

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 18, 2016, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Edmonds and Frownfelter were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God of the ages,
We thank You for this new day
and all the opportunities and privileges it holds for us.
Lord, throughout history You have revealed yourself to humankind.
Whether through a burning bush, a pillar of fire by night,
a cloud by day, a dream or vision,
a soft whisper, through a descending dove
or through an audible voice—
when You spoke they knew it was You and listened.
We sometimes wish you would speak this dramatically today
to let us know Your will and direction.
The reality is that You still speak to us today,
we just need to learn how to listen.
Today I pray for these leaders to be able to listen
to Your still small voice of
wisdom, discernment and guidance.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Corbet.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2739**.

Taxation: **HB 2738**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 404, SB 421, SB 422, SB 445, SB 454, SB 457, SB 474**.

Announcing passage of **HB 2442, HB 2454, HB 2485, HB 2516, HB 2536, HB 2567**.

Announcing passage of **HB 2446**, as amended, **HB 2447**, as amended, **HB 2462**, as amended, **HB 2501**, as amended, **HB 2522**, as amended, **HB 2545**, as amended, **HB 2563**, as amended, **Substitute for HB 2151**, as amended, **Substitute for HB 2473**, as amended.

Announcing passage of **HB 2112**, as amended by **Senate Substitute for HB 2112**, **HB 2131** as amended by **Senate Substitute for HB 2131**.

Announcing adoption of **HCR 5008**.

Also, announcing passage of **HB 2512**.

Announcing passage of **HB 2163**, as amended, **HB 2164**, as amended, **HB 2480**, as amended, **HB 2490**, as amended, **HB 2615**, as amended, **HB 2622**, as amended.

Announcing passage of **HB 2008**, as amended by **Senate Substitute for HB 2008**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 404, SB 421, SB 422, SB 445, SB 454, SB 457, SB 474

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2576, AN ACT relating to employment; concerning regulation of employers with regard to employee scheduling; declaring certain city ordinances and county resolutions to be against public policy; amending K.S.A. 2015 Supp. 12-16,130 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 90; Nays 33; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, B. Carpenter, W. Carpenter, Claeys, Concannon, Corbet, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcala, Ballard, Bollier, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Curtis, Finney, Henderson, Henry, Highberger, Hill, Houston, Kuether, Lusk, Lusker, Moxley, Ousley, Rooker, Ruiz, Sawyer, Scott, Sloan, Tietze, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Edmonds, Frownfelter.

The bill passed.

HB 2595, AN ACT concerning restaurants, retail food establishments and vending machines; relating to regulation of consumer incentive items and labeling of food by political subdivisions, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Carmichael, B. Carpenter, W. Carpenter, Claeys, Concannon, Corbet, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kleeb, Lewis, Lunn, Lusker, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, F. Patton, Pauls, Peck, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, C. Smith, Suellentrop, Sutton, Thimesch, Thompson, Todd, Trimmer, Vickrey, Waymaster, Weber, C., Whipple, Whitmer, K. Williams.

Nays: Alcala, Ballard, Bollier, Burroughs, Campbell, Carlin, Clark, Clayton, Curtis, Finney, Gallagher, Henderson, Henry, Highberger, Hill, Houston, Kelley, Kiegerl, Kuether, Lusk, Moxley, Ousley, Phillips, Rooker, Ruiz, Scott, Sloan, S. Swanson, Tietze, Victors, Ward, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Edmonds, Frownfelter.

The bill passed, as amended.

SB 358, AN ACT concerning the nurse educator service scholarship; relating to the definition of school of nursing; amending K.S.A. 2015 Supp. 74-32,220 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Finney, Francis, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Edmonds, Frownfelter.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hedke, to nonconcur in Senate amendments to **S Sub for HB 2131**, Rep. Kuether offered a substitute motion to concur. The substitute motion was subsequently withdrawn. The question reverted back to the original motion of Rep. Hedke to nonconcur in Senate amendments to **S Sub for HB 2131** and a conference committee be appointed. The motion prevailed.

Speaker Merrick thereupon appointed Reps. Seiwert, Alford and Kuether as conferees on the part of the House.

On motion of Rep. Vickrey, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted:

Recommended that **SB 412**, **SB 329**, **SB 330** be passed.

Committee report to **SB 367** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 249** be adopted.

Also, on motion of Rep. Hutton, **H Sub for SB 249** be amended on page 3, following line 17, by inserting:

"(9) A state university's investing agent designated under K.S.A. 76-156a, and amendments thereto, or to any transaction between such investing agent and its respective university, or to the officially designated alumni association or athletic corporation of a state university and transactions between such alumni association or athletic corporation and its respective state university.

(10) The issuance of bonds by the Kansas development finance authority for any entity other than a state agency, any affiliated corporate entity of a state agency or other corporate entity created by a state agency.";

On page 4, following line 9, by inserting:

"(e) Members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto."; and the substitute bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 255** be adopted; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HR 6045** be amended by striking all in lines 14 through 19; and the resolution be adopted as amended.

Committee on **Appropriations** recommends **HB 2739** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **SB 106** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 106," as follows:

"House Substitute for SENATE BILL NO. 106

By Committee on Commerce, Labor and Economic Development

"AN ACT concerning agriculture; enacting the alternative crop research act; amending K.S.A. 2015 Supp. 21-5702 and repealing the existing section.";

And the substitute bill be passed.

(H Sub for SB 106 was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **Substitute for SB 216**, as amended by Senate Committee of the Whole, be amended by substituting a new bill to be designated as "House Substitute for Substitute for SENATE BILL NO. 216," as follows:

"House Substitute for Substitute for SENATE BILL NO. 216

By Committee on Corrections and Juvenile Justice

"AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, III and IV; amending K.S.A. 65-4127e and K.S.A. 2015 Supp. 65-4105, 65-4109 and 65-4111 and repealing the existing sections.";

And the substitute bill be passed.

(H Sub for Sub for SB 216 was thereupon introduced and read by title.)

Committee on **Education** recommends **SB 388**, as amended by Senate Committee, be amended on page 1, in line 9, by striking "receive" and inserting "received"; and the bill be passed as amended.

