

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, May 10, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 117 members present.
Reps. Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop and Tafanelli were excused on excused absence by the Speaker.
Present later: Reps. Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop and Tafanelli.
Prayer by Chaplain Brubaker:

Dear Father God,
Today I pray a Psalm
to begin this week.
"From heaven the Lord looks down
and sees all mankind;
from his dwelling place he watches
all who live on earth—
he who forms the hearts of all,
who considers everything they do.
No king succeeds with a big army alone,
no warrior wins by brute strength.
Horsepower is not the answer;
no one gets by on muscle alone.
Watch this: God's eye is on those who respect him,
the ones who are looking for his love.
He's ready to come to their rescue in bad times;
in lean times he keeps body and soul together.
We're depending on God;
he's everything we need.
What's more, our hearts overflow with joy
for we trust in his holy name.
Love us, God, with all you've got—
that's what we're depending on."
(Psalm 33:13-22, *NIV/The Message*)
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Palmer.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **H. Sub. for SB 572**, requests a conference and has appointed Senators Emler, Vratil and Kelly as conferees on the part of the Senate.

The Senate adopts conference committee report on **S. Sub. for HB 2219**.
Announcing rejection of **S. Sub. for HB 2180**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 74, An act concerning school districts; relating to the use of moneys by school finance; amending K.S.A. 72-3607, 72-4523, 72-4525, 72-6420, 72-6423, 72-6424, 72-8237, 72-8238 and 72-8804 and K.S.A. 2009 Supp. 72-965, 72-3715, 72-6407, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-6433d, 72-8223, 72-8248, 72-8249, 72-8250, 72-9509, 72-9609 and 74-4939a and repealing the existing sections; also repealing K.S.A. 72-6422, was considered on final action.

On roll call, the vote was: Yeas 41; Nays 76; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Benlon, Bethell, Bollier, T. Brown, Carlin, Colloton, Davis, Finney, Flaherty, Furtado, Garcia, George, Gordon, Hill, Huebert, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Menghini, Neighbor, Peterson, Prescott, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Vickrey, Ward, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Barnes, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Crow, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Long, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Phelps, Pottorff, Powell, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Shultz, Siegfried, D. Svaty, Swanson, Swenson, Talia, Trimmer, Wetta, Whitham, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop, Tafanelli.

The substitute bill did not pass.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **H. Sub. for SB 74**. Standing alone **H. Sub. for SB 74** contains some good policy, but it will not withstand constitutional scrutiny. **H. Sub. for SB 74** does not stand alone; it is the gateway to a massive unnecessary tax increase. I cannot be party to a bill that will not survive a Court challenge and has been linked to damaging legislation as part of a backroom deal that will put thousands of Kansans out of work. **H. Sub. for SB 74** must be equalized to withstand a Court challenge and detached from the effort to raise statewide taxes in order to be acceptable.—LANCE KINZER, SCOTT SCHWAB, ANTHONY R. BROWN, OWEN DONOHOE, ARLEN SIEGFREID, ROB OLSON, RAY MERRICK, S. MIKE KIEGERL, J. DAVID CRUM, JOHN C. GRANGE, PEGGY MAST, S. MIKE KIEGERL

MR. SPEAKER: I vote "No" on **H. Sub. for SB 74**. The bill was crafted as a companion bill to the original House budget, which balanced without the need for a tax increase. It provided funds to help the schools compensate for the fact that federal stimulus funds end in FY 2011. **H. Sub. for SB 74** helped fund the balance of the loss of federal funds to make schools whole without requiring a tax increase. With federal funds covered in the House budget, this bill is not only unnecessary but it is legally flawed because it's not equalized.—MIKE O'NEAL

MR. SPEAKER, I vote no on **H. Sub. for SB 74**. Although I support the flexibility to transfer certain unencumbered monies from specific funds thus allowing school districts to expend those dollars for general education purposes, I cannot support allowing school districts to further raise the LOB without a vote of the people. To further increase my concern, the KPERs pass-through component which would be used to increase the LOB would not be equalized, resulting in higher property tax bills.—DEENA HORST

