

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 22, 2010, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 119 members present.
Reps. Fund and Johnson were excused on verified illness.
Reps. Aurand, Barnes, Hawk and Henderson were excused on excused absence by the Speaker.

Present later: Reps. Aurand, Barnes and Henderson.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today is the beginning of what is certain
to be a long, busy week.
We know . . .
The hours will be long,
the work will be tedious,
the discussions never-ending,
the mood tense and testy.
So here early in the morning —
early in the week,
I pray a prayer of the Psalmist,
*“Satisfy us in the morning with Your unfailing love . . .
and let the loveliness of our Lord, our God, rest on us,
confirming the work that we do.”*
(Ps. 90:14, 17)
Please be with Rep. Rocky Fund
today as he is in the hospital.
Bring a speedy recovery to his body.
And for my hurting KU friends, bring comfort to them.
And let them know they are most welcomed
on the KSU bandwagon.
In Christ's name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Menghini.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SCR 1623**.

Insurance: **SB 385**.

Judiciary: **SB 167**.

Select Committee on KPERS: **SB 568**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6031—

By Representatives Shultz and Pauls

A RESOLUTION congratulating and commending the Residential Construction Management Team from McPherson High School for being named National Champion at the NAHB Residential Construction Management Competition.

WHEREAS, The National Association of Home Builders (NAHB) held their annual Residential Construction Management Competition in Las Vegas in January during the International Builders Show. The competition gives students the opportunity to demonstrate their ability to solve construction-related problems by working on real-life construction projects; and

WHEREAS, The Residential Construction Management Team from McPherson High School was named National Champion in the 2010 competition. In 2009 the team placed second, and in 2008 they placed fourth. In addition to the team win, Preston Mossman was given the Outstanding Student award that is sponsored by BuilderBooks.com; and

WHEREAS, The competition begins when teams download a floor plan for a custom-built home. Based on the floor plan, the teams had to develop detailed construction drawings, a complete list of materials and costs, and a construction schedule, while meeting the “Bronze Level” building standards for green or energy efficient construction; and

WHEREAS, The team members include Max Archer, Preston Mossman, Joel Piper, Adam Porter and Jacob Reese. The team coaches are Arlan Penner and Don Willits. The team was sponsored by the McPherson Area Contractors Association as well as many others in the McPherson area: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate the Residential Construction Management Team from McPherson High School for winning the 2010 NAHB Residential Construction Management Competition. We commend the team for their hard work and dedication to excellence and for being outstanding role models to their peers. We extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to present seven enrolled copies of this resolution to the McPherson Residential Construction Management Team, one for each student and coach.

HOUSE RESOLUTION No. 6032—

By Representative Myers

A RESOLUTION urging the United States Government to support the NewGen Tanker.

WHEREAS, The Boeing Company has been building and maintaining refueling tankers for the United States Air Force for 60 years and has more experience building tankers than any other company on earth; and

WHEREAS, The Boeing NewGen Tanker will be designed to meet all Air Force requirements, incorporate innovative 21st century refueling systems, and will combine a modern digital flight deck with state-of-the-art 787 features; and

WHEREAS, The Boeing-built tankers are safe and survivable in combat, where it counts most; and

WHEREAS, During the previous tanker competition, the Air Force concluded the Boeing tanker was significantly more survivable than the Airbus tanker, and that Boeing’s pilot-oriented flight controls provide full combat maneuverability in all situations; and

WHEREAS, Awarding the contract to Boeing would create or retain approximately 50,000 skilled jobs in the United States’ high-technology aviation industry and provide good jobs to Kansans; and

WHEREAS, Manufacturing and maintaining our indispensable U.S. air refueling tanker fleet with American hands on American soil is much preferable and more sensible from a national security standpoint than abdicating this vital project to a foreign supplier: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we in the Kansas House of Representatives stand firmly united in the conviction that the Boeing NewGen Tanker is a superior airframe and that the expertise of the Boeing workforce is

second to no one in the world; and that the United States Government and the United States Congress are strongly exhorted to select the Boeing NewGen Tanker; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the President of the United States, the Secretary of Defense, the United States Senate Majority Leader, the United States Senate Republican Leader, the Speaker of the United States House of Representatives, the United States House of Representatives Republican Leader and each member of the Kansas Congressional Delegation.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Jack, **HR 6028**, A resolution expressing our appreciation to brave soldiers who were injured in service to our country, was adopted.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Foundation for Agriculture in the Classroom, 2009 Annual Report.

From Steve Six, Attorney General, Crime Victims compensation Board's 2008 Annual Report.

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

CONSENT CALENDAR

No objection was made to **HB 2718** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2107, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation of adjutant general; membership of certain firefighters; contributions, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The bill passed.

HB 2671, An act concerning the fire marshal; amending K.S.A. 31-157, 75-1511, 75-1515 and 75-1516 and K.S.A. 2009 Supp. 40-110 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 75-1510, was considered on final action.

On roll call, the vote was: Yeas 67; Nays 52; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, George, Goico, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth,

Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grant, Henry, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, O'Brien, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: The Kansas Fire Service Council voted unanimously to take a position in opposing any proposals by the legislature to continue studies or actions that would cause change to the operation of the fire marshal's office. The Council supports the Kansas State Fire Marshal in his positive efforts to make corrective changes towards the recommendations of the Legislative Division of Post Audit. The SFM office needs time to make the adjustments as requested by the post audit. Mr. Speaker, I vote no on **HB 2671**.—DOUG GATEWOOD

H. Sub. for SB 213, An act concerning the rules and regulations filing act; pertaining to the filing process; amending K.S.A. 77-415a, 77-415b, 77-417, 77-418, 77-419, 77-420, 77-421a, 77-423, 77-428, 77-429, 77-430a and 77-436 and K.S.A. 2009 Supp. 77-415, 77-416, 77-421, 77-422, 77-424, 77-430, 77-431 and 77-435 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The substitute bill passed.

SB 373, An act concerning municipal courts; clarifying which municipal ordinance violations require payment of an assessment; amending K.S.A. 2009 Supp. 12-4117 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 6; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Pow-

ell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber, Goyle, Landwehr, McLeland, Schwartz, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The bill passed.

SB 394. An act concerning pesticide education; amending K.S.A. 2-2459a and 2-2460a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2440**. An act concerning crimes, criminal procedure and punishment; relating to notification of victims of persons committed to the custody of the secretary of social and rehabilitation services; amending K.S.A. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431 and 22-3727 and repealing the existing sections.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2469**. An act concerning crimes and punishment; relating to sentencing; amending K.S.A. 21-4710 and repealing the existing section.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

On motion of Rep. Colloton to concur in Senate amendments to **S. Sub. for HB 2506**, the motion did not prevail (see further action, this session).

On roll call, the vote was: Yeas 40; Nays 79; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Brookens, T. Brown, Colloton, Craft, Davis, Flaharty, George, Grange, Henry, Hill, Hineman, Horst, Kerschen, Light, McCray-Miller, Morrison, Moxley, Myers, Neighbor, O'Neal, Pauls, Peterson, Pottorff, Prescott, Proehl, Quigley, Roth, Shultz, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, K. Wolf, Worley.

