

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 11, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair.

The roll was called with 118 members present.
Reps. Colloton, Fund and K. Wolf were excused on verified illness.
Rep. Sloan was excused on legislative business.
Rep. Kelley, Peterson and Rhoades were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
We come to the close of a busy, yet productive week.
As we reflect back on all that has happened,
if any of us have wounded someone by our words,
may we act quickly to bring healing.
If we have trampled over anyone in order to get our willful way,
help us surrender our selfishness and reach out to help them up.
If we have shown a spirit of contempt towards others,
grant to us a spirit of respect and humility to apologize.
You have placed us here to work together for the common good,
so please search our hearts and purify any contentious attitudes.
Thank you for watching over Rep. Fund
yesterday during his surgery.
We ask, Lord, that You touch him and bring
a speedy recovery and a complete healing.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Arpke.

Kansas Trivia Question – During a national governors conference held in Kansas, Michigan's governor caused a flap by saying he found the accommodations in Lawrence to be less than adequate. His stinging words included the statement that Kansans considered a what to be a fancy hotel?

Answer: A Holiday Inn

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2282, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512, by Committee on Agriculture and Natural Resources Budget.

HB 2295, AN ACT concerning parks and wildlife; relating to the regulation of hunting; amending K.S.A. 2010 Supp. 32-919, 32-932, 32-937, 32-980 and 32-988 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2296, AN ACT concerning state institutions and agencies; establishing the joint committee on oversight of the closure of the Kansas neurological institute and the Kansas neurological institute community conversion conservation fund, by Committee on Aging and Long Term Care.

HB 2297, AN ACT concerning service members; relating to civil relief in foreclosure proceedings, by Committee on Veterans, Military and Homeland Security.

HB 2298, AN ACT concerning veterans; relating to the executive director of the Kansas commission on veterans affairs; amending K.S.A. 73-1208c and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2299, AN ACT merchant and security police; prohibiting cities and counties from issuing licenses and permits; amending K.S.A. 12-1679 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2300, AN ACT concerning state legislatures; relating to re-employment, by Committee on Federal and State Affairs.

HB 2301, AN ACT providing for the phasing out and closure of the school for the deaf and the school for the blind, by Committee on Education.

HB 2302, AN ACT concerning schools; relating to charter schools; amending K.S.A. 2010 Supp. 72-1906 and repealing the existing section, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2271, HB 2272.**

Appropriations: **HB 2268, HB 2281, HB 2289.**

Corrections and Juvenile Justice: **HB 2277.**

Education: **HB 2269, HB 2270, HB 2286, HB 2288.**

Elections: **HB 2283, HB 2284.**

Energy and Utilities: **HB 2267.**

Health and Human Services: **HB 2279, HB 2280.**

Insurance: **HB 2275, HB 2276, HB 2291, HB 2292, HB 2293.**

Local Government: **HB 2294.**

Taxation: **HB 2264, HB 2265, HB 2266, HB 2278, HB 2287, HB 2290; HCR 5013.**

Transportation: **HB 2273, HB 2274, HB 2285.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2240** from Committee on Judiciary

and referral to Committee on Local Government.

COMMUNICATIONS FROM STATE OFFICERS

From Pat George, Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), Star Bond Annual Report for 2010.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

No objection was made to **HB 2082** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2082, AN ACT concerning the maintenance of previously installed medical gas piping systems in hospitals; amending K.S.A. 2010 Supp. 12-1509 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 2; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Gordon, Tyson.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf.

The bill passed.

HB 2054, AN ACT concerning the Kansas technology enterprise corporation; pertaining to the abolishing thereof; pertaining to the transfer of the powers and duties thereof to the department of commerce and the board of regents; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8101, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b04, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050 and 74-8105, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 29; Present but not voting: 1; Absent or not

voting: 7.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Smith, Spalding, Suellentrop, Swanson, Vickrey, Victors, Weber, Winn, B. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Calloway, Carlin, Davis, DeGraaf, Feuerborn, D. Gatewood, S. Gatewood, Gordon, Grant, Henry, Kuether, Lane, Loganbill, Mah, Meier, Pauls, Phelps, Ruiz, Tietze, Trimmer, Tyson, Ward, Wetta, Williams, Wolfe Moore.

