

Journal of the House

FIFTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 4, 2002, 9:30 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

Rep. Bethell was excused on excused absence by the Speaker.

Prayer by guest chaplain, Mr. Vance Russell, Youth Minister, Westside Christian Church, Coffeyville, and guest of Rep. Compton:

I will exalt you, my God the King. I will praise your name forever and ever.

Every day you deserve praise and exaltation for ever and ever. Great is the Lord and most worthy of praise, no one can understand your greatness.

Lord, you are gracious and compassionate, slow to anger and rich in love. All you have made will praise you, O Lord; your saints will exalt you.

You, O Lord are faithful to all your promises and loving toward all you have made. The Lord upholds all those who fall and lifts up all who are bowed down.

You fulfill the desires of those who fear you; you hear their cry and save them. O Lord watch over all who love you, but you will destroy the wicked.

Let every creature praise your Holy name for ever and ever. (*Psalms 145*)

In Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. Landwehr.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Committee of the Whole: **Sub. SB 256**.

To be referred: **HB 3036**.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 603; SB 647, SB 654**.

Announcing passage of **HB 2690**, as amended.

The Senate nonconcurrs in House amendments to **SB 506**, requests a conference and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2057** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2665** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2666** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2718** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2802** and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2831** and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

Sub. SB 603; SB 647, SB 654.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 506**.

Speaker pro tem Aurand thereupon appointed Reps. Hayzlett, Vickrey and M. Long as conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2635, An act concerning the Kansas development finance authority; authorizing issuance of bonds for certain purposes; amending K.S.A. 2001 Supp. 74-8905 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballou, Burroughs, Henderson, Klein, Pauls, Rehorn, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The bill passed, as amended.

HB 3031, An act concerning natural gas; amending K.S.A. 55-102 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Spangler.

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The bill passed, as amended.

Sub. SB 116. An act concerning civil actions; relating to authority to bring certain actions; firearms manufacturers and dealers, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Benlon, Crow, Dillmore, Findley, Flaharty, Hermes, Kirk, Kuether, Loganbill, Loyd, Owens, E. Peterson, Ray, Reardon, Rehorn, Storm, Tomlinson.

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The substitute bill passed.

H. Sub. for Sub. SB 296. An act concerning certain unsolicited telephone calls; prohibiting certain acts and providing penalties for violations; amending K.S.A. 2001 Supp. 50-670 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Owens, Palmer, Patterson, Pauls, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Boston, Burroughs, Crow, Faber, Gordon, Kuether, Mason, Jim Morrison, Neufeld, Ostmeyer, E. Peterson, J. Peterson, Ruff, Shultz, Spangler, Weber.

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote NO on **H. Sub. for Sub. SB 296**. My constituents, especially the older citizens, asked me to pass a no-call list bill that addresses the intrusive telemarketing they suffer. This bill does not meet their expectations. I vote NO.—MARTI CROW, ANNIE KUETHER, L. CANDY RUFF

MR. SPEAKER: Kansas businesses both large and small are being held hostage by the telemarketing industry. Sacrificing "start up" companies and those who market to the public along with the jobs they create and the tax dollars they submit is an overwhelming price to silence a telephone call, as intrusive as it may be. We are lining up the firing squad in a circle again...I vote NO on **H. Sub. for Sub. SB 296**.—GARRY BOSTON

SB 547. An act establishing the rural Kansas self-help gas act; amending K.S.A. 66-1,150 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Dillmore, Henderson, Kirk, Klein, Lightner, T. Powell, Rehorn, Sharp, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The bill passed.

SCR 1614, A Concurrent Resolution encouraging decreased dependence on public moneys to finance long-term care and education concerning long-term care insurance, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Bethell, O'Brien.

The resolution was adopted, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House nonconcurrred in Senate amendments to **Sub. HB 2469** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. O'Neal, Loyd and Pauls as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Ray moved, pursuant to House Rule 2303, that the House reconsider its action in concurring on **HB 2781** while the bill was in conference (see HJ, pp. 1969-1970). The motion prevailed.

The question reverted back to the motion to concur on **HB 2781**, which was withdrawn and the bill remains in conference.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Johnson in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **Sub. SB 256** be passed.

