and parks~~ parks and tourism citation was the result of such person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, or volunteering for such active duty or being called into service as a member of the Kansas national guard or volunteering for such active duty and being absent from Kansas because of such military service. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(f) Except as provided further, the reinstatement fee established in subsection (d) shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2013, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel."

On page 32, in line 39, after "28-179," by inserting "32-1049a,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "28-179," by inserting "32-1049a,"; and the bill be passed as amended.

**SB 422** be amended on page 1, by striking all in lines 7 through 15; and inserting "Subject to the budget limitations of the district court, the chief judge of any judicial district may appoint a judge pro tem within such judicial district: (1) For good cause shown; or (2) in the absence, sickness or disability of a district judge or district magistrate judge, whenever a district judge or district magistrate judge from another judicial district has not been assigned to replace such district judge or district magistrate judge as provided in K.S.A. 20-319, and amendments thereto."; and the bill be passed as amended.

**SB 424** be amended on page 1, in line 16, by striking "the division of continuing education";

On page 6, in line 14, after "expunged;" by inserting "and"; in line 17, by striking all after the first "felony"; in line 18, by striking "2012";

On page 12, following line 23, by inserting:

"Sec. 10. K.S.A. 2011 Supp. 12-1,120 is hereby amended to read as follows: 12-

1,120. (a) Each person holding office as chief of police of any city in this state shall be fingerprinted as provided by this section.

(b) Before assuming the office of chief of police of any city in this state, a person shall be fingerprinted as provided by this section.

(c) Fingerprinting pursuant to this section shall be done by the law enforcement agency of the city in the presence of the city clerk. The city clerk shall forthwith forward the fingerprints to the Kansas bureau of investigation for a search of state and national fingerprint files to determine whether the person qualifies for admission to the law enforcement training center pursuant to ~~subsection (e) of K.S.A. 74-5605~~ subsection (f) of K.S.A. 74-5607, and amendments thereto. The Kansas bureau of investigation shall certify any conviction record of the person, or lack thereof, found as a result of such search to the city clerk and, if such a record is found, to the attorney general.

(d) Fingerprints taken and submitted pursuant to this section shall be on forms approved by the attorney general.

(e) The cost of a search of fingerprint files pursuant to this section shall be paid by the person being fingerprinted.

Sec. 11. K.S.A. 19-801b is hereby amended to read as follows: 19-801b. (a) No person shall be eligible for nomination, election or appointment to the office of sheriff unless such person:

- (1) Is a citizen of the United States and a qualified elector of the county;
- (2) possesses a high-school education or its recognized equivalent; and
- (3) has never been convicted of or pleaded guilty or entered a plea of *nolo contendere* to any felony charge, a misdemeanor crime of domestic violence as defined in K.S.A. 74-5602, and amendments thereto, or to any violation of any federal or state laws or city ordinances relating to gambling, liquor or narcotics.

(b) Every person elected to the office of sheriff for the first time, or anyone reelected or appointed to the office after having been out of the office for five years or more shall be required to attend the law enforcement training center as established by K.S.A. 74-5601 *et seq.*, and amendments thereto, and satisfactorily complete the required training course of not less than 320 hours, unless such person has satisfactorily completed such training course within the five years prior to election or appointment, passes a written competency test and firearms proficiency qualification course developed and administered by the Kansas law enforcement training center or unless the ~~director~~ commission, as defined in subsection ~~(d)~~ (b) of K.S.A. 74-5602, and amendments thereto, waives the requirements of this subsection as provided in K.S.A. 74-5608a, and amendments thereto. Unless the requirements are waived, any person elected or appointed to the office of sheriff who has not attended the law enforcement training center shall hold office on a provisional basis, and such person shall attend the next scheduled training program at the law enforcement training center and satisfactorily complete such training program or the one subsequent to it, or shall forfeit such office.

