

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 20, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Baumgardner was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, our prayer today is short, straight forward and to the point. It's a prayer for wisdom...wisdom for all Your servants concerned with legislative decisions. By the leading of Your Holy Spirit, give each one here a clear understanding of Your will and confirm it by the principles of Your Word. Then give them the determination... the firm resolve the Psalmist had in 119:112, where he said "I have made the decision to obey Your laws, because they offer a reward that never ends." So, again Lord, guide these servants in the ways of Your wisdom.

In the Name of Love and Wisdom personified, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 427, AN ACT concerning gaming; relating to the Kansas expanded lottery act; state debtor setoff program; horse and greyhound racing; creating the Kansas horse council fund, privilege fee repayment fund and racetrack gaming facility management repayment fund; amending K.S.A. 74-8836 and K.S.A. 2017 Supp. 74-8702, 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2547**, **HB 2558**.

Assessment and Taxation: **HB 2488**.

Education: **SB 424**.

Judiciary: **SB 425**.

Transportation: **SB 426**.

Utilities: **HB 2435**.

Ways and Means: **Sub HB 2556**; **HB 2608**.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Lynn in the chair.

SB 314, SB 331, SB 353, SB 391 be passed.

The motion to recommend **SB 296** for passage failed.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 19; Nays 19; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Petersen, V. Schmidt, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Sykes.

Present and Passing: Olson.

Absent or Not Voting: Baumgardner.

SB 221, SB 260, SB 276, SB 394, HB 2362, be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 272** recommending **Sub SB 272** be adopted, and the substitute bill be passed.

A motion by Senator Pilcher-Cook to amend **SB 221** failed.

The committee rose and reported progress (See Committee of the Whole afternoon session).

On motion of Senator Denning, the Senate recessed until 2:00 p.m..

AFTERNOON SESSION

The senate met pursuant to recess with Vice President Longbine in the chair.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Goddard moved to reconsider previous action on **SB 296**. The motioned carried.

Senator Wilborn motioned to advance **SB 296** favorably to final action.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 21; Nays 17; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Petersen, V. Schmidt, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Sykes, Taylor.

Present and Passing: Olson.

Absent or Not Voting: Baumgardner.

SB 296 be passed and forwarded to final action.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No", just as the majority of us did a few hours ago before lunch, on advancing this measure (**SB 296**) to Final Action. Because "integrity" is an integral component of many opinions for what constitutes "respectable" leadership, I have no choice but to vote the same way I do in the afternoon as I did that same morning. No amount of mass "education" can be possible in that short amount of time. Whatever your opinion of David Haley might be, recognize again and remember, my principles and convictions are consistent. Continuity should count. Because the best auto manufacturer in Kansas is campused in my District, I am confident that its safety and quality standards will remain unimpeachable as a party to any lawsuit where an auto occupant did or did not wear a safety belt. Apparent by this drastic "Senatorial" shifting in record time, buckling in similar restraints on honorable members' continuity and resolve might be needed to protect the public from drastic impact shifting, too.—

DAVID HALEY

Mr. Vice President: I chose to support this bill. If Kansas is serious about seat belt usage, and it is, then a bill that reflects that philosophy deserves support.—RANDALL HARDY

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration bills under the heading of General Orders with Senator Bollier in the chair.

On motion of Senator Bollier the report for the morning and afternoon sessions were adopted.

SB 310, SB 394 be passed.

SB 394 be amended by motion of Senator McGinn; on page 10, in line 36, by striking "and" and inserting a comma; in line 37, after "hospitality" by inserting "and the date the gift, entertainment or hospitality was provided"

The amendment was adopted.

A motion by Senator Pyle to amend **SB 394** failed.

SB 247, SB 328, HB 2482 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Olson to amend **HB 2482** failed and the following amendment was rejected; on page 2, in line 19, by striking all after "licensee"; by striking all in lines 20 through 25; in line 26, by striking all before the semicolon;

On page 1, in the title, by striking all in line 2; in line 3, by striking "consumption"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 7; Nays 32; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Fitzgerald, Hilderbrand, Olson, Petersen, Pyle, Suellentrop.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Baumgardner.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **Substitute for HB 2223**, as amended by House Committee, be amended on page 3, in line 42, by striking "2016" and inserting "2017";

On page 4, in line 26, after "late" by inserting ", but in no case shall the civil penalty exceed \$1,000"; in line 36, after "late" by inserting ", but in no case shall the civil penalty exceed \$1,000";

