

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 31, 2006, 9:45 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 125 members present.

Prayer by Chaplain Chamberlain:

God of blessing and promise, God of power and might, God of hope; we lift our voices in praise and adoration to you this day as we experience your abiding presence with us.

We are coming to another ending, Lord, and we're not sure how to feel about it. Should we be happy for a bit of a breather, or frustrated because we haven't gotten everything done yet. Shall we celebrate accomplishments or despair over failures? What would you have us do, O God? What would you have us think? Scripture records the words of the apostle Paul who bemoans the fact that he fails to do what he should do and does what he should not. It's the same with us, Lord. Sometimes our best intentions fall prey to the pressures and priorities and politics of life. Forgive us.

Remind us today that every ending is merely a milestone in life, that you are a God who gives us what no one else can give: You give us today—another moment in your time to see clearly and to act lovingly. Thank you for this day and thank you for each of our tomorrows. May every day be a day of growing and becoming more complete in your grace so that whether we are beginning or ending or just traveling through, we may always be with you. Amen.

The Pledge of Allegiance was led by Rep. Owens.

PERSONAL PRIVILEGE

Rep. Tafanelli presented a framed flag of the United States to Speaker Mays and the House of Representatives. The flag was flown over Camp Sapper II, Ali Air Base, Tallil, Iraq on July 4, 2005.

Speaker Mays accepted the flag and offered words of thanks to Rep. Tafanelli and to all who serve in the Armed Forces of the United States.

Reps. Grant and Bethel recognized the following who were representing the Special Olympics Kansas: Donna Zimmerman, Vice President of Development; Virginia Fleenor, parent; Laura Moore, coach; Randy Smoot, parent and coach; and Marsha Holt, parent.

They also introduced the following participants: Josh Alters, who has participated for 22 years; Mark Clark, a participant for 10 years; J.J. Fleenor, who has participated for 25 years; and Michael Smoot, a participant for many years and who was named the 1998 Most Inspirational Athlete at the summer games.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:
Federal and State Affairs: **HR 6024**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Gatewood, **HR 6025**, by Reps. Gatewood, Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuetner, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treasurer, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder and Yonally, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6025—

A RESOLUTION in memory of Fred Leo Weaver.

WHEREAS, Fred Leo Weaver died March 23 at his home in Baxter Springs at age 76; and

WHEREAS, Mr. Weaver served in the Kansas House of Representatives from 1970 to 1983. His committee assignments included membership on the Education, Natural Resources, Insurance, Roads and Highways and Transportation and Utilities Committees. Additionally, he served as the minority leader from 1979 to 1983. He resigned in 1983 to accept an appointment to the Kansas State Board of Tax Appeals where he served for six years which included election as the chairman of the board. His wife, Patricia, was appointed to complete his term, and she also served for the succeeding term; and

WHEREAS, Mr. Weaver made his home in rural Baxter Springs. He was involved in farming and worked in the lead and zinc mines in the area. He later formed a construction company and built houses in Cherokee County; and

WHEREAS, Mr. Weaver married his wife, Patricia, on June 1, 1950. She survives at the family home. They are the parents of two daughters, Belinda Minor and Leah Jean Vigil, three sons, Fred Glen Weaver, Charlie Weaver and Wayne Weaver, 18 grandchildren and 25 great grandchildren; and

WHEREAS, The state has lost a valiant leader. During his years in the legislature he worked tirelessly for school finance and tax reform, and fought successfully to keep a statue of the Greek goddess Ceres from being placed on the dome of the state capitol. He was always available to his constituents and stated that his personal contacts with members of his district were the most enjoyable part of his job as a legislator: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Fred Leo Weaver for his accomplished great work in the house of representatives and at the board of tax appeals and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives send an enrolled copy of this resolution to Mrs. Fred Leo Weaver, 7294 S.E. 50th Street, Baxter Springs, KS 66713.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2618, An act concerning property taxation; relating to exemptions and credits; digital television and radio equipment; amending K.S.A. 2005 Supp. 79-213 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 17; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick,

Kinzer, Kirk, Knox, Kuether, Landwehr, Lane, Loganbill, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, Crow, Dahl, Edmonds, Feuerborn, Flaharty, Hawk, Krehbiel, Light, Long, McKinney, Menghini, Powers, Thull, Trimmer, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HR 6019, A resolution memorializing the United States Congress, the United States Department of Education and the Kansas State Board of Education concerning the No Child Left Behind Act, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Freeborn.

Present but not voting: None.

Absent or not voting: None.

The resolution was adopted.

H. Sub. for SB 70, An act concerning income taxation; relating to credits and deductions; energy efficiency expenditures, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Flora.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

H. Sub. for SB 303, An act enacting the Kansas energy development act; concerning certain energy-related industries; providing certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other

financing for certain purposes; relating to certain permits; exempting certain facilities from certain siting requirements; amending K.S.A. 66-1,158, 66-1,159, 66-1,159a, 66-1,161, 66-1,162, 66-1,169a, 66-1,169b, 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 66-1,160 and 79-32,117 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 3; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Dillmore, Flora, Holland.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SB 379. An act concerning certain municipalities; concerning governmental consolidation and reorganization; relating to governmental publications; relating to the governing bodies thereof; amending K.S.A. 12-301, 12-302, 12-3901, 12-3903, 12-3904, 12-3909, 18-202, 24-409, 24-484 and 24-506 and 64-101 and K.S.A. 2005 Supp. 19-101a and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Burgess, Burroughs, Freeborn, Huy, Lane.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 503. An act concerning water; relating to the Kansas water office; establishing the water supply storage assurance fund; concerning Cedar Bluff reservoir; relating to dam inspections; amending K.S.A. 2005 Supp. 82a-303b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 44; Present but not voting: 0; Absent or not voting: 0.