Nays: Bowers, A. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Crow, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Menghini, Merrick, Neufeld, O'Brien, Olson, Otto, Palmer, Patton, Peck, Phelps, Powell, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Suellentrop, D. Svaty, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2581**, An act concerning criminal procedure; relating to the correctional supervision fee; amending K.S.A. 21-4610a and K.S.A. 2009 Supp. 20-367 and repealing the existing sections.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

Having voted on the prevailing in not concurring to Senate amendment to **S. Sub. for HB 2506**, Rep. Burroughs moved that the House reconsider its adverse action (see previous action, this session). The motion prevailed. The question then reverted back to the motion to concur in Senate amendments. Rep. Burroughs offered a substitute motion to nonconcur and asked that a conference committee be appointed. The motion prevailed.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2160** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurrred in Senate amendments to **HB 2412** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2432** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kinzer, Whitham and Pauls as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurrred in Senate amendments to **HB 2454** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **HB 2472** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **HB 2482** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **HB 2486** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurrred in Senate amendments to **Sub. HB 2528** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kinzer, Whitham and Pauls as conferees on the part of the House.

On motion of Rep. Gordon, the House nonconcurrred in Senate amendments to **HB 2553** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Gordon, Donohoe and Benlon as conferees on the part of the House.

On motion of Rep. Powell, the House nonconcurrred in Senate amendments to **HB 2566** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Lukert as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurrred in Senate amendments to **Sub. HB 2575** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurrred in Senate amendments to **HB 2605** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurrred in Senate amendments to **HB 2656** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kinzer, Whitham and Pauls as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurrred in Senate amendments to **HB 2668** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kinzer, Whitham and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Carlson in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that roll call was demanded on motion to recommend **HCR 5032** favorably for adoption.

On roll call, the vote was: Yeas 76; Nays 44; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henry, Hill, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Slattey, Sloan, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Henderson, Johnson, Peterson.

The motion prevailed, and **HCR 5032** be adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2685** be amended on page 1, in line 40, before "no" by inserting "dealing with state agencies and municipalities,";

On page 3, in line 16, after the comma, by inserting "dealing with state agencies and municipalities,";

On page 4, in line 8, by striking all after "(a)"; in line 9, by striking "thereto, possession" and inserting "Possession"; after line 35, by inserting the following:

"(b) It is not a violation of this section for a person to possess a firearm as authorized under the personal and family protection act unless the facilities or premises have adequate security measures as defined in subsection (e) to ensure that no firearms are permitted to be carried into or on such premises or facilities.";

And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **Substitute for SB 514** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL No. 514," as follows:

“HOUSE Substitute for Substitute for SENATE BILL No. 514

By Committee on Federal and State Affairs

“AN ACT establishing the community defense act; amending K.S.A. 2009 Supp. 22-3901 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for Sub. SB 514** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 234** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 234,” as follows:

“HOUSE Substitute for SENATE BILL No. 234

By Committee on Judiciary

“AN ACT concerning civil procedure; relating to garnishment; amending K.S.A. 60-734, 60-737, 60-740, 61-3507 and 61-3510 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 234** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 255** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 255,” as follows:

“HOUSE Substitute for SENATE BILL No. 255

By Committee on Taxation

“AN ACT concerning sales taxation; relating to countywide retailers’ sales tax; Pottawatomie and Kingman counties; amending K.S.A. 12-197 and K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 Senate Substitute for House Bill No. 2353, 12-189, as amended by section 2 of 2010 Senate Substitute for House Bill No. 2353, and 12-192, as amended by section 3 of 2010 Senate Substitute for House Bill No. 2353 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 255** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 312** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 312,” as follows:

“HOUSE Substitute for SENATE BILL No. 312

By Committee on Taxation

“AN ACT concerning property taxation; relating to refunds of taxes; loans to counties by pooled money investment board, terms and limitations; amending K.S.A. 2009 Supp. 75-4209 and 79-2005 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 312** was thereupon introduced and read by title.)

On motion of Rep. Merrick, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Carlin and M. Holmes are spread upon the journal:

Rep. Carlin: Emporia State University established the Kansas Master Teacher awards in 1953. The awards are presented annually to teachers who have served the profession long and well and who also typify the good qualities of earnest and conscientious teachers.

The annual Master Teacher Award granted by Emporia State University is based upon the following criteria:

- A candidate for the award must have served at least five years in the schools in Kansas as a teacher or administrator. The professional service may have been at the elementary, secondary, or college level.
- The master teacher should exemplify teaching or administrative effectiveness, constructive service in the community, zeal in promoting the advancement of education, and a sincere interest in professional organizations.

- The Code of Ethics of the Education Professional adopted by the National Education Association shall serve as a guideline by which the attitude and competency of the master teacher should be appraised.

Rep. M. Holmes: I would like to introduce the 2010 Kansas Master Teachers: Eleanor Browning, a Special Education Reading Coach at Flint Hills Special Education Cooperative, Mary Herbert Educational Center in Emporia; Kathy Doussa, a first grade teacher at North-west Elementary School in Dodge City; Michael Dunlap, a Journalism teacher and Publications Advisor at Blue Valley West High School in Overland Park; Lou Ann Getz, a Clinical Instructor at Anthony & Eisenhower Middle Schools, and Kansas State University Professional Development School in Manhattan and Ogden; Sheila A. Lewis, a teacher at Tecumseh North Elementary School in Shawnee Heights; Andrea Sayler-Siefkes, a science teacher at St. John High School in St. John/Hudson; and Kassie Shook, a first grade teacher at Sunflower Elementary School in Lawrence.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Faber in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Faber, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2620; SB 533, SB 372** be passed.

Sub. SB 353; HB 2011, HB 2616 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 293** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2428** be adopted; also, on motion of Rep. Schwartz to refer the bill to Committee on Agriculture and Natural Resources, the motion did not prevail, and the substitute bill be passed.

Committee report to **SB 410** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2669** be adopted; also, on motion of Rep. Ward to amend, Rep. Schwab requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Ward and **Sub. HB 2669** be amended on page 2, following line 29, by inserting the following:

“Sec. 4. K.S.A. 44-1001 is hereby amended to read as follows: 44-1001. This act shall be known as the Kansas act against discrimination. It shall be deemed an exercise of the police power of the state for the protection of the public welfare, safety, health and peace of the people of this state. The practice or policy of discrimination against individuals in employment relations, in relation to free and public accommodations, in housing by reason of race, religion, color, sex, ~~disability~~, national origin ~~or~~, ancestry *or on the basis of disability*, or in housing by reason of familial status is a matter of concern to the state, since such discrimination threatens not only the rights and privileges of the inhabitants of the state of Kansas but menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the state of Kansas to eliminate and prevent discrimination in all employment relations, to eliminate and prevent discrimination, segregation, or separation in all places of public accommodations covered by this act, and to eliminate and prevent discrimination, segregation or separation in housing.

It is also declared to be the policy of this state to assure equal opportunities and encouragement to every citizen regardless of race, religion, color, sex, ~~disability~~, national origin ~~or~~, ancestry *or on the basis of disability*, in securing and holding, without discrimination, employment in any field of work or labor for which a person is properly qualified, to assure equal opportunities to all persons within this state to full and equal public accommodations, and to assure equal opportunities in housing without distinction on account of race, religion, color, sex, ~~disability~~, familial status, national origin ~~or~~, ancestry *or on the basis of disability*. It is further declared that the opportunity to secure and to hold employment, the opportunity for full and equal public accommodations as covered by this act and the opportunity for full and equal housing are civil rights of every citizen.

To protect these rights, it is hereby declared to be the purpose of this act to establish and to provide a state commission having power to eliminate and prevent segregation and discrimination, or separation in employment, in all places of public accommodations covered by this act, in housing because of race, religion, color, sex, ~~disability~~, national origin ~~or~~, ancestry *or on the basis of disability*, and in housing because of familial status, either by employers, labor organizations, employment agencies, realtors, financial institutions or other persons as hereinafter provided.

