

# Journal of the House

FIFTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, April 1, 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. Ballard was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of grace and God of glory, we gather this morning still fresh from the joy of celebrations of the past week. We *do* remember that you love us. We *do* remember that you hear our cries. We *do* remember that you liberate us from all that would imprison us. We *do* remember that, finally, it is you in whom we must trust and to whom we must turn for guidance, for you are the God who lets nothing stand in the way of your saving grace.

Today is the day that you have made, O Lord. Lead us to rejoice and be glad in it. Rather than allowing the joy of our recent celebrations to fade into the grind of toil, transform our work by the joy of your Spirit. We know that challenges and disappointments always await us, O God. But we know that in your power we can overcome them all. Lead us Lord, in your righteousness and hear this day our prayer of joyful thanksgiving and expectant hope. Amen.

The Pledge of Allegiance was led by Rep. McLeland.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Agriculture: **SCR 1615**.

Higher Education: **SB 650**.

Insurance: **SCR 1623**.

Judiciary: **Sub. SB 634**.

Taxation: **HB 3032**.

Utilities: **Sub. SB 614**.

## CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **H. Sub. for SB 264, SB 481, SB 506** from Committee on Appropriations and rereferral to Committee of the Whole.

## MESSAGE FROM THE GOVERNOR

**HB 2670** approved on March 29, 2002.

## MESSAGE FROM THE GOVERNOR

March 29, 2002

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 02-02 for your information.

EXECUTIVE ORDER NO. 02-02

Establishing the Kansas Bioterrorism  
Coordinating Council and

the Kansas Hospital Preparedness Planning Committee

BILL GRAVES  
*Governor*

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 436, SB 627, SB 638.**

Announcing passage of **HB 2094**, as amended by **S. Sub. for HB 2094; HB 2123**, as amended by **S. Sub. for HB 2123.**

Announcing passage of **Sub. HB 2057**, as amended; **HB 2247**, as amended; **HB 2602**, as amended; **HB 2640**, as amended; **HB 2665**, as amended; **HB 2666**, as amended; **HB 2677**, as amended; **HB 2718**, as amended; **HB 2752**, as amended; **HB 2768**, as amended; **HB 2818**, as amended; **Sub. HB 2979**, as amended.

Announcing rejection of **HB 2953.**

The Senate nonconcurs in House amendments to **SB 395**, requests a conference and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 400**, requests a conference and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 430**, requests a conference and has appointed Senators Tyson, Taddiken and Downey as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 437**, requests a conference and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **Sub. SB 545**, requests a conference and has appointed Senators Clark, Emler and Barone as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 551**, requests a conference and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 586**, requests a conference and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 605**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2078** 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 2230** 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 2621** 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 2676** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2709** 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 **HB 2719** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2727** and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2771** and has appointed Senators Vratil, Pugh and Goodwin 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:

**SB 436, SB 627, SB 638.**

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 395**.

Speaker pro tem Aurand thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 400**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 430**.

Speaker pro tem Aurand thereupon appointed Reps. Freeborn, Myers and McClure as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 437**.

Speaker pro tem Aurand thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **Sub. SB 545**.

Speaker pro tem Aurand thereupon appointed Reps. Holmes, Sloan and McClure as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 551**.

Speaker pro tem Aurand thereupon appointed Reps. Tanner, Lloyd and Reardon as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 586**.

Speaker pro tem Aurand thereupon appointed Reps. Tomlinson, Dreher and Kirk as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 605**.

Speaker pro tem Aurand thereupon appointed Reps. Horst, Faber and Gatewood as conferees on the part of the House.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Freeborn, the House nonconcurred in Senate amendments to **Sub. HB 2686** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Freeborn, Myers and Flora as conferees on the part of the House.

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **S. Sub. for HB 2075** 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.

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **HB 2746** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Holmes, Sloan and McClure as conferees on the part of the House.

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **HB 2810** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Wilk, Neufeld and Nichols as conferees on the part of the House.

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2817** and asked for a conference.

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

On motion of Rep. Loyd, the House nonconcurrent in Senate amendments to **HB 2880** 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.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Hutchins, Committee of the Whole report, as follows, was adopted:  
Recommended that **SB 443** be passed.