On page 5, in line 4, by striking "2016" and inserting "2017"; in line 23, by striking "2016" and inserting "2017";

On page 6, in line 2, after "late" by inserting ", but in no case shall the civil penalty exceed \$1,000"; in line 34, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 340** be amended on page 1, in line 13, after "institutions" by inserting "continue to"; in line 17, by striking "or other faculty"; in line 20, by striking "and faculty"; in line 26, after "speech" by inserting ", except that institutions may require compliance with constitutional time, place and manner restrictions";

On page 2, in line 25, after "to" by inserting "established constitutional limitations and"; also in line 25, by striking ", and amendments thereto";

On page 3, in line 2, by striking all before the semicolon; in line 3, by striking "and faculty"; in line 13, by striking "and faculty"; in line 15, by striking all after "(9)"; by striking all in lines 16 and 17; in line 18, by striking "(10)" and inserting "subject to reasonable constitutional time, place and manner restrictions,"; in line 34, by striking "and faculty"; in line 36, by striking "and" and inserting:

"(15) for event requests or activism projects, an institution shall provide a written explanation to inform the student or faculty group why such event request or activism project was tabled or denied; and";

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

On page 4, in line 16, by striking "adopt" and inserting "have"; in line 17, after "and" by inserting ", except as required by law,"; in line 33, by striking "nonpublic" and inserting "any"; and the bill be passed as amended.

Also, **SCR 1611** be amended in line 25 after "States" by inserting ", for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States" and the bill be adopted as amended.

Committee on **Judiciary** recommends **SB 336** be amended on page 2, in line 17, by striking "\$80,000" and inserting "\$50,000"; in line 18, by striking "(d)" and inserting "(e)"; in line 27, by striking all after "(3)"; by striking all in lines 28 and 29; in line 30, by striking all before the period and inserting "(A) Except as provided in subparagraph (B), the court shall order that the award be paid as a combination of an initial payment not to exceed \$100,000 and the remainder as an annuity not to exceed \$80,000 per year. The claimant shall designate a beneficiary or beneficiaries for the annuity by filing such designation with the court.

(B) The court may order that the award be paid in one lump sum if the court finds that it is in the best interests of the claimant";

Also on page 2, in line 34, by striking all before the semicolon and inserting

"incurred in the action brought pursuant to this section"; also in line 34, by striking "and"; in line 36, by striking all after the second comma; in line 37, by striking "assistance,"; also in line 37, by striking "health insurance coverage" and inserting "personal finance literacy assistance"; in line 38, after "appropriate" by inserting ";

(C) shall be entitled to receive tuition assistance pursuant to section 2, and amendments thereto; and

(D) shall be entitled to participate in the state health care benefits program pursuant to K.S.A. 75-6501, and amendments thereto";

Also on page 2, in line 43, after the comma by inserting "or has entered into a settlement agreement with the state or any political subdivision thereof related to the same subject,";

On page 3, in line 1, after "action" by inserting "or the amount received in the settlement agreement"; in line 2, after "action" by inserting "or obtaining the settlement agreement"; in line 9, after the comma by inserting "or enters into a settlement agreement with the state or any political subdivision thereof related to the same subject,"; in line 10, after "(e)" by inserting ", less any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement"; in line 13, after "action" by inserting "or the amount received in the settlement agreement.

(3) Whenever any judgment has been entered pursuant to this section, the attorney general shall seek to recover damages for the state of Kansas, for the benefit of the state general fund, from any persons who contributed to the wrongful conviction and imprisonment of the claimant, to the extent the evidence in the case warrants such action. The attorney general shall also prosecute ouster and criminal proceedings as the evidence in the case warrants";

Also on page 3, in line 42, after the period by inserting "The Kansas bureau of investigation shall provide confirmation of such action to the court.";

On page 4, in line 3, after "(i)" by inserting "Upon entry of a certificate of innocence, the court shall order the expungement and destruction of the associated biological samples authorized by and given to the Kansas bureau of investigation in accordance with K.S.A. 21-2511, and amendments thereto. The order shall state the information required to be stated in a petition to expunge and destroy the samples and profile record pursuant to K.S.A. 21-2511, and amendments thereto, and shall direct the Kansas bureau of investigation to expunge and destroy such samples and profile record. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and provide confirmation of such action to the court.

(j) ";

Also on page 4, following line 4, by inserting:

"(k) Nothing in this section shall preclude the department of corrections from providing reentry services to a claimant that are provided to other persons, including, but not limited to, financial assistance, housing assistance, mentoring and counseling. Such services shall be provided while an action under this section is pending and after any judgment is entered, as appropriate for such claimant.