Sec. 5. K.S.A. 44-1002 is hereby amended to read as follows: 44-1002. When used in this act:

(a) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

(b) "Employer" includes any person in this state employing four or more persons and any person acting directly or indirectly for an employer, labor organizations, nonsectarian corporations, organizations engaged in social service work and the state of Kansas and all political and municipal subdivisions thereof, but shall not include a nonprofit fraternal or social association or corporation.

(c) "Employee" does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any person.

(d) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

(e) "Employment agency" includes any person or governmental agency undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

(f) "Commission" means the Kansas human rights commission created by this act.

(g) "Unlawful employment practice" includes only those unlawful practices and acts specified in K.S.A. 44-1009 and amendments thereto and includes segregate or separate.

(h) "Public accommodations" means any person who caters or offers goods, services, facilities and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment or food service establishment, as defined by K.S.A. 36-501 and amendments thereto; any bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery which is open to the public; or any public transportation facility. Public accommodations do not include a religious or nonprofit fraternal or social association or corporation.

(i) "Unlawful discriminatory practice" means: (1) Any discrimination against persons, by reason of their race, religion, color, sex, ~~disability~~, national origin ~~or~~, ancestry *or on the basis of disability*;

(A) In any place of public accommodations; or

(B) in the full and equal use and enjoyment of the services, facilities, privileges and advantages of any institution, department or agency of the state of Kansas or any political subdivision or municipality thereof; and

(2) any discrimination against persons in regard to membership in a nonprofit recreational or social association or corporation by reason of race, religion, sex, color, ~~disability~~, national origin ~~or~~, ancestry *or on the basis of disability* if such association or corporation has 100 or more members and: (A) Provides regular meal service; and (B) receives payment for dues, fees, use of space, use of facility, services, meals or beverages, directly or indirectly, from or on behalf of nonmembers.

This term shall not apply to a religious or private fraternal and benevolent association or corporation.

(j) "Disability" means, with respect to an individual:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment ~~by the person or entity alleged to have committed the unlawful discriminatory practice complained of.~~

Disability does not include current, illegal use of a controlled substance as defined in section 102 of the federal controlled substance act (21 U.S.C. 802), in housing discrimination. In employment and public accommodation discrimination, "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the controlled substance act (21 U.S.C. 812), when the covered entity acts on the basis of such use.

(k) "Reasonable accommodation" means:

(1) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(2) job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(l) "Regarded as having such an impairment" means ~~the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists.~~

(1) *An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that the individual has been subjected to an action prohibited under this act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.*

(2) *Paragraph (1) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.*

(m) (1) *"Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.*

(2) *"Major life activities" include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.*

(n) "Genetic screening or testing" means a laboratory test of a person's genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders.

Sec. 6. K.S.A. 44-1006 is hereby amended to read as follows: 44-1006. (a) The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, religion, color, sex, disability, national origin or ancestry, unless the same is specifically repealed by this act.

(b) Nothing in this act shall be construed to mean that an employer shall be forced to hire unqualified or incompetent personnel, or discharge qualified or competent personnel.

(c) *The definition of "disability" in K.S.A. 44-1002, and amendments thereto, shall be construed in accordance with the following:*

(1) *The definition of disability in this act shall be construed in favor of broad coverage of individuals under this act, to the maximum extent permitted by the terms of this act.*

(2) *An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.*

(3) *An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.*

(4) (A) *The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:*

(i) *Medication, medical supplies, equipment or appliances, low-vision devices except ordinary eye glasses or contact lenses, prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices or oxygen therapy equipment and supplies;*

(ii) *use of assistive technology;*

(iii) *reasonable accommodations or auxiliary aides or services; or*

(iv) *learned behavioral or adaptive neurological modifications.*

(B) *The ameliorative effects of the mitigating measures of ordinary eye glasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.*

(C) *As used in this paragraph:*

(i) *“Ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and*

(ii) *“low-vision devices” means devices that magnify, enhance or otherwise augment a visual image.*

(d) *Covered employers are not required to reasonably accommodate or reasonably modify policies, practices and procedures for any person who solely meets the definition of disability under subsection (j)(3) of K.S.A. 44-1002, and amendments thereto.*

Sec. 7. K.S.A. 44-1001, 44-1002 and 44-1006 are hereby repealed.”; And by renumber the remaining section accordingly;

In the title, in line 9, after “ACT” by inserting “concerning employment.”; also in line 9, by striking “and” and inserting a semicolon; in line 10, before the period by inserting “relating to discrimination; amending K.S.A. 44-1001, 44-1002 and 44-1006 and repealing the existing sections”; and **Sub. HB 2669** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 146** be adopted; also, on motion of Rep. Flaharty to amend, the motion did not prevail, and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 83** be adopted; and the substitute bill be passed.

Committee report to **SB 368** be adopted; also, on motion of Rep. Colloton be amended on page 1, in line 20, by striking all after “(a)” by striking all in lines 21 through 35; in line 36, by striking “(b)” also in line 36, by striking “(c)” and inserting “(b)” also in line 36, by striking “(e)” and inserting “(d)” in line 38, after the comma by inserting “or refuses a test”;

On page 2, in line 3, by striking “, third or fourth”; in line 4, by striking “one year” and inserting “45 days”; in line 5, by striking “one year” and inserting “two years”; in line 7, by striking “and”; in line 8, by striking “(C)” and inserting the following:

“(C) on the person’s third occurrence, suspend the person’s driving privileges for 45 days and at the end of the suspension, restrict the person’s driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device;

(D) on the person’s fourth occurrence, suspend the person’s driving privileges for 45 days and at the end of the suspension, restrict the person’s driving privileges for four years to driving only a motor vehicle equipped with an ignition interlock device; and

(E)”;

Also on page 2, in line 10, by striking “(e)” and inserting “(d)” after line 41, by inserting the following:

“(4) The division shall follow the procedures established in K.S.A. 8-1002, and amendments thereto, for a test refusal.”;

And by relettering the subsections accordingly;

Also on page 2, in line 42, by striking “(e)” and inserting “(d)”;

On page 3, in line 10, by striking “(b)” and inserting “(a)” in line 23, by striking the comma where it appears the first time and inserting “or”; also in line 23, by striking “or (c)” in line 26, by striking the comma where appears the first time and inserting “or”; also in line 26, by striking “or (c)” in line 37, by striking “for a”; in line 38, by striking “test refusal or under subsection” and inserting “or”; also in line 38, by striking “or (c)” also in line 38, after “test” by inserting “refusal or”; in line 43, after “subsection” by inserting “(a) or”; also in line 43, by striking “or (c)”;

On page 14, after line 17, by inserting the following:

“Sec. 3. K.S.A. 2009 Supp. 8-259 is hereby amended to read as follows: 8-259. (a) Except in the case of mandatory revocation under K.S.A. 8-254 or 8-286, and amendments thereto, mandatory suspension for an alcohol or drug-related conviction under subsection ~~(b)~~ (a) of K.S.A. 8-1014, and amendments thereto, mandatory suspension under K.S.A. 8-262, and amendments thereto, or mandatory disqualification of the privilege to drive a commercial motor vehicle under subsection (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(2)(A), (a)(3)(A) or (a)(3)(B) of K.S.A. 8-2,142, and amendments thereto, the cancellation, suspension, revo-

cation, disqualification or denial of a person's driving privileges by the division is subject to review. Such review shall be in accordance with the act for judicial review and civil enforcement of agency actions. In the case of review of an order of suspension under K.S.A. 8-1001 et seq., and amendments thereto, or of an order of disqualification under subsection (a)(1)(D) of K.S.A. 8-2,142, and amendments thereto, the petition for review shall be filed within 10 days after the effective date of the order and venue of the action for review is the county where the administrative proceeding was held or the county where the person was arrested. In all other cases, the time for filing the petition is as provided by K.S.A. 77-613, and amendments thereto, and venue is the county where the licensee resides. The action for review shall be by trial *de novo* to the court. The court shall take testimony, examine the facts of the case and determine whether the petitioner is entitled to driving privileges or whether the petitioner's driving privileges are subject to suspension, cancellation or revocation under the provisions of this act. Unless the petitioner's driving privileges have been extended pursuant to subsection (o) of K.S.A. 8-1020, and amendments thereto, the court on review may grant a stay or other temporary remedy pursuant to K.S.A. 77-616, and amendments thereto, after considering the petitioner's traffic violations record and liability insurance coverage. If a stay is granted, it shall be considered equivalent to any license surrendered. If a stay is not granted, trial shall be set upon 20 days' notice to the legal services bureau of the department of revenue. No stay shall be issued if a person's driving privileges are canceled pursuant to K.S.A. 8-250, and amendments thereto.

(b) The clerk of any court to which an appeal has been taken under this section, within 10 days after the final disposition of such appeal, shall forward a notification of the final disposition to the division.

Sec. 4. K.S.A. 2009 Supp. 8-1001 is hereby amended to read as follows: 8-1001. (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent, subject to the provisions of this act, to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to herein shall include all quantitative and qualitative tests for alcohol and drugs. A person who is dead or unconscious shall be deemed not to have withdrawn the person's consent to such test or tests, which shall be administered in the manner provided by this section.

(b) A law enforcement officer shall request a person to submit to a test or tests deemed consented to under subsection (a): (1) If the officer has reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or to believe that the person was driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, or was under the age of 21 years while having alcohol or other drugs in such person's system; and one of the following conditions exists: (A) The person has been arrested or otherwise taken into custody for any offense involving operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both, or for a violation of K.S.A. 8-1567a, and amendments thereto, or involving driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, in violation of a state statute or a city ordinance; or (B) the person has been involved in a vehicle accident or collision resulting in property damage or personal injury other than serious injury; or (2) if the person was operating or attempting to operate a vehicle and such vehicle has been involved in an accident or collision resulting in serious injury or death of any person and the operator could be cited for any traffic offense, as defined in K.S.A. 8-2117, and amendments thereto. The traffic offense violation shall constitute probable cause for purposes of paragraph (2). The test or tests under paragraph (2) shall not be required if a law enforcement officer has reasonable grounds to believe the actions of the operator did not contribute to the accident or collision. The law enforcement officer directing administration of the test or tests may act on personal knowledge or on the basis of the collective information available to law enforcement officers involved in the accident investigation or arrest.

(c) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by: (1) A person licensed to practice medicine and surgery, licensed as a physician's assistant,

or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; (3) any qualified medical technician, including, but not limited to, an emergency medical technician-intermediate or mobile intensive care technician, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol or (4) a phlebotomist.

(d) A law enforcement officer may direct a medical professional described in this section to draw a sample of blood from a person:

- (1) If the person has given consent and meets the requirements of subsection (b);
- (2) if medically unable to consent, if the person meets the requirements of paragraph (2) of subsection (b); or
- (3) if the person refuses to submit to and complete a test, if the person meets the requirements of paragraph (2) of subsection (b).

(e) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

(f) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.

(g) If a person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

(h) A law enforcement officer may request a urine sample upon meeting the requirements of paragraph (1) of subsection (b) and shall request a urine sample upon meeting the requirements of paragraph (2) of subsection (b).

(i) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by persons of the same sex as the person being tested and shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in subsections (d) and (e) shall apply to the collection of a urine sample.

(j) No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceeding involving the action.

(k) Before a test or tests are administered under this section, the person shall be given oral and written notice that: (1) Kansas law requires the person to submit to and complete one or more tests of breath, blood or urine to determine if the person is under the influence of alcohol or drugs, or both;

- (2) the opportunity to consent to or refuse a test is not a constitutional right;
- (3) there is no constitutional right to consult with an attorney regarding whether to submit to testing;

(4) if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer *or if the person submits to and completes the test or tests and the test results show an alcohol concentration of .08 or greater*, the person's driving privileges will be suspended for *30 days for the first through fourth occurrence and restricted for* one year for the first occurrence, two years for the second occurrence, three years for the third occurrence, ~~40~~ four years for the fourth occurrence and permanently revoked for a fifth or subsequent occurrence;

(5) if the person submits to and completes the test or tests and the test results show for the first occurrence:

~~—(A) An alcohol concentration of .08 or greater, the person's driving privileges will be suspended for 30 days for the first occurrence; or~~

~~—(B) an alcohol concentration of .15 or greater, the person's driving privileges will be suspended for one year;~~

~~(6) if the person submits to and completes the test or tests and the test results show an alcohol concentration of .08 or greater, the person's driving privileges will be suspended for one year for the second, third or fourth occurrence and permanently revoked for a fifth or subsequent occurrence;~~

~~—(7) if the person is less than 21 years of age at the time of the test request and submits to and completes the tests and the test results show an alcohol concentration of .08 or greater, the person's driving privileges will be suspended for one year except the person's driving privileges will be permanently revoked for a fifth or subsequent occurrence;~~

~~(7) (7) refusal to submit to testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both;~~

~~(8) (8) the results of the testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and~~

~~(9) (9) after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from medical care facilities willing to conduct such testing.~~

(l) If a law enforcement officer has reasonable grounds to believe that the person has been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, the person shall also be provided the oral and written notice pursuant to K.S.A. 8-2,145 and amendments thereto. Any failure to give the notices required by K.S.A. 8-2,145 and amendments thereto shall not invalidate any action taken as a result of the requirements of this section. If a law enforcement officer has reasonable grounds to believe that the person has been driving or attempting to drive a vehicle while having alcohol or other drugs in such person's system and such person was under 21 years of age, the person also shall be given the notices required by K.S.A. 8-1567a, and amendments thereto. Any failure to give the notices required by K.S.A. 8-1567a, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section.

(m) After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the test results show a blood or breath alcohol concentration of .08 or greater, the person's driving privileges shall be subject to suspension, or suspension and restriction, as provided in K.S.A. 8-1002 and 8-1014, and amendments thereto.

(n) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.

(o) If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .04 or greater, the person shall be disqualified from driving a commercial motor vehicle, pursuant to K.S.A. 8-2,142, and amendments thereto. If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-

2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .08 or greater, or the person refuses a test, the person's driving privileges shall be subject to suspension, or suspension and restriction, pursuant to this section, in addition to being disqualified from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.

(p) An officer shall have probable cause to believe that the person operated a vehicle while under the influence of alcohol or drugs, or both, if the vehicle was operated by such person in such a manner as to have caused the death of or serious injury to a person. In such event, such test or tests may be made pursuant to a search warrant issued under the authority of K.S.A. 22-2502, and amendments thereto, or without a search warrant under the authority of K.S.A. 22-2501, and amendments thereto.

(q) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.

(r) It shall not be a defense that the person did not understand the written or oral notice required by this section.

(s) No test results shall be suppressed because of technical irregularities in the consent or notice required pursuant to this act.

(t) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant.

(u) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.

(v) This act is remedial law and shall be liberally construed to promote public health, safety and welfare.