SB 586, An act reconciling amendments to certain statutes; amending K.S.A. 8-2410, as amended by section 2 of 2010 House Bill No. 2547, 21-3447, as amended by section 4 of 2010 House Bill No. 2435, 21-4643, as amended by section 18 of 2010 House Bill No. 2435, 22-4906, as amended by section 1 of 2010 House Bill No. 2468, 65-6a34a, as amended by section 8 of 2010 Senate Bill No. 393, and 65-7216, as amended by section 171 of 2010 Senate Bill No. 376, and K.S.A. 2009 Supp. 8-1567, 21-36a05, as amended by section 2 of 2010 House Bill No. 2661, 21-36a10, as amended by section 5 of 2010 House Bill No. 2661,

21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4704, as amended by section 9 of 2010 House Bill No. 2661, 22-4902, as amended by section 11 of 2010 House Bill No. 2661, 28-172a, as amended by section 7 of 2010 Senate Substitute for House Bill No. 2476, 38-2242, as amended by section 5 of 2010 House Bill No. 2364, 38-2243, as amended by section 6 of 2010 House Bill No. 2364, 38-2305, as amended by section 4 of 2010 House Bill No. 2195, 38-2361, as amended by section 9 of 2010 House Bill No. 2364, 40-3104, as amended by section 1 of 2010 House Bill No. 2492, 47-2101, as amended by section 4 of 2010 House Bill No. 2666, 65-516, as amended by section 13 of 2010 House Bill No. 2661, 72-978, as amended by section 3 of 2010 Senate Bill No. 357, 74-596, as amended by section 179 of 2010 Senate Bill No. 376, 74-2426, as amended by section 182 of 2010 Senate Bill No. 376, and 75-6606, as amended by section 3 of 2010 Senate Bill No. 30, and repealing the existing sections; also repealing K.S.A. 8-1567, as amended by section 6 of chapter 107 of the 2009 Session Laws of Kansas, 8-2410, as amended by section 20 of 2010 Senate Bill No. 376, 21-3447, as amended by section 2 of 2010 Substitute for Senate Bill No. 353, 21-4643, as amended by section 3 of 2010 Substitute for Senate Bill No. 353, 22-4906, as amended by section 5 of 2010 Substitute for Senate Bill No. 353, 65-6a34a, as amended by section 124 of 2010 Senate Bill No. 376, and 65-7216, as amended by section 12 of 2010 Senate Bill No. 83, and K.S.A. 2009 Supp. 21-36a05, as amended by section 14 of 2010 House Bill No. 2435, 21-36a10, as amended by section 15 of 2010 House Bill No. 2435, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4704, as amended by section 19 of 2010 House Bill No. 2435, 22-4902, as amended by section 4 of 2010 Substitute for Senate Bill No. 353, 25-4156b, 28-172a, as amended by section 6 of 2010 Senate Bill No. 519, 38-2242, as amended by section 9 of 2010 Senate Bill No. 460, 38-2243, as amended by section 10 of 2010 Senate Bill No. 460, 38-2305, as amended by section 19 of 2010 Senate Bill No. 460, 38-2305, as amended by section 7 of 2010 Senate Bill No. 519, 38-2361, as amended by section 20 of 2010 Senate Bill No. 460, 38-2361, as amended by section 6 of 2010 Substitute for Senate Bill No. 353, 40-3104, as amended by section 4 of 2010 Senate Bill No. 533, 47-2101, as amended by section 92 of 2010 Senate Bill No. 376, 65-516, as amended by section 122 of 2010 Senate Bill No. 376, 65-1643c, 72-978, as amended by section 2 of 2010 Senate Bill No. 359, 74-596, as amended by section 10 of 2010 Senate Bill No. 393, 74-2426, as amended by section 30 of 2010 House Bill No. 2557, and 75-6606, as amended by section 1 of 2010 House Bill No. 2415, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, 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: Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop, Tafanelli.

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 368**, submits the following report:

The House recedes from all of its amendments to the bill and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 2, after line 32, by inserting the following:

“(3) Whenever a person’s driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device, proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person’s driving privileges are fully reinstated.