The **Education Budget Committee** recommends **HB 2729** be amended on page 1, in line 8, after the first "the" by inserting "contractual"; in line 19, after "(A)" by inserting "The department of administration does not have such items or services on its procurement list;

(B) ";

Also on page 1, also in line 19, by striking "locally"; in line 20, by striking "1%" and inserting "3%"; in line 25, by striking all after "difference"; by striking all in line 26; in line 27, by striking all before the semicolon; in line 28, by striking "prior to July 1, 2018,"; in line 29, by striking "2016" and inserting "2017"; also in line 29, by striking all after the period; in line 30, by striking all before "the" and inserting "Such contracts shall not be extended or renewed. After the expiration of such contract,"; in line 36, after "(c)" by inserting:

"The board of education of each school district shall annually report to the department of administration on any items or services procured by such school district pursuant to subsection (b)(1)(A) through (E).

(d) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 2, in line 17, before "Products" by inserting:

"Services, but not to include contracted construction management services;

(2) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 3, in line 21, after "after" by inserting "July 1, 2017, and";

And the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **Substitute for SB 65**, as amended by Senate Committee of the Whole, be amended by substituting a new bill to be designated as "House Substitute for Substitute for SENATE BILL NO. 65," as follows:

"House Substitute for Substitute for SENATE BILL NO. 65

By Committee on Federal and State Affairs

"AN ACT concerning firearms; relating to the possession thereof; relating to the personal and family protection act; relating to weapons in schools; amending K.S.A. 72-89a01 and K.S.A. 2015 Supp. 75-7c04, 75-7c05, 75-7c10 and 75-7c20 and repealing the existing sections.";

And the substitute bill be passed.

(**H Sub for SB 65** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 449**, as amended by Senate Committee of the Whole, be amended on page 18, in line 28, by striking "for" and inserting "from"; in line 29, by striking "(m)" and inserting "(n)";

On page 52, following line 3, by inserting:

"Sec. 49. K.S.A. 2015 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Other facility for care or treatment" means any mental health clinic, medical

care facility, nursing home, the detox units at either Osawatomie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

~~(e)~~ (g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to ~~subsection (b) or (c)~~ of K.S.A. 59-29b54 (b) or (c), and amendments thereto.

~~(f)~~ (h) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection ~~(k)~~ (l); or

(2) uses alcoholic beverages or any substance as defined in subsection ~~(k)~~ (l) to the extent that the person's health may be substantially impaired or endangered without treatment.

~~(g)~~ (i) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem, as defined in subsection ~~(f)~~ (h), who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance as defined in subsection ~~(k)~~ (l), has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

~~(h)~~ (j) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

~~(i)~~ (k) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

~~(j) "State certified alcohol and drug abuse counselor" means a person approved by the secretary for aging and disability services to perform assessments using the American Society of Addiction Medicine criteria and employed at a state funded and designated assessment center.~~

~~(k) (l) "Substance" means: (1) The same as the term "controlled substance" as defined in K.S.A. 2015 Supp. 21-5701, and amendments thereto; or~~

~~(2) fluorocarbons, toluene or volatile hydrocarbon solvents.~~

~~(+)(m) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.~~

~~(+)(n) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 75-3307b, and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.~~

~~(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.~~

~~(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.~~

~~(+)(o) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.~~

Sec. 50. K.S.A. 59-29b54 is hereby amended to read as follows: 59-29b54. (a) A treatment facility may admit and detain any person for emergency observation and treatment upon an ex parte emergency custody order issued by a district court pursuant to K.S.A. 59-29b58, and amendments thereto.

(b) A treatment facility or the detox unit at Osawatomie state hospital or at Larned state hospital may admit and detain any person presented for emergency observation and treatment upon written application of a law enforcement officer having custody of that person pursuant to K.S.A. 59-29b53, and amendments thereto. The application shall state:

- (1) The name and address of the person sought to be admitted, if known;
- (2) the name and address of the person's spouse or nearest relative, if known;

(3) the officer's belief that the person is or may be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if not immediately detained;

(4) the factual circumstances in support of that belief and the factual circumstances under which the person was taken into custody including any known pending criminal charges; and

(5) the fact that the law enforcement officer will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business, or that the officer has been informed by a parent, legal guardian or other person, whose name shall be stated in the application will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, within that time.

(c) A treatment facility may admit and detain any person presented for emergency observation and treatment upon the written application of any individual. The application shall state:

(1) The name and address of the person sought to be admitted, if known;
 (2) the name and address of the person's spouse or nearest relative, if known;
 (3) the applicant's belief that the person may be a person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if not immediately detained;

(4) the factual circumstances in support of that belief;
 (5) any pending criminal charges, if known;
 (6) the fact that the applicant will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business; and

(7) the application shall also be accompanied by a statement in writing of a physician, psychologist or state certified alcohol and drug abuse licensed addiction counselor finding that the person is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act.

(d) Any treatment facility or personnel thereof, who in good faith renders treatment in accordance with law to any person admitted pursuant to subsection (b) or (c), shall not be liable in a civil or criminal action based upon a claim that the treatment was rendered without legal consent.

Sec. 51. K.S.A. 59-29b61 is hereby amended to read as follows: 59-29b61. (a) The order for an evaluation required by ~~subsection (a)(5) of~~ K.S.A. 59-29b60(a)(5), and amendments thereto, shall be served in the manner provided for in ~~subsections (c) and (d) of~~ K.S.A. 59-29b63(c) and (d), and amendments thereto. It shall order the proposed patient to submit to an evaluation to be conducted by a physician, psychologist or state certified alcohol and drug abuse licensed addiction counselor and to undergo such other medical examinations or evaluations as may be designated by the court in the order, except that any proposed patient who is not subject to a temporary custody order issued pursuant to K.S.A. 59-29b59, and amendments thereto, and who requests a hearing pursuant to K.S.A. 59-29b62, and amendments thereto, need not submit to such evaluations or examinations until that hearing has been held and the court finds that there is probable cause to believe that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act. The evaluation may be conducted at a treatment facility, the home of the

proposed patient or any other suitable place that the court determines is not likely to have a harmful effect on the welfare of the proposed patient.

(b) At the time designated by the court in the order, but in no event later than three days prior to the date of the trial provided for in K.S.A. 59-29b65, and amendments thereto, the examiner shall submit to the court a report, in writing, of the evaluation which report also shall be made available to counsel for the parties at least three days prior to the trial. The report also shall be made available to the proposed patient and to whomever the patient directs, unless for good cause recited in the order, the court orders otherwise. Such report shall state that the examiner has made an examination of the proposed patient and shall state the opinion of the examiner on the issue of whether or not the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act and the examiner's opinion as to the least restrictive treatment alternative which will protect the proposed patient and others and allow for the improvement of the proposed patient if treatment is ordered.