(w) As used in this section, "serious injury" means a physical injury to a person, as determined by law enforcement, which has the effect of, prior to the request for testing:

- (1) Disabling a person from the physical capacity to remove themselves from the scene;
- (2) renders a person unconscious;
- (3) the immediate loss of or absence of the normal use of at least one limb;
- (4) an injury determined by a physician to require surgery; or
- (5) otherwise indicates the person may die or be permanently disabled by the injury.

Sec. 5. K.S.A. 2009 Supp. 8-1015 is hereby amended to read as follows: 8-1015. (a) When ~~subsection (b)(1) of K.S.A. 8-1014,~~ *subsection (f) of K.S.A. 8-1567a,* and amendments thereto, requires or authorizes the division to place restrictions on a person's driving privileges, the division shall restrict the person's driving privileges to driving only under the circumstances provided by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292 and amendments thereto.

(b) In lieu of the restrictions set out in subsection (a), the division, upon request of the person whose driving privileges are to be restricted, may restrict the person's driving privileges to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and obtained, installed and maintained at the person's expense. Prior to issuing such restricted license, the division shall receive proof of the installation of such device.

(c) When a person has completed the ~~one-year~~ suspension pursuant to subsection ~~(b)(2)~~ (a) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges ~~for one year pursuant to subsection (a) of K.S.A. 8-1014, and amendments thereto,~~ to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and maintained at the person's expense. *Any motor vehicle such person drives shall be equipped with an ignition interlock device.* Proof of the installation of such device, for the full year of the restricted period, shall be provided to the division before the person's driving privileges are fully reinstated.

(d) Upon expiration of the period of time for which restrictions are imposed pursuant to this section, the licensee may apply to the division for the return of any license previously surrendered by the licensee. If the license has expired, the person may apply to the division for a new license, which shall be issued by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless the person's driving privileges have been suspended or revoked prior to expiration.”;

And by renumbering the remaining sections accordingly;

Also on page 14, in line 19, after "Supp." by inserting "8-259, 8-1001,,"; in line 20, before "are" by inserting "and 8-1015";

In the title, in line 13, after "Supp." by inserting "8-259, 8-1001,,"; in line 14, before "and" by inserting " , 8-1015";

Also, on motion of Rep. K. Wolf, **SB 368** be amended as amended by House Committee of the Whole, and as further amended on March 22, 2010, on motion of Representative Colloton, on page 4 of the bill as printed with House Committee amendments, following line 11, by inserting the following:

"(h) The provisions of subsection (a), as amended by this act, may be applied retroactively. Any person who has had such person's driving privileges suspended or restricted pursuant to subsection (a) or (b) prior to such amendment may apply to the division of motor vehicles to have the penalties applied retroactively, as provided under subsection (c) of K.S.A. 8-1015, and amendments thereto.;"

Further, on page 15, of the amendment adopted on motion of Representative Colloton by inserting in section 5 following subsection (d) the following:

"(e) Any person who has had the person's driving privileges suspended or restricted pursuant to subsection (a) or (b) of K.S.A. 8-1014 prior to the amendments by this act, may apply to the division of motor vehicles to have the suspension and restriction penalties modified in conformity with the provisions of subsection (a) of K.S.A. 8-1014, and amendments thereto. The division shall assess an application fee of \$59 for a person to apply to modify the suspension and restriction penalties previously issued. The division shall remit all application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the division of vehicles operating fund. The application fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such application. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. The division shall modify the suspension and restriction penalties, unless such person's driving privileges have been suspended or revoked pursuant to another action by the division.;" and **SB 368** be passed as amended.

On motion of Rep. Kinzer, **HB 2166** be amended on page 1, after line 20, by inserting:

"(b) "Bodily function" means physical functions. The term "bodily function" does not include mental or emotional functions.;"

And by relettering subsections accordingly;

Also on page 1, in line 39, by striking "a"; also in line 39, by striking "physical disorder, phys-"; in line 40, by striking all before "of" and inserting "impairment";

On page 2, by striking all in lines 13 through 43;

By striking all on pages 3 through 6;

On page 7, by striking all in lines 1 through 35;

And by renumbering sections accordingly;

Also on page 7, in line 36, by striking all after "65-6701"; in line 37, by striking all before "hereby" and inserting "is";

On page 1, in the title, in line 9, by striking "and partial birth"; in line 10, by striking all after "65-6701"; in line 11, by striking all before "and" where it appears for the last time; also in line 11, by striking "sections" and inserting "section";

Also, roll call was demanded on motion to recommend **HB 2166** favorably for passage.

On roll call, the vote was: Yeas 85; Nays 30; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Barnes, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery,

Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Carlin, Crow, Davis, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Henderson, Hill, Kuether, Loganbill, McCray-Miller, Menghini, Neighbor, Quigley, Rardin, Ruiz, Sloan, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Dillmore, Fund, Hawk, Johnson, Lane, Neufeld, Peterson, Roth, Schroeder.

The motion prevailed, and **HB 2166** be passed as amended.

Committee report to **SB 460** be adopted; and the bill be passed as amended.

Committee report to **SB 346** be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 67** be adopted; and the bill be passed as amended.

Committee report to **HB 2666** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 449** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 300** be adopted; also, on motion of Rep. Meier be amended on page 2, following line 28, by inserting the following:

“New Sec. 2. (a) On and after January 1, 2012, any owner or lessee of one or more passenger vehicles, trucks registered for a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one I'm pet friendly license plate for each such passenger vehicle, truck or motorcycle. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The college of veterinary medicine at Kansas state university may authorize the use of their I'm pet friendly logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be paid to the college of veterinary medicine at Kansas state university and shall be used to support education regarding the spaying and neutering of dogs and cats in Kansas and veterinary student externships at animal shelters in Kansas. Any motor vehicle owner or lessee annually may apply to the college of veterinary medicine at Kansas state university for the use of such logo. Upon annual application and payment to the college of veterinary medicine at Kansas state university in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate to be issued, the college of veterinary medicine at Kansas state university shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plates shall provide the annual logo use authorization statement provided for in subsection (b).

(b). Application for registration of a passenger vehicle, truck or motorcycle and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(f) The college of veterinary medicine at Kansas state university shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all the county treasurers a toll-free number where applicants can call the college of veterinary medicine at Kansas state university for information concerning the application process or the status of their license plate application.

(g) The college of veterinary medicine at Kansas state university, with approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, preceding “relating” by inserting “providing for the I’m pet friendly license plate.”;

Also, on motion of Rep. Benlon, **H. Sub. for SB 300** be amended on page 1, preceding line 14, by inserting the following:

“New Section 1. (a) It shall be unlawful for any person to attach and display on any vehicle a license plate, as required under article 1 of chapter 8 of the Kansas Statutes Annotated, which is covered, in whole or in part, with any clear or opaque material or any other plastic-like material that affects the plate’s visibility or reflectivity.