(4) Whenever a person’s driving privileges have been suspended for one year on the second occurrence of an alcohol or drug-related conviction in this state as provided in subsection (b)(1), after 45 days of such suspension, such person may apply to the division for such person’s driving privileges to be restricted for the remainder of the one-year period to driving only a motor vehicle equipped with an ignition interlock and only for the purposes of getting to and from work, school, or an alcohol treatment program or to go to and from the ignition interlock provider for maintenance and downloading of data from the device. If such person violates the restrictions, such person’s driving privileges shall be suspended for an additional year, in addition to any term of restriction as provided in subsection (b)(1).”;

On page 3, in line 40, by striking “Any” and inserting “Except as provided further, any”;

On page 4, in line 2, following the period by inserting “The provisions of this subsection shall not apply to any person whose driving privileges have been restricted for the remainder of the one-year period on the second occurrence of an alcohol or drug-related conviction in this state as provided in subsection (b)(1).”; in line 16, after the stricken material, by inserting “Prior to issuing such restricted license, the division shall receive proof of the installation of such device.”; in line 17, by striking “one-year”; in line 18, by striking “subsection (b)(2)” and inserting “subsection (b)”; in line 19, by striking “for”; in line 20, by striking “one year” and inserting “pursuant to subsection (b) of K.S.A. 8-1014, and amendments thereto.”; in line 24, after the stricken material, by inserting “Proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person’s driving privileges are fully reinstated.”;

On page 14, in line 11, by striking “and 8-1015” and inserting “, 8-1015 and 8-1567, as amended by section 1 of 2010 Senate Bill No. 586.”;

In the title, in line 14, before the period by inserting “and K.S.A. 2009 Supp. 8-1567, as amended by section 1 of 2010 Senate Bill No. 586”;

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

LANCE KINZER
JEFF WHITHAM
JANICE L. PAULS
Conferees on part of House

THOMAS C. OWENS
JOHN VRATIL
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Kinzer to adopt the conference committee report on **SB 368**, Rep. Crow offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. Kinzer and the conference committee report was adopted.

On roll call, the vote was: Yeas 107; Nays 11; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney,

Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Slatery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Bethell, Crow, Dillmore, Gordon, Johnson, Kuether, Neufeld, Patton, Peterson, Siegfried, K. Wolf.

Present but not voting: None.

Absent or not voting: Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop, Tafanelli.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Kinzer moved to remove **S. Sub. for HB 2360** from the table. The motion did not prevail and the bill remains on the table.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 572**.

Speaker O'Neal thereupon appointed Reps. Yoder, Merrick and Feuerborn as conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 3:00 p.m.

AFTERNOON SESSION

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

The House stood at ease until the sound of the gavel.

Speaker O'Neal called the House to order.

MESSAGES FROM THE SENATE

The Senate adopts conference committee report on **HB 2130**.

Also, the Senate adopts conference committee report on **SB 131**.

The Senate adopts conference committee report on **H. Sub. for SB 293**.

The Senate adopts conference committee report on **S. Sub. for HB 2356**.

Also, the Senate concurs in House amendments to **SB 387**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 572**, and requests return of the bill.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 300**; **HB 2130**; **S. Sub. for HB 2219**; **S. Sub. for HB 2356**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 300**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 300, as amended by House Committee of the Whole, as follows:

On page 1, by striking all in lines 26 through 43;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 17 and inserting the following:

“New Sec. 2. (a) As used in this section:

(1) “Wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two or more parties, including,

but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

(2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.

(b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.

(c) The provisions of subsection (b) shall not apply to:

- (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
- (2) a motor vehicle stopped off the regular traveled portion of the roadway;
- (3) a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;
- (4) a person who receives an emergency, traffic or weather alert message; or
- (5) a person receiving a message related to the operation or navigation of the motor vehicle.

(d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:

- (1) Report current or ongoing illegal activity to law enforcement;
- (2) prevent imminent injury to a person or property; or
- (3) relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle.

(e) From and after the effective date of this act and prior to January 1, 2011, a law enforcement officer shall issue a warning citation to anyone violating subsection (b).

