

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 10, 2010—2:00 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Some people in our districts
Are making it quite clear
That in their opinion
We shouldn't be up here.
They say we don't represent
All the common folks;
That we're here in Topeka
Drinking booze and telling jokes.
We don't mind the honest ones
Who point out our mistakes;
It's the ones accusing us
Of errors we don't make.
Sometimes we're tempted to withdraw,
And let them have this job next year.
Then everyone would know for sure
Who shouldn't be up here!
But that wouldn't help the people
So we'll give it our best shot...
And do the job the best we can,
Whether they notice it or not.
And if the accusations
Get as bad as they have been,
Please add another layer
To the thickness of our skin!
I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **House Substitute for SB 572** and has appointed Representatives Yoder, Merrick and Feuerborn as conferees on the part of the House.

On motion of Senator D. Schmidt, the Senate recessed until 3:15 p.m.

The Senate met pursuant to recess with President Morris in the chair.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 146; SB 387.**

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **H Sub for SB 146.**

H Sub for SB 146. An act concerning state officers and employees; relating to furloughs or reduction in compensation; the Kansas public employees retirement system, computation of benefits; amending K.S.A. 74-49,115 and repealing the existing section.

On roll call, the vote was: Yeas 15, Nays 12, Present and Passing 11, Absent or Not Voting 2.

Yeas: Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Huntington, Marshall, Owens, Reitz, Schodorf, Teichman, Vratil.

Nays: Abrams, Apple, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Steineger.

Present and Passing: Haley, Hensley, Holland, Kelly, Kultala, Lee, McGinn, Morris, Schmidt V, Umbarger, Wagle.

Absent or Not Voting: Brungardt, Taddiken.

The motion to concur failed and **H Sub for SB 146** remains in conference.

Senator Emler moved the Senate concur in house amendments to **SB 387.**

SB 387. An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Brungardt, Taddiken.

The Senate concurred.

Senator Emler moved the Senate concur in house amendments to **H Sub for SB 572.**

H Sub for SB 572. An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015 and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, as amended by section 33 of 2010 House Bill No. 2557, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171, 79-4801 and 82a-953a and section 14 of 2010 Senate Substitute for House Bill No. 2222 and section 52 of chapter 124 of the 2009 Session Laws of Kansas and repealing the existing sections.

On roll call, the vote was: Yeas 21, Nays 17, Present and Passing 0, Absent or Not Voting 2.

Yeas: Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Schmidt D, Steineger, Wagle.

Absent or Not Voting: Brungardt, Taddiken.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: The budget item regarding expenditures for greenhouse gas activities by any state agency prohibits expenditures for planning, drafting, proposing, promulgating, finalizing, or implementing any RULES AND REGULATIONS pursuant to the clean air act (42 U.S.C. 7401 et seq.) Involving the greenhouse gases identified in the final rule entitled "Endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the clean air act."

This proviso prohibits expenditures for developing rules and regulations per the endangerment finding; not education, outreach, information, technical support, and/or business assistance activities by state agencies.

The EPA bases the endangerment finding on the International Panel on Climate Change science, which has largely been debunked. Federal or state rules and regulations regarding greenhouse gas emissions should be based on sound science and only come after federal law is passed - not as a means to circumvent the legislative process. This proviso simply prohibits planning, drafting, proposing, promulgating, finalizing, or implementing any rules or regulations regarding greenhouse gas emissions until if and when such a federal law is passed.

It is consistent with my Senate Resolution 1809 which passed the Kansas Senate overwhelmingly earlier this year. — TIM HUELSKAMP

REPORT ON ENROLLED BILLS

SR 1882, SR 1884, SR 1885, SR 1886 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 10, 2010.

On motion of Senator D. Schmidt, the Senate recessed until 7:00 p.m.

EVENING-SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 586**.

Also, rejection of **SB 74**, as amended by House Substitute for **SB 74**.

The House adopts the conference committee report on **SB 368**.

The House adopts the conference committee report on **House Substitute for SB 300**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 300; HB 2434**.

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)~~ (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.*

~~(c)~~ (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 nonreflective 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 AS1 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) 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 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 2½ 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

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for SB 300**.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Haley, Huelskamp, Masterson, Pilcher-Cook, Pyle, Steineger, Wagle.
The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I reluctantly vote "NO" *this* time on the Conference Committee report on **SB 300**. The verdict has long been in. *Inattentive* driving such as "texting" causes traffic injuries and traffic fatalities. My voting record shows that David Haley, as both a Representative and Senator, has always supported increased vigilance by drivers... with law enforcement encouraged compliance. But Mr. President... I would be remiss at this juncture to not remind the Chamber and this Legislature of the specter of law enforcement who for no probable cause whatsoever harass and detain law abiding motorists for no other reason but "profiling." This practice, and it bears repeating for the record, has been **OUTLAWED** in our state but allegations continue to abound. A bill that would require uniform statistical data for all traffic stops has been derailed in the Senate by powerful forces; protecting this classist and illegal practice. We could prove, or disprove, that gender or race or county of origin was a factor by a rogue cop or inattentive department in repeated stops with this data. Today, because of our need for public safety but no more federal money, we overwhelmingly approve what might be another flimsy pretext for profiling. — DAVID HALEY