(b) This section shall be part of and supplemental to the uniform act regulating traffic on highways.”;

Also on page 1, in line 14, by striking “Section” and inserting “Sec.”;

On page 2, following line 28, by inserting the following:

“Sec. 3. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or *pleads* no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or *plead* no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$180 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60

Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60
Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$90
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30
Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30
Soliciting ride or business on roadway	8-1538	\$30
Driving through safety zone	8-1539	\$30
Failure to yield to pedestrian on sidewalk	8-1540	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30
Failure to yield to blind pedestrian	8-1542	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30
Improper turn or approach	8-1545	\$60
Improper "U" turn	8-1546	\$60
Unsafe starting of stopped vehicle	8-1547	\$30
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60
Improper method of giving notice of intention to turn	8-1549	\$30
Improper hand signal	8-1550	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180

Failure to stop at railroad crossing stop sign	8-1552	\$120
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180
Impeding normal traffic by slow speed	8-1561	\$30
Speeding on motor-driven cycle	8-1562	\$60
Speeding in certain vehicles or on posted bridge	8-1563	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30
Improper parking	8-1572	\$30
Unattended vehicle	8-1573	\$30
Improper backing	8-1574	\$30
Driving on sidewalk	8-1575	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30
<i>Unlawful riding on vehicle</i>	<i>8-1578a</i>	<i>\$60</i>
Improper driving in defiles, canyons, or on grades	8-1579	\$30
Coasting	8-1580	\$30
Following fire apparatus too closely	8-1581	\$60
Driving over fire hose	8-1582	\$30
Putting glass, etc., on highway	8-1583	\$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30
Improper operation of snowmobile on highway	8-1585	\$30
Parental responsibility of child riding bicycle	8-1586	\$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Improper operation of motorcycle on laned roadway	8-1595	\$60
Motorcycle clinging to other vehicle	8-1596	\$30
Improper motorcycle handlebars or passenger equipment	8-1597	\$60
Motorcycle helmet and eye-protection requirements	8-1598	\$30
Unlawful riding on vehicle	8-1578a	\$60

Unlawful operation of all-terrain vehicle	8-15,100	\$60
Unlawful operation of low-speed vehicle	8-15,101	\$60
Littering	8-15,102	\$100
Disobeying school crossing guard	8-15,103	\$60
Unlawful operation of micro utility truck	8-15,106	\$60
Failure to remove vehicles in accidents	8-15,107	\$60
Unlawful operation of golf cart	8-15,108	\$60
Unlawful operation of work-site utility vehicle	8-15,109	\$60
<i>Unlawful display of license plate</i>	<i>section 1</i>	\$60
Equipment offenses that are not misdemeanors	8-1701	\$60
Driving without lights when needed	8-1703	\$30
Defective headlamps	8-1705	\$30
Defective tail lamps	8-1706	\$30
Defective reflector	8-1707	\$30
Improper stop lamp or turn signal	8-1708	\$30
Improper lighting equipment on certain vehicles	8-1710	\$30
Improper lamp color on certain vehicles	8-1711	\$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
No lamp or flag on projecting load	8-1715	\$60
Improper lamps on parked vehicle	8-1716	\$30
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper stop or turn signal	8-1721	\$30
Improper vehicular hazard warning lamp	8-1722	\$30
Unauthorized additional lighting equipment	8-1723	\$30
Improper multiple-beam lights	8-1724	\$30
Failure to dim headlights	8-1725	\$60
Improper single-beam headlights	8-1726	\$30
Improper speed with alternate lighting	8-1727	\$30
Improper number of driving lamps	8-1728	\$30
Unauthorized lights and signals	8-1729	\$30
Improper school bus lighting equipment and warning devices	8-1730	\$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30
Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Defective brakes	8-1734	\$30
Defective or improper use of horn or warning device	8-1738	\$30
Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper tires	8-1742	\$30

Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30
Improper air-conditioning equipment	8-1747	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Improper compression release engine braking system	8-1761	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle tail lamp	8-1802	\$30
Defective motorcycle reflector	8-1803	\$30
Defective motorcycle stop lamps and turn signals	8-1804	\$30
Defective multiple-beam lighting	8-1805	\$30
Improper road-lighting equipment on motor-driven cycles	8-1806	\$30
Defective motorcycle or motor-driven cycle brakes	8-1807	\$30
Improper performance ability of brakes	8-1808	\$30
Operating motorcycle with disapproved braking system	8-1809	\$30
Defective horn, muffler, mirrors or tires	8-1810	\$30
Unlawful statehouse parking	75-4510a	\$15
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000 \$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over .. 10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000 \$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over .. 10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122
No authority as private or common carrier	66-1,111	\$122
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto	66-1,129	\$100

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments

thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.”;

And by renumbering sections accordingly;

Also on page 2, in line 29, by striking “is” and inserting “and 8-2118 are”;

On page 1, in the title, in line 10, preceding “amending” by inserting “covering license plates;”; also in line 10, following “8-1,141” by inserting “and 8-2118”; in line 11, by striking “section” and inserting “sections”;

Also, on motion of Rep. DeGraaf, **H. Sub. for SB 300** be amended on page 1, following line 13, by inserting the following:

“New Section 1. (a) On and after January 1, 2012, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one Boy Scouts of America license plate for each such passenger vehicle or truck. In addition to the license plate, a person issued such a license plate may request a decal for the order of the arrow, wood badge, God and country award and eagle scout for each license plate. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) A Boy Scouts of America council may authorize the use of their logo to be affixed on license plates or any decal as provided by this section. Any royalty payment received pursuant to this section shall be paid to the Boy Scouts of America and shall be used to support the Boy Scouts of America. Any motor vehicle owner or lessee annually may apply to the Boy Scouts of America for the use of such logo. Upon annual application and payment to the Boy Scouts of America in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate and decal to be issued, the Boy Scouts of America shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plates shall provide the annual logo use authorization statement provided for in subsection (b). Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A.

8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(f) The Boy Scouts of America councils shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the Boy Scouts of America councils for information concerning the application process or the status of their license plate application.

(g) The Boy Scouts of America councils, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate and decals to be issued under the provisions of this section.

(h) A fee of \$2 shall be paid for each decal issued under this section. Such decals shall be affixed to the license plate in the location required by the director.”;

By renumbering sections accordingly;

Also on page 1, in line 14, by striking “Section” and inserting “Sec.”;

On page 1, in the title, in line 10, preceding “relating” by inserting “providing for a Boy Scouts of America license plate.”;

Also, on motion of Rep. Mast, **H. Sub. for SB 300** be amended on page 1, following line 13, by inserting the following:

“New Section 1. (a) On and after January 1, 2012, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of the Vietnam war, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of the Vietnam war. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a veteran of the Vietnam war may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of the Vietnam war. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.”;

Also on page 1, in line 14, by striking “Section” and inserting “Sec.”; in line 25, preceding “and” by inserting “or section 1.”;

On page 2, following line 28, by inserting the following:

“Sec. 3. K.S.A. 2009 Supp. 8-1,147 is hereby amended to read as follows: 8-1,147. In the event of the death of any person issued distinctive license plates under the provisions of K.S.A. 8-161, 8-177a, 8-177c, 8-1,139, 8-1,140, 8-1,145, 8-1,146 or K.S.A. 2009 Supp. 8-177d, or section 1, and amendments thereto, the surviving spouse or other family member, if there is no surviving spouse, shall be entitled to possession of any such distinctive license plates. Such license plates shall not be displayed on any vehicle unless otherwise authorized by statute.”;

And by renumbering sections accordingly;

Also on page 2, in line 29, by striking "is" and inserting "and 8-1,147 are";

On page 1, in the title, in line 10, preceding "relating" by inserting "providing for the Vietnam veteran license plate;"; also in line 10, following "8-1,141" by inserting "and 8-1,147"; in line 11, by striking "section" and inserting "sections"; and **H. Sub. for SB 300** be passed as amended.

Committee report to **SB 446** be adopted; also, on motion of Rep. Kleeb be amended on page 9, in line 29, by striking "any" and inserting ": (a) Any"; in line 33, before the period, by inserting "; (b) the university of Kansas medical center; or (c) Kansas, Inc";

Also, roll call was demanded on motion of Rep. Mah to amend **SB 446** on page 1, in line 20, by striking "14" and inserting "20";

On page 2, in line 18, by striking "14" and inserting "20";

On page 9, in line 28, by striking "14" and inserting "20";

On page 10, after line 30, by inserting the following:

"New Sec. 14. (a) All vendors shall verify the identity and employment eligibility of all persons hired by completing and retaining pursuant to this section a federal form I-9 for each employee. For purposes of this section, the term employee shall not include any person providing services for the vendor as an independent contractor.