Committee report to **HB 2714** be adopted; also, on motion of Rep. Edmonds be amended on page 1, in line 27, by striking "18%" and inserting "15%"; in line 28, after the comma by inserting "18% of the property tax levied for property tax year 2003,"; in line 29, by striking "2003" and inserting "2004"; in line 30, by striking "2004" and inserting "2005"; in line 31, by striking "2005" and inserting "2006"; in line 32, by striking "2006" and inserting "2007"; in line 33, by striking "2007" and inserting "2008";

Also, on motion of Rep. Larkin to amend **HB 2714**, the motion did not prevail. Also, on motion of Rep. Tomlinson to amend, the motion did not prevail.

Also, on motion of Rep. Reardon to amend **HB 2714**, Rep. Edmonds requested the amendment be divided. Seeing no challenge to the entire amendment being germane to the bill, the Chair ruled the amendment be divided.

Roll call was demanded on Part A of the motion of Rep. Reardon to amend **HB 2714** on page 2, after line 29, by inserting a new section to read as follows:

"Sec. 4. K.S.A. 2001 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110.

(a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

If the taxable income is:	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000
Over \$60,000 but not over \$110,000	\$2,925 plus 6.45% of excess over \$60,000
Over \$110,000 but not over \$240,000	\$6,150 plus 7% of excess over \$110,000
	Over \$240,000 \$15,250 plus
	7.5% of excess over \$240,000

(2) *All other individuals.*

(A) For tax year 1997:

If the taxable income is:	The tax is:
Not over \$20,000	4.1% of Kansas taxable income
Over \$20,000 but not over \$30,000	\$820 plus 7.5% of excess over \$20,000
Over \$30,000	\$1,570 plus 7.75% of excess over \$30,000

(B) For tax year 1998, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000
Over \$30,000 but not over \$55,000	\$1,462.50 plus 6.45% of excess over \$30,000
Over \$55,000 but not over \$120,000	\$3,075 plus 7% of excess over \$55,000
Over \$120,000	\$7,625 plus 7.5% of excess over \$120,000

(b) *Nonresident Individuals*. A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations*. A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) the surtax shall be in an amount equal to 3.35% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries*. A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

Also, on page 2, in line 30, before the second "and" by inserting ", 79-32,110";

By renumbering existing sections accordingly;

In the title, in line 15, after the semicolon by inserting "concerning individual income tax rates"; in line 16, before the second "and" by inserting ", 79-32,110";

On roll call, the vote was: Yeas 39; Nays 82; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Burroughs, Crow, Dillmore, DiVita, Feuerborn, Findley, Flaharty, Garner, Gatewood, Gilbert, Grant, Henderson, Klein, Larkin, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Sharp, Showalter, Shriver, Sloan, Spangler, Storm, Swenson, Thimesch, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dreher, Edmonds, Faber, Flora, Freeborn, Glasscock, Goering, Gordon, Hayzlett, Henry, Hermes, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Levinson, Light, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Ruff, Schwartz, Shultz, Stone, Tafanelli, Tanner, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Bethell, Horst, Merrick, O'Brien.

Part A of the motion of Rep. Reardon did not prevail.

Also, roll call was demanded on Part B of the motion of Rep. Reardon to amend **HB 2714** on page 2, after line 29, by inserting a new section to read as follows:

"New Sec. 5. On January 1, 2003, the director of accounts and reports shall transfer \$39,200,000 from the state general fund to the state school district finance fund.";

By renumbering existing sections accordingly;

On roll call, the vote was: Yeas 56; Nays 63; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Burroughs, Campbell, Crow, Dillmore, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henderson, Henry, Kirk, Klein, Kuether, Larkin, Levinson, Lightner, Loganbill, M. Long, McClure, McKinney, Merrick, Judy Morrison, Newton, Nichols, Patterson, Pauls, E. Peterson, Phelps, Pottorff, Powers, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, R. Toelkes, Tomlinson, Toplikar, Welshimer, D. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Boston, Compton, Cook, Cox, Dahl, DiVita, Dreher, Edmonds, Faber, Feuerborn, Freeborn, Gordon, Hayzlett, Hermes, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lloyd, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Miller, Minor, Jim Morrison, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, J. Peterson, L. Powell, T. Powell, Pyle, Ray, Schwartz, Shultz, Tafanelli, Tanner, Thimesch, Vickrey, Weber, Wells, Wilk, J. Williams.

Present but not voting: None.

Absent or not voting: Bethell, DeCastro, Horst, Mayans, Myers, O'Brien.

