

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 1, 2011, 10:00 a.m.

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

The roll was called with 122 members present.

Rep. Fund was excused on verified illness.

Reps. Calloway and Gordon were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,

I have had a request to ask You to allow the session to be
finished by 5:00pm today so they can all travel home
and sleep in their own beds tonight.

No, God, I don't think this is an April's Fool joke!
However, I do understand it might rank right up there
close to the miracle of the crossing of the Red Sea
for this to likely occur.

In all seriousness, I do ask that you be
with this great body of leaders today.
Temper the attitudes, extend the patience,
soften the words, expedite a spirit of unity,
but keep them diligent and responsible
in accomplishing what they have been sent here to do.
Also, thank you for the Wichita State win last night.

We know You share in our joy and pride
for these outstanding young men and their talent.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. S. Gatewood.

Kansas Trivia Question – Takeru Higuchi, a University of Kansas chemist, invented what medical delivery system?

Answer: The time-release capsule.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were referred to committees as indicated:

Social Services Budget: **HB 2405; SCR 1608.**

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 234.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 234.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bollier, **HR 6021**, A RESOLUTION encouraging participation in the American Public Health Association's and the Kansas Public Health Association's National Public Health Week, which is April 4-10, 2011, was adopted.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted: Recommended that **SB 229** be passed.

Committee report to **HB 2390** be adopted; also, on motion of Rep. Sloan to amend, Rep. McLeland requested a ruling on the amendment being in order under the Pay-Go provision pursuant to House Rule 2110. The Rules Chair ruled the amendment in order.

Also, the question reverted back to the motion of Rep. Sloan to amend **HB 2390**. Rep. McLeland requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Sloan to amend. Also, on motion of Rep. Burroughs to rerefer the bill to General Government Budget, the motion did not prevail. The question reverted back to the motion of Rep. Sloan to amend, which did not prevail, and **HB 2390** be passed as amended.

Committee report to **HB 2382** be adopted; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 106, by Representative Schwartz, congratulating Esther Horting Sallman on celebrating her 100th birthday;

Request No. 107, by Representative Brookens, commending Dillon Richmond on attaining the rank of Eagle Scout;

Request No. 108, by Representative Brookens, commending Charles Stuchlik on attaining the rank of Eagle Scout;

Request No. 109, by Representative Brookens, commending Dylan Goebel on attaining the rank of Eagle Scout;

Request No. 110, by Representative Brookens, commending Adam Molleker on attaining the rank of Eagle Scout;

Request No. 111, by Speaker Pro Tem Vickrey, on congratulating Boy Scout Troop 100 of Paola, Kansas on celebrating its 80th year charter;

Request No. 112, by Speaker Pro Tem Vickrey, congratulating the Panther Robotics Team 1108 in recognition of capturing the F.I.R.S.T. Regional Chairman's Award, Oklahoma City Regional;

Request No. 113, by Representative Mast, congratulating Alex Thompson on attaining the rank of Eagle Scout;

Request No. 114, by Representative Garber, congratulating Cara Knapp in recognition of winning the Topeka Capital Journal's 58th Annual Regional Spelling Bee;

Request No. 115, by Representative Tyson, commending Laine Raitinger for his exceptional service by providing important support services for legislators as a legislative intern;

Request No. 116, by Representative Goodman, congratulating Nathan Butler, 2010-2011 6A wrestling champion, and Jay Johnston, head wrestling coach; and the wrestling team from Leavenworth High School;

Request No. 117, by Representative Goodman, congratulating Bo Pursel, 2010-2011 5A wrestling champion, and Ron Averill, regional wrestling coach of the year, both from Lansing High School; and also congratulating the outstanding wrestling team;

Request No. 118, by Representative Mesa, congratulating Victoria Newell for her outstanding community service to Garden City, Kansas;

Request No. 119, by Representative Mesa, congratulating Leanna Guerrero on her outstanding community service to Garden City, Kansas;

Request No. 120, by Representative Mesa, congratulating Joanna Rodriguez on her outstanding community service to Garden City, Mesa;

