

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Bunten at  
Chairperson

12:05 ~~am~~/p.m. on Tuesday, April 3, 1984 in room 514-S of the Capitol.

All members were present except:

- Committee staff present:
- Lyn Goering, Legislative Research
  - Gloria Timmer, Legislative Research
  - Alan Conroy, Legislative Research
  - Chris Stanfield, Legislative Research
  - Jim Wilson, Office of the Revisor
  - Dave Hanzlick, Administrative Assistant
  - Nadine Young, Committee Secretary

Conferees appearing before the committee:

- Representative Hoagland
- Lynn Muchmore, Director of Budget
- Jon Josserand, Secretary of State's Office
- Senator Ron Hein

Others present (Attachment 1)

Chairman Bunten called the meeting to order at 12:05 p.m.

Chairman recognized a group of Hayden High students who visited our committee as guests of Representative Mainey.

Representative Hoagland appeared before the committee and requested introduction of a bill concerning criminal procedure; relating to parole eligibility dates; providing for advancement to eliminate certain overcrowded conditions in correctional institutions and facilities. (Attachment 2).

Representative Chronister moved the proposed bill be introduced. Seconded by Representative Louis. Motion carried.

Representative Shriver requested introduction of two proposed bills concerning Department of Corrections. One concerns appropriations for FY 84 and FY 85, for the department of corrections, state industrial reformatory, Kansas State penitentiary, and mental health and retardation services; (Attachment 3).

Lynn Muchmore explained the Corrections budget proposal which is designed to alleviate the problem of overcrowding. The proposal asked for additional 192 beds; \$175,000 planning funds-Women's facility; and \$150,000 for a feasibility study.

Representative Shriver requested that Jim Wilson amend the proposed bill to allow for "clean-up" language and moved that it be introduced. Seconded by Representative Heinemann. Motion carried.

On the constitutional amendment proposed concurrent resolution, Representative Shriver requested that Jim Wilson amend the language of the bill and moved that it be introduced. Seconded by Representative Heinemann. Motion carried. (Attachment 4).

Chairman turned to SB 569 -- an act concerning regulation of watercraft; relating to safety requirements; amending K.S.A. 82a-804a and repealing the existing section.

Senator Ron Hein explained the bill to the committee. Representative Rolfs moved that SB 569 be recommended favorable for passage. Seconded by Representative Meacham. Motion carried.

SB 571 -- an act relating to elections; concerning absentee voting; concerning marking and transmission of absentee ballots; amending K.S.A. 25-1124 and repealing the existing section; 25-1122a and 25-1124 and K.S.A. 1983 Supp. 25-1122 and repealing the existing sections.

Jon Josserand, representing Secretary of State's office, explained the bill.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,  
room 514-S, Statehouse, at 12:00 ~~xxx~~ p.m. on Tuesday, April 3, 1984

Representative Rolfs made a motion to strike Lines 103 through 105 from the bill. Representative Shriver seconded. The motion carried.

Representative Rolfs moved that SB 571, as amended, be recommended favorable for passage. Seconded by Representative Meacham. Motion carried.

SB 717 -- an act concerning foreign corporations; relating to applications to do business in Kansas; amending K.S.A. 17-7301 and repealing the existing section.

Jon Josserand explained the bill. Representative Rolfs moved that SB 717 be recommended favorable for passage. Representative Meacham seconded. Motion carried.

SB 821 -- concerning the Kansas fish and game commission; relating to the appointment of persons to issue certain licenses; amending K.S.A. 1983 Supp. 19-328 and repealing the existing section.

Jim Wilson explained the bill. SB 821 amends the present law concerning those agents who are permitted to sell hunting and fishing licenses.

The Senate amended the bill to provide that Fish and Game Commission shall retain 25 cents for each license sold, which would allow that money to be placed in their fee fund.

Representative Dyck moved that SB 821 be recommended favorable for passage. Seconded by Representative Farrar. Motion carried.

SB 834 -- concerning educational institutions under the control and supervision of the state board of regents; relating to a reduced service program (and tax sheltered annuities) for certain faculty members (and other officers and employees in the unclassified service); amending K.S.A. 74-4925 and repealing the existing section.

Bill Kauffman, Board of Regents, explained the bill, which is designed to develop and implement early retirement for unclassified employees. (Attachment 5)

Representative Lowther moved that SB 834 be recommended favorable for passage. Seconded by Representative Meacham. Motion carried.