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

Sec. 3. K.S.A. 8-1598 is hereby amended to read as follows: 8-1598. (a) No person under the age of 18 years shall operate or ride upon a motorcycle or a motorized bicycle, unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) No person shall allow or permit any person under the age of 18 years to: (1) Operate a motorcycle or motorized bicycle or to ride as a passenger upon a motorcycle or motorized bicycle without being in compliance with the provisions of subsection (a); or (2) operate a motorcycle or to ride as a passenger upon a motorcycle without being in compliance with the provisions of subsection (c).

~~(c)~~ (c) (1) No person shall operate a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

(2) No person under the age of 18 years shall ride as a passenger on a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant.

~~(d)~~ (d) This section shall not apply to persons riding within an enclosed cab or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three wheels and commonly known as a truckster.

Sec. 4. K.S.A. 8-1749a is hereby amended to read as follows: 8-1749a. (a) No motor vehicle required to be registered in this state and which is operated on the highways of this state shall be equipped with one-way glass or any sun ~~screen~~ *screening* device, as defined in K.S.A. 8-1749b, *and amendments thereto*, and used in conjunction with ~~safety glazing materials~~ *windshields, side wings, side windows or rear windows* that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be non-reflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the ASI line which is clearly defined and marked;

(2) a sun screening device when used in conjunction with ~~the safety glazing materials of~~ the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with ~~safety glazing materials~~ or other existing sun screening devices.

(b) Subsection (a)(3) shall not apply to a window of a law enforcement motor vehicle that is clearly identified as such by words or other symbols on the outside of the vehicle.

~~(c)~~ (c) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of this section.

~~(d)~~ (d) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

~~(e)~~ (e) No motor vehicle required to be registered in this state which is operated on the highways of this state shall be equipped with head lamps which are covered with any sun ~~screen~~ screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

~~(1)~~ (1) From and after July 1, 1987, and prior to January 1, 1988, a law enforcement officer shall issue a warning citation to any person violating the provisions of this section.

~~(2)~~ From and after January 1, 1988,

(f) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 5. K.S.A. 8-2009a is hereby amended to read as follows: 8-2009a. (a) Every school bus, as defined in K.S.A. 8-1461, and amendments thereto, shall be governed by the requirements of law and rules and regulations of the state board of education applicable to design, lighting equipment, distinctive markings, special warning devices, and any other equipment which are in effect on the date any such school bus is purchased or otherwise acquired, and shall be exempt from the requirements of law and rules and regulations which become effective at any time during a period of ~~20~~ 25 years from the date of manufacture of such school bus, ~~except that any school bus which was in operation on July 1, 1994, and exceeds such 20-year period shall be exempt until July 1, 1998.~~ The state board of education is hereby required to approve any such school bus as to design, and as to lighting equipment, special warning devices, distinctive markings, and any other equipment required by law and rules and regulations, for operation as a school bus during such exemption period upon submission of a request for such approval.

(b) The state board of education is authorized to establish the procedure to be followed when request for approval of any such school bus is submitted under this section. The approval shall be in writing and a copy of the written approval shall be carried in the school bus at all times, but failure to carry such copy of the written approval shall not affect the status of the school bus as an approved school bus. The state board of education shall maintain a list of all such school buses which have been approved by the board.

Sec. 6. K.S.A. 2009 Supp. 8-2118, as amended by section 1 of 2010 Senate Bill No. 519, 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 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 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 in any manner accepted by the court. The traffic citation shall not have been complied with if the payment 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
<i>Unlawful text messaging</i>	<i>section 2</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 taillamp	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 6-1314	\$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.