Yeas: Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Mil-

ler, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Aurand, Ballard, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, D. Johnson, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Owens, Peterson, Phelps, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Thull, Treaster, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Committee amendments to **SB 503** regarding Cedar Bluff Reservoir stream gauge and artificial recharge pool are in conflict with an agreement with the federal government as well as the Kansas Water Appropriations Act. These changes would essentially establish recreation as a preferred beneficial use over the needs of downstream water rights without regard to priority and significantly undermine the Chief Engineers ability to protect water rights.

Kansas has had a solid appropriation process for more than 60 years in part because of limited political influence in water right decisions. Passage of **SB 503** would open water appropriation up to special interest lobbying. I vote no.—DOUG GATEWOOD, EBER PHELPS, DAN JOHNSON, THOMAS C. OWENS, BOB GRANT

SB 528, An act concerning public health; relating to the reporting of statistical data regarding termination of pregnancies; pregnancy related instruction; amending K.S.A. 65-445 and 65-2409a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 48; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Light, Loyd, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Phelps, Pilcher-Cook, Powell, Powers, Ruff, Schwab, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Vickrey, Watkins, Weber, Wilk, Williams, Yoder.

Nays: Ballard, Burroughs, Carlin, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Hawk, Henderson, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Loganbill, Long, Mah, Menghini, M. Miller, Owens, Peterson, Pottorff, Proehl, Roth, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Thull, Treaster, Trimmer, Ward, Winn, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: When information is given in an objective and scientific manner, teenagers can learn about the humanity of the unborn and the horrors of abortion. Hearts and minds can be changed with an elevation of the truth. Even the morning-after pill, acting as an abortifacient, adds dangerously high levels of hormones to young girls' bodies, chemically altering the lining of the uterus so it rejects and destroys a young human life. By adhering to teaching scientific facts, we support and encourage women to protect vulnerable and precious unborn human beings. I vote yes on **SB 528**.—MARY PILCHER-COOK, LYNNE D. OHARAH, RICHARD CARLSON, ANTHONY R. BROWN, STEVE HUEBERT, STEVE BRUNK, ERIC CARTER, TY MASTERSON, MIKE KIEGERL, LANCE KINZER

MR. SPEAKER: While my concerns with the original **SB 528** have been removed, a new concern is raised by an amendment which requires secondary students to receive instruction regarding abortion. It is particularly troubling when "secondary students" includes middle level students. I, therefore, vote NO, in hopes that if this bill passes, conference language will clarify the intent to provide such instruction to high school students only. I also find it odd that the schools must have parents opt their children into sex education, but parents will have to opt out of the portion required by this amendment.—DEENA HORST

SCR 1624, A concurrent resolution supporting a Taiwan-United States free trade agreement, and urging the United States Department of Agriculture to grant companies the necessary permission to test 100% of their animals to meet market demand, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 27; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Feuerborn, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Loganbill, Long, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Peterson, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Tafanelli, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Dillmore, Faust-Goudeau, Flaharty, Flora, Freeborn, Garcia, Henderson, Holland, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loyd, Mah, M. Miller, Owens, Phelps, Roth, Sawyer, Svaty, Swenson, Thull, Treaster, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The resolution was adopted, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 547**, 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 32, by striking the colon; in line 33, by striking "(1) Any" and inserting "any"; in line 35, by striking all after "entity"; in line 36, by striking all before the period;

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

CLARK SHULTZ

ERIC CARTER

NILE DILLMORE

Conferees on part of House

RUTH TEICHMAN

DAVID WYSONG

CHRIS STEINEGER

Conferees on part of Senate

On motion of Rep. Shultz, the conference committee report on **SB 547** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 3; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel,

Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: Hill, Landwehr, Schwab.

Absent or not voting: None.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Horst in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Horst, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **SB 512** be adopted; also, on motion of Rep. Carter be amended on page 1, in line 20, by striking "(fifth edition 2000)"; also in line 20, by striking all after "on"; in line 21, by striking "act." and inserting "March 1, 2006.

(b) "Asbestos" means all minerals defined as asbestos in 29 C.F.R. 1910, as in effect on March 1, 2006.

(c) "Asbestos claim" means any claim for damages, losses, indemnification, contribution or other relief arising out of, based on, or in anyway related to inhalation of, exposure to, ingestion of, or contact with asbestos. Asbestos claim also includes a claim made by or on behalf of any person who has been exposed to asbestos, or any representative, spouse, parent, child or other relative of that person, for injury, including mental or emotional injury, death or loss to person, risk of disease or other injury, costs of medical monitoring or surveillance, or any other effects on the person's health that are caused by the person's exposure to asbestos.

(d) "Asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos.

(e) "Board-certified" means the physician is currently certified by one of the medical specialty boards approved by either the American board of medical specialties or the American osteopathic board of osteopathic specialties.

(f) "Board-certified gastroenterologist" means a physician who is board-certified in the specialty of internal medicine and in the subspecialty of gastroenterology.; in line 34, by striking "cur-"; in line 35, by striking "rently"; in line 37, by striking "cur-"; in line 38, by striking "rently"; in line 41, by striking "currently";

And by relettering the remaining subsections accordingly;

Also on page 1, by striking all in line 43;

On page 2, by striking all in lines 1 and 2 and inserting the following:

"(m) "Board-certified radiologist" means a physician who is board-certified in the specialty of radiology.

