

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 22, 2013, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-nine senators present.
Senator Masterson was excused.
Invocation by Father Don Davidson:

Heavenly Father the people of Israel were held as slaves by the Pharaohs until one of their own was called to lead them to freedom. On Monday, the Holy Days of Passover will begin with their focus on justice and freedom for all people. The story of the Exodus will be retold in many languages and in many lands, and the hope of Peace in Jerusalem will be lifted in prayer. Let us join the Jewish people in a prayer for Sholom, for peace now and for every generation. In your Holy Name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 242, AN ACT concerning insurance; relating to accident and sickness insurance; requiring insurers to provide an applicant a copy of the policy or contract before payment of any premium; amending K.S.A. 40-2218 and 40-2219 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2047**.
Ways and Means: **SB 241**.

REPORT ON ENROLLED BILLS

SR 1737, **SR 1738** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 22, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2034**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2034," as follows:

"Senate Substitute for HOUSE BILL NO. 2034

By Committee on Judiciary

"AN ACT repealing K.S.A. 75-52,119, 75-52,120 and 75-52,121; concerning the department of corrections; relating to the purchase of certain real estate.";

And the substitute bill be passed.

Also, **HB 2170**, as amended by House Committee of the Whole, be amended on page 4, in line 26, before "a," by inserting "or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony,"; by striking all in lines 34 through 43;

On page 5, by striking all in lines 1 through 9;

And by redesignating paragraphs accordingly;

Also on page 5, in line 33, by striking "(A)"; also in line 33, by striking "nonperson"; in line 37, by striking "shall" and inserting "may"; in line 38, by striking "either"; in line 39, by striking "concurrently or";

On page 6, by striking all in lines 2 through 11;

On page 12, by striking all in lines 37 through 43 and inserting "Any person who is convicted and sentenced for a crime committed while on probation, assigned to a community correctional services program, on parole, on conditional release or on postrelease supervision for a felony shall serve the sentence consecutively to the term or terms under which the person was on probation, assigned to a community correctional services program or on parole or conditional release.";

On page 13, in line 1, by striking "person" where it appears for the second time; in line 2, by striking "felony" and inserting "crime";

On page 20, in line 38, by striking "has" and inserting "had"; in line 42, after "secretary" by inserting ". This sanction shall not be imposed more than once during the term of supervision"; in line 43, by striking "has at least one" and inserting "had a";

On page 21, in line 1, after "subsection" by inserting "(c)(1)(B) or"; in line 4, after "secretary" by inserting ". This sanction shall not be imposed more than once during the term of supervision"; in line 5, by striking "has at least one" and inserting "had a"; in line 6, after "subsection" by inserting "(c)(1)(C) or"; in line 35, by striking "(A)"; also in line 35, by striking "nonperson"; in line 37, by striking "either concurrently"; in line 38, by striking "or";

On page 22, by striking all in lines 1 through 9; in line 12, by striking "be returned" and inserting "return"; in line 13, after "supervision." by inserting "The sheriff shall not be responsible for the return of the offender to the county where the community correctional services supervision is assigned."; in line 20, by striking all after "may"; in line 21, by striking all before the period and inserting "revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D)";

Also on page 22, in line 24, after "to" by inserting "subsection"; in line 25, after "to" by inserting "subsection";

On page 26, in line 33, by striking "subparagraph" and inserting "subsection"; in line 42, by striking "subparagraph" and inserting "subsection";

On page 41, in line 12, by striking "and"; in line 18, by striking the period and inserting a semicolon; in line 22, by striking the period and inserting "; and"; and the bill be passed as amended.

HB 2209, as amended by House Committee, be amended on page 6, following line 17, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 22-4903 is hereby amended to read as follows: 22-4903. (a) Violation of the Kansas offender registration act is the failure by an offender, as defined in K.S.A. 22-4902, and amendments thereto, to comply with any and all provisions of such act, including any and all duties set forth in K.S.A. 22-4905 through 22-4907, and amendments thereto. Any violation of the Kansas offender registration act which continues for more than 30 consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate offense every 30 days thereafter for as long as the violation continues.

(b) Aggravated violation of the Kansas offender registration act is violation of the Kansas offender registration act which continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act which continues for more than 180 consecutive days shall, upon the 181st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues.

(c) (1) Except as provided in subsection (c)(3), violation of the Kansas offender registration act is:

- (A) Upon a first conviction, a severity level 6, person felony;
- (B) upon a second conviction, a severity level 5, person felony; and
- (C) upon a third or subsequent conviction, a severity level 3, person felony.

(2) Except as provided in subsection (c)(3), aggravated violation of the Kansas offender registration act is a severity level 3, person felony.