Sec. 7. K.S.A. 8-1598, 8-1749a and 8-2009a and K.S.A. 2009 Supp. 8-2118, as amended by section 1 of 2010 Senate Bill No. 519, are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 10 through 15 and inserting the following:
AN ACT regulating traffic; concerning text messaging; relating to certain equipment; providing for certain penalties; amending K.S.A. 8-1598, 8-1749a and 8-2009a and K.S.A. 2009 Supp. 8-2118, as amended by section 1 of 2010 Senate Bill No. 519, and repealing the existing sections.”;

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

GARY K. HAYZLETT
 JENE VICKREY
 MARGARET LONG
Conferees on part of House

DWAYNE UMBARGER
 BOB MARSHALL
 KELLY KULTALA
Conferees on part of Senate

On motion of Rep. Hayzlett, the conference committee report on **SB 300** was adopted.
 On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Aurand, A. Brown, DeGraaf, Faber, D. Gatewood, Gordon, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Powell, Siegfried, Suellentrop, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Peck, Seiwert.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Kinzer moved to remove **S. Sub. for HB 2360** from the table.

The motion prevailed.

The question then reverted back to the substitute motion of Rep. Kinzer made on May 7, 2010, that the House concur in Senate amendments to **S. Sub. for HB 2360**, An act concerning taxation; relating to rate of sales taxation, distribution of revenue, refunds on sales of food, procedure for certain contracts; income taxation, credits; Kansas taxpayer transparency act; amending K.S.A. 2009 Supp. 74-72,123, 79-32,205, 79-3603, 79-3620, 79-3633, 79-3635, 79-3703 and 79-3710 and repealing the existing sections.

Call of the House was demanded.

On roll call, the vote was: Yeas 64; Nays 61; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Otto, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Peck, Powell, Prescott, Rardin, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Talia, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.
 Absent or not voting: None.
 The motion prevailed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote NO on **S. Sub. for HB 2360**. I will not support this massive Kansas tax increase. It is the apex of hypocrisy for the government to amass more wealth and means by commanding citizens to forfeit even more of their income and livelihood by making every item purchased more expensive. The tax increase is flawed at its very core because it perpetuates the myth that Topeka knows how to spend the people's money better than the people know how to spend their own hard-earned money.—AARON JACK, KASHA KELLEY, MARC RHOADES, ANTHONY R. BROWN, PETE DEGRAAF, ROB OLSON, BILL WOLF, OWEN DONOHOE, BRENDA K. LANDWEHR, PEGGY MAST, CONNIE O'BRIEN, ROCKY FUND, MARIO GOICO, SHARON SCHWARTZ, JOE MCLELAND, J. DAVID CRUM, DON MYERS, STEVE HUEBERT, LANCE KINZER, LARRY POWELL, GARY K. HAYZLETT, JOE SEIWERT, GENE SUELLENTROP, ARLEN SIEGFREID, RICHARD CARLSON, PHIL HERMANSON, RAY MERRICK, JENE VICKREY, STEVE BRUNK

MR. SPEAKER: As I studied my constituent surveys and communications, there were many suggestions. By far the greatest number were those who felt tobacco and alcohol taxes should be raised. Varying amounts of sales tax were also suggested. In addition, there were several who didn't feel taxes should be increased. The alternative of selling some excess state property coupled with a smaller tax increase will provide necessary funds to avoid drastic cuts. The potential of having a smaller tax increase which will have less of a negative effect on the economy is preferable, thus Mr. Speaker, I vote no on **S. Sub. for HB 2360**.—DEENA HORST

MR. SPEAKER: I vote no on **S. Sub. for HB 2360**. I know that none of us relish the decisions we've had to make this year in regards to the budget and taxes. The best way to cut taxes is to never have to raise them. A rainy day fund would go a long way towards preventing a future legislature from having to relive the current budget nightmare.—MIKE BURGESS

MR. SPEAKER: I see the names of some of those voting yes and know they are compromising themselves and not representing the citizens in their districts. I was elected to this prestigious body in 2004 because the incumbent legislator compromised himself and did not represent his district by voting in favor of a tax increase. I will *not* compromise myself and I *will* represent my district.

This massive tax increase will take over 1 billion dollars out of the pockets of hard working Kansans and put it in the pocket of a state government that has not controlled its spending. I vote no on **S. Sub. for HB 2360**.—VIRGIL PECK, JR.