Present but not voting: O'Neal.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I respectfully vote NO on **HB 2054**. Two years ago, I had the opportunity to serve on an interim committee charged with reviewing KTEC. I was impressed, and still am, with KTEC's ability to nurture the entrepreneurial spirit and mentor small businesses start-ups in Kansas. KTEC has proven its ability to stimulate business growth; something that is critical, especially now. I am voting no, because I am concerned that abolishing KTEC and dividing its responsibilities among various agencies will have a negative impact on the entrepreneurial spirit Kansas is so well known for.--PETER DEGRAAF, DOUG GATEWOOD

HB 2078, AN ACT concerning the state school for the blind and the state school for the deaf; relating to training programs; amending K.S.A. 76-1102a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf.

The bill passed.

HB 2083, AN ACT relating to mortuary arts; concerning the notification of individuals with prefinanced funeral agreements; amending K.S.A. 65-1713a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 1; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf.

The bill passed.

HCR 5007, A CONCURRENT RESOLUTION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 27; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bethell, Bollier, Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Henderson, Henry, Hill, Kuether, Lane, Loganbill, McCray-Miller, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: Because I feel that the Health Care Freedom Amendment (**HCR 5007**) misleads the Kansas Public by ignoring more than 100 years of constitutional precedent when it promises protection from federal law that it cannot constitutionally provide; and because I have an obligation to stand for honesty in the political process, I must respectfully vote No on **HCR 5007**.--ED TRIMMER, MIKE SLATTERY, ANNIE TIETZE, SEAN GATEWOOD, GAIL FINNEY, GERALDINE FLAHERTY, MELODY MCCRAY-MILLER, SYDNEY CARLIN

MR. SPEAKER: I have a number of concerns about the individual mandate contained in the Affordable Care Act. However, this constitutional amendment is unnecessary and will have no impact on the pending challenges in the federal court system. I vote no on **HCR 5007**.--PAUL DAVIS

MR. SPEAKER: The federal health care mandate, endangering the personal and specific constitutional liberties of Kansans, will not be forced on our state. It was a plan Kansans did not support. It was a plan Kansans would not have supported. As their advocates, we owe our citizens the ability to express their collective disapproval at the polls. Voters deserve to send a focused message to the federal government rejecting not only the contents of this bill, but the manner in which it was crafted, and the method with which it was passed. I am proud to grant them this ability, and vote YES on **HCR 5007**.--ARLEN H. SIEGFREID, S. MIKE KIEGERL, STEVEN R. BRUNK

MR. SPEAKER: Kansans value their right to determine their own health care choices without the intervention of the federal government. In November, voters made clear their displeasure with the federal government's health care reform power-grab. The Kansas Health Care Freedom Amendment gives Kansans the opportunity to express their own views on whether the federal government can force them to purchase health insurance.

I believe that Kansans should be allowed to express their opinions about health care reform at the ballot box. My constituents have made it clear they want to decide whether they will be allowed to make their health care decisions. Mr. Speaker, I vote yes on **HCR 5007**.--PEGGY MAST, OWEN DONOHOE, JOE MCLELAND, JOE SEIWERT

MR. SPEAKER: One year ago, as an average citizen, I watched helplessly as our elected leaders passed laws eroding state sovereignty and individual freedom. Unable to accept the notion that this would become the new American standard in government, I decided to run for office. Today, as an elected leader and at the direct and explicit request of my constituents, I'm proud to support the health care freedom amendment. With its passage, we empower voters to reject the growth of government, sustain the rights of individuals, and vigorously defend our state sovereignty. I vote yes on **HCR 5007**.--ROBERT (BOB) MONTGOMERY, AMANDA GROSSERODE, TERRILOIS GREGORY, KELLY MEIGS, JOSEPH SCAPA, ROB BRUCHMAN, KYLE HOFFMAN, RONALD W. RYCHMAN, DENNY HEDKE, JIM DENNING, BENNY L. BOMAN, J. STEPHEN ALFORD, TOM ARPKE, WARD CASSIDY, DAN COLLINS, SUSAN

MOSIER, STEVEN JOHNSON, JAMES FAWCETT, LESLIE OSTERMAN, JIM HOWELL, BRIAN A. WEBER, GREG SMITH, REYNALDO MESA, BRETT HILDABRAND, RAMON C. GONZALEZ JR., RICK BILLINGER, JANA GOODMAN, CARYN TYSON, RANDY GARBER

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Knox in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2071** be passed over and retain a place on the calendar.