Sec. 52. K.S.A. 2015 Supp. 59-3077 is hereby amended to read as follows: 59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file, a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection (h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner's name and address, and if the petitioner is the proposed ward's or ward's court appointed temporary guardian or guardian, that fact;

(2) the proposed ward's or ward's name, age, date of birth, address of permanent residence, and present address or whereabouts, if different from the proposed ward's or ward's permanent residence;

(3) the name and address of the proposed ward's or ward's court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to ~~subsection (b)(3) of K.S.A. 59-2949;~~~~(b)(3) or subsection (b)(3) of K.S.A. 59-29b49~~(b)(3), and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional,

which shows that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-2946(h)~~ or K.S.A. 76-12b03, and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person's health or welfare, or that the proposed ward's or ward's impairment is such that the person could not meaningfully participate in the proceedings, or that the proposed ward or ward has filed with the court a written waiver of such ward's right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person's desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of that prior representation. The proposed ward, or the ward with the consent of the ward's conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward's or ward's choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward, at which the proposed ward or ward shall have the opportunity to consult with such ward's attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d) (1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health

center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.

(4) For good cause shown, an order of advancement of the hearing.

(5) For good cause shown, an order changing the place of the hearing.

(e) The hearing on the petition shall be held at the time and place specified in the court's order issued pursuant to subsection (c), unless an order of advancement, continuance, or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or ward pursuant to any order issued by the court pursuant to subsection (d). Such evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-29b46(h)~~ or K.S.A. 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.

(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time

has the capacity to understand such ward's illness and need for treatment, and to consent to such ward's admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward's admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, "treatment facility" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, the rainbow mental health facility, any intermediate care facility for people with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 75-3307b, and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 75-3307b, and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

Sec. 53. K.S.A. 65-4016 is hereby amended to read as follows: 65-4016. The secretary shall adopt rules and regulations with respect to treatment facilities to be licensed and designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare ~~including, but not limited to, minimum qualifications for employees of licensed or certified programs which are less than the qualifications required for a registered alcohol and other drug abuse counselor.~~ Boards of trustees or directors of institutions licensed under this act shall have the right to select the professional staff members of such institutions and to select and employ interns, nurses and other personnel.

Sec. 54. K.S.A. 2015 Supp. 65-4024a is hereby amended to read as follows: 65-4024a. As used in this act:

(a) "Act" means the alcohol or other drug addiction treatment act.

(b) "Alcohol or other drug addiction" means a pattern of substance use, leading to significant impairment or distress, manifested by three or more of the following occurring at any time in the same 12-month period:

(1) Tolerance, defined as: (A) A need for markedly increased amounts of the substance to achieve intoxication or desired effect; or (B) a markedly diminished effect with continued use of the same amount of substance;

(2) withdrawal, as manifested by either of the following: (A) The characteristic withdrawal syndrome for the substance; or (B) the same or a closely related substance is taken to relieve or avoid withdrawal symptoms;

(3) the substance is often taken in larger amounts or over a longer period than was intended;

(4) there is a persistent desire or unsuccessful efforts to cut down or control substance use;

(5) a great deal of time is spent in activities necessary to obtain the substance, use the substance or recover from its effects;

(6) important social, occupational or recreational activities are given up or reduced because of substance use;

(7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.

(c) "Care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient.

(d) "Committee" means the Kansas citizens committee on alcohol and other drug abuse.

~~(e) "Counselor" means an individual whose education, experience and training has been evaluated and approved by the Kansas department for aging and disability services to provide the scope of practice afforded to an alcohol and drug credentialed counselor or counselor assistant working in a licensed, certified alcohol and drug treatment program.~~

~~(f)~~—"Department" means the Kansas department for aging and disability services.

~~(g)~~ (f) "Designated state funded assessment center" or "assessment center" means a treatment facility designated by the secretary.

~~(h)~~ (g) "Discharge" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(i)~~ (h) "Government unit" means any county, municipality or other political subdivision of the state; or any department, division, board or other agency of any of the foregoing.

~~(j)~~ (i) "Head of the treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(k)~~ (j) "Incapacitated by alcohol" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(l)~~ (k) "Intoxicated individual" means an individual who is under the influence of alcohol or drugs or both.

~~(m)~~ (l) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(m) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

(n) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

~~(o)~~ "Patient" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(e)~~(p) "Private treatment facility" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 59-29b46, and amendments thereto.

~~(f)~~(q) "Public treatment facility" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 59-29b46, and amendments thereto.

~~(g)~~(r) "Treatment" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 59-29b46, and amendments thereto.

~~(+)~~(s) "Treatment facility" ~~shall have the meaning ascribed to it means the same as defined~~ in K.S.A. 59-29b46, and amendments thereto.

~~(s)~~(t) "Secretary" means the secretary for aging and disability services.";
Also on page 52, in line 4, after "K.S.A." by inserting "59-29b54, 59-29b61, 65-4016,"; in line 8, after "Supp." by inserting "59-29b46, 59-3077, 65-4024a,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "K.S.A." by inserting "59-29b54, 59-29b61, 65-4016,"; in line 6, after "Supp." by inserting "59-29b46, 59-3077, 65-4024a,"; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **SB 438**, as amended by Senate Committee, be passed.