New Sec. 2. (a) Any individual awarded tuition assistance pursuant to section 1, and amendments thereto, shall receive a waiver of tuition and required fees for attendance at a postsecondary educational institution for up to 130 credit hours. Such individual may attend a postsecondary educational institution either full or part time.

(b) (1) Subject to appropriations, the state board of regents may make expenditures to reimburse each individual awarded tuition assistance pursuant to section 1, and amendments thereto, who is enrolled in a postsecondary educational institution for additional fees, including, but not limited to, fees for room and board, technical equipment and course-required books.

(2) No postsecondary educational institution shall delay enrollment of an individual who is awarded tuition assistance pursuant to section 1, and amendments thereto, because appropriations are not available for any additional fees provided to such individual.

(c) To remain eligible for the tuition and fees waiver under this section, an individual shall remain in good standing at the postsecondary educational institution where the individual is enrolled.

(d) Individuals shall provide a written or electronic copy of the court order awarding relief in the form of tuition assistance to the postsecondary educational institution or the state board of regents.

(e) The state board of regents shall adopt rules and regulations to administer the provisions of this section.

(f) As used in this section, "postsecondary educational institution" means any state educational institution as defined in K.S.A. 76-711, and amendments thereto, municipal university, community college, technical college or institute of technology in Kansas.";

Also on page 4, in line 18, after "thereto" by inserting ", including, but not limited to, premiums under the state health care benefits program";

On page 5, following line 2, by inserting:

"Sec. 4. K.S.A. 2017 Supp. 75-6501 is hereby amended to read as follows: 75-6501. (a) Within the limits of appropriations made or available therefor and subject to the provisions of appropriation acts relating thereto, the Kansas state employees health care commission shall develop and provide for the implementation and administration of a state health care benefits program.

(b) (1) Subject to the provisions of paragraph (2), the state health care benefits program may provide benefits for persons qualified to participate in the program for hospitalization, medical services, surgical services, nonmedical remedial care and treatment rendered in accordance with a religious method of healing and other health services. The program may include such provisions as are established by the Kansas state employees health care commission, including, but not limited to, qualifications for benefits, services covered, schedules and graduation of benefits, conversion privileges, deductible amounts, limitations on eligibility for benefits by reason of termination of employment or other change of status, leaves of absence, military service or other interruptions in service and other reasonable provisions as may be established by the commission.

(2) The state health care benefits program shall provide the benefits and services required by K.S.A. 2017 Supp. 75-6524, and amendments thereto.

(c) The Kansas state employees health care commission shall designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public officers and employees and their dependents as defined by rules and regulations of the commission. Such rules and regulations shall not apply to students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, who are covered by insurance

contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto. In designating persons qualified to participate in the state health care benefits program, the commission may establish such conditions, restrictions, limitations and exclusions as the commission deems reasonable. Such conditions, restrictions, limitations and exclusions shall include the conditions contained in ~~subsection (d) of~~ K.S.A. 75-6506(d), and amendments thereto. Each person who was formerly elected or appointed and qualified to an elective state office and who was covered immediately preceding the date such person ceased to hold such office by the provisions of group health insurance or a health maintenance organization plan under the law in effect prior to August 1, 1984, or the state health care benefits program in effect after that date, shall continue to be qualified to participate in the state health care benefits program and shall pay the cost of participation in the program as established and in accordance with the procedures prescribed by the commission if such person chooses to participate therein.

(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state's employer contribution shall equal the state's contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee's health savings account up to the maximum annual amount allowed pursuant to ~~subsection (d) of~~ 26 U.S.C. § 223(d), as amended, for as long as the employee participates in the high deductible plan.

(2) If the employee had not previously participated in the state health benefits plan, the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee's health savings account up to the maximum annual amount allowed pursuant to ~~subsection (d) of~~ 26 U.S.C. § 223(d), as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to ~~subsection (d) of~~ 26 U.S.C. § 223(d), as amended.

(e) The commission shall have no authority to assess charges for employer contributions under the student health care benefits component of the state health care benefits program for persons who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto.

(f) Nothing in this act shall be construed to permit the Kansas state employees health care commission to discontinue the student health care benefits component of the state health care benefits program until the state board of regents has contracts in effect that provide student coverage pursuant to the authority granted therefor in K.S.A. 75-4101, and amendments thereto.