Part B of the motion of Rep. Reardon did not prevail.

Also, on motion of Rep. McKinney to amend **HB 2714**, the motion did not prevail and the bill be passed as amended.

Committee report to **HB 2706** be adopted; and the bill be passed as amended.

Committee report to **SB 481** be adopted; also, on motion of Rep. McLeland be amended on page 2, in line 7 by striking "2003", and inserting "2004";

Also, on motion of Rep. Horst **SB 481** be amended on page 2, in line 34, by striking "and amendments thereto,";

On page 3, in line 38, following "(a)", by inserting the following:

“The state board of education shall choose three school districts to participate in a reverse auctioning electronic procurement process and on-line bidding process pilot project. The school districts shall be chosen by size, and one shall be a large sized school district, one shall be a medium sized school district and one shall be a small sized school district. The state board of education shall establish guidelines for choosing the school districts and implementing the pilot project.

(b)”;

Also on page 3, in line 38, by striking “any”, and by inserting “a pilot project”; in line 43, by striking “a pilot project utilizing”;

On page 4, in line 3, by striking “any”, and by inserting “a pilot project”; in line 8, by striking “a pilot project utilizing”; in line 10, following “a” by inserting “pilot project”; in line 14, by striking “under this pilot project”; in line 21, by striking “and amendments thereto.”;

On page 5, in line 21, by striking all after “signatures”; in line 22 by striking all before the period;

On page 1, in the title, in line 15, following “procedures”, by inserting a comma; and **SB 481** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Federal and State Affairs** recommends **HB 2782** be amended on page 1, in line 43, after “if” by inserting “:

(1) The person is in custody in a correctional institution, as defined in K.S.A. 75-5202, and amendments thereto; juvenile correctional facility or juvenile detention facility, as defined in K.S.A. 38-1602, and amendments thereto; community corrections facility for detention or confinement of offenders; or city or county jail; or

(2)”; and the bill be passed as amended.

The House **Select Committee on Kansas Security** recommends **SB 629** be passed.

The **Select Committee on Kansas Security** recommends **SB 541** be amended on page 2, following line 7, by inserting the following:

“Sec. 2. K.S.A. 48-915 is hereby amended to read as follows: 48-915. (a) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer worker, or member of any agency, engaged in emergency management activities. The foregoing shall not affect the right of any person to receive benefits or compensation to which such person otherwise may be entitled under the workers compensation law or any pension law or any act of congress.

(b) Whenever a proclamation is issued declaring a state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer worker, or member of any agency, engaged in any emergency management activities, complying with or reasonably attempting to comply with this act, or any proclamation, order, rule and regulation promulgated pursuant to the provisions of this act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity performed during the existence of such state of disaster emergency or other such state of emergency.

(c) *Any member of a regional medical emergency response team created under the provisions of K.S.A. 48-928, and amendments thereto, shall be deemed a state employee under the Kansas tort claims act, K.S.A. 75-6101, et seq., and amendments thereto.”;*

By renumbering section 2 as section 3;

On page 3, following line 12, by inserting the following sections:

“Sec. 4. K.S.A. 44-510h is hereby amended to read as follows: 44-510h. (a) It shall be the duty of the employer to provide the services of a health care provider, and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides, and within

such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515 and amendments thereto, as may be reasonably necessary to cure and relieve the employee from the effects of the injury.

(b) (1) If the director finds, upon application of an injured employee, that the services of the health care provider furnished as provided in subsection (a) and rendered on behalf of the injured employee are not satisfactory, the director may authorize the appointment of some other health care provider. In any such case, the employer shall submit the names of three health care providers who, if possible given the availability of local health care providers, are not associated in practice together. The injured employee may select one from the list who shall be the authorized treating health care provider. If the injured employee is unable to obtain satisfactory services from any of the health care providers submitted by the employer under this paragraph, either party or both parties may request the director to select a treating health care provider.

(2) Without application or approval, an employee may consult a health care provider of the employee's choice for the purpose of examination, diagnosis or treatment, but the employer shall only be liable for the fees and charges of such health care provider up to a total amount of \$500. The amount allowed for such examination, diagnosis or treatment shall not be used to obtain a functional impairment rating. Any medical opinion obtained in violation of this prohibition shall not be admissible in any claim proceedings under the workers compensation act.