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

Senator Owens moved the Senate adopt the Conference Committee Report on **SB 368**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2434**, 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 with Senate Committee amendments, as follows:

On page 2, by striking all in lines 38 through 43;

On page 3, by striking all in lines 1 through 43;

On page 4, by striking all in lines 1 through 16;

And by renumbering remaining sections accordingly;

Also on page 4, in line 17, by striking “24-412.”; also in line 17, by striking “24-”; in line 18, by striking all before “32-837”;

In the title, in line 13, by striking “24-412.”; in line 14, by striking all before “32-837”;

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

CAROLYN MCGINN
RUTH TEICHMAN
MARCI FRANCISCO
Conferees on part of Senate

LANA GORDON
OWEN DONOHOE
LISA BENLON

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2434**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2704**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2704**, 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 with Senate Committee of the Whole amendments, as follows:

On page 2, in line 36, by striking all after "discontinued"; in line 37, by striking "districts"; in line 38, by striking all after "center"; in line 39, by striking "district,";

On page 3, in line 4, before "K.S.A." by inserting "On July 1, 2010,";

On page 4, in line 43, before "K.S.A." by inserting "On July 1, 2010,";

On page 7, in line 8, before "K.S.A." by inserting "On July 1, 2010,";

On page 8, by striking all in lines 23 through 43;

On page 9, by striking all in lines 1 through 20 and inserting the following:

"Sec. 6. K.S.A. 2009 Supp. 72-6455 is hereby amended to read as follows: 72-6455. (a) (1) As used in this section, school district means any district having: ~~(1)~~ (A) An enrollment of at least 50% at-risk pupils; or ~~(2)~~ (B) an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile.

~~(1)~~ (2) The high density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .10. The product is the high density at-risk pupil weighting of the district.

~~(2)~~ (3) If a school district becomes ineligible for high density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirements of *paragraph (1) of this subsection* ~~(1)~~, the high density at-risk pupil weighting of the district shall be the greater of: ~~(1)~~ (A) The high density at-risk pupil weighting in the current school year; ~~(2)~~ (B) the high density at-risk pupil weighting in the prior school year; or ~~(3)~~ (C) the average of the high density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this ~~subsection~~ *paragraph (3)* shall expire on June 30, 2011.

(4) *This subsection (a) shall expire in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher.*

(b) (1) *This subsection shall become effective in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher, and in each school year thereafter.*

(2) *The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:*

(A) *Except as provided by paragraph (C), if the district has an enrollment of at least 35% but less than 50% at-risk pupils, the state board shall:*

- (i) *Subtract 35% from the percentage of at-risk enrollment in the district;*
- (ii) *multiply the amount determined under paragraph (i) by .007; and*
- (iii) *multiply the number of at-risk pupils enrolled in the district by the product determined under paragraph (ii). The product is the high density at-risk pupil weighting of the district.*

(B) *If the district has an enrollment of 50% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by .105. The product is the high density at-risk pupil weighting of the district.*

(C) *If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by .105. The product is the high density at-risk pupil weighting of the district.*

Sec. 7. K.S.A. 2009 Supp. 72-6459 is hereby amended to read as follows: 72-6459. (a) As used in this section, "school district" means any district having an enrollment of at least 40% but less than 50% at-risk pupils.

(b) The medium density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .06. The product is the medium density at-risk pupil weighting of the district.

(c) If a school district becomes ineligible for medium density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirement of subsection (a), the medium density at-risk pupil weighting of the district shall be the greater of: (1) The medium density at-risk pupil weighting in the current school year; (2) the medium density at-risk pupil weighting in the prior school year; or (3) the average of the medium density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this subsection shall expire on June 30, 2011.

(d) *This section shall expire in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher.*

Sec. 8. K.S.A. 72-8804 is hereby amended to read as follows: 72-8804. (a) *Except as provided in subsection (b), any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings necessary for school district purposes, including housing and boarding pupils enrolled in an area vocational school operated under the board of education, architectural expenses incidental thereto, the acquisition of building sites, the undertaking and maintenance of asbestos control projects, the acquisition of school buses and the acquisition of other equipment. The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.*

(b) *Moneys in the capital outlay fund which are attributable to transfers of moneys from the general fund of a school district in school year 2008-2009 may be transferred to the contingency reserve fund of the district in school year 2009-2010.*

Sec. 9. K.S.A. 72-8804 and K.S.A. 2009 Supp. 72-8701, 72-6455 and 72-6459 are hereby repealed.

Sec. 10. On July 1, 2010, K.S.A. 2009 Supp. 72-6441, 72-6449 and 72-6451 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 18, by striking "amending" and inserting "relating to school finance; amending K.S.A. 72-8804 and"; in line 19, by striking "and 72-8701" and inserting ", 72-6455, 72-6459 and 72-8701";

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

JEAN SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

CLAY AURAND
DEENA HORST
VALDENIA WINN
Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2704**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Reitz.

The Conference Committee report was adopted.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Reitz.

The Conference Committee report was adopted.

REPORT ON ENGROSSED BILLS

H Sub for SB 293 reported correctly engrossed May 5, 2010.

Also, **SB 131** correctly re-engrossed May 10, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Tuesday, May 11, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

