

Approved: May 5, 2010
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:00 a.m. on May 3, 2010, in Room 548-S of the Capitol.

All members were present except:

Senator Carolyn McGinn - excused
Senator Jean Schodorf - excused
Senator Mark Taddiken - excused

Committee staff present:

Michael Steiner, Kansas Legislative Research Department
Dylan Dear, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant
James Fisher, Intern

Conferees appearing before the Committee:

None

Others attending:

See attached list.

Hearing on SB 586 - Reconciling amendments to certain statutes.

Jason Thompson, Revisor, presented an overview of **SB 586**, stating that the bill addresses annual legislation requested by the Office of the Revisor of Statutes to reconcile all conflicts between new legislation and existing statute (Attachment 1). Mr. Thompson presented a balloon amendment to add language omitted from the original bill pertaining to 2010 **Sub for SB 353**.

The fiscal note on **SB 586** indicates that passage of the legislation would have no fiscal effect.

There were no proponents, opponents or neutrals to appear before the Committee.

The hearing on **SB 586** was closed.

Senator Vratil moved to amend **SB 586** by adding the language of the balloon as presented. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Senator Vratil moved to recommend **SB 586** as amended favorable for passage. The motion was seconded by Senator Umbarger. Motion carried on a voice vote.

Adjournment

The meeting was adjourned at 10:15 a.m.

The next meeting is on "call of the Chair".

05
03
2010
(1)

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE: May 3, 2010

NAME	REPRESENTING
Mark Bozany	Capitol Staffer
Julie Mowat	DOB
Sharon Joseph	KS ADAPT
Larry R. Baker	LKW
Mike Hammond	Assoc. of CMAs
Kristen Grimmer	Sen. Derek Schmidt
TERRY FORSYTH	KUEA
JEREMY BARCLAY	KDOC
Joe Mosimann	PMCA of KS
Berend Koop	Hein Law Firm
Erk Wisner	KDA
Mitt Casey	BRJ
Mike Rieck	Maches Braden
KOB MEALY	KEARNEY & ASSOC.

Office of Revisor of Statutes
Statehouse, Suite 024-E
300 S.W. 10th Avenue
Topeka, Kansas 66612-1592
Telephone: 785-296-2321 FAX: 785-296-6668
E-mail: Jason.Thompson@rs.ks.gov

MEMORANDUM

To: Senator Emler, Chairperson, and
Members of the Senate Ways and Means Committee
From: Jason Thompson, Assistant Revisor of Statutes (JT)
Date: May 3, 2010
Subject: SB 586, reconciling amendments to certain statutes

Senate Bill 586 reconciles amendments to statutes that were amended more than once during this session or a prior session. No substantive changes are made.

§ 1: K.S.A. 2009 Supp. 8-1567, driving under the influence; amended twice in 2009 Session, conflict between current statute and version enacted by section 6 of chapter 107 of the 2009 Session Laws of Kansas.

§ 2: K.S.A. 8-2410, vehicle dealers and manufacturers licensing act; amended by House Bill No. 2547 and Senate Bill No. 376.

§ 3: K.S.A. 21-3447, aggravated trafficking; amended by House Bill No. 2435 and Substitute for Senate Bill No. 353.

§ 4: K.S.A. 2009 Supp. 21-36a05, unlawful cultivation or distribution of controlled substances; amended by House Bill No. 2661 and 2435.

§ 5: K.S.A. 2009 Supp. 21-36a10, unlawful distribution of certain drug precursors and drug paraphernalia; amended by House Bill No. 2661 and 2435.

§ 6: K.S.A. 2009 Supp. 21-4204, criminal possession of a firearm; amended by House Bill No. 2661 and Substitute for Senate Bill No. 67.

§ 7: K.S.A. 21-4643, mandatory term of imprisonment of 25 or 40 years for certain sex offenders; amended by House Bill No. 2435 and Substitute for Senate Bill No. 353.

Senate Ways & Means Cmte

Date 5-03-2010

Attachment 1

§ 8: K.S.A. 2009 Supp. 21-4704, sentencing guidelines grid for nondrug crimes; amended by House Bill No. 2661 and 2435.

§ 9: K.S.A. 2009 Supp. 22-4902, offender registration definitions; amended by House Bill No. 2661 and Substitute for Senate Bill No. 353.

§ 10: K.S.A. 22-4906, offender registration requirements; amended by House Bill No. 2468 and Substitute for Senate Bill No. 353.

§ 11: K.S.A. 2009 Supp. 28-172a, docket fees in criminal proceedings; amended by Senate Substitute for House Bill No. 2476 and Senate Bill No. 519.