Request No. 121, by Representative Mesa, congratulating Peter La for his outstanding community service to Garden City, Kansas;

Request No. 122, by Representative Mesa, congratulating Ricky Everett on outstanding community service to Garden City, Kansas;

Request No. 123, by Representative Mesa, congratulating Kelsey Keosengphet on outstanding community service to Garden City, Kansas;

Request No. 124, by Representative Mesa, congratulating Detective Clint Brock for outstanding community service to Garden City, Kansas;

Request No. 125, by Representatives Broderick and Winn, congratulating Mrs. Pearl Turner on celebrating her 97th birthday;

Request No. 126, by Representative Gonzalez, congratulating Duane and Lola Williams on their 50th wedding anniversary;

Request No. 127, by Representative Gonzalez, congratulating Bill and Marie Merrifield on their 67th wedding anniversary;

Request No. 128, by Representative Bowers, commending Judie Deal on 35 years of service from the OCC Board of Directors in March 2011;

Request No. 129, by Representative Bowers, commending CARES, Incorporated in recognition for the 1000th assistance dog placed into service;

Request No. 130, by Representative Hayzlett, congratulating Alice Summers on celebrating her 100th birthday;

be approved and the Chief Clerk of the House be directed to order the printing of said

certificates and order drafting of said resolutions.

On motion of Rep. Siegfried, the committee report was adopted.

Upon unanimous consent, the House referred back to the order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2406, AN ACT concernining members of the military; relating to harassment; civil cause of action; amending K.S.A. 44-1125, 44-1126 and 44-1127 and repealing the existing sections, by Committee on Taxation.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **Sub. SB 72**.

The Senate concurs in House amendments to **SB 80**.

The Senate concurs in House amendments to **SB 125**, and request return of the bill.

The Senate concurs in House amendments to **SB 224**.

The Senate concurs in House amendments to **SB 227**.

Announcing passage of **HB 2080**, as amended by **S. Sub. for HB 2080**; **Sub. HB 2135**, as amended; **HB 2267**, as amended by **S. Sub. for HB 2267**.

The Senate adopts the Conference Committee report on **HB 2020**.

The Senate adopts the Conference Committee report on **HB 2044**.

The Senate adopts the Conference Committee report on **S. Sub. for HB 2049**.

The Senate adopts the Conference Committee report on **HB 2104**.

The Senate adopts the Conference Committee report on **HB 2105**.

The Senate adopts the Conference Committee report on **HB 2119**.

The Senate adopts the Conference Committee report on **HB 2172**.

The Senate adopts the Conference Committee report on **HB 2192**.

The Senate adopts the Conference Committee report on **Sub. HB 2271**.

The Senate accedes to the request of the House for a conference on **HB 2312** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfried, pursuant to House Rule 2311, **SB 229**, **HB 2390**, **HB 2382** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 229, AN ACT concerning state finance; relating to certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing

the existing sections; also repealing K.S.A. 75-3170, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Worley.

The bill passed.

HB 2390, AN ACT concerning KAN-ED; amending K.S.A. 2010 Supp. 66-2010 and repealing the existing section; also repealing K.S.A. 2010 Supp. 75-7221, 75-7222, 75-7223, 75-7224, 75-7225, 75-7226, 75-7227 and 75-7228, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 51; Present but not voting: 1; Absent or not voting: 4.

Yeas: Arpke, Boman, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlson, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Swanson, Vickrey, Ward, Weber, B. Wolf.

Nays: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Kiegerl, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Montgomery, Moxley, Otto, Pauls, Peterson, Phelps, Prescott, Roth, Ruiz, Shultz, Slattery, Sloan, Spalding, Tietze, Trimmer, Tyson, Victors, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: Collins.

Absent or not voting: Calloway, Fund, Gordon, Worley.

The bill passed, as amended.