(g) (1) On and after July 1, 2018, the commission shall designate claimants, as defined in section 1, and amendments thereto, as qualified to participate in the state health care benefits program. The commission shall implement this subsection in accordance with applicable federal law, including, but not limited to, the employee retirement income security act of 1974 and any regulations issued by the United States department of the treasury.

(2) A claimant shall have 31 calendar days from the date of judgment entered pursuant to section 1, and amendments thereto, to complete or decline enrollment in the state health care benefits program. A claimant shall be qualified to participate in the

state health care benefits program for the remainder of the plan year when judgment is entered pursuant to section 1, and amendments thereto, and for the next ensuing plan year. A claimant shall not be qualified to elect a high-deductible health plan and health savings account under the state health care benefits program.

(3) Costs of premiums under the state health care benefits program for a claimant shall be paid from the tort claims fund established by K.S.A. 75-6117, and amendments thereto, and shall not be charged to the claimant. A claimant shall be responsible to pay any applicable copayments, deductibles and other related costs under the state health care benefits program.

(4) A claimant may elect to include the claimant's dependents under the state health care benefits program. For any covered dependents, the claimant shall be responsible to pay the costs of premiums, copayments, deductibles and other related costs under the state health care benefits program.

(5) The attorney general shall provide assistance to a claimant to obtain and maintain coverage under the state health care benefits program pursuant to this subsection, including: Enrollment; maintenance of related records; and other assistance as may be required or incidental to implement this subsection.";

Also on page 5, in line 3, by striking "is" and inserting "and 75-6501 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "tuition assistance; state health care benefits program;"; also in line 2, after "75-6117" by inserting "and 75-6501"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 374** be amended on page 1, by striking all in lines 8 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 34;

On page 4, by striking all in lines 4 through 43;

By striking all on page 5 and 6;

On page 7, by striking all in lines 1 through 14;

On page 12, by striking all in lines 12 through 26;

On page 13, by striking all in lines 6 through 9; in line 10, by striking all before the period and inserting:

"(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this subsection shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) This section; (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto; (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3), and

amendments thereto; and (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state that would constitute a crime described in subsection (n)(1) or (n)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act that was committed on a military reservation and that would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction";

Also on page 13, by striking all in lines 27 through 43;

By striking all on pages 14 and 15;

On page 16, by striking all in lines 1 through 17;

On page 22, in line 3, by striking all after the period; by striking all in lines 4 and 5;

On page 23, by striking all in lines 21 through 43;

By striking all on pages 24 and 25;

On page 26, by striking all in lines 1 through 8;

On page 27, in line 14, by striking all after the third "or"; in line 15, by striking all before the first comma; in line 24, by striking all after "8-1567"; in line 25, by striking all before the first comma;

On page 28, in line 10, by striking all after "breath"; by striking all in lines 11 and 12; in line 22, by striking all after "8-1567"; in line 23, by striking "8-1025"; by striking all in lines 25 through 43;

By striking all on pages 29 through 33;

On page 34, by striking all in lines 1 through 30;

By striking all on pages 35 through 42;

On page 43, by striking all in lines 1 through 13; in line 27, following the stricken material by inserting "or"; in line 30, by striking all after "vehicle"; by striking all in lines 31 through 39; in line 40, by striking all before the period;

On page 49, by striking all in lines 13 through 26;

On page 50, by striking all in lines 7 through 14; in line 15, by striking all before the period and inserting:

"(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this subsection shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) Driving a commercial motor vehicle

under the influence, K.S.A. 8-2,144, and amendments thereto; (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto; (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3), and amendments thereto; and (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state that would constitute a crime described in subsection (i)(1) or (i)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act that was committed on a military reservation and that would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance that prohibits the acts of this section only once during the person's lifetime";

On page 51, in line 18, by striking all after the period; by striking all in lines 19 and 20;

On page 53, in line 2, by striking "8-2,145 and"; also in line 2, by striking "8-2,142,"; in line 3, by striking "8-1002,"; also in line 3, by striking "8-1020,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "8-2,145 and"; also in line 3, by striking "8-2,142,"; in line 4, by striking "8-1002,"; also in line 4, by striking "8-1020,"; also in line 4, by striking "8-1025,"; in line 5, after "sections" by inserting "; also repealing K.S.A. 2017 Supp. 8-1025"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 283 reported correctly enrolled, properly signed and presented to the Governor on February 20, 2018.

SR 1771 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 20, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, February 21, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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