Chairman turned to HB 2980 for final action -- concerning workers' compensation for permanent partial disabilities; schedule of injuries; repetitive use conditions in opposite extremities; amending K.S.A. 44-510d and repealing the existing section.

Representative Heinemann presented a proposed amendment which was drafted as a proposed tool in facilitating passage of the bill (Attachment 6). Representative Heinemann made a motion for adoption of the amendment and Representative Shriver seconded. Motion carried.

Representative Heinemann then moved that HB 2980 be recommended favorable for passage, as amended. Seconded by Representative Shriver. Motion carried.

Next meeting will be at Noon tomorrow or upon first recess of the House.

Meeting adjourned at 1:30 p.m.

GUESTS -- 1984

4-3-84

Name	Address	Representing
1. Chris Sogals	RR #1 Hoop	SPALD
2. Fred Bentley	Whiting	Kansas Rural Center
3. Ronald Calbert	NEWTON	U.S.U.
4. Ivan W. Wyatt	McPherson	Ks. Farmers Union
5. BB MOORE	Topeka	DHR, Workers' Comp
6. Bill Morrissey	"	"
7. No Sp	"	"
8. Tom Paine	"	Miss. Bus office
9. Frank Beckard	Topeka	IBP, INC
10. Mike Morrison	"	"
11. Bob D...	"	"
12. Bill Kaufman	Topeka	Kansas Board of Regents
13. Stu Entz	Topeka	IBP
14. Wayne Maichel	Topeka	Ks. AFL-CIO
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HOUSE BILL NO. \_\_\_\_\_

By

AN ACT concerning criminal procedure; relating to parole eligibility dates; providing for advancement to eliminate certain overcrowded conditions in correctional institutions and facilities; amending K.S.A. 1983 Supp. 22-3717 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) If overcrowding exists within the state correctional institutions and facilities and the overcrowding creates a state of emergency, the secretary of corrections shall request the governor to declare a state of emergency within the state correctional institutions and facilities. The governor shall declare the state of emergency within 30 days after receipt of the request unless the governor finds conditions in the state correctional institutions and facilities insufficient to constitute a state of emergency. Upon declaration of a state of emergency, the parole eligibility of all inmates in the custody of the secretary of corrections under sentence for class D or E felonies shall be advanced by 60 days. The Kansas adult authority shall proceed to conduct parole hearings and determine whether to grant parole, as provided by law, based on the advanced eligibility dates.

(b) If, after consideration by the adult authority of all inmates who are eligible for parole under the advanced eligibility dates, the overcrowded conditions continue to exist, the secretary of corrections shall request the governor to declare a continuing state of emergency. The governor shall declare the continuing state of emergency within 15 days after receipt of the request unless the governor finds that a state of emergency no longer exists. Upon declaration of a continuing



state of emergency; the parole eligibility of all inmates in the custody of the secretary of corrections under sentence for class D or E felonies shall be advanced another 30 days. The Kansas adult authority shall proceed to conduct parole hearings and determine whether to grant parole as provided by law, based on the advanced eligibility dates.

(c) The process provided by subsection (b) may be repeated as many times as necessary to eliminate the overcrowded conditions creating the state of emergency.

Sec. 2. K.S.A. 1983 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as provided in subsection (b), an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) An inmate sentenced for a class A felony, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(c) If an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(1) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(2) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(d) Subject to the provisions of this section and section 1 of this act, the Kansas adult authority shall have power to release on parole those persons confined in institutions who are eligible for parole when, in the opinion of the authority, there is reasonable probability that such persons can be released without detriment to the community or to themselves.

(e) The Kansas adult authority shall hold a parole hearing for any inmate who achieves eligibility for parole under

subsections (a), (b) and (c).

(f) Prior to each parole hearing and if parole is not granted at such intervals thereafter as it determines by its rules and regulations, the Kansas adult authority shall consider all pertinent information regarding each inmate, including the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; and the reports of such physical and mental examinations as have been made. Within a reasonable time after a defendant is committed to the custody of the secretary of corrections, which time shall not exceed 60 days after the court's jurisdiction to modify the sentence has passed, the Kansas adult authority or a member of the authority, shall hold an initial hearing with the inmate in order to determine the date when the inmate will be eligible for parole. After the adult authority has established a date therefor, each inmate shall be promptly informed of the date when the inmate's parole hearing will be held. The adult authority may conduct an initial hearing by review of the record and without the presence of the inmate in cases involving an inmate serving a sentence pursuant to subsection (8) of K.S.A. 21-4608 and amendments thereto.