§ 12: K.S.A. 2009 Supp. 38-2242, revised Kansas code for care of children, orders of protective custody; amended by House Bill No. 2364 and Senate Bill No. 460.

§ 13: K.S.A. 2009 Supp. 38-2243, revised Kansas code for care of children, orders of temporary custody; amended by House Bill No. 2364 and Senate Bill No. 460.

§ 14: K.S.A. 2009 Supp. 38-2305, revised Kansas juvenile justice code venue statute; amended by House Bill No. 2195, Senate Bill No. 460 and 519.

§ 15: K.S.A. 2009 Supp. 38-2361, revised Kansas juvenile justice code sentencing alternatives; amended by House Bill No. 2364 and Senate Bill No. 460.

§ 16: K.S.A. 2009 Supp. 40-3104, motor vehicle liability insurance coverage; amended by House Bill No. 2492 and Senate Bill No. 533.

§ 17: K.S.A. 2009 Supp. 47-2101, domesticated deer; amended by Senate Bill No. 376 and House Bill No. 2666.

§ 18: K.S.A. 2009 Supp. 65-516, restrictions on persons maintaining or residing, working or volunteering at child care facility or family day care home; amended by House Bill No. 2661 and Senate Bill No. 376.

§ 19: K.S.A. 65-6a34a, registration under meat and poultry inspection act; amended by Senate Bill No. 393 and Senate Bill No. 376.

§ 20: K.S.A. 65-7216, administrative proceedings under naturopathic doctor licensure act; amended by Senate Bill No. 376 and Senate Bill No. 83.

§ 21: K.S.A. 2009 Supp. 72-978, reimbursement of costs incurred by school districts when providing special education and related services; amended by Senate Bill No. 357 and 359.

§ 22: K.S.A. 2009 Supp. 74-596, penalties for violations of food service and lodging acts; amended by Senate Bill No. 376 and Senate Bill No. 393.

§ 23: K.S.A. 2009 Supp. 74-2426, orders of the state court of tax appeals; amended by Senate Bill No. 376 and House Bill No. 2557.

§ 24: K.S.A. 2009 Supp. 75-6606, disposition of personal property of state agencies; amended by Senate Bill No. 30 and House Bill No. 2415.

§ 25 through 28: Repealers and effective date.

Note: Repeals K.S.A. 2009 Supp. 25-4156b and 65-1643c, conflicts created in 2009 Session; no change to K.S.A. 2009 Supp. 25-4156 or 65-1643.

SENATE BILL No. 586

By Committee on Ways and Means

4-28

SB586-Balloon-Revisor
Committee on Ways and Means
RS - JThompson - 05/03/10

9 AN ACT reconciling amendments to certain statutes; amending K.S.A.
10 8-2410, as amended by section 2 of 2010 House Bill No. 2547, 21-
11 3447, as amended by section 4 of 2010 House Bill No. 2435, 21-4643,
12 as amended by section 18 of 2010 House Bill No. 2435, 22-4906, as
13 amended by section 1 of 2010 House Bill No. 2468, 65-6a34a, as
14 amended by section 8 of 2010 Senate Bill No. 393, and 65-7216, as
15 amended by section 171 of 2010 Senate Bill No. 376, and K.S.A. 2009
16 Supp. 8-1567, 21-36a05, as amended by section 2 of 2010 House Bill
17 No. 2661, 21-36a10, as amended by section 5 of 2010 House Bill No.
18 2661, 21-4204, as amended by section 7 of 2010 House Bill No. 2661,
19 21-4704, as amended by section 9 of 2010 House Bill No. 2661, 22-
20 4902, as amended by section 11 of 2010 House Bill No. 2661, 28-172a,
21 as amended by section 7 of 2010 Senate Substitute for House Bill No.
22 2476, 38-2242, as amended by section 5 of 2010 House Bill No. 2364,
23 38-2243, as amended by section 6 of 2010 House Bill No. 2364, 38-
24 2305, as amended by section 4 of 2010 House Bill No. 2195, 38-2361,
25 as amended by section 9 of 2010 House Bill No. 2364, 40-3104, as
26 amended by section 1 of 2010 House Bill No. 2492, 47-2101, as
27 amended by section 4 of 2010 House Bill No. 2666, 65-516, as
28 amended by section 13 of 2010 House Bill No. 2661, 72-978, as
29 amended by section 3 of 2010 Senate Bill No. 357, 74-596, as amended
30 by section 179 of 2010 Senate Bill No. 376, 74-2426, as amended by
31 section 182 of 2010 Senate Bill No. 376, and 75-6606, as amended by
32 section 3 of 2010 Senate Bill No. 30, and repealing the existing sec-
33 tions; also repealing K.S.A. 8-1567, as amended by section 6 of chapter
34 107 of the 2009 Session Laws of Kansas, 8-2410, as amended by section
35 20 of 2010 Senate Bill No. 376, 21-3447, as amended by section 2 of
36 2010 Substitute for Senate Bill No. 353, 21-4643, as amended by sec-
37 tion 3 of 2010 Substitute for Senate Bill No. 353, 22-4906, as amended
38 by section 5 of 2010 Substitute for Senate Bill No. 353, 65-6a34a, as
39 amended by section 124 of 2010 Senate Bill No. 376, and 65-7216, as
40 amended by section 12 of 2010 Senate Bill No. 83, and K.S.A. 2009
41 Supp. 21-36a05, as amended by section 14 of 2010 House Bill No.
42 2435, 21-36a10, as amended by section 15 of 2010 House Bill No.
43 2435, 21-4204, as amended by section 3 of 2010 Substitute for Senate