HB 2382, AN ACT making and concerning appropriations for the fiscal years ending June, 30, 2011, June 30, 2012, and June 30, 2013, 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, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 30; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Hayzlett, Henderson, Hermanson, Hill, Hineman, Hoffman, C. Holmes, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mast, McCray-Miller, McLeland, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Arpke, Boman, Brown, Brunk, DeGraaf, Donohoe, Frownfelter, Garber, S. Gatewood, Gregory, Grosserode, Hedke, Henry, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kinzer, Landwehr, Mah, Meigs, O'Hara, Patton, Rubin, Scapa, Smith, Tyson, Ward, Williams.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Worley.

The bill passed, as amended.

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

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23** 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. 23, as follows:

On page 1, in line 7, by striking all after "(a)"; by striking all in lines 8 through 12 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the secretary at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.";

Also on page 1, in line 15, by striking all after "(a)"; by striking all in lines 16 through 20 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17

years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the commissioner at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.";

Also on page 1, following line 22, by inserting the following:

"Sec. 3. K.S.A. 2010 Supp. 38-2241 is hereby amended to read as follows: 38-2241. (a) Jurisdiction of the court. Parties and interested parties in a child in need of care proceedings are subject to the jurisdiction of the court.

(b) *Rights of parties.* Subject to the authority of the court to rule on the admissibility of evidence and provide for the orderly conduct of the proceedings, the rights of parties to participate in a child in need of care proceeding include, but are not limited to:

(1) Notice in accordance with K.S.A. 2010 Supp. 38-2236 and 38-2239, and amendments thereto;

(2) present oral or written evidence and argument, to call and cross-examine witnesses; and

(3) representation by an attorney in accordance with K.S.A. 2010 Supp. 38-2205, and amendments thereto.

(c) *Grandparents as interested parties.* (1) A grandparent of the child shall be made an interested party to a child in need of care proceeding if the grandparent notifies the court of such grandparent's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.

(2) Grandparents with interested party status shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child. A grandparent may not be prevented under this paragraph from attending the proceedings, having access to the child's official file in the court records or making a statement to the court.

(d) *Persons with whom the child has been residing as interested parties.* (1) Any person with whom the child has resided for a significant period of time within six months of the date the child in need of care petition is filed shall be made an interested party, if such person notifies the court of such person's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.

(2) Persons with interested party status under this subsection shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child.

(e) *Other interested parties.* (1) Any person with whom the child has resided at any time, who is within the fourth degree of relationship to the child, or to whom the child has close emotional ties may, upon motion, be made an interested party if the court determines that it is in the best interests of the child.

(2) Any other person or Indian tribe seeking to intervene that is not a party may, upon motion, be made an interested party if the court determines that the person or tribe has a sufficient relationship with the child to warrant interested party status or that the person's or tribe's participation would be beneficial to the proceedings.

(3) The court may, upon its own motion, make any person an interested party if the court determines that interested party status would be in the best interests of the child.

(f) *Procedure for determining, denying or terminating interested party status.* (1) Upon the request of the court, the secretary shall investigate the advisability of granting interested party status under this section and report findings and recommendations to the court.

(2) The court may deny or terminate interested party status under this subsection if the court determines, after notice and a hearing, that a person does not qualify for interested party status or that there is good cause to deny or terminate interested party status.

(3) A person who is denied interested party status or whose status as an interested party has been terminated may petition for review of the denial or termination by the chief judge of the district in which the court having jurisdiction over the child in need of care proceeding is located, or a judge designated by the chief judge. The chief judge or the chief judge's designee shall review the denial or termination within 30 days of receiving the petition. The child in need of care proceeding shall not be stayed pending resolution of the petition for review.";

And by renumbering remaining sections accordingly;

On page 8, in line 43, after "Supp." by inserting "38-2241,";

On page 1, in the title, in line 1, before "relating" by inserting "relating to grandparents as interested parties;"; in line 3, by striking "need of care" and inserting "the custody of the commissioner"; also in line 3, after "Supp." by inserting "38-2241,";

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

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Rep. Colloton, the conference committee report on **H. Sub. for SB 23** was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey,

Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Davis, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 67** 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 with House Committee of the Whole amendments, as follows:

On page 2, in line 37 by striking all after "remitted"; by striking all in line 38;

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

SCOTT SCHWAB

MARIO GOICO

ANN E. MAH

Conferees on part of House

TERRIE HUNTINGTON

VICKI SCHMIDT

MARCI FRANCISCO

Conferees on part of Senate

On motion of Rep. Schwab, the conference committee report on **SB 67** was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Brown, Carlin, Meier, Ruiz, Tyson, Winn.