(n) "Board-certified rheumatologist" means a physician who is board-certified in the specialty of internal medicine and in the subspecialty of rheumatology medicine.;"

And by relettering the remaining subsections accordingly;

Also on page 2, in line 5, by striking "Civil action" and inserting "The term "civil action" "; in line 8, by striking all after "(g)" where it appears the second time; in line 9, by striking all before the semicolon; in line 13, by striking "pro-"; in line 14, by striking "viding" and inserting "medically competent to provide"; in line 18, after the second comma by inserting "rheumatologist,;"; in line 19, after "pathologist" by inserting ", gastroenterologist"; in line 20, by striking all after "physician"; in line 21, by striking "son and"; also in line 21, after "person" by inserting ", or in the case of a board-certified pathologist, has examined tissue samples or pathological slides of the exposed person at the request of the treating physician, or in the case of a board-certified radiologist, has reviewed x-rays of the exposed person at the request of the treating physician"; in line 26, by striking "In" and inserting "Has been found in"; in line 28, after the semicolon by inserting "or"; in line 29, by striking all after

“(B)”; by striking all in lines 30 and 31; in line 32, by striking “(C)”; in line 34, by striking “25%” and inserting “50%”; in line 36, by striking “tort” and inserting “civil”;

On page 3, in line 6, by striking “silicosis” and inserting “silica”; also in line 6, by striking all after “claim”; in line 7, by striking “ments thereto”; in line 8, by striking all after “(2)”; by striking all in line 9 and inserting “asbestos is the basis for an asbestos claim.

(t) “FEV-1” means forced expiratory volume in the first second, which is the maximal volume of air expelled in one second during performance of simple spirometric tests.

(u) “FVC” means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.”;

And by relettering the remaining subsections accordingly;

Also on page 3, in line 13, by striking “(2000)”; also in line 13, by striking “the effective date of this act” and inserting “March 1, 2006”; in line 15, by striking the period; by striking all in lines 16 through 30 and inserting “and does not include mesothelioma.

(x) “Mesothelioma” means a malignant tumor with a primary site of origin in the pleura, the peritoneum, or pericardium, which has been diagnosed by a board-certified pathologist using standardized and accepted criteria of microscopic morphology or appropriate staining techniques.”;

And by relettering the remaining subsections accordingly;

Also on page 3, in line 34, by striking “, as provided in section 2 and amendments thereto”; also in line 34, after the semicolon by inserting “or”; in line 35, by striking “mixed dust, as provided in section 3 and amendments thereto” and inserting “asbestos”; by striking all in lines 36 through 41; after line 41, by inserting the following:

“(z) “Pathological evidence of asbestosis” means a statement by a board-certified pathologist that more than one representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies and that there is no other more likely explanation for the presence of the fibrosis.”;

And by relettering the remaining subsections accordingly;

On page 4, by striking all in lines 7 through 15 and inserting the following:

“(bb) “Predicted lower limit of normal” means the calculated standard convention lying at the fifth percentile, below the upper 95% of the reference population, based on factors including, but not limited to, age, height and gender, according to the recommendations of the American Thoracic Society as referenced in the AMA’s guides to the evaluation of permanent impairment.”;

Also on page 4, in line 16, by striking “(w)” and inserting “(cc)”; by striking all in lines 22 through 25 and inserting the following:

“(dd) “Radiological evidence of asbestosis” means:

(1) An ILO quality one or two chest x-ray, read by a competent medical authority who regularly reviews x-rays in the ordinary course of practice, that shows small, irregular opacities of s, t or u, graded at least 1/1 on the ILO scale; or

(2) a computed tomography scan or high-resolution computed tomography scan read by a competent medical authority showing evidence of asbestosis.

(ee) “Radiological evidence of diffuse pleural thickening” means:

(1) An ILO quality one or two chest x-ray, read by a competent medical authority who regularly reviews x-rays in the ordinary course of practice, that shows bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least one costophrenic angle; or

(2) a computed tomography scan or high-resolution computed tomography scan read by a competent medical authority showing evidence of diffuse pleural thickening.

(ff) “Radiological evidence of silicosis” means:

(1) An ILO quality one or two chest x-ray, read by a competent medical authority who regularly reviews x-rays in the ordinary course of practice, that shows bilateral small rounded opacities (p, q or r) in the upper lung fields of at least 1/1 on the ILO scale; or

(2) a computed tomography scan or high-resolution computed tomography scan read by a competent medical authority showing evidence of silicosis.”;

And by relettering the remaining subsections accordingly;

Also on page 4, in line 26, by striking all after “means”; in line 27, by striking “showing” and inserting “an ILO quality one or two chest x-ray, read by a competent medical authority

who regularly reviews x-rays in the ordinary course of practice, that shows"; in line 28, by striking "graded by a certified B-reader as" and inserting "of"; in line 29, by striking "on a frequent or recurring" and inserting "more than an isolated or sporadic"; in line 32, after the period by inserting "The term "silica" also includes a mixture of dusts composed of silica and one or more other fibrogenic dusts capable of inducing pulmonary fibrosis if inhaled in sufficient quantity."; in line 33, by striking " "Silicosis" and inserting "Silica"; in line 35, before the period by inserting "or mixed dust"; in line 36, by striking "Silicosis" and inserting "Silica";

On page 5, in line 2, before "year" by inserting "a day per"; also in line 2, by striking all after "years"; by striking all in line 3; in line 4, by striking all before the period; in line 6, by striking "mixed dust" and inserting "asbestos"; also in line 6, by striking "predominate" and inserting "proximate"; in line 7, by striking all after "the" and inserting "silica or asbestos"; in line 10, by striking all after "medical"; in line 11, by striking all before the period and inserting "probability that the exposure to silica or asbestos is the proximate cause of the physical impairment"; by striking all in lines 24 through 43;

On page 6, by striking all in lines 1 through 6 and inserting the following:

"(mm) "Total lung capacity" means the volume of gas contained in the lungs at the end of a maximal inspiration."