On motion of Rep. Powell, **HB 2070** be amended on page 1, following line 14, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 26-507 is hereby amended to read as follows: 26-507. (a) Payment of award; vesting of rights. If the plaintiff desires to continue with the proceeding as to particular tracts the plaintiff, within 30 days from the time the appraisers' report is filed, shall pay to the clerk of the district court the amount of the appraisers' award as to those particular tracts and court costs accrued to date, including appraisers' fees. *Except as provided in subsection (c) of K.S.A. 26-508, and amendments thereto*, such payment shall be without prejudice to plaintiff's right to appeal from the appraisers' award. Except as provided further, upon such payment being made, the title, easement or interest appropriated in the land condemned shall thereupon immediately vest in the plaintiff, and it shall be entitled to the immediate possession of the land to the extent necessary for the purpose for which taken and consistent with the title, easement or interest condemned. If such property contains a defendant's personal property, a defendant shall have 14 days from the date such payment is made to the clerk of the district court to remove such personal property from the premises. The plaintiff shall be entitled to all the remedies provided by law for the securing of such possession. The clerk of the district court shall notify the interested parties that the appraisers' award has been paid and that the defendant shall have 14 days from the payment date to remove personal property from the premises.

(b) Abandonment. If the plaintiff does not make the payment prescribed in subsection (a) for any of the tracts described in the petition, within 30 days, from the time the appraisers' report is filed, the condemnation is abandoned as to those tracts, and judgment for costs, including the appraisers' fees together with judgment in favor of the defendant for the reasonable expenses incurred in defense of the action, shall be entered against the plaintiff. After such payment is made by the plaintiff to the clerk of the court, as provided in subsection (a), the proceedings as to those tracts for which payment has been made can only be abandoned by the mutual consent of the plaintiff and the parties interested in the award.

Sec. 3. K.S.A. 2010 Supp. 26-508 is hereby amended to read as follows: 26-508.

(a) *Except as provided in subsection (c)*, if the plaintiff, or any defendant, is dissatisfied with the award of the appraisers, such party, within 30 days after the filing of the appraisers' report, may appeal from the award by filing a written notice of appeal with the clerk of the district court. The appeal shall be deemed perfected upon the filing of the notice of appeal. In the event any parties shall perfect an appeal, copies of such notice of appeal shall be mailed to all parties affected by such appeal, within seven days

after the date of the perfection thereof. An appeal by the plaintiff or any defendant shall bring the issue of damages to all interests in the tract before the court for trial de novo. The appeal shall be docketed as a new civil action, the docket fee of a new court action shall be collected and the appeal shall be tried as any other civil action. The only issue to be determined therein shall be the compensation required by K.S.A. 26-513, and amendments thereto.

(b) This section, as amended by this act, shall be construed and applied prospectively, as well as retroactively to July 1, 2003, and shall apply to all eminent domain proceedings pending on or commenced after July 1, 2003.

(c) (1) *The department of transportation through the secretary of transportation, as plaintiff, shall not have the right to appeal from the appraiser's award.*

(2) *This subsection shall be construed and applied prospectively, as well as retroactively to January 1, 2009, and shall apply to all eminent domain proceedings pending on or commenced after January 1, 2009."*

And by renumbering sections accordingly;

On page 1, in line 15, after "Supp." by inserting "26-507, 26-508 and"; also in line 15, by striking "is " and inserting "are";

In the title, in line 1, by striking "notification of payment"; in line 2, by striking "of"; also in line 2, by inserting after "award"", notification and restrictions"; also in line 2, after "Supp." by inserting "26-507, 26-508 and"; in line 3, by striking "section" and inserting "sections"; and **HB 2070** be passed as a amended.

Committee report to **HB 2008** be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Elections** recommends **HB 2080** be amended on page 1, in line 25, by striking "the", in line 26, by striking "Wednesday next following"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2128** be amended on page 1, in line 16, after "public" by inserting "sector funds"; after "funds" by inserting "from the current contractor of the sponsoring government entity"; in line 28, after "act. " by inserting "Sec. 2. Violations of this section shall subject the candidate to a civil fine for each violation to be imposed under the provisions of K.S.A. 25-4181, and amendments thereto."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2006**, **HB 2013** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 25, by Representative Crum, congratulating Cole Howerton on winning "If I Were Mayor" essay contest;

Request No. 26, by Representative O'Brien, congratulating Tyler Keohane on achieving the rank of Eagle Scout;

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. Siegfroid, the committee report was adopted.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2303, AN ACT concerning utilities; relating to rates for electricity and variable time-of-day pricing, by Committee on Energy and Utilities.