(c) An injured employee whose injury or disability has been established under the workers compensation act may rely, if done in good faith, solely or partially on treatment by prayer or spiritual means in accordance with the tenets of practice of a church or religious denomination without suffering a loss of benefits subject to the following conditions:

(1) The employer or the employer's insurance carrier agrees thereto in writing either before or after the injury;

(2) the employee submits to all physical examinations required by the workers compensation act;

(3) the cost of such treatment shall be paid by the employee unless the employer or insurance carrier agrees to make such payment;

(4) the injured employee shall be entitled only to benefits that would reasonably have been expected had such employee undergone medical or surgical treatment; and

(5) the employer or insurance carrier that made an agreement under paragraph (1) or (3) of this subsection may withdraw from the agreement on 10 days' written notice.

(d) In any employment to which the workers compensation act applies, the employer shall be liable to each employee who is employed as a duly authorized law enforcement officer, ~~ambulance attendant, mobile intensive care technician or~~ firefighter, *driver of an ambulance as defined in subsection (b) of K.S.A. 65-6112, and amendments thereto, an ambulance attendant as defined in subsection (d) of K.S.A. 65-6112, and amendments thereto, or a member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto*, including any person who is serving on a volunteer basis in such capacity, for all reasonable and necessary preventive medical care and treatment for hepatitis to which such employee is exposed under circumstances arising out of and in the course of employment.

Sec. 5. K.S.A. 2001 Supp. 44-511 is hereby amended to read as follows: 44-511. (a) As used in this section:

(1) The term "money" shall be construed to mean the gross remuneration, on an hourly, output, salary, commission or other basis, at which the service rendered is recompensed in money by the employer, but it shall not include any additional compensation, as defined in this section, any remuneration in any medium other than cash, or any other compensation or benefits received by the employee from the employer or any other source.

(2) The term "additional compensation" shall include and mean only the following: (A) Gratuities in cash received by the employee from persons other than the employer for services rendered in the course of the employee's employment; (B) any cash bonuses paid by the employer within one year prior to the date of the accident, for which the average weekly value shall be determined by averaging all such bonuses over the period of time

employed prior to the date of the accident, not to exceed 52 weeks; (C) board and lodging when furnished by the employer as part of the wages, which shall be valued at a maximum of \$25 per week for board and lodging combined, unless the value has been fixed otherwise by the employer and employee prior to the date of the accident, or unless a higher weekly value is proved; (D) the average weekly cash value of remuneration for services in any medium other than cash where such remuneration is in lieu of money, which shall be valued in terms of the average weekly cost to the employer of such remuneration for the employee; and (E) employer-paid life insurance, health and accident insurance and employer contributions to pension and profit sharing plans. In no case shall additional compensation include any amounts of employer taxes paid by the employer under the old-age and survivors insurance system embodied in the federal social security system. Additional compensation shall not include the value of such remuneration until and unless such remuneration is discontinued. If such remuneration is discontinued subsequent to a computation of average gross weekly wages under this section, there shall be a recomputation to include such discontinued remuneration.

(3) The term "wage" shall be construed to mean the total of the money and any additional compensation which the employee receives for services rendered for the employer in whose employment the employee sustains an injury by accident arising out of and in the course of such employment.

(4) The term "part-time hourly employee" shall mean and include any employee paid on an hourly basis: (A) Who by custom and practice or under the verbal or written employment contract in force at the time of the accident is employed to work, agrees to work, or is expected to work on a regular basis less than 40 hours per week; and (B) who at the time of the accident is working in any type of trade or employment where there is no customary number of hours constituting an ordinary day in the character of the work involved or performed by the employee.

(5) The term "full-time hourly employee" shall mean and include only those employees paid on an hourly basis who are not part-time hourly employees, as defined in this section, and who are employed in any trade or employment where the customary number of hours constituting an ordinary working week is 40 or more hours per week, or those employees who are employed in any trade or employment where such employees are considered to be full-time employees by the industrial customs of such trade or employment, regardless of the number of hours worked per day or per week.

(b) The employee's average gross weekly wage for the purpose of computing any compensation benefits provided by the workers compensation act shall be determined as follows:

(1) If at the time of the accident the money rate is fixed by the year, the average gross weekly wage shall be the yearly rate so fixed divided by 52, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime as computed in paragraph (4) of this subsection.

(2) If at the time of the accident the money rate is fixed by the month, the average gross weekly wage shall be the monthly rate so fixed multiplied by 12 and divided by 52, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection.