Present but not voting: None.

Absent or not voting: Calloway, Davis, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 77** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

ANTHONY R. BROWN

GENE SUELLENTROP

MIKE SLATTERY

Conferees on part of House

SUSAN WAGLE

JULIA LYNN

G. THOMAS HOLLAND

Conferees on part of Senate

On motion of Rep. Brown the conference committee report on **SB 77** to agree to disagree was adopted.

Speaker pro tem Vickrey thereupon appointed Reps. Brown, Suellentrop, and Slattery as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 93**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LANCE KINZER

JOE PATTON

JANICE L. PAULS

Conferees on part of House

PETE BRUNGARDT

ROGER P. REITZ

Conferees on part of Senate

On motion of Rep. Kinzer, the conference committee on **SB 93** to agree to disagree was adopted.

Speaker pro tem Vickrey thereupon appointed Reps. Kinzer, Patton and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 123** 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, with House Committee of the Whole amendments, as follows:

On page 2, in line 5, by striking "160" and inserting "320"; following line 15 by inserting "(3) The provisions of this subsection shall not apply to any purchase of land by the secretary, which is less than 640 acres in the aggregate and owned by a private individual, if the purchase price is an amount less than such land's appraised

valuation.”;

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

LARRY R. POWELL

DAN KERSCHEN

JERRY WILLIAMS

Conferees on part of House

RALPH OSTMEYER

CAROLYN MCGINN

MARCI FRANCISCO

Conferees on part of Senate

On motion of Rep. Powell, the conference committee report on **SB 123** was adopted.

On roll call, the vote was: Yeas 99; Nays 20; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Loganbill, Mah, McCray-Miller, McLeland, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Burroughs, Davis, Dillmore, Feuerborn, Flaharty, Grosserode, Henderson, Hildabrand, Kelley, Kinzer, Landwehr, Lane, Mast, Meier, Meigs, Seiwert, Smith, Suellentrop, Ward, Winn.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, O'Neal, Peterson, Worley.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 123** because I do not believe Wildlife and Parks should be able to buy land without state legislature approval. Private lands should be owned by private citizens who pay taxes on the land and not government agencies who use tax money to buy land. — JOE SEIWERT

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 213**, submits the following report:

The House recedes from all of its amendments to the bill;

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

GARY K. HAYZLETT

WILLIE PRESCOTT

VINCENT WETTA

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 **H. Sub. for SB 213** was adopted.

On roll call, the vote was: Yeas 116; Nays 4; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: S. Gatewood, Grosserode, Knox, Victors.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 214** 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. 214, as follows:

On page 3, in line 42, preceding the period by inserting "per eligible voter";

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

LARRY R. POWELL

DAN KERSCHEN

JERRY WILLIAMS

Conferees on part of House

RALPH OSTMEYER

CAROLYN MCGINN

MARCI FRANCISCO

Conferees on part of Senate

On motion of Rep. Powell, the conference committee report on **H. Sub. for SB 214** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, We ber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2192** 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 1, after line 7, by inserting:

"Section 1. K.S.A. 2010 Supp. 8-116a is hereby amended to read as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments thereto, when an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle and the highway patrol shall within a reasonable period of time perform such vehicle check. At the time of such check the owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts, it shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of ~~\$40~~ \$15 per hour or part thereof, with a minimum charge of ~~\$40~~ \$15, and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in

lieu of a nonhighway certificate of title or to obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be made for such second check.

(b) Any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the identification number on the vehicle. Checks under this section may include inspection for possible violation of K.S.A. 21-3757, and amendments thereto, or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. A charge of ~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15, and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection ~~(b)~~ shall not be required to obtain a valid Kansas title or registration.