HB 2304, AN ACT concerning rules and regulations; relating to nullification, by Committee on Judiciary.

HB 2305, AN ACT concerning board of indigents' defense; amending K.S.A. 22-4519 and repealing the existing section, by Committee on Judiciary.

HB 2306, AN ACT concerning the department of administration; relating to the requirements for purchase of motor vehicles by state agencies, by Committee on Government Efficiency.

HB 2307, AN ACT enacting the Kansas residential roofing act, by Committee on Insurance.

HB 2308, AN ACT concerning elections; relating to campaign finance; amending K.S.A. 2010 Supp. 25-4148 and repealing the existing section, by Committee on Elections.

HB 2309, AN ACT concerning campaign finance; relating to transfer of campaign funds; amending K.S.A. 25-4157 and K.S.A. 2010 Supp. 25-4143 and 25-4157a and repealing the existing sections, by Committee on Elections.

HB 2310, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; amending K.S.A. 2010 Supp. 74-4914 and 74-4937 and repealing the existing sections, by Committee on Pension and Benefits.

HB 2311, AN ACT concerning retirement and pensions; enacting the Kansas public employees retirement system defined contribution act; providing terms, conditions and requirements related thereto; relating to plan document, membership, benefits and contributions; death and disability benefits, by Committee on Pension and Benefits.

HB 2312, AN ACT concerning regulated scrap metal; relating to licensure for scrap metal dealers; unlawful acts; criminal penalties; amending K.S.A. 2010 Supp. 50-6,109 and 50-6,111 and repealing the existing sections, by Committee on Judiciary.

HB 2313, AN ACT concerning civil procedure; relating to social and rehabilitation services; amending K.S.A. 60-1501 and repealing the existing section, by Committee on Judiciary.

HB 2314, AN ACT concerning drainage district No. 2 of Finney county, Kansas; pertaining to the election of directors; amending K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a and 24-409 and repealing the existing sections, by Committee on Taxation.

HB 2315, AN ACT concerning public health; relating to the licensure of home nursing agencies, home health agencies and home services agencies; amending K.S.A. 65-5101, 65-5102, 65-5103, 65-5105, 65-5106, 65-5107, 65-5108, 65-5109, 65-5111,

65-5115 and 65-5116 and K.S.A. 2010 Supp. 65-5104, 65-5112 and 65-5117 and repealing the existing sections, by Committee on Aging and Long Term Care.

On motion of Rep. Siegfried, the House recessed until 12:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

HB 2316, AN ACT concerning economic development; establishing the bioscience investment fund; taxation of certain bonds; amending K.S.A. 2010 Supp. 79-32,117 and repealing the existing section, by Committee on Vision 2020.

HB 2317, AN ACT concerning taxation; relating to IMPACT program, withholding, requirements, limitations; income tax deductions, expensing of investment expenditures; income tax credits; sales tax exemptions; creating job creation program fund, administration, expenditures; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 74-50,111, 74-50,132, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152, by Committee on Taxation.

HB 2318, AN ACT concerning crimes and punishment; relating to controlled substances; amending K.S.A. 2010 Supp. 21-36a01, 21-36a05, 21-36a09, 21-36a10, 21-36a13 and 21-36a14 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2319, AN ACT concerning crimes, criminal procedure and punishment; relating to house arrest. Amending sections 244, 249 and 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2320, AN ACT concerning oil and gas; relating to unit operations; amending K.S.A. 55-1305 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2321, AN ACT concerning crimes and punishment; creating the crimes of armed criminal action and endangerment; relating to further amendments to the recodified criminal code; amending K.S.A. 2010 Supp. 21-4010 and 21-4012 and sections 9, 34, 37, 61, 68, 71, 81, 92, 93, 129, 130, 132, 136, 165, 197, 223, 224 and 300 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-3302, 21-3446, 21-3447, 21-3506 and 21-4311, by Committee on Corrections and Juvenile Justice.

HB 2322, AN ACT concerning the Kansas offender registration act; amending K.S.A. 22-4901, 22-4903, 22-4908, 22-4909 and 22-4911 and K.S.A. 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907 and 22-4913 and repealing the existing sections; also repealing K.S.A. 22-4912, by Committee on Corrections and Juvenile Justice.