(3) If at the time of the accident, the money rate is fixed by the week, the amount so fixed, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime as computed in paragraph (4) of this subsection, shall be the average gross weekly wage.

(4) If at the time of the accident the employee's money rate was fixed by the hour, the employee's average gross weekly wage shall be determined as follows: (A) If the employee was a part-time hourly employee, as defined in this section, the average gross weekly wage shall be determined in the same manner as provided in paragraph (5) of this subsection; (B) if the employee is a full-time hourly employee, as defined in this section, the average gross weekly wage shall be determined as follows: (i) A daily money rate shall first be found by multiplying the straight-time hourly rate applicable at the time of the accident, by the customary number of working hours constituting an ordinary day in the character of work involved; (ii) the straight-time weekly rate shall be found by multiplying the daily money rate by the number of days and half days that the employee usually and regularly worked,

or was expected to work, but 40 hours shall constitute the minimum hours for computing the wage of a full-time hourly employee, unless the employer's regular and customary workweek is less than 40 hours, in which case, the number of hours in such employer's regular and customary workweek shall govern; (iii) the average weekly overtime of the employee shall be the total amount earned by the employee in excess of the amount of straight-time money earned by the employee during the 26 calendar weeks immediately preceding the date of the accident, or during the actual number of such weeks the employee was employed if less than 26 weeks, divided by the number of such weeks; and (iv) the average gross weekly wage of a full-time hourly employee shall be the total of the straight-time weekly rate, the average weekly overtime and the weekly average of any additional compensation.

(5) If at the time of the accident the money rate is fixed by the output of the employee, on a commission or percentage basis, on a flat-rate basis for performance of a specified job, or on any other basis where the money rate is not fixed by the week, month, year or hour, and if the employee has been employed by the employer at least one calendar week immediately preceding the date of the accident, the average gross weekly wage shall be the gross amount of money earned during the number of calendar weeks so employed, up to a maximum of 26 calendar weeks immediately preceding the date of the accident, divided by the number of weeks employed, or by 26 as the case may be, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection. If the employee had been in the employment of the employer less than one calendar week immediately preceding the accident, the average gross weekly wage shall be determined by the administrative law judge based upon all of the evidence and circumstances, including the usual wage for similar services paid by the same employer, or if the employer has no employees performing similar services, the usual wage paid for similar services by other employers. The average gross weekly wage so determined shall not exceed the actual average gross weekly wage the employee was reasonably expected to earn in the employee's specific employment, including the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection. In making any computations under this paragraph (5), workweeks during which the employee was on vacation, leave of absence, sick leave or was absent the entire workweek because of illness or injury shall not be considered.

(6) (A) The average gross weekly wage of a person serving on a volunteer basis as a duly authorized law enforcement officer, ambulance attendants and drivers as provided in subsection (b) of K.S.A. 44-508 and amendments thereto ~~or, firefighter, under the workers compensation act or members of regional emergency medical response teams as provided in K.S.A. 48-928, and amendments thereto~~, who receives no wages for such services, or who receives wages which are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the dollar amount closest to, but not exceeding, 112.5% of the state average weekly wage.

(B) The average gross weekly wage of any person performing community service work shall be deemed to be \$37.50.

(C) The average gross weekly wage of a volunteer member of the Kansas department of civil air patrol officially engaged in the performance of functions specified in K.S.A. 48-3302 and amendments thereto shall be deemed to be \$476.38. Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1988, the average gross weekly wage which is deemed to be the average gross weekly wage under the provisions of this subsection for a volunteer member of the Kansas department of civil air patrol shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the average gross weekly wage deemed to be the average gross weekly wage of such volunteer member under the provisions of this subsection prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

(D) The average weekly wage of any other volunteer under the workers compensation act, who receives no wages for such services, or who receives wages which are substantially

less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the usual wages paid by the employer for such services to employees who are not volunteers, or, if the employer has no employees performing such services for wages who are not volunteers, the average gross weekly wage shall be computed on the basis of the usual wages paid for such services by comparable employers to employees who are not volunteers. Volunteer employment is not presumed to be full time employment.