(3) Violation of the Kansas offender registration act or aggravated violation of the Kansas offender registration act consisting only of failing to remit payment to the sheriff's office as required in subsection (k) of K.S.A. 22-4905, and amendments thereto, is:

(A) Except as provided in subsection (c)(3)(B), a class A misdemeanor if, within 15 days of registration, full payment is not remitted to the sheriff's office;

(B) a severity level 9, person felony if, within 15 days of the most recent registration, two or more full payments have not been remitted to the sheriff's office.

(d) Prosecution of violations of this section may be held:

- (1) In any county in which the offender resides;
- (2) in any county in which the offender is required to be registered under the Kansas offender registration act;
- (3) in any county in which the offender is located during which time the offender is not in compliance with the Kansas offender registration act; or
- (4) in the county in which any conviction or adjudication occurred for which the offender is required to be registered under the Kansas offender registration act.";

On page 9, in line 6, by striking ". Failure"; by striking all in lines 7 and 8; in line 9, by striking "and amendments thereto";

On page 11, in line 21, after "report" by inserting "to the registering law enforcement agency"; in line 39, after "sent" by inserting ", within three business days,"; in line 40, after "school" by inserting ", and to the Kansas bureau of investigation";

On page 12, in line 37, by striking "during"; by striking all in line 38; in line 39, by

striking "occurring before and after the month of the offender's birthday" and inserting "as part of the reporting process required pursuant to subsection (b)"; in line 41, after "school." by inserting "Registration will be completed regardless of whether or not the offender remits payment. Failure of the offender to remit full payment within 15 days of registration is a violation of the Kansas offender registration act and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments thereto.";

And by renumbering sections accordingly;

On page 21, in line 11, after "22-4902," by inserting "22-4903,";

On page 1, in the title, in line 2, after "22-4902," by inserting "22-4903,"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **Substitute for HB 2207** be amended on page 4, in line 5, by striking "(k),"; also in line 5, by striking "(n)" and inserting "(m) or exceptions described in (k)"; in line 13, after "no" by inserting "identified"; in line 19, by striking all after "If"; in line 20, by striking all before the semicolon and inserting "the separation distances comply with the requirements for separation distances, the secretary shall certify the registration"; in line 21, by striking "there is a violation of" and inserting "the"; also in line 21, after "distances" by inserting "do not comply with the requirements for separation distances"; also in line 21, by striking "shall"; in line 22, by striking all after "(a)"; by striking all in line 23; in line 24, by striking "(b) "; and by inserting "may"; also in line 24, by striking "distances" and inserting "distance requirements"; in line 25, by striking "any" and inserting "the registration based on"; also in line 25, after "distances" by inserting "; or

(b) shall report the conditions necessary to receive certification to the registrant";

On page 5, in line 2, by striking "separation"; in line 3, by striking "distances indicated in such";

On page 8, in line 2, by striking "(i)(2)(B)" and inserting "(k)(2)(B)"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2155** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2155," as follows:

"Senate Substitute for HOUSE BILL NO. 2155

By Committee on Public Health and Welfare

"AN ACT concerning community developmental disability organizations; eligibility determination, needs assessment and case management; amending K.S.A. 39-1805 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2200**, as amended by House Committee, be passed.

Also, **SB 218** be amended on page 23, in line 12, by striking "All"; in line 13, by striking "shall be used for compensation of non-judicial personnel and"; in line 18, by striking "payrolls" and inserting "vouchers"; following line 20, by inserting:

"(e) Expenditures may be made from the judicial branch docket fee fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, and for educating and training municipal judges and municipal court and support staff, including official hospitality. The judicial administrator is hereby authorized to fix, charge and collect fees for such

services and programs. Such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality. All fees received for such purposes and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch docket fee fund.";

Also on page 23, in line 21, by striking "(e)" and inserting "(f)"; and the bill be passed as amended.

HB 2149 be amended on page 1, by striking all in lines 8 through 35; following line 35, by inserting:

" Section 1. K.S.A. 74-2134 is hereby amended to read as follows: 74-2134. ~~(a)~~ There is hereby created in the state treasury the highway patrol training center fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose and in the manner prescribed by law. All expenditures from the highway patrol training center fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the highway patrol or the designee of the superintendent. All moneys received for the highway patrol training center fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

~~(b) Commencing on June 30, 1992, and on each June 30 thereafter, the director of accounts and reports shall transfer from the highway patrol training center fund to the state general fund \$500,000.~~

~~(c) All amounts transferred from the highway patrol training center fund to the state general fund under subsection (b) are to reimburse the state general fund for the cost of financing the training of the personnel of the Kansas highway patrol which is financed from the state general fund and for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services. Such reimbursements are in addition to those authorized by K.S.A. 75-3170a, and amendments thereto.~~

Sec. 2. K.S.A. 74-2134 is hereby repealed.";

Also on page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 5 and inserting "the highway patrol training center fund; amending K.S.A. 74-2134 and repealing the existing section."; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met, pursuant to recess, with President Wagle in the chair.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 25, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

DIANE MINEAR, *Secretary of the Senate.*