(c) Each newly elected sheriff of each county who is required to attend the law enforcement training center shall be hired as a deputy sheriff and shall be paid a salary as deputy sheriff while attending the law enforcement training center. The tuition, board, room and travel expense for the sheriff-elect at the law enforcement training center shall be paid by the county.

Sec. 12. K.S.A. 31-157 is hereby amended to read as follows: 31-157. (a) The state fire marshal, the state fire marshal's deputies and full-time fire prevention personnel assigned investigation duties who are members of a paid fire department who have been certified by the state fire marshal pursuant to this section shall have the authority to make arrests, carry firearms and conduct searches and seizures while investigating any fire or explosion in which arson or attempted arson is suspected or in which there is an attempt or suspected attempt to defraud an insurance company. Any affidavits necessary to authorize arrests, searches or seizures pursuant to this section shall be made in accordance with K.S.A. 22-2302 and 22-2502, and amendments thereto.

(b) The state fire marshal, with the assistance of an advisory committee appointed pursuant to K.S.A. 31-135, and amendments thereto, shall adopt rules and regulations and specify the number of investigators for departments or areas and establish standards for certification of members of fire departments to make arrests, carry firearms and conduct searches and seizures pursuant to this section. No fire department personnel shall be certified to carry firearms under the provisions of this act without having first successfully completed the firearm training course or courses prescribed for law enforcement officers under K.S.A. ~~74-5604~~ 74-5604a, and amendments thereto.

(c) With the exception of firearms training, nothing in this section shall be construed to require persons employed prior to the effective date of this act to comply with the standards established by the state fire marshal pursuant to this section as a condition of continued employment, and such persons' failure to comply with such standards shall not make such persons ineligible for any promotional examination for which they are otherwise eligible or affect in any way any pension rights to which they are entitled on the effective date of this act.";

And by renumbering sections accordingly;

Also on page 12, in line 24, after the first "K.S.A." by inserting "19-801b, 31-157,"; in line 25, after "Supp." by inserting "12-1,120,";

On page 1, in the title, in line 2, after the first "K.S.A." by inserting "19-801b, 31-157,"; also in line 2, after "Supp." by inserting "12-1,120,"; and the bill be passed as amended.

**SB 425** be amended on page 1, in line 18, by striking "cost" and inserting "costs"; in line 21, after the period by inserting "Such fee shall not exceed \$10 per document for filing and \$0.10 per page for access."; in line 22, after "charge" by inserting "to fund the costs of establishing, operating and maintaining electronic document filing, storage and management for the Kansas court system";

On page 4, in line 38, after "July 1, 2012," by inserting "through June 30, 2013,"; in line 39, by striking "cost" and inserting "costs";

On page 7, in line 13, after "July 1, 2012," by inserting "through June 30, 2013,"; in line 14, by striking "cost" and inserting "costs";

On page 12, in line 5, after "2012," by inserting "through June 30, 2013,"; also in line 5, by striking "cost" and inserting "costs";

On page 16, in line 34, after "July 1, 2012," by inserting "through June 30, 2013,"; in line 35, by striking "cost" and inserting "costs";

On page 19, in line 17, after "July 1, 2012," by inserting "through June 30, 2013,"; in line 18, by striking "cost" and inserting "costs";

On page 20, in line 35, after "July 1, 2012," by inserting "through June 30, 2013,"; in line 36, by striking "cost" and inserting "costs";

On page 22, in line 36, after "July 1, 2012," by inserting "through June 30, 2013"; in line 37, by striking "cost" and inserting "costs"; in line 40, after "K.S.A." by inserting "2011 Supp.";

On page 23, in line 8, after "charge" by inserting "to fund the costs of non-judicial personnel"; in line 11, after "28-179," by inserting "32-1049a,";

On page 24, in line 7, after the period by inserting "Such fee shall not exceed \$10 per document for filing and \$0.10 per page for access.";

On page 25, in line 2, after "July 1, 2012," by inserting "through June 30, 2013,"; in line 3, by striking "cost" and inserting "costs"; following line 4, by inserting:

"Sec. 15. K.S.A. 2011 Supp. 32-1049a is hereby amended to read as follows: 32-1049a. (a) Failure to comply with a wildlife ~~and parks~~ parks and tourism citation means failure to:

(1) Appear before any district court in response to a wildlife ~~and parks~~ parks and tourism citation and pay in full any fine, court costs, assessments or fees imposed;

(2) fully pay or satisfy all fines, court costs, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife ~~and parks~~ parks and tourism laws of this state; or

(3) otherwise comply with a wildlife ~~and parks~~ parks and tourism citation as provided in K.S.A. 32-1049, and amendments thereto.

Failure to comply with a wildlife ~~and parks~~ parks and tourism citation is a class C misdemeanor, regardless of the disposition of the charge for which such citation, complaint or charge was originally issued.

(b) The term "citation" means any complaint, summons, notice to appear, ticket, warrant, penalty assessment or other official document issued for the prosecution of the wildlife ~~and parks~~ parks and tourism laws or rules and regulations of this state.

(c) In addition to penalties of law applicable under subsection (a) when a person fails to comply with a wildlife ~~and parks~~ parks and tourism citation or sentence for a violation of wildlife ~~and parks~~ parks and tourism laws or rules and regulations, the district court in which the person should have complied shall mail a notice to the person that if the person does not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within 30 days from the date of mailing, the Kansas department of wildlife ~~and parks~~ parks and tourism shall be notified to forfeit or suspend any license, permit, stamp or other issue of the department. Upon receipt of a report of a failure to comply with a wildlife ~~and parks~~ parks and tourism citation under this section, and amendments thereto, the department shall notify the violator and suspend or forfeit the license, permit, stamp or other issue of the department held by the violator until satisfactory evidence of compliance with the wildlife ~~and parks~~ parks and tourism citation or sentence of the district court for violation of the wildlife ~~and parks~~ parks and tourism laws or rules and regulations of this state are furnished to the informing court. Upon receipt of notification of such compliance from the informing court, the department shall terminate the suspension action, unless the violator is otherwise suspended.

satisfaction, regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the state general fund.

(e) The district court shall waive the reinstatement fee provided for in subsection (d), if the failure to comply with a wildlife ~~and parks~~ parks and tourism citation was the result of such person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, or volunteering for such active duty or being called into service as a member of the Kansas national guard or volunteering for such active duty and being absent from Kansas because of such military service. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(f) Except as provided further, the reinstatement fee established in subsection (d) shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2012, through June 30, 2013, the supreme court may impose an additional charge to fund the costs of establishing, operating and maintaining electronic document filing, storage and management for the Kansas court system."

Also on page 25, in line 15, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 16, by striking "cost" and inserting "costs";

On page 27, in line 23, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 24, by striking "cost" and inserting "costs";

On page 29, in line 35, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 36, by striking "cost" and inserting "costs";

On page 31, in line 33, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 34, by striking "cost" and inserting "costs";

On page 32, in line 23, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 24, by striking "cost" and inserting "costs";

On page 34, in line 39, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 40, by striking "cost" and inserting "costs";

On page 35, in line 29, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 30, by striking "cost" and inserting "costs";

On page 36, in line 37, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 38, by striking "cost" and inserting "costs";

On page 37, in line 21, after "July 1, 2012," by inserting "through June 30, 2013,,"; in line 22, by striking "cost" and inserting "costs"; in line 36, by striking "the" and inserting "through June 30, 2013, the supreme"; in line 37, by striking "cost" and inserting "costs"; in line 43, after "28-179," by inserting "32-149a,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "28-179," by inserting "32-1049a,"; and the bill be passed as amended.

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FEBRUARY 21, 2012

Committee on **Local Government** recommends **HB 2420** be passed.

Committee on **Transportation** recommends **HB 2441** be passed.

Committee on **Ways and Means** recommends **SCR 1611** be adopted.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Wednesday, February 22, 2012.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