(g) Before ordering the parole of any inmate, the Kansas adult authority shall have the inmate appear before it and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. A parole shall be ordered only for the best interest of the inmate and not as an award of clemency. Parole shall not be considered a reduction of sentence or a pardon. An inmate shall be placed on parole only when the Kansas adult authority believes that the inmate is able and willing to fulfill the obligations of a law-abiding citizen or that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject

to the orders of the secretary. Whenever the Kansas adult authority formally considers placing an inmate on parole and does not grant the parole, the authority shall notify the inmate in writing of the reasons for not granting the parole.

(h) Any parolee may be placed on intensive supervised parole. Any such parolee shall have a direct meeting at least once each week with an intensive supervising parole officer. Such parolee may be removed from intensive supervised parole when it is determined by the secretary of corrections that such removal will not jeopardize public safety and will be beneficial to the interests of the parolee.

(i) The Kansas adult authority shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the eligibility of inmates for parole, the conduct of parole hearings, orders of restitution and other conditions to be imposed upon parolees. Whenever an order for parole is issued it shall recite the conditions thereof.

(j) Whenever the Kansas adult authority orders the parole of an inmate, the authority, unless it finds compelling circumstances which would render a plan of reparation or restitution unworkable, shall order as a condition of parole that the parolee make reparation or restitution to the aggrieved party for the damage or loss caused by the parolee's crime, in an amount and manner specified in the journal entry of the court that sentenced the inmate or, if not specified in the journal entry, in an amount and manner determined by the adult authority.

(k) Whenever the Kansas adult authority grants the parole of an inmate, the authority, within 10 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(l) An inmate shall be eligible for parole on the date provided by statute at the time the inmate committed the crime

for which imprisoned unless subsequent amendment of the statute provides an earlier parole eligibility date.

(m) As used in this section, "good time credits" means credits of one day for every three days served and one month for every year served, awarded on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(n) Parole eligibility prescribed by this section shall be subject to advancement in accordance with section 1.

Sec. 3. K.S.A. 1983 Supp. 22-3717 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.



\_\_\_\_\_ Bill No. \_\_\_\_\_

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1984, and June 30, 1985, for the department of corrections, state industrial reformatory, Kansas state penitentiary, and mental health and retardation services; imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, capital improvement projects and acts incidental to the foregoing.

Be it enacted by the Legislature of the State of Kansas:

Section 1. For the fiscal years ending June 30, 1984, and June 30, 1985, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year specified, the following:

	<u>Fiscal Year</u> 1984	<u>Fiscal Year</u> 1985
Study of the feasibility of converting existing buildings and institutions for use by the department of corrections	\$ 100,000	
Provided, That any unencumbered balance in excess of \$100 as of June 30, 1984, is hereby re-appropriated for fiscal year 1985.		
Planning for new women's correctional facility	175,000	
Provided, That any unencumbered balance in excess of \$100 as of		

June 30, 1984, is hereby re-appropriated for fiscal year 1985. \_\_\_\_\_

Total \$ 275,000

Sec. 3.

STATE INDUSTRIAL REFORMATORY

(a) There is appropriated for the above agency from the state general fund for the fiscal years specified, the following:

	<u>Fiscal Year 1984</u>	<u>Fiscal Year 1985</u>
Operating expenditures	\$ 72,900	\$236,500

(b) The above agency is hereby authorized to negotiate and enter into contracts to renovate a Kansas correctional industries building for additional bedspace: Provided, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 1983 Supp. 75-3739 to 75-3741, inclusive.

(c) The position limitation established by section 12 of chapter 7 of the 1983 Session Laws of Kansas for the state industrial reformatory is hereby increased from 305.5 to 317.5.

(d) The position limitation established by section 12 of 1984 Senate Bill No. 552 for the state industrial reformatory is hereby increased from 328.5 to 340.5.

Sec. 4.

KANSAS STATE PENITENTIARY

(a) There is appropriated for the above agency from the state general fund for the fiscal years specified, the following:

	<u>Fiscal Year 1984</u>	<u>Fiscal Year 1985</u>
Operating expenditures	\$ 92,700	\$231,500

(b) The above agency is hereby authorized to negotiate and enter into contracts to renovate the upper level of the laundry building for additional bedspace: Provided, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 1983 Supp. 75-3739 to 75-3741, inclusive.