(b) Vendors shall, to the extent not inconsistent with federal laws and regulations:

(1) Ensure that each employee completes section 1 of the form I-9 when the employee starts work;

(2) review documents establishing each employee's identity and eligibility to work to ensure that such documents reasonably appear:

(A) To be genuine; and

(B) to relate to the individual presenting the documents;

(3) complete section 2 of the form I-9;

(4) complete section 3 of the form I-9;

(5) retain the form I-9 for three years after the date the person began work or one year after the person's employment is terminated, whichever is later; and

(6) make the form I-9 available for inspection by state or federal officials upon request with three days notice.

(c) The Kansas department of labor shall make the form I-9 available to all vendors.

(d) No action shall be brought by any person, city, county or state official against any vendor who complies with the provisions of subsections (a) and (b) relating in any way to the employment of an undocumented alien.

(e) In the event that the form I-9 is amended or replaced after the enactment of this section, a vendor shall be considered in compliance with the provisions of subsections (a) and (b) if it completes and maintains the then current federal employment eligibility form consistent with all relevant federal laws and regulations.

New Sec. 15. (a) A person or entity is considered to have complied with a requirement of sections 14 through 17, and amendments thereto, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with the federal requirements found in title 8 of the United States code, section 1324a.

(b) A person or entity which establishes that it has complied in good faith with respect to the hiring, recruiting or referral for employment of an alien in the United States has established an affirmative defense under sections 14 through 17, and amendments thereto.

New Sec. 16. (a) No state agency shall, for a period of five years commencing on the date of judgment or final order, award a public works or purchase contract to a vendor, nor shall a vendor be eligible to bid for or receive a public works contract during such five-year period, when such vendor has, in the preceding five years:

(1) Been convicted of violating a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of undocumented aliens; or

(2) been a party to a state agency proceeding in this state in which a penalty or sanction was ordered, either by hearing or final order, or through stipulation and agreement, for violation of a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of undocumented aliens.

(b) Any vendor found to be in violation of subsection (a) by attempting to bid on a contract or having been awarded a contract when ineligible shall, in addition to all available administrative penalties and sanctions, forfeit and be liable for an amount equal to the total value of the state benefit such vendor has received or been the beneficiary of for the period of five years leading up to the date of the finding of guilt, not to exceed the federally prescribed civil penalty in title 8 of the United States code, section 1324a.

New Sec. 17. As used in sections 14 through 17, and amendments thereto:

(a) "Undocumented alien" means any person not a citizen of the United States who has entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder, who has legally entered but without the right to be employed in the country, or who has legally entered subject to a time limit but has remained illegally after the expiration of such time limit, except that the term "undocumented alien" shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States.

(b) "Vendor" means any person, including any partnership, firm, subcontractor, corporation or association, or agent thereof, who engages or utilizes the personal services of one or more individuals for a salary or wage.

New Sec. 18. The secretary of the department of administration shall be responsible for administering the provisions of sections 14 through 17, and amendments thereto.

New Sec. 19. The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all proceedings initiated under sections 14 through 17, and amendments thereto.”;

And by renumbering sections accordingly;

Also on page 10, in line 31, by striking “14” and inserting “20”; in line 36, by striking “14” and inserting “20”;

On roll call, the vote was: Yeas 59; Nays 56; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Barnes, Benlon, Bowers, T. Brown, Burgess, Burroughs, Carlin, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Horst, Kiegerl, Kinzer, Kleebe, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, O'Brien, Otto, Palmer, Pauls, Phelps, Quigley, Rardin, Ruiz, Schroeder, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bollier, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, Huebert, Jack, Kelley, Kerschen, King, Knox, Light, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Hawk, M. Holmes, Johnson, Myers, Neufeld, Peterson, Shultz.

The motion of Rep. Mah prevailed.

Also, on motion to recommend **SB 446** favorably for passage, the motion did not prevail.

Committee report recommending a substitute bill to **H. Sub. for SB 313** be adopted; also, on motion of Rep. McLeland to amend, the motion did not prevail.

Also, on motion of Rep. Otto to amend **H. Sub. for SB 313**, the motion was withdrawn.

Also, on motion of Rep. D. Gatewood, **H. Sub. for SB 313** be amended on page 1, by striking all in lines 41 through 43;

On page 2, by striking all in lines 1 through 13; in line 14, by striking “(e)” and inserting “(d)”;

By striking all on page 3;

On page 4, by striking all in lines 1 through 32; in line 33, by striking “4.” and inserting “2.”;

On page 1, in the title, in line 9, by striking all following "ACT"; in line 10, by striking all preceding "imposing"; in line 13, by striking all following the semicolon; in line 14, by striking "fund;"; in line 15, by striking all following "thereto"; in line 16, by striking all preceding the period; and **H. Sub. for SB 313** be passed as amended.

Committee report to **Sub. SB 311** be adopted; also, on motion of Rep. Whitham be amended

on page 1, in line 30, following "(b)" by inserting "(1)"; in line 31, following the stricken material, by inserting "the state general fund or"; in line 32, following "against" by inserting "the state general fund or"; in line 37, preceding "such" by inserting "the state general fund or"; following line 38, by inserting the following:

"(2) In addition, the director of the budget shall continuously monitor the status of the state general fund with regard to estimated and actual revenues and approved and actual expenditures and demand transfers. Periodically, the director of the budget shall estimate the amount of the unencumbered ending balance of moneys in the state general fund for the current fiscal year and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund for the current fiscal year. If the amount of the unencumbered balance in the state general fund is less than the amount equal to 3.5% of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, as jointly estimated by the director of the budget and the director of legislative research under K.S.A. 75-6702, and amendments thereto, the director of the budget shall certify such joint estimate to the secretary of administration, after adjusting the estimates of the amounts of such demand transfers with regard to new estimates of revenues to the state general fund, where appropriate. Upon receipt of any such certification, the secretary of administration, with the advice of the director of the budget and in such manner as may be determined by the secretary of administration, may inaugurate the allotment system for the expenditures and demand transfers from the state general fund for the fiscal year so that the estimated unencumbered ending balance in the state general fund is not less than the amount equal to 3.5% of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, as jointly estimated by the director of the budget and the director of legislative research under K.S.A. 75-6702, and amendments thereto.";

Also on page 1, in line 39, by striking "the" where it appears the second time; in line 40, by striking "state general fund or to";

Also, roll call was demanded on motion to recommend **Sub. SB 311** favorably for passage.

On roll call, the vote was: Yeas 55; Nays 63; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Bowers, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Horst, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Schroeder, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Hawk, Johnson, Neufeld, Peterson.

The motion to recommend **Sub. SB 311** favorably for passage did not prevail.