Committee on **Judiciary** recommends **HB 2713** be amended on page 96, in line 2, by striking "(h)";

On page 97, in line 4, by striking "(i)" and inserting "(h)";

On page 101, in line 24, by striking "(i)" and inserting "(h)";

On page 104, in line 39, by striking "adpction" and inserting "adoption";

On page 113, in line 20, by striking "(i)" and inserting "(h)";

On page 114, in line 16, by striking "(i)" and inserting "(h)";

On page 115, in line 12, by striking "(i)" and inserting "(h)"; in line 26, by striking "(i)" and inserting "(h)"; in line 28, by striking "(i)" and inserting "(h)"; in line 43, by striking "(i)" and inserting "(h)";

On page 116, in line 2, by striking "(i)" and inserting "(h)";

On page 133, in line 6, after "17-7924" by inserting "(c)";

On page 135, in line 39, after "17-7924" by inserting "(c)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **Substitute for SB 22** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 12-4112 is hereby amended to read as follows: 12-4112. No person shall be assessed costs for the administration of justice in any municipal court case, except for:

(a) Witness fees and mileage as set forth in K.S.A. 12-4411, and amendments thereto;

~~(b) for the assessment required by K.S.A. 2001-Supp. 20-1a11, and amendments thereto; for the judicial branch education fund;~~

~~(c) for the assessment required by K.S.A. 12-4117, and amendments thereto; for the law enforcement training center fund established pursuant to K.S.A. 74-5619, and amendments thereto, the local law enforcement training reimbursement fund established pursuant to K.S.A. 74-5620, and amendments thereto, and the juvenile detention facilities fund as provided in K.S.A. 12-4117, and amendments thereto; and~~

(d) ~~for the assessment required by K.S.A. 12-16,119, and amendments thereto, for the detention facility processing fee.~~

Sec. 2. K.S.A. 2015 Supp. 12-4117 is hereby amended to read as follows: 12-4117. (a) In each case filed in municipal court other than a nonmoving traffic violation, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in an amount of ~~\$20~~ \$22.50 shall be assessed and such assessment shall be credited as follows:

One dollar to the local law enforcement training reimbursement fund established pursuant to K.S.A. 74-5620, and amendments thereto, \$11.50 to the law enforcement training center fund established pursuant to K.S.A. 74-5619, and amendments thereto, ~~\$2.50~~ \$5 to the Kansas commission on peace officers' standards and training fund established by K.S.A. 74-5619, and amendments thereto, \$2 to the juvenile detention facilities fund established pursuant to K.S.A. 79-4803, and amendments thereto, to be expended for operational costs of facilities for the detention of juveniles, \$.50 to the protection from abuse fund established pursuant to K.S.A. 74-7325, and amendments thereto, \$.50 to the crime victims assistance fund established pursuant to K.S.A. 74-7334, and amendments thereto, \$1 to the trauma fund established pursuant to K.S.A. 2015 Supp. 75-5670, and amendments thereto, and \$1 to the department of corrections forensic psychologist fund established pursuant to K.S.A. 2015 Supp. 75-52,151, and amendments thereto.

(b) The judge or clerk of the municipal court shall remit the appropriate assessments received pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the local law enforcement training reimbursement fund, the law enforcement training center fund, the Kansas commission on peace officers' standards and training fund, the juvenile detention facilities fund, the crime victims assistance fund, the trauma fund and the department of corrections forensic psychologist fund as provided in this section.

(c) For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed in the municipal court against one individual arising out of the same incident, all such complaints shall be considered as one case.";

On page 18, in line 19, before "K.S.A." by inserting "K.S.A. 12-4112 and"; also in line 19, after "Supp." by inserting "12-4117,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "court; notice" and inserting "courts; assessments; the Kansas commission on peace officers' standards and training fund; notices from district courts"; also in line 1, after "amending" by inserting "K.S.A. 12-4112 and"; in line 2, after "Supp." by inserting "12-4117,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 58**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 58," as follows:

"House Substitute for SENATE BILL NO. 58

By Committee on Judiciary

"AN ACT concerning the Kansas law enforcement training act; relating to

qualifications of applicants for certification; open records, exemptions; amending K.S.A. 2015 Supp. 74-5605 and 74-5611a and repealing the existing sections.”;

And the substitute bill be passed.

(H Sub for SB 58 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 362** be passed.

Committee on **Judiciary** recommends **SB 407** be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 2015 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(1), 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.

Sec. 2. K.S.A. 2015 Supp. 22-4904 is hereby amended to read as follows: 22-4904.
 (a) (1) At the time of conviction or adjudication for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall:

(A) Inform any offender, on the record, of the procedure to register and the requirements of K.S.A. 22-4905, and amendments thereto; and

(B) if the offender is released:

(i) Complete a notice of duty to register, which shall include title and statute number of conviction or adjudication, date of conviction or adjudication, case number, county of conviction or adjudication, and the following offender information: Name, address, date of birth, social security number, race, ethnicity and gender;

(ii) require the offender to read and sign the notice of duty to register, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(iii) order the offender to report within three business days to the registering law enforcement agency in the county or tribal land of conviction or adjudication and to the registering law enforcement agency in any place where the offender resides, maintains employment or attends school, to complete the registration form with all information and any updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(iv) provide one copy of the notice of duty to register to the offender and, within three business days, send a copy of the form to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation.

(2) At the time of sentencing or disposition for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall ensure the age of the victim is documented in the journal entry of conviction or adjudication.

(3) Upon commitment for control, care and treatment by the Kansas department for aging and disability services pursuant to K.S.A. 59-29a07, and amendments thereto, the court shall notify the registering law enforcement agency of the county where the offender resides during commitment of such offender's commitment. Such notice shall be prepared by the office of the attorney general for transmittal by the court by electronic means, including by fax or e-mail.

(b) The staff of any correctional facility or the registering law enforcement agency's designee shall:

(1) At the time of initial custody, register any offender within three business days:

(A) Inform the offender of the procedure for registration and of the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(D) provide one copy of the form to the offender and, within three business days, send a copy of the form to the Kansas bureau of investigation; and

(E) enter all offender information required by the national crime information center into the national sex offender registry system within three business days of completing the registration or electronically submit all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto,

within three business days to the Kansas bureau of investigation;

(2) notify the Kansas bureau of investigation of the incarceration of any offender and of the location or any change in location of the offender while in custody;

(3) prior to any offender being discharged, paroled, furloughed or released on work or school release that does not require the daily return to a correctional facility:

(A) Inform the offender of the procedure for registration and of the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(D) photograph the offender's face and any identifying marks;

(E) obtain fingerprint and palm prints of the offender; and

(F) provide one copy of the form to the offender and, within three business days, send a copy of the form and of the photograph or photographs to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation; and

(4) notify the law enforcement agency having initial jurisdiction and the Kansas bureau of investigation seven business days prior to any offender being discharged, paroled, furloughed or released on work or school release.

(c) The staff of any treatment facility shall:

(1) Within three business days of an offender's arrival for inpatient treatment, inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected duration of the treatment, and immediately notify the registering law enforcement agency of an unauthorized or unexpected absence of the offender during the offender's treatment;

(2) inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located within three business days of an offender's discharge or release; and

(3) provide information upon request to any registering law enforcement agency having jurisdiction relevant to determining the presence of an offender within the treatment facility.