(7) The average gross weekly wage of an employee who sustains an injury by accident arising out of and in the course of multiple employment, in which such employee performs the same or a very similar type of work on a part-time basis for each of two or more employers, shall be the total average gross weekly wage of such employee paid by all the employers in such multiple employment. The total average gross weekly wage of such employee shall be the total amount of the individual average gross weekly wage determinations under this section for each individual employment of such multiple employment.

(8) In determining an employee's average gross weekly wage with respect to the employer against whom claim for compensation is made, no money or additional compensation paid to or received by the employee from such employer, or from any source other than from such employer, shall be included as wages, except as provided in this section. No wages, other compensation or benefits of any type, except as provided in this section, shall be considered or included in determining the employee's average gross weekly wage.

(c) In any case, the average yearly wage shall be found by multiplying the average gross weekly wage, as determined in subsection (b), by 52.

(d) The state's average weekly wage for any year shall be the average weekly wage paid to employees in insured work subject to Kansas employment security law as determined annually by the secretary of human resources as provided in K.S.A. 44-704 and amendments thereto.

(e) Members of a labor union or other association who perform services in behalf of the labor union or other association and who are not paid as full-time employees of the labor union or other association and who are injured or suffer occupational disease in the course of the performance of duties in behalf of the labor union or other association shall recover compensation benefits under the workers compensation act from the labor union or other association if the labor union or other association files an election with the director to bring its members who perform such services under the coverage of the workers compensation act.

The average weekly wage for the purpose of this subsection shall be based on what the employee would earn in the employee's general occupation if at the time of the injury the employee had been performing work in the employee's general occupation. The insurance coverage shall be furnished by the labor union or other association.

Sec. 6. K.S.A. 44-577 is hereby amended to read as follows: 44-577. (a) All claims for compensation under the workers compensation act against any state agency for claims arising on and after July 1, 1974, and claims for compensation remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the division of mental health and retardation services of the department of social and rehabilitation services shall be made against the state workers compensation self-insurance fund. Such claims shall be served upon the secretary of administration in the secretary's capacity as administrator of the state workers compensation self-insurance fund in the manner provided for claims against other employers under the workers compensation act. The chief attorney for the department of administration, or another attorney of the department of administration designated by the chief attorney, shall represent and defend the state workers compensation self-insurance fund in all proceedings under the workers compensation act.

(b) The secretary of administration shall investigate, or cause to be investigated, each claim for compensation against the state workers compensation self-insurance fund. For the purposes of such investigations, the secretary of administration is authorized to obtain expert medical advice regarding the injuries, occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, the secretary of administration finds that there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, the secretary of

administration may proceed to enter into such an agreement with the claimant, for the state workers compensation self-insurance fund. Any such agreement may provide for lump-sum settlements subject to approval by the director and all such agreements shall be filed in the office of the director for approval as provided in K.S.A. 44-527 and amendments thereto. All other claims for compensation against such fund shall be paid in accordance with the workers compensation act pursuant to final awards or orders of an administrative law judge or the board or pursuant to orders and findings of the director under the workers compensation act.

(c) *For purposes of the workers compensation act, a volunteer member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, shall be considered a person in the service of the state in connection with authorized training and upon activation for emergency response, except when such duties arise in the course of employment or as a volunteer for an employer other than the state.*”;

By renumbering section 3 as section 7;

On page 4, following line 18, by inserting the following:

“Sec. 8. K.S.A. 2001 Supp. 75-6102 is hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

(a) “State” means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(b) “Municipality” means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(c) “Governmental entity” means state or municipality.

(d) “Employee” means any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation and a charitable health care provider. Employee includes any steward or racing judge appointed pursuant to K.S.A. 74-8818, and amendments thereto, regardless of whether the services of such steward or racing judge are rendered pursuant to contract as an independent contractor, but does not otherwise include any independent contractor under contract with a governmental entity except (1) employees of the United States marshal’s service engaged in the transportation of inmates on behalf of the secretary of corrections, (2) a person who is an employee of a nonprofit independent contractor, other than a municipality, under contract to provide educational or vocational training to inmates in the custody of the secretary of corrections and who is engaged in providing such service in an institution under the control of the secretary of corrections provided that such employee does not otherwise have coverage for such acts and omissions within the scope of their employment through a liability insurance contract of such independent contractor; and (3) a person who is an employee or volunteer of a nonprofit program, other than a municipality, who has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the commissioner of juvenile justice to provide a juvenile justice program for juvenile offenders in a judicial district provided that such employee or volunteer does not otherwise have coverage for such acts and omissions within the scope of their employment or volunteer activities through a liability insurance contract of such nonprofit program. “Employee” also includes an employee of an indigent health care clinic. “Employee” also includes former employees for acts and omissions within the scope of their employment during their former employment with the governmental entity. *“Employee” also includes any member of a regional medical emergency response team, created under the provisions of K.S.A. 48-928, and amendments thereto, in connection with authorized training or upon activation for an emergency response.*

(e) “Community service work” means public or community service performed by a person (1) as a result of a contract of diversion entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant

to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663, and amendments thereto.