And by relettering the remaining subsection accordingly;

Also on page 6, after line 10, by inserting the following:

"(ll) "Workers' compensation law" means a law respecting a program administered by a state or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries. The term includes the longshore and harbor workers' compensation act, 33 U.S.C. 901-944, 948-950, and chapter 81 of Title 5, U.S.C., the federal employees compensation act, but does not include the act of April 22, 1908, 45 U.S.C. 51 et seq., popularly referred to as the "Federal Employers' Liability Act."";

Also on page 6, in line 12, by striking "tort" and inserting "civil"; also in line 12, by striking "of a silicosis" and inserting "alleging a silica or asbestos"; also in line 12, by striking all after "claim"; in line 13, by striking all before the period; by striking all in lines 14 through 43;

By striking all on page 7;

On page 8, by striking all in lines 1 through 36; after line 36, by inserting the following:

"(b) No person shall bring or maintain a civil action alleging an asbestos claim based on a nonmalignant condition in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor. Such a prima facie showing shall include:

(1) Evidence confirming that the diagnosing, competent medical authority has taken, or has directly supervised the taking of, a medically appropriate occupational, exposure, medical and smoking history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim.

(2) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis.

(3) A determination by a competent medical authority, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least class 2 as defined by and evaluated pursuant to the AMA guides to the evaluation of permanent impairment.

(4) A diagnosis by a competent medical authority of asbestosis or diffuse pleural thickening, based at a minimum on radiological or pathological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(5) A determination by a competent medical authority that asbestosis or diffuse pleural thickening, rather than chronic obstructive pulmonary disease, is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has:

(A) Total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal;

(B) forced vital capacity below the lower limit of normal and a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(C) a chest x-ray showing small, irregular opacities of s, t or u, graded at least 2/1 on the ILO scale.

(6) A diagnosis by a competent medical authority that the exposed person's medical findings and impairment were proximately caused by asbestos exposure, as revealed by the exposed person's occupational, exposure, medical and smoking history. A diagnosis which only states that the medical findings and impairment are consistent with or compatible with exposure to asbestos does not meet the requirements of this paragraph.

(c) No person shall bring or maintain a civil action alleging an asbestos claim which is based upon an asbestos-related cancer in the absence of a prima facie showing which shall include all of the following minimum requirements:

(1) A diagnosis by a competent medical authority, who is board certified in pathology, pulmonary medicine, gastroenterology or oncology, of a primary asbestos-related cancer and that exposure to asbestos was a substantial contributing factor to the condition.

(2) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the primary asbestos-related cancer.

(3) A diagnosis by a competent medical authority that the exposed person's asbestos-related cancer was proximately caused by asbestos exposure, as revealed by the exposed person's occupational, exposure, medical, and smoking history. A diagnosis which only states that the lung cancer is consistent with or compatible with exposure to asbestos does not meet the requirements of this subsection.

(d) In a civil action alleging an asbestos claim based upon mesothelioma, no prima facie showing is required.

(e) (1) No person shall bring or maintain a civil action alleging a silica claim based on a nonmalignant condition in the absence of a prima facie showing that the:

- (A) Exposed person has a physical impairment;
- (B) physical impairment is a result of a medical condition; and
- (C) person's exposure is a substantial contributing factor to the medical condition.

(2) The prima facie evidence shall include:

(A) Evidence confirming that a competent medical authority has taken, or has directly supervised the taking of, a medically appropriate occupational, exposure and smoking history of the exposed person from the exposed person or, if that person is deceased, from the person who is most knowledgeable about the exposures that form the basis of the silica claim for a nonmalignant condition, including the general nature and duration of the exposure, to extent known;

(B) if the claim is based upon a respiratory impairment a diagnosis by a competent medical authority, based on a medical examination and pulmonary function testing of the exposed person:

(i) The exposed person has a permanent respiratory impairment rating of at least class 2 as defined by and evaluated pursuant to the AMA guides to the evaluation of permanent impairment; and

(ii) the exposed person has silicosis based at a minimum on radiological or pathological evidence of silicosis.

(C) A diagnosis by a competent medical authority that the exposed person's medical findings and impairment were proximately caused by silica as revealed by the exposed person's occupational, exposure, medical and smoking history. A diagnosis which only states that the medical findings and impairment are consistent with or compatible with exposure to silica does not meet the requirements of this paragraph.

(f) (1) No person shall bring or maintain a civil action alleging that silica caused that person to contract lung cancer if the exposed person is or was also a smoker, in the absence of a prima facie evidence showing that the:

- (A) Exposed person has lung cancer; and
- (B) the person's exposure is a substantial contributing factor to the lung cancer.

(2) The prima facie evidence shall include:

(A) A diagnosis by a competent medical authority that:

- (i) The exposed person has primary lung cancer; and
- (ii) exposure to silica is a substantial contributing factor to the cancer.

(B) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to silica and the date of diagnosis of the cancer.

(C) Evidence of the exposed person's substantial occupational exposure to silica.

(D) A diagnosis by a competent medical authority that the exposed person's lung cancer was proximately caused by silica exposure, as revealed by the exposed person's occupational, exposure, medical and smoking history. A diagnosis which only states that the lung cancer is consistent with or compatible with exposure to silica does not meet the requirements of this paragraph.

(g) (1) No person shall bring or maintain a civil action alleging a silica or asbestos claim based on wrongful death of an exposed person, in the absence of a prima facie showing that the:

(A) Death of the exposed person was the result of a physical impairment;

(B) death and physical impairment were the result of a medical condition; and

(C) person's exposure to silica or asbestos was a substantial contributing factor to the medical condition.

(2) The prima facie evidence shall include:

(A) A diagnosis by a competent medical authority that exposure to silica or asbestos was a substantial contributing factor to the death of the exposed person;

(B) evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of death of the exposed person; or, in the case of a wrongful death based on silica-related cancer, evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to silica and the date of diagnosis of the cancer.

(C) Evidence of the exposed person's substantial occupational exposure to silica or asbestos.

(D) A diagnosis by a competent medical authority that the exposed person's death was proximately caused by silica or asbestos exposure, as revealed by the exposed person's occupational, exposure, medical and smoking history. A diagnosis which only states that the medical findings and impairment are consistent with or compatible with exposure to silica or asbestos does not meet the requirements of this paragraph.