(d) The registering law enforcement agency, upon the reporting of any offender, shall:

(1) Inform the offender of the duty to register as provided by the Kansas offender registration act;

(2) (A) explain the procedure for registration and the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(3) complete the registration form with all information and updated information required for registration, as provided in K.S.A. 22-4907, and amendments thereto, each time the offender reports to the registering law enforcement agency. All information and

updated information reported by an offender shall be forwarded to the Kansas bureau of investigation within three business days;

(4) maintain the original signed registration form, provide one copy of the completed registration form to the offender and, within three business days, send one copy of the completed form to the Kansas bureau of investigation;

(5) forward a copy of any certified letter used for reporting pursuant to K.S.A. 22-4905, and amendments thereto, when utilized, within three business days to the Kansas bureau of investigation;

(6) obtain registration information from every offender required to register regardless of whether or not the offender remits payment;

(7) upon every required reporting, update the photograph or photographs of the offender's face and any new identifying marks and immediately forward copies or electronic files of the photographs to the Kansas bureau of investigation;

(8) enter all offender information required by the national crime information center into the national sex offender registry system within three business days of completing the registration or electronically submit all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto, within three business days to the Kansas bureau of investigation;

(9) maintain a special fund for the deposit and maintenance of fees paid by offenders. All funds retained by the registering law enforcement agency pursuant to the provisions of this section shall be credited to a special fund of the registering law enforcement agency which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to reduce the amount of funding otherwise made available to the registering law enforcement agency; and

(10) forward any initial registration and updated registration information within three business days to any out of state jurisdiction where the offender is expected to reside, maintain employment or attend school.

(e) (1) The Kansas bureau of investigation shall:

(A) Forward all additions or changes in information to any registering law enforcement agency, other than the agency that submitted the form, where the offender expects to reside, maintain employment or attend school;

(B) ensure that offender information is immediately entered in the state registered offender database and the Kansas registered offender website, as provided in K.S.A. 22-4909, and amendments thereto;

(C) transmit offender conviction or adjudication data, fingerprints and palm prints to the federal bureau of investigation; and

(D) ensure all offender information required by the national crime information center is transmitted into the national sex offender registry system within three business days of such information being electronically submitted to the Kansas bureau of investigation.

(2) The director of the Kansas bureau of investigation may adopt rules and regulations necessary to implement the provisions of the Kansas offender registration act.

(f) The attorney general shall, within 10 business days of an offender being declared a sexually violent predator, forward to the Kansas bureau of investigation all relevant court documentation declaring an offender a sexually violent predator.

(g) The state department of education shall annually notify any school of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration act sponsored or created by the registering law enforcement agency of the county or location of jurisdiction in which the school is located, for the purpose of locating offenders who reside near such school. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such school is located is available to the school to assist in using the registry and providing additional information on registered offenders.

(h) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration sponsored or created by the registering law enforcement agency of the county in which the facility is located, for the purpose of locating offenders who reside near such facility. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such child care facility is located is available to the child care facilities to assist in using the registry and providing additional information on registered offenders.

(i) Upon request, the clerk of any court of record shall provide the Kansas bureau of investigation copies of complaints, indictments, information, journal entries, commitment orders or any other documents necessary to the performance of the duties of the Kansas bureau of investigation under the Kansas offender registration act. No fees or charges for providing such documents may be assessed.

Sec. 3. K.S.A. 2015 Supp. 22-4905 is hereby amended to read as follows: 22-4905. Any offender required to register as provided in the Kansas offender registration act shall:

(a) Except as otherwise provided in this subsection, register in person with the registering law enforcement agency within three business days of coming into any county or location of jurisdiction in which the offender resides or intends to reside, maintains employment or intends to maintain employment, or attends school or intends to attend school. Any such offender who cannot physically register in person with the registering law enforcement agency for such reasons including, but not limited to, incapacitation or hospitalization, as determined by a person licensed to practice medicine or surgery, or involuntarily committed pursuant to the Kansas sexually violent predator act, shall be subject to verification requirements other than in-person registration, as determined by the registering law enforcement agency having jurisdiction;

(b) except as provided further, for any: (1) Sex offender, including a violent offender or drug offender who is also a sex offender, report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school; and (2) violent offender or drug offender, report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school, except that, at the discretion of the registering law enforcement agency, one of the four required reports may be conducted by certified letter. When utilized, the certified letter for reporting shall be sent by the registering law enforcement agency to the reported residence of the

offender. The offender shall indicate any changes in information as required for reporting in person. The offender shall respond by returning the certified letter to the registering law enforcement agency within 10 business days by certified mail. The offender shall be required to report to the registering law enforcement agency once during the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday. The registering law enforcement agency may determine the appropriate times and days for reporting by the offender, consistent with this subsection. Nothing contained in this subsection shall be construed to alleviate any offender from meeting the requirements prescribed in the Kansas offender registration act;

(c) provide the information required for registration as provided in K.S.A. 22-4907, and amendments thereto, and verify all information previously provided is accurate;

(d) if in the custody of a correctional facility, register with the correctional facility within three business days of initial custody and shall not be required to update such registration until discharged, paroled, furloughed or released on work or school release from a correctional facility. A copy of the registration form and any updated registrations for an offender released on work or school release shall be sent, within three business days, to the registering law enforcement agency where the offender is incarcerated, maintains employment or attends school, and to the Kansas bureau of investigation;

(e) if involuntarily committed pursuant to the Kansas sexually violent predator act, register within three business days of arrival in the county where the offender resides during commitment. The offender shall not be required to update such registration until placed in a reintegration facility, on transitional release or on conditional release. Upon placement in a reintegration facility, on transitional release or on conditional release, the offender shall be personally responsible for complying with the provisions of the Kansas offender registration act;

(f) notwithstanding subsections (a) and (b), if the offender is transient, report in person to the registering law enforcement agency of such county or location of jurisdiction in which the offender is physically present within three business days of arrival in the county or location of jurisdiction. Such offender shall be required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency. Such offender shall comply with the provisions of the Kansas offender registration act and, in addition, shall:

(1) Provide a list of places where the offender has slept and otherwise frequented during the period of time since the last date of registration; and

(2) provide a list of places where the offender may be contacted and where the offender intends to sleep and otherwise frequent during the period of time prior to the next required date of registration;