(f) “Charitable health care provider” means a person licensed by the state board of healing arts as an exempt licensee or a federally active licensee, a person issued a limited permit by the state board of healing arts, a ~~physician’s physician assistant registered~~ licensed by the state board of healing arts or a health care provider as the term “health care provider” is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with:

(1) The secretary of health and environment under K.S.A. 75-6120, and amendments thereto, who, pursuant to such agreement, gratuitously renders professional services to a person who has provided information which would reasonably lead the health care provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section or to a person receiving medical assistance from the programs operated by the department of social and rehabilitation services, and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto;

(2) the secretary of health and environment and who, pursuant to such agreement, gratuitously renders professional services in conducting children’s immunization programs administered by the secretary; or

(3) a local health department or indigent health care clinic, which renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of social and rehabilitation services gratuitously or for a fee paid by the local health department or indigent health care clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 75-6120 and amendments thereto. Professional services rendered by a provider under this paragraph (3) shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent health care clinic and notwithstanding any fee paid by the local health department or indigent health care clinic to a provider in accordance with this paragraph (3).

(g) “Medically indigent person” means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120, and amendments thereto.

(h) “Indigent health care clinic” means an outpatient medical care clinic operated on a not-for-profit basis which has a contractual agreement in effect with the secretary of health and environment to provide health care services to medically indigent persons.

(i) “Local health department” shall have the meaning ascribed to such term under K.S.A. 65-241 and amendments thereto.”;

By renumbering sections accordingly;

Also on page 4, by striking all in lines 19 and 20 and inserting:

“Sec. 9. K.S.A. 44-510h, 44-577, 48-915 and 48-928 and K.S.A. 2001 Supp. 44-511, 48-904, 65-5722, 75-6102 and 75-6102a are hereby repealed.”;

By renumbering section 5 as section 10;

In the title, in line 12, following the semicolon, by inserting “concerning workers compensation; Kansas tort claims act;”; also in line 12, following “K.S.A.” by inserting “44-510h, 44-577, 48-915 and”; in line 13, by striking “48-904 and 65-5722” and inserting “44-511, 48-904, 65-5722 and 75-6102”; also in line 13, following “sections” by inserting “; also repealing K.S.A. 2001 Supp. 75-6102a”; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 3037, An act relating to income taxation; concerning certain property depreciation deductions; amending K.S.A. 2001 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Weber pursuant to House Rule 2311, **Sub. SB 256** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. SB 256. An act concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 4-4.201 through 4-4.243, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 15; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Boston, Burroughs, Campbell, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, Powers, Pyle, Reardon, Rehorn, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Nays: Benlon, Cox, Crow, Kauffman, Krehbiel, Lane, Loyd, Newton, L. Powell, T. Powell, Ray, Ruff, Spangler, Tomlinson, Wilk.

Present but not voting: None.

Absent or not voting: Bethell, Goering, Hermes, O'Brien.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: **Sub. SB 256** is ugly; but, all things this year considered, perhaps that's not inappropriate. My objection lies not there. Rather, only a cursory review illustrates what an awful impact there will be on identifying communities of interest, assuming you can find them on this map, in combining Senate districts to set State Board of Education districts. Too bad for Kansans. I vote no on **Sub. SB 256**.—WARD LOYD

MR. SPEAKER: I vote NO on **Sub. SB 256**. Being that Senator Hensley and Senator Lee are such great political leaders and personal friends of mine, I am worried that if I vote in favor of this bill the Governor may get confused and veto it again. Since the governor always seems to do the opposite of what I want, I hope he signs this bill immediately. Congratulations Anthony, Janice, Chris, David, Mark, Christine, Jim, Paul, Rip, and last but not least the gentle lady from Cowley County, Greta.—DOUG SPANGLER

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Friday, April 5, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