4-1

1-5

1 Bill No. 67, 21-4704, as amended by section 19 of 2010 House Bill
2 No. 2435, 22-4902, as amended by section 4 of 2010 Substitute for
3 Senate Bill No. 353, 25-4156b, 28-172a, as amended by section 6 of
4 2010 Senate Bill No. 519, 38-2242, as amended by section 9 of 2010
5 Senate Bill No. 460, 38-2243, as amended by section 10 of 2010 Senate
6 Bill No. 460, 38-2305, as amended by section 19 of 2010 Senate Bill
7 No. 460, 38-2305, as amended by section 7 of 2010 Senate Bill No.
8 519, 38-2361, as amended by section 20 of 2010 Senate Bill No. 460,
9 40-3104, as amended by section 4 of 2010 Senate Bill No. 533, 47-
10 2101, as amended by section 92 of 2010 Senate Bill No. 376, 65-516,
11 as amended by section 122 of 2010 Senate Bill No. 376, 65-1643c, 72-
12 978, as amended by section 2 of 2010 Senate Bill No. 359, 74-596, as
13 amended by section 10 of 2010 Senate Bill No. 393, 74-2426, as
14 amended by section 30 of 2010 House Bill No. 2557, and 75-6606, as
15 amended by section 1 of 2010 House Bill No. 2415.

38-2361, as amended by section 6 of
2010 Substitute for Senate Bill No. 353,

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. On and after July 1, 2010, K.S.A. 2009 Supp. 8-1567 is
19 hereby amended to read as follows: 8-1567. (a) No person shall operate
20 or attempt to operate any vehicle within this state while:

21 (1) The alcohol concentration in the person's blood or breath as
22 shown by any competent evidence, including other competent evidence,
23 as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amend-
24 ments thereto, is .08 or more;

25 (2) the alcohol concentration in the person's blood or breath, as meas-
26 ured within two hours of the time of operating or attempting to operate
27 a vehicle, is .08 or more;

28 (3) under the influence of alcohol to a degree that renders the person
29 incapable of safely driving a vehicle;

30 (4) under the influence of any drug or combination of drugs to a
31 degree that renders the person incapable of safely driving a vehicle; or

32 (5) under the influence of a combination of alcohol and any drug or
33 drugs to a degree that renders the person incapable of safely driving a
34 vehicle.

35 (b) No person shall operate or attempt to operate any vehicle within
36 this state if the person is a habitual user of any narcotic, hypnotic, som-
37 nifacient or stimulating drug.

38 (c) If a person is charged with a violation of this section involving
39 drugs, the fact that the person is or has been entitled to use the drug
40 under the laws of this state shall not constitute a defense against the
41 charge.

42 (d) Upon a first conviction of a violation of this section, a person shall
43 be guilty of a class B, nonperson misdemeanor and sentenced to not less

1-6

1 shall be notified of the sanctions house placement; and
2 (3) a juvenile over 18 years of age and less than 23 years of age at
3 sentencing shall be committed to a county jail, in lieu of a sanctions house,
4 under the same time restrictions imposed by paragraph (1), but shall not
5 be committed to or confined in a juvenile detention facility.

6 (g) Any order issued by the judge pursuant to this section shall be in
7 effect immediately upon entry into the court's minutes.

8 (h) In addition to the requirements of K.S.A. 2009 Supp. 38-2373,
9 and amendments thereto, if a person is under 18 years of age and con-
10 victed of a felony or adjudicated as a juvenile offender for an offense if
11 committed by an adult would constitute the commission of a felony, the
12 court shall forward a signed copy of the journal entry to the commissioner
13 within 30 days of final disposition.