(3) If a person files a civil action that alleges a silica or asbestos claim based on wrongful death of an exposed person and further alleges in the action that the death of the exposed person was the result of living with another person who, if the civil action had been filed by the other person, would have met the requirements specified in subparagraph (C) of paragraph (1) of subsection (h) and that the exposed person lived with the other person for the period of time specified in subsection (pp) or (qq) of section 1 or subparagraph (A)(ii) of paragraph (3) of subsection (c), and amendments thereto, the exposed person is considered as having satisfied the requirements specified in subparagraph (C) of paragraph (1) of subsection (h).

(4) In a civil action alleging an asbestos claim for wrongful death of an exposed person based on mesothelioma, no prima facie showing is required.

(h) Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall be consistent with the technical recommendations for examinations, testing procedures, quality assurance, quality control and equipment incorporated in the AMA guides to the evaluation of permanent impairment and reported as set forth in 20 C.F.R. Pt. 404, Subpt. P, App. 1, Part A, Sec. 3.00 E. and F., as in effect on March 1, 2006 and the interpretive standards set forth in the official statement of the American thoracic society entitled, "lung function testing: Selection of reference values and interpretive strategies," as in effect on March 1, 2006.

(i) (1) The court's findings and decision on the prima facie showing that meets the requirements of subsections (b) through (h) of this section shall not:

(A) Result in any presumption at trial that the exposed person has a physical impairment that is caused by a condition related to silica or asbestos exposure.

(B) Be conclusive as to the liability of any defendant in the case.

(C) Be admissible at trial.

(2) If the trier of fact is a jury:

(A) The court shall not instruct the jury with respect to the court's findings or decision on the prima facie showing; and

(B) neither counsel for any party nor a witness shall inform the jury or potential jurors of the prima facie showing.

(j) A court may consolidate for trial any number and type of silica or asbestos claims with the consent of all the parties. In the absence of such consent, the court may consolidate for trial only claims relating to the exposed person and members of such person's past or present household.”;

Also on page 8, by striking all in lines 37 through 43;

By striking all on pages 9 and 10;

On page 11, by striking all in lines 1 through 24 and inserting the following:

“Sec. 3. (a) The plaintiff in any civil action alleging a silica or asbestos claim shall file within 60 days of the filing of the complaint or petition or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's physical impairment. The written report and supporting test results shall meet the minimum requirements specified in section 2, and amendments thereto. The defendant has 120 days from the date the prima facie evidence of the exposed person's physical impairment is proffered or 120 days from the date of the first responsive pleading, whichever is later, to challenge the adequacy of the proffered prima facie evidence of the physical impairment for failure to comply with the minimum requirements specified in section 2, and amendments thereto. If the defendant makes that challenge and uses a physician to do so, the physician must meet the requirements specified in section 1, and amendments thereto.

(b) If the defendant challenges the adequacy of the prima facie evidence of the exposed person's physical impairment as provided in subsection (a), the court shall determine from all of the evidence submitted whether the proffered prima facie evidence meets the minimum requirements specified in section 2, and amendments thereto. The court shall resolve the issue of whether the plaintiff has made the prima facie showing required by applying the standard for resolving a motion for summary judgment.

(c) The court shall dismiss the plaintiff's claim without prejudice upon a finding of failure to make the prima facie showing required by section 2, and amendments thereto. Any plaintiff whose case has been dismissed without prejudice under this subsection may move to reinstate such case if the plaintiff makes a prima facie showing that meets the minimum requirements specified in section 2, and amendments thereto.

(d) All silica and asbestos claims filed on or after the effective date of this act shall include a sworn information form containing:

(1) the claimant's name, address, date of birth, social security number and marital status;

(2) the exposed person's name, last address, date of birth, social security number and marital status;

(3) if the claimant alleges exposure to asbestos through another person's exposure, the name, address, date of birth, social security number, marital status, for each person by which claimant alleges exposure (hereafter the “index person”) and the claimant's relationship to each such person;

(4) for each alleged exposure of the exposed person and for each index person, the specific location and manner of each such exposure; the beginning and ending dates of each such exposure; and the identity of the manufacturer of the specific asbestos or silica product to which the exposed person or index person was exposed;

(5) the occupation and name of employer of the exposed person at the time of each alleged exposure;

(6) if the silica or asbestos claim involves more than one claimant, the identity of the defendant or defendants against whom each claimant asserts a claim;

(7) the specific disease related to silica or asbestos claimed to exist; and

(8) any supporting documentation of the condition claimed to exist, and documentation to support the claimant or index person's identification of the silica or asbestos product that such person was exposed to. Such documentation shall include copies of the x-ray, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials and all other elements required to demonstrate compliance with the equipment, quality, interpretation and reporting standards set forth herein), lung

volume tests, reports of x-ray examinations, diagnostic imaging of the chest, pathology reports, or other testing reviewed by the diagnosing, competent medical authority in reaching the physician's conclusions.

(e) A separate information form must be filed for each claimant alleging a silica or asbestos claim.”;

Also on page 11, by striking all in lines 25 through 43;

On page 12, by striking all in lines 1 through 22;

And by renumbering the remaining sections accordingly;

Also on page 12, in line 23, after “provision” by inserting “of”; in line 25, by striking “silicosis or mixed dust disease” and inserting “silica or asbestos”; in line 30, by striking all before the period and inserting “silica or asbestos”; in line 31, by striking “silicosis or mixed dust disease” and inserting “silica or asbestos”; in line 34, by striking “silicosis” and inserting “silica or asbestos”; also in line 34, by striking “or a mixed dust disease claim that arises out of” and inserting “for”; in line 35, by striking all after “shall”; in line 36, by striking all before the second “claim” and inserting “not preclude or bar a subsequent”; also in line 36, by striking “relating to” and inserting “by”; in line 37, by striking all before the period and inserting “for silica-related cancer or asbestos-related cancer”; in line 38, by striking “tort” and inserting “civil”; in line 39, by striking “silicosis claim or a mixed dust disease” and inserting “silica or asbestos”; in line 41, by striking “silicosis” and inserting “silica or asbestos”; also in line 41, by striking all after the first “claim”;