(c) The position limitation established by section 3.(b) of 1984 Senate Bill No. 495 for the Kansas state penitentiary is hereby increased from 431.5 to 443.5.

(d) The position limitation established by section 12 of 1984 Senate Bill No. 552 for the Kansas state penitentiary is hereby increased from 525.5 to 537.5.

Sec. 5.

MENTAL HEALTH AND RETARDATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year specified, the following:

	<u>Fiscal Year 1984</u>	<u>Fiscal Year 1985</u>
Study of the feasibility of converting existing buildings and institutions for use by the department of corrections	\$ 50,000	

Provided, That any unencumbered balance in excess of \$100 as of June 30, 1984, is hereby re-appropriated for fiscal year 1985.

Sec. 6. Position limitations. The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations made in this act or in any appropriation act of the 1983 regular session of the legislature or in any other appropriation act of the 1984 regular session of the legislature may be exceeded upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative

delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

\_\_\_\_\_ Concurrent Resolution No. \_\_\_\_\_

By

A PROPOSITION to amend article 7 of the constitution of the state of Kansas by adding a new section thereto, relating to a permanent income for correctional institutions and facilities.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein:

Section 1. There is hereby submitted to the qualified electors of the state for their approval or rejection, a proposal to amend article 7 of the constitution of the state of Kansas by adding thereto a new section to be numbered section 7 to read as follows:

Sec. 7. The legislature may levy a permanent tax for the creation of a building fund for correctional institutions and facilities, and the legislature shall apportion among and appropriate the same to the several institutions and facilities, which levy, apportionment and appropriation shall continue until changed by statute. Nothing herein contained shall prevent such further appropriation by the legislature as may be deemed necessary from time to time for the needs of said institutions and facilities.

Sec. 2. This proposition shall be submitted to the electors of the state at the general election in the year 1984 for their approval or rejection. The amendment hereby proposed shall be designated on the ballot by the title: "Amendment to the constitution providing for a permanent building fund for correctional institutions and facilities." Said proposed amendments shall be voted for or against as provided by law under such title.

Sec. 3. This resolution shall take effect and be in force from and after its publication in the statute book.



Kauffman

# KANSAS BOARD OF REGENTS



Suite 1416 Merchants National Bank Tower  
Topeka, Kansas 66612-1251 913/296-3421

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BEFORE THE HOUSE WAYS AND MEANS COMMITTEE  
REMARKS OF WILLIAM R. KAUFFMAN, GENERAL COUNSEL,  
KANSAS BOARD OF REGENTS, CONCERNING SENATE BILL NO. 834  
April 3, 1984

On behalf of the Board of Regents, I am appearing in support of Senate Bill No. 834, which would grant the Board authority to implement a partial early retirement program, and, as a result of Senate amendments, add additional product options to faculty tax deferring their contributions.

Twenty months ago the Board requested the Legislative Coordinating Council to consider the fringe benefit programs available to State employees and consider the rate of employer contributions to the Regents retirement program. As a part of that review, that Committee, on which several of you served, also considered the subject of early retirement options, and as a part of that report stated:

Finally, the Committee recommends that the Board of Regents consider and develop proposals for implementing an early retirement plan and semi-retirement, part-time employment program for its unclassified employees. This recommendation is made with the intent of increasing institutional flexibility. The Committee further recommends that the plan(s) developed by the Board of Regents be submitted for legislative consideration and action. (Report on Kansas Legislative Interim Studies to the 1983 Legislature, Proposal No. 31 - Employee Fringe Benefits, p. 502)

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Mr. Chairman, I am here to report that the Board acted on the Committee's recommendation. It studied several options and finally, at its November 18, 1983, meeting agreed to request the introduction of the proposal represented by Senate Bill No. 834.

The bill as introduced would reduce the age for retirement from 62 to 60 and thereby establish the same minimum age for retirement as for those individuals in the Kansas Public Employees Retirement System. See K.S.A. 74-4914(3). This is relevant to Regents retirement personnel primarily for purposes of payment of accumulated sick leave. See K.S.A. 1983 Supp. 75-5517.

More importantly, the act would permit the Board of Regents to implement a partial early retirement plan. As contemplated, faculty members between the ages of 60 and 65 would be permitted to enter into reduced service agreements which would be less than full-time but at least one quarter time. In exchange, the institution would continue to contribute the same amount to the individual's Regents retirement plan account as if the individual continued to be full-time, that is 5 percent of the full-time rate of pay. Additionally, the faculty member would also continue to receive the same State contribution toward health insurance as is available to full-time employees.