14 (i) Except as further provided, if a juvenile has been adjudged to be
15 a juvenile offender for an offense that if committed by an adult would
16 constitute the commission of: (1) Aggravated trafficking, as defined in
17 K.S.A. 2009 Supp. 21-3447, and amendments thereto, if the victim is less
18 than 14 years of age; (2) rape, as defined in subsection (a)(2) of K.S.A.
19 21-3502, and amendments thereto; (3) aggravated indecent liberties with
20 a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amend-
21 ments thereto; (4) aggravated criminal sodomy, as defined in subsection
22 (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto; (5) promoting
23 prostitution, as defined in K.S.A. 21-3513, and amendments thereto, if
24 the prostitute is less than 14 years of age; (6) sexual exploitation of a child,
25 as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amend-
26 ments thereto; or (7) an attempt, conspiracy or criminal solicitation, as
27 defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto,
28 of an offense defined in parts (1) through (6); the court shall issue an
29 order prohibiting the juvenile from attending the attendance center that
30 the victim of the offense attends. If only one attendance center exists, for
31 which the victim and juvenile are eligible to attend, in the school district
32 where the victim and the juvenile reside, the court shall hear testimony
33 and take evidence from the victim, the juvenile, their families and a rep-
34 resentative of the school district as to why the juvenile should or should
35 not be allowed to remain at the attendance center attended by the victim.
36 After such hearing, the court may issue an order prohibiting the juvenile
37 from attending the attendance center that the victim of the offense at-
38 tends.

39 (j) The sentencing hearing shall be open to the public as provided in
40 K.S.A. 2009 Supp. 38-2353, and amendments thereto.

41 Sec. 16. On and after July 1, 2010, K.S.A. 2009 Supp. 40-3104, as
42 amended by section 1 of 2010 House Bill No. 2492, is hereby amended
43 to read as follows: 40-3104. (a) Every owner shall provide motor vehicle

human

1 2010 House Bill No. 2468, 22-4906, as amended by section 5 of 2010
2 Substitute for Senate Bill No. 353, 65-6a34a, as amended by section 8 of
3 2010 Senate Bill No. 393, and 65-6a34a, as amended by section 124 of
4 2010 Senate Bill No. 376, and K.S.A. 2009 Supp. 8-1567, 22-4902, as
5 amended by section 11 of 2010 House Bill No. 2661, 22-4902, as
6 amended by section 4 of 2010 Substitute for Senate Bill No. 353, 28-
7 172a, as amended by section 7 of 2010 Senate Substitute for House Bill
8 No. 2476, 28-172a, as amended by section 6 of 2010 Senate Bill No. 519,
9 38-2242, as amended by section 5 of 2010 House Bill No. 2364, 38-2242,
10 as amended by section 9 of 2010 Senate Bill No. 460, 38-2243, as
11 amended by section 6 of 2010 House Bill No. 2364, 38-2243, as amended
12 by section 10 of 2010 Senate Bill No. 460, 38-2305, as amended by section
13 4 of 2010 House Bill No. 2195, 38-2305, as amended by section 19 of
14 2010 Senate Bill No. 460, 38-2305, as amended by section 7 of 2010
15 Senate Bill No. 519, 38-2361, as amended by section 9 of 2010 House
16 Bill No. 2364, 38-2361, as amended by section 20 of 2010 Senate Bill No.
17 460, 40-3104, as amended by section 1 of 2010 House Bill No. 2492, 40-
18 3104, as amended by section 4 of 2010 Senate Bill No. 533, 47-2101, as
19 amended by section 92 of 2010 Senate Bill No. 376, 47-2101, as amended
20 by section 4 of 2010 House Bill No. 2666, 65-516, as amended by section
21 13 of 2010 House Bill No. 2661, 65-516, as amended by section 122 of
22 2010 Senate Bill No. 376, 74-596, as amended by section 179 of 2010
23 Senate Bill No. 376, 74-596, as amended by section 10 of 2010 Senate
24 Bill No. 393, 74-2426, as amended by section 182 of 2010 Senate Bill No.
25 376, 74-2426, as amended by section 30 of 2010 House Bill No. 2557,
26 75-6606, as amended by section 3 of 2010 Senate Bill No. 30, and 75-
27 6606, as amended by section 1 of 2010 House Bill No. 2415, are hereby
28 repealed.

29 Sec. 27. On and after January 1, 2011, K.S.A. 65-7216, as amended
30 by section 171 of 2010 Senate Bill No. 376, and 65-7216, as amended by
31 section 12 of 2010 Senate Bill No. 83, are hereby repealed.

32 Sec. 28. This act shall take effect and be in force from and after its
33 publication in the Kansas register.

38-2361, as amended by section 6 of
2010 Substitute for Senate Bill No. 353,

1-7