

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.

Conferees on part of Senate

Conferees on part of House