~~(f)~~ (g) if required by out of state law, register in any out of state jurisdiction, where the offender resides, maintains employment or attends school;

~~(g)~~ (h) register in person upon any commencement, change or termination of residence location, employment status, school attendance or other information as provided in K.S.A. 22-4907, and amendments thereto, within three business days of such commencement, change or termination, to the registering law enforcement agency or agencies where last registered and provide written notice to the Kansas bureau of

investigation;

~~(h)~~ (i) report in person to the registering law enforcement agency or agencies within three business days of any change in name;

~~(i)~~ (j) if receiving inpatient treatment at any treatment facility, inform the treatment facility of the offender's status as an offender and inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected duration of the treatment;

~~(j)~~ (k) submit to the taking of an updated photograph by the registering law enforcement agency on each occasion when the offender registers with or reports to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or attends school. In addition, such offender shall submit to the taking of a photograph to document any changes in identifying characteristics, including, but not limited to, scars, marks and tattoos;

~~(k)~~ (l) remit payment to the sheriff's office in the amount of \$20 as part of the reporting process required pursuant to subsection (b) in each county in which the offender resides, maintains employment or is attending school. 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. Notwithstanding other provisions herein, payment of this fee is not required:

(1) When an offender provides updates or changes in information or during an initial registration unless such updates, changes or initial registration is during the month of such offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday;

(2) when an offender is transient and is required to register every 30 days, or more frequently as ordered by the registering law enforcement agency, except during the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday; or

(3) if an offender has, prior to the required reporting and within the last three years, been determined to be indigent by a court of law, and the basis for that finding is recorded by the court;

~~(l)~~ (m) annually renew any driver's license pursuant to K.S.A. 8-247, and amendments thereto, and annually renew any identification card pursuant to K.S.A. 2015 Supp. 8-1325a, and amendments thereto;

~~(m)~~ (n) if maintaining primary residence in this state, surrender all driver's licenses and identification cards from other states, territories and the District of Columbia, except if the offender is presently serving and maintaining active duty in any branch of the United States military or the offender is an immediate family member of a person presently serving and maintaining active duty in any branch of the United States military;

~~(n)~~ (o) read and sign the registration form noting whether the requirements provided in this section have been explained to the offender; and

~~(o)~~ (p) report in person to the registering law enforcement agency in the jurisdiction of the offender's residence and provide written notice to the Kansas bureau of investigation 21 days prior to any travel outside of the United States, and provide an

itinerary including, but not limited to, destination, means of transport and duration of travel, or if under emergency circumstances, within three business days of making travel arrangements.";

Also on page 1, following line 29, by inserting:

"Sec. 5. K.S.A. 2015 Supp. 22-4903, 22-4904 and 22-4905 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to registration under the Kansas offender registration act; involuntary commitment, transitional release, conditional release; amending K.S.A. 2015 Supp. 22-4903, 22-4904 and 22-4905 and repealing the existing sections; and"; and the bill be passed as amended.

Committee on **Pensions and Benefits** recommends **SB 168**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 168," as follows:

"House Substitute for SENATE BILL NO. 168

By Committee on Pensions and Benefits

"AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; normal retirement; requiring certification that there is no prearranged agreement of employment with participating employers prior to retirement; providing certain penalties for violations thereof; employment after retirement; special provisions for certain retirants; certain duties of the joint committee on pensions, investments and benefits; employer rate of contribution; increasing compensation limitation for members of the Kansas police and firemen's retirement system; amending K.S.A. 74-4957a and K.S.A. 2015 Supp. 46-2201, 74-4914, 74-4937 and 74-4957 and repealing the existing sections.";

And the substitute bill be passed.

(**H Sub for SB 168** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 63** as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 63," as follows:

"House Substitute for SENATE BILL NO. 63

By Committee on Taxation

"AN ACT concerning taxation; relating to the community improvement district sales tax administration fund; electronic cigarettes; sales tax exemptions, Gove county healthcare endowment foundation, inc.; amending K.S.A. 2015 Supp. 12-6a31, 79-3399 and 79-3606 and repealing the existing sections.";

And the substitute bill be passed.

(**H Sub for SB 63** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 149** be amended as recommended by the House Committee on Judiciary as reported in the Journal of the House on March 23, 2015, and the bill as printed with House committee amendments, be further amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 149," as follows:

"House Substitute for SENATE BILL NO. 149

By Committee on Taxation

"AN ACT concerning income tax; relating to income tax returns and instructions, use tax remittance, checkoff for schools; credits, angel investment credit; amending K.S.A. 2015 Supp. 74-8133 and repealing the existing section.";

And the substitute bill be passed.

(H Sub for SB 149 was thereupon introduced and read by title.)

Committee on **Transportation** recommends **Substitute for SB 99** be amended on page 2, in line 37, by striking the second "two"; also in line 37, after "semitrailer" by inserting "trailer"; in line 39, by striking "and" and inserting "or"; in line 40, by striking "between" and inserting "during"; also in line 40, by striking "May" and inserting "April"; also in line 40, by striking "December" and inserting "November";

On page 3, following line 7, by inserting:

"Sec. 3. K.S.A. 8-1909 is hereby amended to read as follows: 8-1909. (a) No vehicle or combination of vehicles shall be moved or operated on any highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed in the following table:

| | Maximum load in pounds carried on any group of 2 or more consecutive axles | | | | | | |
|-------------|--|---------|---------|---------|---------|---------|---------|
| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles |
| 4 | 34,000 | | | | | | |
| 5..... | 34,000 | | | | | | |
| 6..... | 34,000 | | | | | | |
| 7..... | 34,000 | | | | | | |
| 8 and less | 34,000 | 34,000 | | | | | |
| More than 8 | 38,000 | 42,000 | | | | | |
| 9..... | 39,000 | 42,500 | | | | | |
| 10..... | 40,000 | 43,500 | | | | | |
| 11..... | | 44,000 | | | | | |
| 12..... | | 45,000 | 50,000 | | | | |
| 13..... | | 45,500 | 50,500 | | | | |
| 14..... | | 46,500 | 51,500 | | | | |
| 15..... | | 47,000 | 52,000 | | | | |
| 16..... | | 48,000 | 52,500 | 58,000 | | | |
| 17..... | | 48,500 | 53,500 | 58,500 | | | |

Distance in feet between the extremes of any group of 2 or more consecutive axles