On page 13, in line 1, by striking “mixed dust-related” and inserting “asbestos-related”; in line 2, by striking “tort” and inserting “civil”; also in line 2, by striking all after “for”; in line 3, by striking “dust disease” and inserting “silica or asbestos”; in line 4, by striking “mixed dust” and inserting “asbestos”; in line 6, by striking “mixed dust” and inserting “asbestos”; in line 7, after “at” by inserting “or near”; in line 9, by striking “mixed dust” and inserting “asbestos”; in line 12, by striking “mixed dust” and inserting “asbestos”; in line 15, by striking all after “the” where it appears the second time; by striking all in line 16; in line 17, by striking all before “the” where it appears the second time and inserting “premises were unreasonably dangerous to invitees and”; in line 19, by striking all after “(1)”; by striking all in lines 20 through 43 and inserting “A premises owner that hired a contractor to perform the type of work at the premises owner’s property that the contractor was qualified to perform cannot be liable for any injury to any individual resulting from silica or asbestos exposure caused by any of the contractor’s employees or agents on the premises owner’s property unless the premises owner directed the activity that resulted in the injury or gave or denied permission for the critical acts that led to the individual’s injury or knowingly allowed a dangerous condition caused by the contractor to persist.

(2) If exposure to silica or asbestos is alleged to have occurred after January 1, 1972, a premises owner shall not be liable for any injury to any individual resulting from that exposure caused by a contractor’s employee or agent on the premises owner’s property unless the plaintiff establishes the premises owner’s violation of an established safety standard that was in effect at the time of the exposure and that the alleged violation was in the plaintiff’s breathing zone and was the proximate cause of the plaintiff’s medical condition.”;

On page 15, in line 18, by striking “4” and inserting “3”; in line 20, by striking “Affect” and inserting “Apply to or affect”; in line 21, by striking “Affect” and inserting “Apply to or affect”; in line 26, by striking “4” and inserting “3”; in line 27, by striking “Affect” and inserting “Apply to or affect”; in line 32, by striking “sections 2, 3, 4 and 5” and inserting “this act”; in line 33, by striking “or permit”; in line 34, by striking “or 3”; in line 35, by striking “or 3”; in line 37, by striking all after “(a)”; by striking all in lines 38 through 40; in line 41, by striking all before the period and inserting “In any civil action under this act, and amendments thereto, alleging an asbestos or silica claim, the party with the burden of establishing the claim or affirmative defense must show that the alleged exposure attributable to a given person or party was a substantial factor in causing the injury, loss or damages”;

Also on page 15, in line 42, by striking all after “(b)”; by striking all in line 43;

On page 16, by striking all in lines 1 through 3; in line 4, by striking all before “In”; also in line 4, by striking “exposure”; in line 5, by striking all before “was” and inserting “any given claim”; in line 6, by striking “or loss” and inserting “loss or damages the”; in line 8, by striking all after “exposed”; in line 9, by striking all before the period; in line 10, by

striking "of the defendant's silica or mixed dust"; in line 11, by striking "to the defendant's silica or mixed dust"; in line 12, by striking all after "exposure"; in line 13, by striking all before the semicolon; in line 14, by striking "to"; in line 15, by striking all before the period; by striking all in lines 16 through 18;

On page 19, after line 5, by inserting the following:

"Sec. 8. This act shall apply to all civil actions that allege a silica or asbestos claim that are filed on or after the effective date of this act.";

Also on page 19, in line 15, by striking "11" where it appears the second time and inserting "12"; also in line 15, by striking "silicosis" and inserting "silica and asbestos"

In the title, in line 12, by striking "silicosis" and inserting "silica and asbestos"; and **SB 512** be passed as amended.

Committee report to **HB 2955** be adopted; also, on motion of Rep. Ward to amend, Rep. Siegfried requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed as amended.

Committee report to **SB 546** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 84** be adopted; and the substitute bill be passed.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand pursuant to House Rule 2311, **SB 512; HB 2955; SB 546; H. Sub. for SB 84** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 512, An act enacting the silica and asbestos claims act, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 22; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Svaty, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Ballard, Burroughs, Crow, Faust-Goudeau, Flaharty, Flora, Garcia, Henderson, Henry, Holland, Kirk, Kuether, Lane, Loganbill, Menghini, M. Miller, Peterson, Ruiz, Sawyer, Storm, Swenson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2955, An act concerning flavored malt beverages; relating to taxation and labeling; amending K.S.A. 41-2701 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Davis, DeCastro, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Myers, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff,

Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Dahl, Decker, Landwehr, Judy Morrison, Neufeld.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 546. An act concerning the board of emergency medical services; establishing a statewide data collection system, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

H. Sub. for SB 84. An act concerning umbilical cord banks; relating to certain guidelines and procedures regarding the operations thereof; prescribing certain duties and functions for the department of health and environment and Kansas bioscience authority, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 27; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gordon, Henderson, Holland, Huntington, Kirk, Krehbiel, Kuether, Lane, Loganbill, Loyd, Mah, Menghini, M. Miller, Peterson, Ruiz, Sawyer, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

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

AFTERNOON SESSION

The House met pursuant to recess with Speaker Mays in the chair.

MESSAGE FROM THE GOVERNOR

HB 2572, HB 2575, HB 2616, HB 2669; Sub. HB 2695; HB 2806, HB 2824, HB 2858; S. Sub. for HB 2875 approved on March 31, 2006.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 480**.

The Senate adopts conference committee report on **HB 2104**.

The Senate adopts conference committee report on **HB 2582**.