(c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by:

- (1) A designee of the superintendent of the Kansas highway patrol; or
- (2) an employee of a new vehicle dealer, as defined in subsection (b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided for in subsection (f). For checks made by a designee or new vehicle dealer, ~~\$4~~ 10% of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained by such designee or new vehicle dealer. If the designee is a city or county law enforcement agency, then the balance shall be paid to the law enforcement agency that conducted the inspection. When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol ~~or when a check is made under subsection (b) by an employee of a new vehicle dealer~~, the entire amount of the charge therefor shall be paid to the highway patrol.

(e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) 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 shall deposit the entire amount in the state treasury to the credit of the vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent.

(f) An employee of a new vehicle dealer, who has received initial training and certification from the highway patrol, and has met continuing certification requirements, in accordance with rules and regulations adopted by the superintendent of

the highway patrol, may provide the checks under subsection (b), in accordance with rules and regulations adopted by the superintendent of the highway patrol, on motor vehicles that a new vehicle dealer purchases through a manufacturer's sponsored auction or on motor vehicles repurchased or reacquired by a manufacturer, distributor or financing subsidiary of such manufacturer and which are purchased by the new vehicle dealer. At any time, after a hearing in accordance with the provisions of the Kansas administrative procedure act, the superintendent of the highway patrol may revoke, suspend, decline to renew or decline to issue certification for failure to comply with the provisions of this subsection, including any rules and regulations.

Sec. 2. K.S.A. 2010 Supp. 8-173 is hereby amended to read as follows: 8-173. (a) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall not be accepted unless the person making such application shall exhibit:

(1) A receipt showing that such person has paid all personal property taxes levied against such person for the preceding year, including taxes upon such vehicle, except that if such application is made before May 11, such receipt need show payment of only one-half the preceding year's tax; or

(2) evidence that such vehicle was assessed for taxation purposes by a state agency, or was assessed as stock in trade of a merchant or manufacturer or was exempt from taxation under the laws of this state.

(b) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated shall not be accepted if the records of the county treasurer show that the applicant is delinquent and owes personal property taxes levied against the applicant for any preceding year.

(c) An original application for registration ~~or renewal of registration~~ of a motor vehicle shall not be accepted until the applicant signs a certification, provided by the director of motor vehicles, certifying that the applicant has and will maintain, during the period of registration, the required insurance, self-insurance or other financial security required pursuant to K.S.A. 40-3104, and amendments thereto.

(d) An application for registration or renewal of registration of a vehicle shall not be accepted if the applicant is unable to provide proof of the insurance, self-insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated. Proof of insurance shall be verified by examination of the insurance card or other documentation issued by an insurance company, a certificate of self-insurance issued by the commissioner, a binder of insurance, a certificate of insurance, a motor carrier identification number issued by the state corporation commission, proof of insurance for vehicles covered under a fleet policy, a commercial policy covering more than one vehicle or a policy of insurance required by K.S.A. 40-3104, and amendments thereto, and for vehicles used as part of a drivers education program, a dealership contract and a copy of a motor vehicle liability insurance policy issued to a school district or accredited nonpublic school. Examination of a photocopy or facsimile of any of these documents shall suffice for verification of registration or renewal. Proof of insurance may also be verified on-line or electronically and the commissioner of insurance may require, by duly adopted rules and regulations, any motor vehicle liability insurance company authorized to do business in this state to provide verification of insurance in that manner. Any motor vehicle liability insurance company which is providing verification of insurance on-line or electronically on the day

preceding the effective date of this act may continue to do so in the same manner and shall be deemed to be in compliance with this section.";

On page 5, after line 21, by inserting:

"Sec. 5. K.S.A. 2010 Supp. 8-1558 is hereby amended to read as follows: 8-1558.

(a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

(1) In any urban district, 30 miles per hour;

(2) on any separated multilane highway, as designated and posted by the secretary of transportation, ~~70~~ 75 miles per hour;

(3) on any county or township highway, 55 miles per hour; and]

(4) on all other highways, 65 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

(c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.