MR. SPEAKER: **S. Sub. for HB 2360** is one of the largest tax increases in Kansas' history crafted to support an unnecessarily burgeoning state budget. While Kansans have experienced record high unemployment rates and family and business incomes have been devastated by the worst economic recession since the Great Depression, some of our legislators have passed a budget that actually grows 7% creating an irresponsible \$300+ million budget deficit. Worse yet, this new tax increase will disproportionately put at risk Johnson County jobs and business viability as we will lose business and jobs to Missouri. For these reasons, I vote no.—MARVIN KLEEB

MR. SPEAKER: Kansas has never endured six rounds of budget cuts in an 18-month period. After reducing spending by over a billion dollars, deeper cuts would cost much more to fix later than they cost to maintain in the current fiscal year. We must think past the bottom line of 2011 and consider long-term consequences of our actions. This vote wasn't easy or politically popular, but ultimately we knew that families are depending on the services this legislation saves. We had to rank the people we represent above the political positions we hold.

We vote to concur with **S. Sub. for HB 2360**.—TONY BROWN

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Ward moved that the House reconsider its action on **S. Sub. for HB 2360**. Rep. Kinzer moved to table the bill. The motion did not prevail.

The question reverted back to the motion of Rep. Ward, which also did not prevail.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Feuerborn, in accordance with House Rule 1503 (b), that **SB 581** be changed to the first measure under the order of business General Orders, was considered.

The motion prevailed and **SB 581** will be the first measure under the order of business General Orders.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2356**, 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. 2356, as follows:

On page 1, in line 17, by striking "(a) Children in family child care homes, as defined"; by striking all in lines 18 through 43;

On page 2, by striking all in line 1 and inserting: "The changes to law in this act shall be known as Lexie's law.";

On page 3, by striking all in lines 26 through 35; in line 36, by striking "(d)" and inserting "(c)";

On page 4, in line 6, after the stricken "or" by inserting "or"; in line 9, by striking "; or" and inserting a period; by striking all in line 10; in line 13, by striking "(e)" and inserting "(d)"; in line 15, by striking "(f)" and inserting "(e)"; in line 30, after the period, by inserting: "The license shall have on its face an expiration sticker stating the date of expiration of the license.";

On page 5, in line 41, by striking "the" and inserting "a"; in line 42, after "be" by inserting "permanently";

On page 6, in line 3, by inserting before "act" the following: "Kansas judicial review"; also in line 3, by striking all after "act"; in line 4, by striking all before the period; after line 4, by inserting the following:

"Sec. 6. K.S.A. 65-505 is hereby amended to read as follows: 65-505. (a) The annual fee for a license to conduct a maternity center or child care facility shall be fixed by the secretary of health and environment by rules and regulations in an amount not exceeding the following:

(1) For a maternity center, ~~\$75~~ \$150;

(2) for a child placement agency, ~~\$75~~ \$150;

(3) for a child care resource and referral agency, ~~\$75~~ \$150; and

(4) for any other child care facility, ~~\$35~~ \$75 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time.

The license fee shall be paid to the secretary of health and environment when the license is applied for and annually thereafter. The fee shall not be refundable. No fee shall be charged for a license to conduct a home for children which is a family foster home as defined in K.A.R. 28-4-311, and amendments thereto. Fees in effect under this subsection (a) immediately prior to the effective date of this act shall continue in effect on and after the effective date of this act until a different fee is established by the secretary of health and environment by rules and regulations under this subsection.

(b) Any ~~person licensee~~ who fails to renew ~~the person's~~ *such* license within ~~the time required by rules and regulations of the secretary~~ *30 days after the expiration of the license* shall pay to the secretary *the renewal fee plus a late renewal fee of \$10 in an amount equal to the fee for the renewal of a license.*

(c) Any licensee applying for an amended license shall pay to the secretary of health and environment a fee established by rules and regulations of the secretary in an amount not exceeding \$35.