The Senate adopts conference committee report on **HB 2691**.

The Senate adopts conference committee report on **HB 2786**.

The Senate not adopts the conference committee report on **HB 2432**, requests a new conference committee be appointed and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

The Senate concurs in House amendments to **H. Sub. for SB 76**, and requests return of the bill.

The Senate concurs in House amendments to **SB 269**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 278**, and requests return of the bill.

The Senate concurs in House amendments to **SB 352**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 396**.

The Senate concurs in House amendments to **SB 411**, and requests return of the bill.

The Senate concurs in House amendments to **SB 497**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 577**.

The Senate concurs in House amendments to **SB 578**.

The Senate concurs in House amendments to **SCR 1619**.

The Senate adopts the conference committee report to agree to disagree on **SB 459** and has appointed Senators McGinn, Ostmeyer and Kelly as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **HB 2576** and has appointed Senators Vratil, Bruce and Goodwin as third conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **HB 2432**.

Speaker Mays thereupon appointed Reps. D. Johnson, F. Miller and Svaty as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2104**, 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 3, in line 5, after "article" by inserting "9"; in line 6, after "article" by inserting "9";

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2104** was adopted.
On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Hill, Kelsey, Schwab.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2582**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 2, after line 10, by inserting:

“Sec. 2. (a) An association shall:

(1) Open all meetings of the board of the homeowner's association to all homeowners; and

(2) adopt an annual budget and within 30 days after the adoption of such budget shall make a copy thereof available to any member of the association upon the request of such member.

(b) For the purposes of this section, “association” means a nonprofit homeowners association as defined in K.S.A. 60-3611 and amendments thereto.”;

By renumbering the remaining section accordingly;

In the title, in line 14, before the period by inserting ”; concerning notification of the annual meeting and budget”;

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

TIM HUELSKAMP
KAY O'CONNOR
DONALD BETTS, JR.
Conferees on part of Senate

JENE VICKREY
STEVE HUEBERT
TOM SAWYER
Conferees on part of House

On motion of Rep. Vickrey, the conference committee report on **HB 2582** was adopted. On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wimm, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Hill, Kelsey, Schwab.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2691**, 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 3, by striking all in lines 18 through 43;

By striking all on pages 4 through 17;

On page 18, by striking all in lines 1 through 7;

And by renumbering the remaining sections accordingly;

Also on page 18, in line 8, by striking all after "12."; by striking all in line 9; in line 10, by striking "are" and inserting "is";

In the title, in line 10, by striking "per-"; by striking all in lines 11 through 17; in line 18, by striking "and" where it appears for the first time, and inserting "amending"; in line 19, by striking "sections" and inserting "section";

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

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

CLARK SHULTZ
ERIC CARTER
NILE DILLMORE
Conferees on part of House

On motion of Rep. Shultz, the conference committee report on **HB 2691** was adopted.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Kelsey, Schwab.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2786**, 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 29, by inserting the following:

"Sec. 2. K.S.A. 46-922 is hereby amended to read as follows: 46-922. (a) As used in this section and in K.S.A. 46-923, and amendments thereto, the term "state agency" shall have the meaning ascribed thereto in K.S.A. 75-3701, and amendments thereto.

(b) The head of any state agency is authorized to make payment to the officers or employees of such state agency for property damage or loss occurring while that officer or employee is acting within the scope of such office or employment if such property loss or damage, in the opinion of the state agency head, did not occur as a result of negligence of the claimant.

(c) Except as otherwise provided by this section, the head of any state agency is authorized to make payment to any other person for personal injury or property damage or loss occurring under circumstances which establish, in the state agency head's opinion, that such damage or loss was caused by the negligence of the state or any agency, officer or employee thereof. The secretary of social and rehabilitation services is authorized to make payment from funds appropriated to the secretary for the homemaker program to any person for personal injury or property damage or loss caused by an act of a homemaker employed by the secretary.

(d) Except as otherwise provided by this section, no payment shall be made under this section on any claim for an amount in excess of \$1,000 or in any amount on a claim by a person who is an insurer and who is making the claim as a subrogee for all or part of any amount paid to such person's insured.

(e) The vice-chancellor of the university of Kansas medical center is authorized to make payment in an amount of not more than \$2,500 to any other person for a claim made against the hospital of the university of Kansas medical center for personal injury or property damage or loss occurring under circumstances which establish, in the vice-chancellor's opinion, that (1) such damage or loss was caused by the negligence of the hospital of the university of Kansas medical center or any officer or employee thereof or (2) that such damage or loss occurred at the hospital of the university of Kansas medical center and it is in the best interests of such hospital to make such payment. No payment shall be made under this subsection in any amount on a claim by a person who is an insurer and who is making the claim as a subrogee for all or part of any amount paid to such person's insured.

(f) No payment shall be made under this section for any loss sustained to a state employee's personal conveyance, or any related expense, when the conveyance was used on official state business.

(g) *The superintendent of the Kansas highway patrol is authorized to make payment in an amount of not more than \$2,500 to any other person for a claim made against the Kansas highway patrol for personal injury or property damage or loss occurring under circumstances which establish, in the superintendent's opinion, that such damage or loss occurred during law enforcement efforts by the Kansas highway patrol to persons who were not negligent during such effort. No information filed pursuant to this subsection, testimony or evidence presented to the Kansas highway patrol, or determination, finding or recommendation of the superintendent shall be admissible in any subsequent civil or criminal proceeding. The Kansas highway patrol is authorized to adopt rules and regulations to implement this subsection.*;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 30, after "K.S.A." where it appears the first time by inserting "46-922 and";

Also on page 1, in the title, in line 10, by striking "purchases by"; also in line 10, after "K.S.A." by inserting "46-922 and";

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

DWAYNE UMBARGER

JAY SCOTT EMLER

JIM BARONE

Conferees on part of Senate

MELVIN J. NEUFELD

BRENDA K. LANDWEHR

BILL FEUERBORN

Conferees on part of House

On motion of Rep. Feuerborn, the conference committee report on **HB 2786** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Master-son, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Schwab.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2576**, 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.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2576** was adopted. Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as third conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Huff to concur in Senate amendments to **HB 2732**, the motion did not prevail, and the bill remains in conference.