Sec. 6. K.S.A. 2010 Supp. 8-1560c is hereby amended to read as follows: 8-1560c.

(a) Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

Sec. 7. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.

Sec. 8. K.S.A. 8-2204 is hereby amended to read as follows: 8-2204. This act shall be known and may be cited as the uniform act regulating traffic on highways. The uniform act regulating traffic on highways includes K.S.A. 8-1560a through 8-1560d; all sections located in articles 10, ~~and~~ 14 through ~~22~~ and 25 of chapter 8 of the Kansas Statutes Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-1742a, 8-2118 and K.S.A. 8-

1599, and amendments thereto.

Sec. 9. K.S.A. 2010 Supp. 8-2503 is hereby amended to read as follows: 8-2503.
(a) Except as provided in ~~K.S.A. 8-1344 and 8-1345, and amendments thereto, and in subsection (b) or (c) subsection (b);~~

(1) Each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion ~~;~~ and

~~(b)(2)~~ each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

~~(c)(b)~~ This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or

(3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; ~~or.~~

~~(4) an occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act.~~

~~(d)(c)~~ The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.

~~(e)(d)~~ The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. § 402.

~~(f)(e)~~ Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

Sec. 10. K.S.A. 2010 Supp. 8-2504 is hereby amended to read as follows: 8-2504.

(a) (1) ~~From and after the effective date of this act and prior to June 30, 2010, a law enforcement officer shall issue a warning citation to anyone violating subsection (a) of K.S.A. 8-2503, and amendments thereto;~~

~~(2) from and after June 30, 2010, until July 1, 2011, Persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$5 including and no court costs;~~

~~(3) and, from and after July 1, 2011, persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10 including and no court costs; and~~

~~(4)(2) persons violating subsection (b)(a)(2) of K.S.A. 8-2503, and amendments thereto, shall be fined \$60 including and no court costs.~~

(b) No court shall report violation of this act to the department of revenue.

(c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(d) The provisions of this section shall be applicable and uniform throughout the state and no city, county, subdivision or local authority shall enact or enforce any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental to, the provisions of this section. "

And by renumbering the remaining sections accordingly;

Also on page 5, in line 23, after "8-1516" by inserting "and K.S.A. 2010 Supp. 8-116a, 8-173, 8-1558, 8-1560c, 8-1560d, 8-2204, 8-2503 and 8-2504";

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2; in line 3, by striking all before "amending" and inserting "concerning vehicles; relating to the regulation and registration thereof;"; in line 4, after "8-1516" by inserting " and K.S.A. 2010 Supp. 8-116a, 8-173, 8-1558, 8-1560c, 8-1560d, 8-2204, 8-2503 and 8-2504";

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

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

GARY K. HAYZLETT

WILLIE PRESCOTT

VINCENT WETTA

Conferees on part of House

On motion of Rep. Hayzlett, the conference committee report on **HB 2192** was adopted.

On roll call, the vote was: Yeas 107; Nays 13; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: DeGraaf, Dillmore, Flaharty, Garber, S. Gatewood, Grosserode, Henderson, Howell, Knox, McLeland, Peck, Smith, Suellentrop.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **H. Sub. for SB 36**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part

of the Senate.

The Senate adopts the Conference Committee report on **Sub. HB 2134**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 36**.

Speaker pro tem Vickrey thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

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

Speaker O'Neal called the House to order.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2134** 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 3, in line 24, after "(a)" by inserting "(1)"; in line 26, by striking "(1)" and inserting "(A)"; in line 27, by striking "(2)" and inserting "(B)"; in line 30, by striking "(3)" and inserting "(C)"; following line 31 by inserting the following:

"(D) the employee's reckless violation of their employer's workplace safety rules or regulations; or

(E) the employee's voluntary participation in fighting or horseplay with a co-employee for any reason, work related or otherwise.