(d) The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer, *notwithstanding any other law to the contrary*, shall deposit the entire amount in the state treasury to the credit of the ~~state general~~ *maternity centers and child care licensing fee fund*. *All expenditures from the maternity centers and child care licensing fee fund shall be made only for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary. Notwithstanding any other law to the contrary, no moneys shall be transferred or otherwise revert from this fund to the state general fund by appropriation act or other act of the legislature. Moneys available under this section by the creation of the maternity centers and child care licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the department of health and environment to administer the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated. Nothing in this act shall be construed to authorize a reduction or elimination of moneys made available by the state to local units of government for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated.*;

Also on page 6, after line 24, by inserting the following:

"Sec. 8. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (a) Any maternity center or child care facility subject to the provisions of this act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2) have plumbing, water and sewerage systems which conform to all applicable state and local laws; and (3) be operated with strict regard to the health, comfort, safety and social welfare of the residents.

(b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, wash cloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the cooperation of the secretary of social and rehabilitation services shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of the residents who are to be served in such facilities by ensuring safe and adequate physical surroundings, healthful food, *adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation*, supervision and care of the residents by capable, qualified persons of sufficient number, *after hour care*, an adequate program of activities and services, *sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation* and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents. *The notice of hearing on initial rules and regulations proposed to be adopted to carry out the amendments to this subsection (c)(1) by this act shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.*

(2) *Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in child care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground*

supervision, pool and water safety practices. The notice of hearing on initial rules and regulations proposed to be adopted under this subsection (c)(2) shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

(d) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(e) The immunization requirement of subsection (d) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.”;

Also on page 6, in line 27, after “months” by inserting “prior to July 1, 2012, and once every 12 months thereafter.”; in line 40, by striking all after “(1)” by striking all in line 41 and inserting: “On or after the effective date of this act, the secretary of health and environment shall commence the inspection of registered family day care homes pursuant to section 17 and amendments thereto.”; by striking all in lines 42 and 43;

On page 7, by striking all in lines 1 through 5; in line 6, by striking “(3)” and inserting “(2)” in line 13, by striking all after “(1)” by striking all in lines 14 and 15; in line 16, by striking all before “categories” and inserting “Except as provided in subsection (b)(2), the following”; in line 17, by striking “subject to this requirement are” and inserting “which were in compliance on the effective date of this act are not required to be inspected until July 1, 2011”; by striking all in lines 22 through 24; in line 25, by striking “(3)” and inserting “(2)” also in line 25, by striking “2013” and inserting “2011”;

On page 9, in line 9, by striking the comma after “65-508” and inserting “and”; also in line 9, by striking “and 65-519”; in line 43, before “act” by inserting “Kansas judicial review”; also in line 43, by striking “for judicial review and civil enforcement of agency actions”;

On page 10, preceding line 30, by inserting:

“(j) Except as provided in this subsection, no person shall maintain a child care facility unless such person is a high school graduate or the equivalent thereof. The provisions of this subsection shall not apply to any person who was maintaining a child care facility on the day immediately prior to the effective date of this act or who has an application for an initial license or the renewal of an existing license pending on the effective date of this act.”;

On page 11, in line 2, by striking “or registration”; in line 19, before “K.S.A.” by inserting “On and after May 1, 2011.”;

On page 12, by striking all in lines 4 through 7; in line 8, by striking “(d)” and inserting “(c)” also in line 8, by striking “may” and inserting “shall”; after line 25, by inserting the following:

“(d) Any records under subsection (a), (b) or (c) shall be available to any member of the standing committee on appropriations of the house of representatives or the standing committee on ways and means of the senate carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2/3 of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contract information concerning specific facilities.”;

On page 13, in line 7, by striking the comma after “28-4-113” and inserting “and”; in line 8, by striking all after “28-4-113”; by striking all in line 9; in line 10, by striking “thereto”;

On page 14, by striking all in lines 23 through 29 and inserting the following:

“New Sec. 17. (a) Except as otherwise provided in this section, a family day care home which holds a valid certificate of registration on the effective date of this act shall be deemed

to have applied for a license as a day care home but shall continue to operate as a family day care home under the statutes and rules and regulations amended or repealed by this act which were applicable to family day care homes as such statutes were in effect immediately prior to the effective date of this act until such time that an inspection has been conducted, the home has qualified for licensure as a day care home, all applicable fees have been paid and an initial license as a day care home is duly issued by the secretary of health and environment, at which time the home shall be a licensed day care home and shall be governed by statutes and rules and regulations relating to day care homes.