Our study indicated that all Regents institutions are projecting an increase in the number of faculty members approaching the mandatory retirement age of seventy. For example, Kansas State University, the University of Kansas and Wichita State University will experience a more than doubling of the numbers of faculty members projected to retire six to ten years from now, as compared with the next five years. These figures, which represent more than

10 percent of the K-State and KU faculties and nearly 10 percent of the WSU faculty, suggest that desired institutional flexibility can be achieved by implementing an early retirement program for faculty. From the faculty perspective, the Touche Ross Report (1982) commissioned by the Board of Regents, found substantial interest in early retirement among our older faculty members. In fact, 66 percent of those surveyed in the Regents system indicated a preference to retire at age sixty-six or earlier, a fact borne out by historical patterns.

As the Regents look more and more to resource reallocation as a critical component of financing the academic enterprise, this partial retirement program will enhance institutional planning by providing incentives to faculty to decide at an earlier point as to their retirement intentions. For the faculty, this voluntary program will provide a mechanism for beginning to plan for retirement by reduced service with some financial enhancement to the individual's retirement account and with the certainty of medical insurance through this period, a factor found to be a significant consideration by half the respondents in the Touche Ross survey.

The Board of Regents is not seeking any additional funds to implement the proposed program. In fact, in discussions at the time it was approved, the Board indicated that if additional costs are incurred in implementing such a program, the institutions are expected to absorb them. It should be indicated that additional costs are not anticipated; in fact, savings are anticipated. It is important that as a feature of this program, institutions should be permitted to retain and reallocate savings that may result. This

resulting institutional flexibility is the key making the partial retirement program a useful device to better our institutional programs.

The Senate amended this bill to include the substance of House Bill 2878 as introduced by Representative Lowther. The amendment, which is supported by the Board of Regents, would permit persons who decide to tax defer the retirement contributions to be able to select from any company offering an Internal Revenue Service qualified 403(b) plan. Current law restricts such products to any life insurance company authorized to do business in the State or Teachers Insurance and Annuity Association/College Retirement Equities Fund of New York. Please note that as written, an employee would be required to participate in the company or companies designated by the Board of Regents to be the basic retirement plan carrier for the first 5 percent withheld from the employee and 5 percent contributed by the Board of Regents. To the extent that the employee then wishes to tax defer additional sums, the employee would be permitted to deal with any company offering a qualified plan. The Board thinks that it is important that to preserve the features of a retirement plan, as opposed to those of a thrift or investment plan, that it should retain the authority to designate the company or companies with whom business is conducted for the basic portion, that is 5 percent employee - 5 percent employer. Beyond that, it seems reasonable to permit the employee to choose from the broadest possible product offerings. The Senate amendment would accomplish this objective.

The Board of Regents urges your support of Senate Bill 834.

PROPOSED

3 RS 2884

3-29-84

Substitute for HOUSE BILL NO. 298.0

By Committee on Ways and Means

AN ACT concerning workers' compensation; relating to compensation for repetitive use conditions in opposite extremities as occupational disease; amending K.S.A. 44-5a01 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 44-5a01 is hereby amended to read as follows: 44-5a01. (a) Where the employer and employee ~~or workman~~ are subject by law or election to the provisions of the workmen's compensation act, the disablement or death of an employee ~~or workman~~ resulting from an occupational disease as defined in this section shall be treated as the happening of an injury by accident, and the employee ~~or workman~~ or, in case of death, ~~his~~ the employee's dependents shall be entitled to compensation for such disablement or death resulting from an occupational disease, in accordance with the provisions of the workmen's compensation act as in cases of injuries by accident which are compensable thereunder, except as specifically provided otherwise for occupational diseases.