(2) Subparagraphs (B) and (C) of paragraph (1) of subsection (a) shall not apply when it was reasonable under the totality of the circumstances to not use such equipment, or if the employer approved the work engaged in at the time of an accident or injury to be performed without such equipment.";

On page 9, in line 19, by striking "unincorporate" and inserting "unincorporated";

On page 11, in line 17, by striking "or events";

On page 12, in line 29, by striking "or repetitive trauma" and inserting ", repetitive trauma or occupational disease"; in line 31, by striking """; in line 32, by striking """;

On page 13, in line 29, before "of" by inserting "owned or under the exclusive control"; in line 32, before "and" by inserting "connected with the nature of the employment that is not a risk or hazard to which the general public is exposed";

On page 14, in line 22, by striking "The "prevailing factor" is defined as" and inserting ""Prevailing" as it relates to the term "factor" means"; in line 29, before the period by inserting "unless a higher burden of proof is specifically required by this act";

On page 16, in line 7, by striking "medical" and inserting "health care"; in line 20, before "injury" by inserting "accident or "; in line 30, before "injury" by inserting "accident or ";

On page 24, in line 29, before "injury" by inserting "whole body";

On page 26, in line 4, after "impairment" by inserting "("work disability)";

On page 27, in line 39, by striking all after "for"; by striking all in line 40; in line 41, by striking all before "shall" and inserting "whole body injury under this section";

On page 28, in line 9, by striking all after "of"; in line 10, by striking all before the period and inserting:

"functional impairment pursuant to subsection (a)(2)(B) or the percentage of work disability pursuant to subsection (a)(2)(C), whichever is applicable.

(3) When an injured worker is eligible to receive an award of work disability, compensation is limited to the value of the work disability as calculated above. In no case shall functional impairment and work disability be awarded together.";

On page 32, in line 17, by striking "medical" and inserting "health care"; in line 19, by striking "medical" and inserting "health care";

On page 40, in line 40, after "(a)" by inserting "(1)";

On page 41, by striking all in lines 21 and 22 and inserting "by the earliest of the following dates:

(A) 30 calendar days from the date of accident or the date of injury by repetitive trauma;

(B) if the employee is working for the employer against whom benefits are being sought and such employee seeks medical treatment for any injury by accident or repetitive trauma, 20 calendar days from the date such medical treatment is sought; or

(C) if the employee no longer works for the employer against whom benefits are being sought, 20 calendar days after the employee's last day of actual work for the employer.";

Also on page 41, in line 24, by striking "(1)" and inserting "(2)"; in line 30 by striking "(2)" and inserting "(3)"; in line 34 by striking "(3)" and inserting "(4)"; in line 43, by striking "30-day" and inserting "applicable"; also in line 43, after "in" by inserting "paragraph (1) of";

On page 50, in line 3, by striking "injury" and inserting "accident";

On page 53, following line 25, by inserting the following:

"(d) The certified short hand reporter's fee shall be taxed to the division of workers compensation if a fee is incurred and no record is taken.";

On page 60, in line 12 by striking "and 44-552" and inserting ", 44-552 and 44-596"; in line 13, after "after" by inserting "May 15, 2011, and";

On page 1, in the title, in line 7, before the period by inserting "and K.S.A. 2010 Supp. 44-596";

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

SUSAN WAGLE

JULIA LYNN

G. THOMAS HOLLAND II

Conferees on part of Senate

ANTHONY R. BROWN

GENE SUELLENTROP

MIKE SLATTERY

Conferees on part of House

On motion of Rep. Brown, the conference committee on **S. Sub. for HB 2134** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

Upon unanimous consent, the House referred back to the order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2407, AN ACT concerning taxation; relating to income tax, rates; sales taxation, distribution of revenues; amending K.S.A. 2010 Supp. 79-32,110, 79-3620 and 79-3710 and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2035, **HB 2067**, **HB 2118** reported correctly re-engrossed April 1, 2011.

REPORT ON ENROLLED BILLS

S. Sub. for HB 2008; HB 2028, HB 2056, HB 2060, HB 2074, HB 2082, HB 2122, HB 2124, HB 2125; S. Sub. for HB 2132; HB 2184, HB 2218, HB 2227, HB 2339 reported correctly enrolled, properly signed and presented to the Governor on April 1, 2011.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Wednesday, April 27, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