(b) Notwithstanding the provisions of subsection (a):

(1) On and after the effective date of this act, all family day care homes, in addition to the statutes as provided in subsection (a), shall be subject to the following: The provisions of subsection (e) of K.S.A. 65-504, and amendment thereto, as amended by section 5 of this act; any rules and regulations adopted on and after the effective date of this act based on new authority granted by the amendments to K.S.A. 65-508 as amended by section 8 of this act; the provisions of subsection (j) of K.S.A. 65-516, and amendments thereto, as amended by section 10 of this act; inspections under the provisions of K.S.A. 65-512, as amended in section 9 of this act; K.S.A. 65-525, and amendments thereto, as amended by section 13 of this act; and K.S.A. 65-530, and amendments thereto, as amended by section 15 of this act; this section; and in addition to these statutes any other statutes or rules and regulations applicable to family day care homes; and

(2) a family day care home which has not yet been inspected and issued a license under this act shall pay the fee established by K.S.A. 65-505, and amendments thereto, for any other child care facility for renewal of a certificate of registration and not the fee specified in K.S.A. 65-519, and amendments thereto.

(c) The secretary of health and environment shall adopt such rules and regulations as may be necessary to administer the provisions of this section. Such rules and regulations shall include, but not be limited to, a time line subsequent to inspection of registered family day care homes for the transition of registered family day care homes to licensed day care homes and such other matters as may be necessary for the transition of registered family day care homes to licensed day care homes. Such rules and regulations shall be adopted within 60 days following the effective date of this act.

(d) The registration category of family day care homes shall cease to exist on June 30, 2011. The provisions of this section shall expire July 1, 2011.

New Sec. 18. On or before July 1, 2011, the secretary of health and environment shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and substantiated findings. The secretary of health and environment shall adopt rules and regulations which are consistent with the requirements for the receipt of child care ARRA funds and which provide for the establishment of an online information dissemination system in accordance with the provisions of this subsection. The notice of hearing on the initial rules and regulations proposed to be adopted under this subsection shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

Sec. 19. On May 1, 2011, K.S.A. 2009 Supp. 65-525 is hereby repealed.”;

And by renumbering sections accordingly;

Also on page 14, in line 30, after “65-504,” by inserting “65-505,”; also in line 30, after “65-506,” by inserting “65-508,”; in line 32, by striking “, 65-525”; in line 35, by striking “Kansas register” and inserting “statute book”;

In the title, in line 10, by striking all after “facilities”; in line 11, by striking “homes”; also in line 11, after “65-504,” by inserting “65-505,”; also in line 11, after “65-506,” by inserting “65-508,;”;

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

JIM BARNETT
VICKI SCHMIDT
LAURA KELLY
Conferees on part of Senate

BRENDA K. LANDWEHR
 J. DAVID CRUM
 GERALDINE FLAHARTY
Conferees on part of House

On motion of Rep. Landwehr, the conference committee report on **S. Sub. for HB 2356** was adopted.

On roll call, the vote was: Yeas 66; Nays 56; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goico, Gordon, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Jack, Johnson, Kiegerl, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Moxley, Neighbor, O'Brien, Olson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Slattery, Sloan, Spalding, Swanson, Talia, Tietze, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goyle, Grange, Grant, Hayzlett, C. Holmes, M. Holmes, Kelley, Kerschen, King, Kinzer, Knox, Lukert, Mast, Merrick, Morrison, Myers, Neufeld, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Powell, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, D. Svaty, Swenson, Tafanelli, Trimmer, Vickrey, Ward, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Huebert, Peterson.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1748, under Introduction of Original Motions and House Resolutions, "HOUSE RESOLUTION No. 2194" should be deleted and "HOUSE RESOLUTION No. 6049" should be inserted.

On motion of Rep. Merrick, the House adjourned until 2:00 p.m., Tuesday, May 11, 2010.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