Maximum load in pounds carried on any group of 2 or more consecutive axles

| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles |
|---------|---------|---------|---------|---------|---------|---------|---------|
| 18..... | 49,500 | 54,000 | 59,000 | | | | |
| 19..... | 50,000 | 54,500 | 60,000 | | | | |
| 20..... | 51,000 | 55,500 | 60,500 | 66,000 | | | |
| 21..... | 51,500 | 56,000 | 61,000 | 66,500 | | | |
| 22..... | 52,500 | 56,500 | 61,500 | 67,000 | | | |
| 23..... | 53,000 | 57,500 | 62,500 | 68,000 | | | |
| 24..... | 54,000 | 58,000 | 63,000 | 68,500 | 74,000 | | |
| 25..... | 54,500 | 58,500 | 63,500 | 69,000 | 74,500 | | |
| 26..... | 55,500 | 59,500 | 64,000 | 69,500 | 75,000 | | |
| 27..... | 56,000 | 60,000 | 65,000 | 70,000 | 75,500 | | |
| 28..... | 57,000 | 60,500 | 65,500 | 71,000 | 76,500 | 82,000 | |
| 29..... | 57,500 | 61,500 | 66,000 | 71,500 | 77,000 | 82,500 | |
| 30..... | 58,500 | 62,000 | 66,500 | 72,000 | 77,500 | 83,000 | |
| 31..... | 59,000 | 62,500 | 67,500 | 72,500 | 78,000 | 83,500 | |
| 32..... | 60,000 | 63,500 | 68,000 | 73,000 | 78,500 | 84,500 | |
| 33..... | | 64,000 | 68,500 | 74,000 | 79,000 | 85,000 | |
| 34..... | | 64,500 | 69,000 | 74,500 | 80,000 | 85,500 | |
| 35..... | | 65,500 | 70,000 | 75,000 | 80,500 | | |
| 36..... | | 66,000 | 70,500 | 75,500 | 81,000 | | |
| 37..... | | 66,500 | 71,000 | 76,000 | 81,500 | | |
| 38..... | | 67,500 | 72,000 | 77,000 | 82,000 | | |
| 39..... | | 68,000 | 72,500 | 77,500 | 82,500 | | |
| 40..... | | 68,500 | 73,000 | 78,000 | 83,500 | | |
| 41..... | | 69,500 | 73,500 | 78,500 | 84,000 | | |

| Distance in feet between the extremes of any group of 2 or more consecutive axles | Maximum load in pounds carried on any group of 2 or more consecutive axles | | | | | | |
|---|--|---------|---------|---------|---------|---------|---------|
| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles |
| 42 | | | 70,000 | 74,000 | 79,000 | 84,500 | |
| 43..... | | | 70,500 | 75,000 | 80,000 | 85,000 | |
| 44..... | | | 71,500 | 75,500 | 80,500 | 85,500 | |
| 45..... | | | 72,000 | 76,000 | 81,000 | | |
| 46..... | | | 72,500 | 76,500 | 81,500 | | |
| 47..... | | | 73,500 | 77,500 | 82,000 | | |
| 48..... | | | 74,000 | 78,000 | 83,000 | | |
| 49..... | | | 74,500 | 78500 | 83,500 | | |
| 50..... | | | 75,500 | 79,000 | 84,000 | | |
| 51..... | | | 76,000 | 80,000 | 84,500 | | |
| 52..... | | | 76,500 | 80,500 | 85,000 | | |
| 53..... | | | 77,500 | 81,000 | 85,500 | | |
| 54..... | | | 78,000 | 81,500 | | | |
| 55..... | | | 78,500 | 82,500 | | | |
| 56..... | | | 79,500 | 83,000 | | | |
| 57..... | | | 80,000 | 83,500 | | | |
| 58..... | | | | 84,000 | | | |
| 59..... | | | | 85,000 | | | |
| 60..... | | | | 85,500 | | | |

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles is 36 feet or more.

(1) The gross weight on any one axle of a vehicle shall not exceed the limits prescribed in K.S.A. 8-1908, and amendments thereto.

(2) Except as otherwise provided by subsection (e), for vehicles and combinations of vehicles on the interstate system the table in this section shall not authorize a maximum gross weight of more than 80,000 pounds.

(3) The table in this section shall not apply to truck tractor and dump semitrailer or truck trailer combination when such are used as a combination unit exclusively for the

transportation of sand, salt for highway maintenance operations, gravel, slag stone, limestone, crushed stone, cinders, coal, blacktop, dirt or fill material, when such vehicles are used for transportation to a construction site, highway maintenance or construction project or other storage facility, except that such vehicles or combination of vehicles shall not be exempted from any application of the table as may be required to determine applicable axle weights for triple and quad axles as defined in K.S.A. 8-1908, and amendments thereto. As used in this ~~subpart~~ paragraph (3), the term "dump semitrailer" means any semitrailer designed in such a way as to divest itself of the load carried thereon.

(b) Any vehicle registered under the laws of this state which vehicle is designed and used primarily for the transportation of property or for the transportation of 10 or more persons may, at the time of its registration, be subjected by the director of vehicles to investigation or test as may be necessary to enable such director to determine whether such vehicle may safely be operated upon the highways in compliance with all provisions of this act. Every such vehicle shall meet the following requirements:

(1) It shall be equipped with brakes as required in K.S.A. 8-1734, and amendments thereto.

(2) Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel such vehicle and any load thereon or to be drawn thereby, at a speed which will not impede or block the normal and reasonable movement of traffic. Exception to this requirement shall be recognized when reduced speed is necessary for safe operation or when a vehicle or combination of vehicles is necessarily or in compliance with law or police direction proceeding at reduced speed.

(c) It shall be unlawful for any person to operate any vehicle or combination of vehicles with a gross weight in excess of the limitations set forth in article 19 of chapter 8 of Kansas Statutes Annotated, and amendments thereto, except as provided in K.S.A. 8-1911, and amendments thereto.

(d) As used in this section, "interstate system" means the national system of interstate and defense highways.

(e) A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit under this section, up to a maximum gross vehicle weight of 82,000 pounds, by an amount that is equal to the difference between:

(1) The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

(2) the weight of a comparable diesel tank and fueling system.";

Also on page 3, in line 8, after "8-1905" by inserting "and 8-1909";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "height" by inserting ", weight"; in line 3, after "K.S.A. 8-1905" by inserting "and 8-1909"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 245** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 245," as follows:

"House Substitute for SENATE BILL NO. 245

By Committee on Transportation

"AN ACT concerning memorial signs; relating to a DUI memorial signage program; enacting the Kyle Thornburg and Kylie Jobe believe act; duties of the secretary of transportation.";

And the substitute bill be passed.