HB 2323, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of imprisonment for life without the possibility of parole; amending K.S.A. 22-3405, 22-

3705 and 22-4210 and K.S.A. 2010 Supp. 22-3717, 22-3728, 22-4902, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and sections 54, 254, 258, 260, 262, 266, 268, 269 and 287 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-4619, 21-4623, 21-4624, 21-4634, 21-4642, 22-3717c and 38-2255a and sections 36, 257 and 259 of chapter 136 of the 2010 Session Laws of Kansas, by Committee on Corrections and Juvenile Justice.

HB 2324, AN ACT concerning cigarettes and tobacco products; relating to electronic cigarettes; amending K.S.A. 2010 Supp. 79-3321 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2325, AN ACT concerning crimes, criminal procedure and punishment; relating to the calculation of good time credits for inmates on postrelease supervision; amending K.S.A. 2010 Supp. 22-3717 and section 302 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 22-3717c, by Committee on Corrections and Juvenile Justice.

HB 2326, AN ACT concerning crimes, criminal procedure and punishment; relating to offender supervision and placement; amending K.S.A. 2010 Supp. 75-5291 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2327, AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing of veterans suffering from posttraumatic stress disorder; amending K.S.A. 2010 Supp. 73-1209 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2328, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employer contributions; amending K.S.A. 2010 Supp. 74-4920 and repealing the existing section, by Committee on Pension and Benefits.

HB 2329, AN ACT concerning courts; relating to expunged records; relating to petitions for relief; amending K.S.A. 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4516a, 22-2410 and 38-2312 and section 254 of chapter 136 of the 2010 Session Laws of Kansas repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2330, AN ACT enacting the cannabis compassion and care act; providing for the legal use of cannabis for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; establishing the compassion board; providing for administration of the act by department of health and environment; amending K.S.A. 79-5210 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2331, AN ACT concerning economic development; creating rural opportunity zones; relating to income taxation, credit for certain taxpayers, amount and requirements; student loan repayment program, by Committee on Taxation.

HB 2332, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; amending sections 33, 34, 35 and 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Judiciary.

HB 2333, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; normal retirement date; amending K.S.A. 74-4914c and K.S.A. 2010 Supp. 74-4914 and 74-4937 and repealing the existing sections, by

Committee on Pension and Benefits.

HB 2334, AN ACT concerning crimes, criminal procedure and punishment; relating to competence of defendants to stand trial; repealing K.S.A. 22-3301 and 22-3306 and K.S.A. 2010 Supp. 22-3302, 22-3303, 22-3305 and 22-3305a, by Committee on Corrections and Juvenile Justice.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2038** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2118** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2010 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

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

(2) impose the fine applicable to the offense;

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

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

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502, and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809, and amendments thereto, or aggravated escape, as defined in K.S.A. 21-3810, and amendments thereto; repay expenses incurred by a fire district, fire

department or fire company responding to a fire which has been determined to be arson under K.S.A. 21-3718 or 21-3719, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

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

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

(11) if the defendant is convicted of a misdemeanor or convicted of a felony provision of specified in subsection (i) of K.S.A. 21-4704, and amendments thereto, assign the defendant to a work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program;

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

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

~~(13)~~ (14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 21-4018, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

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

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502, and amendments thereto.

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

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

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2010 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the

new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

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

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

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

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

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in gridblocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611, and amendments thereto.

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

(n) Except as provided by subsection (f) of K.S.A. 21-4705, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 21-4729, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2010 Supp. 75-52,144, and amendments thereto, including but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in K.S.A. 21-4705, and amendments thereto. For those offenders who are convicted on or after the effective date of this act, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

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

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

(B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.

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

(4) As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto"; and renumbering sections accordingly;

On page 4, in line 13, by striking "excess of" and inserting "addition to the"; in line 16, before "section" by inserting "On and after July 1, 2011,";

On page 11, in line 41, following "Supp." by inserting "21-4603d and"; also in line

41, by striking all following "22-2802; in line 42, by striking "of the 2010 Session Laws of Kansas";

Also on page 11, following line 42, by inserting "Sec. 5. On and after July 1, 2011, section 244 of chapter 136 of the 2010 Session Laws of Kansas is hereby repealed."

On page 12, in line 1, by striking "statute book" and inserting "Kansas Register";

On page 1, in the title, in line 3, after "Supp." by inserting "21-4603d and"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2030 reported correctly engrossed February 10, 2011.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Monday, February 14, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