On roll call, the vote was: Yeas 35; Nays 87; Present but not voting: 0; Absent or not voting: 3.

Yeas: Colloton, Cox, Craft, Feuerborn, Flaharty, Gatewood, Henderson, Henry, Hill, Horst, Huff, Huntington, Kiegerl, Kirk, Menghini, O'Malley, Olson, Owens, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Sawyer, S. Sharp, Siegfried, Thull, Treaster, Vickrey, Ward, Wilk, Winn, Wolf, Yonally.

Nays: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Flora, Freeborn, Garcia, George, Gordon, Grange, Grant, Hawk, Hayzlett, Holland, C. Holmes, M. Holmes, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Otto, Pauls, Peck, Pilcher-Cook, Powell, Powers, Ruff, Schwartz, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Trimmer, Watkins, Weber, Williams, Yoder.

Present but not voting: None.

Absent or not voting: Goico, Huebert, Schwab.

REPORT OF STANDING COMMITTEE

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

Request No. 129, by Representative Dahl, congratulating Warren and Donna Windsor and Palmer and Lucille Base on their 50th wedding anniversaries;

Request No. 130, by Representative Carter, congratulating Samuel Courtney on attaining the rank of Eagle Scout;

Request No. 131, by Representative Peck, congratulating Mr. and Mrs. Ted Wood on their 60th wedding anniversary;

Request No. 132, by Representatives George and Neufeld, commending Captain Ryan H. Burke for his service in Afghanistan and Iraq;

Request No. 133, by Representative George, congratulating Joe Bogner on being named Kansas Small Business Person of the Year;

Request No. 134, by Representative Otto, congratulating Krista Gampper, Amy McIntire and Ashley Snesrud on receiving the Girl Scout Gold Award;

Request No. 135, by Representative Krehbiel, congratulating Dane Alexander Wright on attaining the rank of Eagle Scout;

Request No. 136, by Representative Proehl, congratulating the Parsons Lions Club on its 75th anniversary;

Request No. 137, by Representative Light, congratulating Opal Dickenson on her 108th birthday;

Request No. 138, by Representative Weber, congratulating the recipients of awards given by the Abilene Convention and Visitors Bureau;

Request No. 139, by Representative Henderson, congratulating the high school graduates of the First Baptist Church of Quindaro;

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. Aurand, the committee report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6026—

By Representatives Flaharty, Ballard, Beamer, Burgess, Craft, Crow, DeCastro, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flora, Freeborn, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Horst, Huff, Huntington, Kelsey, Kiegerl, Kirk, Krehbiel, Kuether, Lane, Loganbill, Long, Lukert, Mah, Menghini, F. Miller, M. Miller, Otto, Owens, Peterson, Roth, Ruff, Ruiz, Sawyer, S. Sharp, Storm, Svaty, Thull, Treaster, Trimmer, Ward, Williams, Winn and Wolf

A RESOLUTION concerning the capital improvement project for the preservation and restoration of the Kansas Statehouse; relating to the Chamber of the House of Representatives on the third floor of the west wing of the Statehouse; resolving that the portion of the capitol improvement project concerning the Chamber of the House of Representatives be designed and conducted to continue the tiered floor of the Chamber and that nothing be done to level the tiered floor of the Chamber; and directing the Statehouse Architect, project manager, and Treanor Architects, design architects for the capital improvement project, to undertake such redesigning, planning and other matters as may be required to continue the tiered floor of the Chamber of the House of Representatives in existence.

Be it resolved by the House of Representatives of the State of Kansas: That the portion of the capitol improvement project for the preservation and restoration of the Kansas Statehouse that relates to the Chamber of the House of Representatives be designed and conducted to continue the tiered floor of the Chamber and that nothing be done to level the tiered floor of the Chamber; and

Be it further resolved: That the Statehouse Architect and Treanor Architects, design architects for the capital improvement project, are hereby directed to undertake such redesigning, planning and other matters as may be required to continue the tiered floor of the Chamber of the House of Representatives in existence.

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

Speaker Mays called the House to order.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Shultz, the House concurred in Senate amendments to **HB 2692**, An act concerning insurance; pertaining to risk-based capital requirements; pertaining to the Kansas insurance guaranty association act; pertaining to group life insurance; amending K.S.A. 2005 Supp. 40-2c01, 40-433 and 40-2903 and repealing the existing sections.

Call of the House was demanded.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins,

Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Ward.

Present but not voting: Landwehr.

Absent or not voting: Schwab, Tafanelli.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to House Rule 2306, the following bills were withdrawn from the Calendar under the heading General Orders and rereferred to Committees as indicated:

Appropriations: **HB 2688**.

Federal and State Affairs: **H. Sub. for SB 317**.

Also, **H. Sub. for SB 340** was withdrawn from the Calendar under the heading General Orders and referred to Select Committee on School Finance.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to House Rule 2307, the following bills were stricken from the Calendar:

H. Sub. for SB 422; HB 2345, HB 2596; Sub. HB 2594.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **Substitute for SB 486** be amended on page 1, in line 37, after "two" by inserting "consecutive";

On page 2, in line 8, by striking "2012" and inserting "2009"; and the substitute bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 3012, HB 3017 reported correctly engrossed March 27, 2006.

REPORT ON ENROLLED BILLS

HB 2159, HB 2394, HB 2602, HB 2659, HB 2662, HB 2761, HB 2836 reported correctly enrolled, properly signed and presented to the governor on March 31, 2006.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Wednesday, April 26, 2006.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