(b) "Occupational disease" shall mean only a disease ~~arising~~ which arose out of and in the course of the employment resulting from the nature of the employment in which the employee was engaged under such employer; and which was actually contracted while so engaged. Repetitive use conditions occurring in opposite extremities shall be construed to be an occupational disease. "Nature of the employment" shall mean, for purposes of this section, that to the occupation, trade or employment in which the employee was engaged; there is attached a particular and peculiar hazard of such disease which distinguishes the employment from other occupations and employments, and which creates a hazard of

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such disease which is in excess of the hazard of such disease in general. The disease must appear to have had its origin in a special risk of such disease connected with the particular type of employment and to have resulted from that source as a reasonable consequence of the risk. Ordinary diseases of life and conditions to which the general public is or may be exposed to outside of the particular employment, and hazards of diseases and conditions attending employment in general, shall not be compensable as occupational diseases:-----Provided,-----That. Compensation shall not be payable for pulmonary emphysema or other types of emphysema unless it is proved, by clear and convincing medical evidence to a reasonable probability, that such emphysema was caused, solely and independently of all other causes, by the employment with the employer against whom the claim is made, except that, if it is proved to a reasonable medical probability that an existing emphysema was aggravated and contributed to by the employment with the employer against whom the claim is made, compensation shall be payable for the resulting condition of the ~~workman~~ employee, but only to the extent such condition was so contributed to and aggravated by the employment.

(c) In no case shall an employer be liable for compensation under this section unless disablement results within one (1) year or death results within three (3) years in case of silicosis, or one (1) year in case of any other occupational disease, after the last injurious exposure to the hazard of such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded or a timely claim has been made as provided in the workmen's compensation act, and results within seven (7) years after such last exposure. Where payments have been made on account of any disablement from which death shall thereafter result such payments shall be deducted from the amount of liability provided by law in case of death. The time limit prescribed by this

section shall not apply in the case of an employee whose disablement or death is due to occupational exposure to ionizing radiation.

(d) Where an occupational disease is aggravated by any disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated or in any wise contributed to by an occupational disease, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death, as such occupational disease, as a causative factor, bears to all the causes of such disability or death. Such reduction in compensation ~~to~~ shall be effected by reducing the number of weekly or monthly payments or the amounts of such payments, as under the circumstances of the particular case may be for the best interest of the claimant or claimants.

(e) No compensation for death from an occupational disease shall be payable to any person whose relationship to the deceased employee ~~or workman~~ arose subsequent to the beginning of the first compensable disability ~~save-only-to~~, except for afterborn children.

(f) The provisions of K.S.A. 44-570 and amendments thereto shall apply in case of an occupational disease.

Sec. 2. K.S.A. 44-5a01 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Your committee on House Ways and Means Committee

Recommends that SB 821

"AN ACT concerning the Kansas fish and game commission; relating to the appointment of persons to issue certain licenses; amending K.S.A. 1983 Supp. 19-328 and repealing the existing section.

be passed.


 Chairman.

Your committee on            House Ways and Means

Recommends that            SB 834

"AN ACT concerning educational institutions under the control and supervision of the state board of regents; (relating to) a reduced-service program (and tax sheltered annuities) for certain faculty members (and other officers and employees in the unclassified service); amending K.S.A. 74-4925 and repealing the existing section.

be passed

 Chairman.

Your committee on House Ways and Means

Recommends that SB 569

"AN ACT concerning regulation of watercraft; relating to safety requirements; amending K.S.A. 82a-804a and repealing the existing section.

be passed

Chairman.



REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that Senate Bill No. 571, As Amended by House  
Committee

"AN ACT relating to elections; concerning absentee voting;  
concerning marking and transmission of absentee ballots;  
amending K.S.A. 25-1122a and 25-1124 and K.S.A. 1983 Supp.  
25-1122 and repealing the existing sections."

Be amended by adoption of the amendments recommended by House  
Committee on Elections and the bill, as printed with amendments  
by House Committee, be further amended:

On page 3, by striking all in lines 103, 104 and 105;

And the bill be passed as amended.

\_\_\_\_\_  
Chairperson

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that House Bill No. 2980

"AN ACT concerning workers' compensation; relating to compensation for permanent partial disabilities; schedule of injuries; repetitive use conditions in opposite extremities; amending K.S.A. 44-510d and repealing the existing section."

Be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2980," as follows:

"Substitute for HOUSE BILL NO. 2980

By Committee on Ways and Means

"AN ACT concerning workers' compensation; relating to compensation for repetitive use conditions in opposite extremities as occupational disease; amending K.S.A. 44-5a01 and repealing the existing section."

And the substitute bill be passed.

\_\_\_\_\_  
Chairperson

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that Senate Bill No. 717

"AN ACT concerning foreign corporations; relating to applications to do business in Kansas; amending K.S.A. 17-7301 and repealing the existing section."

Be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

\_\_\_\_\_  
Chairperson