On motion of Rep. A. Brown, **SB 382** be amended on page 1, in line 35, by striking "80% of";

and the bill be passed as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2476**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as SENATE Substitute for HOUSE Bill No. 2476, as follows:

- On page 4, in line 14, by striking "\$20" and inserting "\$17.50";
- On page 6, in line 32, by striking "\$20" and inserting "\$17.50";
- On page 9, in line 4, by striking "\$50" and inserting "\$15";
- On page 13, in line 22, by striking "\$50" and inserting "\$15";
- On page 15, in line 32, by striking "\$41" and inserting "\$21";
- On page 16, in line 43, by striking "\$20" and inserting "\$17.50";
- On page 18, in line 40, by striking "\$20" and inserting "\$17.50";
- On page 19, in line 8, by striking "\$50" and inserting "\$21";
- On page 20, in line 23, by striking "\$20" and inserting "\$17.50";
- On page 22, in line 11, by striking "\$50" and inserting "\$15";
- On page 24, in line 9, by striking "\$20" and inserting "\$17.50";
- On page 26, in line 3, by striking "\$20" and inserting "\$17.50"; in line 43, by striking "\$20" and inserting "\$17.50";
- On page 27, in line 13, by striking "\$20" and inserting "\$17.50";
- On page 29, in line 6, by striking "\$20" and inserting "\$17.50";
- On page 30, in line 35, by striking "\$10" and inserting "\$15";

And your committee on conference recommends the adoption of this report.

THOMAS C. OWENS

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on **S. Sub. for HB 2476** was adopted.

On roll call, the vote was: Yeas 78; Nays 40; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, Davis, Finney, Frownfelter, Furtado, D. Gatewood, Goico, Gordon, Grange, Grant, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, King, Kinzer, Kleeb, Knox, Light, Loganbill, Long, Lukert, Maloney, Mast, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Neal, Palmer, Patton, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Brunk, Carlin, Crow, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Garcia, S. Gatewood, Goyle, Hayzlett, Henderson, Hermanson, Huebert, Kelley, Kerschen, Kiegerl, Kuether, Landwehr, Lane, Mah, McLeland, Merrick, Morrison, O'Brien, Olson, Otto, Peck, Powell, Schwab, Schwartz, Seiwert, Siegfried, Talia, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: Fund, George, Hawk, Johnson, Neufeld, Peterson, Tafanelli.

REPORTS OF STANDING COMMITTEES

Education Budget Committee recommends **HB 2739** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2739," as follows:

“Substitute for HOUSE BILL No. 2739
By Education Budget Committee

“AN ACT concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6410, 72-6412, 72-6413, 72-6414, 72-6415b, 72-6426, 72-6431, 72-6433, 72-6435, 72-6449, 72-6451, 72-6455, 72-6459 and 72-8804 and repealing the existing sections; also repealing K.S.A. 72-6429 and K.S.A. 2009 Supp. 72-6442b.”; and the substitute bill be passed.

(**Sub. HB 2739** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 306** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 306,” as follows:

“HOUSE Substitute for SENATE BILL No. 306
By Committee on Federal and State Affairs

“AN ACT concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4201, 21-4204, 21-4218, 75-7c01, 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c06, 75-7c07, 75-7c08, 75-7c10, 75-7c12 and 75-7c19 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 75-7c11.”; and the substitute bill be passed.

(**H. Sub. for SB 306** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 342** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 342,” as follows:

“HOUSE Substitute for SENATE BILL No. 342
By Committee on Federal and State Affairs

“AN ACT concerning crimes and punishments; relating to smoking and cigarette sales; amending K.S.A. 2009 Supp. 79-3301 and 79-3321 and repealing the existing sections; reviving and amending K.S.A. 21-3105, 21-4009, 21-4010, 21-4011, 21-4012 and 65-530 and repealing the revised sections; also repealing K.S.A. 21-3105, as amended by section 1 of 2010 House Bill No. 2221, 21-4009, as amended by section 2 of 2010 House Bill No. 2221, 21-4010, as amended by section 3 of 2010 House Bill No. 2221, 21-4011, as amended by section 4 of 2010 House Bill No. 2221, 21-4012, as amended by section 5 of 2010 House Bill No. 2221, 65-530, as amended by section 7 of 2010 House Bill No. 2221, and section 8 of 2010 House Bill No. 2221.”; and the substitute bill be passed.

(**H. Sub. for SB 342** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 174** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 174,” as follows:

“HOUSE Substitute for SENATE BILL No. 174
By Committee on Insurance

“AN ACT concerning insurance; relating to health insurance and taxation; amending K.S.A. 2009 Supp. 40-2240 and 79-32,117 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 174** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 260** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 260,” as follows:

“HOUSE Substitute for SENATE BILL No. 260
By Committee on Insurance

“AN ACT establishing the motor vehicle financial security verification and compliance system; amending K.S.A. 2009 Supp. 8-173 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 260** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 389** be amended on page 1, in line 14, after “contract” by inserting “issued or renewed after July 1, 2010”; in line 22, after “deductible,” by inserting “coinsurance,”; in line 23, after “limitation” by inserting “, annual or lifetime benefit maximum”; and the bill be passed as amended.

Select Committee on KPERS recommends **HB 2400** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2400,” as follows:

“Substitute for HOUSE BILL No. 2400
By Select Committee on KPERS

“AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; authorizing lottery act revenues to be used for unfunded liability of system; amending K.S.A. 2009 Supp. 74-4920 and 74-8768 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2400** was thereupon introduced and read by title.)

MESSAGES FROM THE GOVERNOR

HB 2364, HB 2433, HB 2436, HB 2492, HB 2555, HB 2676 approved on March 22, 2010.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2160** and has appointed Senators Teichman, Brownlee, and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2412** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2432** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2454** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2482** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2486** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2506** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2528** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2553** and has appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2566** and has appointed Senators Taddiken, Ostmeyer and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2575** and has appointed Senators Barnett, Kelsey and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2605** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2656** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2668** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

CHANGE OF CONFEREES

Speaker O’Neal announced the appointment of Rep. Schroeder as a member of the conference committee on **HB 2566** to replace Rep. Fund.

Also, the appointment of Rep. Schroeder as a member of the conference committee on **SB 316** to replace Rep. Fund.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6033—

By Representative Menghini

A RESOLUTION honoring John D. VanGorden for his service to the City of Pittsburg, Kansas.

WHEREAS, John D. VanGorden has been employed by the City of Pittsburg since February 22, 1967, when he was hired as a laborer in the water department; and

WHEREAS, John has held many positions with the city since 1967, including Equipment Operator I and II, Foreman II, Director of Public Works, Director of Parks and Recreation, Assistant City Manager and Interim City Manager; and

WHEREAS, John currently holds the position of Interim City Manager for the third time; and

WHEREAS, Over the past 43 years, John as been instrumental in a number of City projects and programs, including the establishment of a storm water management program, improvements to the waste water treatment plant, the construction of the 23rd Street overpass, the initiation of spring and fall clean-up programs, the Downtown Revitalization Project, and the construction of new police and fire facilities to name only a select few; and

WHEREAS, John has been instrumental in securing state and federal funding for street projects, the Water Treatment Plant Improvement Project, and for the purchase of equipment for the Public Utilities Department; and

WHEREAS, John has served the citizens of Pittsburg for 43 years with dignity, honesty and integrity; and

WHEREAS, John has been a friend and mentor to his fellow employees at the City of Pittsburg, as well as a community role model; and

WHEREAS, John's outstanding service to the City of Pittsburg and its citizens should be recognized, appreciated and celebrated as a testament to the difference one person can make to the community he loves: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the dedication and service of John D. VanGorden to the City of Pittsburg and extend our best wishes for his further success and happiness; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send one enrolled copy of this resolution to Representative Menghini.

REPORT ON ENGROSSED BILLS

HB 2415, HB 2468, HB 2469, HB 2671 reported correctly engrossed March 22, 2010.

HB 2418, HB 2440, HB 2547, HB 2581 reported correctly re-engrossed March 22, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Tuesday, March 23, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