(**H Sub for SB 245** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 349**, as amended by Senate Committee, be passed.

Committee on **Transportation** recommends **SB 373** be amended on page 1, in line 36, by striking "60-day"; also in line 36, after "permit" by inserting "pursuant to K.S.A. 8-2409, and amendments thereto,";

On page 2, in line 5, by striking "60-day"; also in line 5, after "permit" by inserting "pursuant to K.S.A. 8-2409, and amendments thereto,"; in line 10, by striking "15" and inserting "16"; in line 35, after "after" by inserting "January 1, 2017, and"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 382** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2015 Supp. 8-1103 is hereby amended to read as follows: 8-1103. (a) Whenever any person providing wrecker or towing service, as defined by law, while lawfully in possession of a vehicle, at the direction of a law enforcement officer or the owner or as provided by a city ordinance or county resolution, renders any service to the owner thereof by the recovery, transportation, protection, storage or safekeeping thereof, a first and prior lien on the vehicle is hereby created in favor of such person rendering such service and the lien shall amount to the full amount and value of the service rendered. The lien may be foreclosed in the manner provided in this act. If the name of the owner of the vehicle is known to the person in possession of such vehicle, then within 15 days, notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien. Any vehicle remaining in the possession of a person providing wrecker or towing service for a period of 30 days after such wrecker or towing service was provided may be sold to pay the reasonable or agreed charges for such recovery, transportation, protection, storage or safekeeping of such vehicle and personal property therein, the costs of such sale, the costs of notice to the owner of the vehicle and publication after giving the notices required by this act, unless a court order has been issued to hold such vehicle for the purpose of a criminal investigation or for use as evidence at a trial. If a court orders any vehicle to be held for the purpose of a criminal investigation or for use as evidence at a trial, then such order shall be in writing, and the court shall assess as costs the reasonable or agreed charges for the protection, storage or safekeeping accrued while the vehicle was held pursuant to such written order. Any personal property within the vehicle need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid, or satisfactory arrangements for payment have been made, except as provided under subsection (c) or for personal medical supplies which shall be released to the owner thereof upon request. The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property. Any personal property within the vehicle not returned to the owner shall be sold at the auction authorized by this act.

(b) At the time of providing wrecker or towing service, any person providing such wrecker or towing service shall give written notice to the driver, if available, of the vehicle being towed that a fee will be charged for storage of such vehicle. Failure to

give such written notice shall invalidate any lien established for such storage fee.

(c) A city ordinance or county resolution authorizing the towing of vehicles from private property shall specify in such ordinance or resolution: (1) The maximum rate such wrecker or towing service may charge for such wrecker or towing service and storage fees; (2) that an owner of a vehicle towed shall have access to personal property in such vehicle for 48 hours after such vehicle has been towed and such personal property shall be released to the owner; and (3) that the wrecker or towing service shall report the location of such vehicle to local law enforcement within two hours of such tow.";

Also on page 1, in line 6, by striking "is" and inserting "and K.S.A. 2015 Supp. 8-1103 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "repealing K.S.A. 8-1107" and inserting "concerning abandoned and disabled vehicles; relating to towing vehicles from private property, ordinance or resolution, requirements"; in line 3, after "service" by inserting "; amending K.S.A. 2015 Supp. 8-1103 and repealing the existing section; also repealing K.S.A. 8-1107"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 405** be passed.

Committee on **Veterans, Military and Homeland Security** recommends **SB 313** be amended on page 1, in line 19, before the first "the" by inserting ":

(1) ";

Also on page 1, in line 19, by striking the comma and inserting ";

(2) ";

Also on page 1, in line 21, by striking the comma and inserting ";

(3) (A) The governor, if the entity being audited is an executive branch agency;

(B) the legislative coordinating council, if the agency being audited is a legislative entity; or

(C) the chief justice of the Kansas supreme court, if the entity being audited is a judicial entity;

(4) "

Also on page 1, in line 22, by striking the comma and inserting ";

(5) ";

Also on page 1, in line 23, after "technology" by inserting a semicolon; also in line 23, after "and" by inserting:

"(6) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Vision 2020** recommends **SB 443** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 64, by Representative Connie O'Brien, congratulating Dylan Deters for achieving the rank of Eagle Scout;

Request No. 65, by Representative Marty Read, congratulating Kevin Gleason for 35 years of instruction of Vocational Agriculture at Uniontown Jr/Sr High School ;

Request No. 66, by Representative Marty Read, congratulating Bill Johnston for serving as 2016 President of the Kansas Association of Agriculture Educators and 33 years of career service, 25 of them at Jayhawk-Linn High School;

Request No. 67, by Representative Marty Read, commending The Fort Scott National Historic Site Staff for their contribution to the Fort Scott Symbols of Sacrifice Tribute, honoring American Heroes from the War on Terror;

Request No. 68, by Representative Marty Read, commending Anne Emerson for her contribution to the The Fort Scott Symbols of Sacrifice Tribute, honoring American Heroes from the War on Terror;

Request No. 69, by Representative Marty Read, commending Jim Scott for his contribution to The Fort Scott Symbols of Sacrifice Tribute, honoring American Heroes from the War on Terror;

Request No. 70, by Representative Marty Read, commending Jill Warford for her contribution to The Fort Scott Symbols of Sacrifice Tribute, honoring American Heroes from the War on Terror;

Request No. 71, by Representative Marty Read, commending Fort Superintendent, Betty Boyko for her contribution to the Fort Scott Symbols of Sacrifice Tribute, honoring American Heroes from the War on Terror;

Request No. 72, by Representative Willie Dove, commending Lieutenant Colonel Michael Essary for 28 years of honorable service to his country;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Vickrey, the committee report was adopted.

REPORT ON ENGROSSED BILLS

HB 2595 reported correctly engrossed March 17, 2016.

REPORT ON ENROLLED RESOLUTIONS

HR 6049, HR 6050 reported correctly enrolled and properly signed on March 18, 2016.

On motion of Rep. Vickrey, the House adjourned until 9:00 a.m., Monday, March 21, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*