**HR 6012** be adopted.

Committee report recommending a substitute bill to **Sub. HB 3002** be adopted; also, on motion of Rep. Garner be amended on page 2, following line 17, by inserting:

“(d) The provisions of this section shall not apply to any city located in a county having a population of less than 45,000.”;

Also, on motion of Rep. Loyd **Sub. HB 3002** be amended on page 1, in line 41, by striking all after “city”; in line 42, by striking “municipal entity” and inserting “of the second class”; also in line 42, after “Kansas” by inserting “located in Sedgwick county”;

Also, on motion to recommend **HB 3002** favorably for passage, the motion did not prevail.

Committee report to **SB 403** be adopted; also, on motion of Rep. Tanner be amended on page 9, in line 26, following “opened” by inserting “under a qualified tuition program as defined in section 529 of the federal internal revenue code of 1986, as amended,” and **SB 403** be passed as amended.

Committee report to **SB 619** be adopted; also, on motion of Rep. Ruff to amend, Rep. Lane requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. Rep. Lane challenged the ruling, the question being “Shall the Rules Chair be sustained?” The Rules Chair was sustained. The question reverted back to the motion of Rep. Ruff to amend on page 2, after line 22, by inserting an additional section as follows:

“Sec. 2. K.S.A. 75-3711c is hereby amended to read as follows: 75-3711c. (a) The following matters of business before the state finance council are hereby declared to be matters characterized as legislative delegations:

(1) Increase of expenditure limitations on special revenue funds imposed by legislative act.

(2) Grant of approval pursuant to K.S.A. 75-3711a and amendments thereto.

(3) Exercise of functions specified in K.S.A. 75-3712, 75-3713, 75-3713a or 75-3725a and amendments thereto.

(4) Exercise of the functions specified in K.S.A. 48-938 and amendments thereto.

(5) Increase of limitations imposed by legislative act on expenditures from reappropriated balances in state general fund accounts.

(6) Increase of limitations imposed by legislative act on the number of personnel positions paid from appropriations.

(7) *Establish a state-wide minimum wage in an amount per hour not less than the amount required by section 6 of the fair labor standards act, and amendments thereto.*

(b) All matters of business provided by this act to be performed by the governor in lieu of the state finance council are hereby declared to be executive functions to be exercised by the executive department subject to subsequent enactment by the legislature.

(c) The matters specified in subsection (a) shall be approved, authorized or directed by the governor and a majority vote of the legislative members of the state finance council. Except for functions specified in K.S.A. 75-3725a and amendments thereto or as otherwise specified by legislative act, such approval, authorization or direction shall be given only when the legislature is not in session, upon findings, in addition to any enhancement or alteration thereof by legislative enactment, that:

(1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested action, and delay until the next legislative session on the requested action would be contrary to paragraph (3) of this subsection.

(2) The requested action is not one that was rejected in the next preceding session of the legislature, and is not contrary to known legislative policy.

(3) In cases where the action is requested for a single state agency, the requested action will assist the state agency in attaining an objective or goal which bears a valid relationship to powers and functions of the state agency.

Sec. 3. K.S.A. 44-1203 is hereby amended to read as follows: 44-1203. ~~(a)~~ Except as otherwise provided in the minimum wage and maximum hours law, every employer shall pay to each employee wages at a rate of not less than \$2.65 an hour. *On and after July 1, 2002, such minimum wage shall be an amount per hour equal to the amount provided pursuant to K.S.A. 75-3711c, and amendments thereto.* In calculating such minimum wage rate, an employer may include tips and gratuities received by an employee in an amount equal to not more than 40% of the minimum wage rate if such tips and gratuities have customarily constituted part of the remuneration of the employee and if the employee concerned actually received and retained such tips and gratuities. The secretary shall require each employer desiring approval of an allowance for gratuities to provide substantial evidence of the amounts of such gratuities on account of which the employer has taken an allowance pursuant to this section.

~~(b) The provisions of this section shall not apply to any employers and employees who are covered under the provisions of section 6 of the fair labor standards act of 1938 as amended (29 U.S.C.A. § 206), and as amended by the fair labor standards amendments of 1974 and any other acts amendatory thereof or supplemental thereto.~~

By renumbering existing sections accordingly;

Also on page 2, in line 22, after "K.S.A." by inserting "44-1203,;" also in line 22, by striking "is" and inserting "and 75-3711c are";

In the title, in line 9, after "procedures" by inserting "; powers and duties"; in line 10, after "K.S.A." by inserting "44-1203,;" also in line 10, after "75-3711" by inserting "and 75-3711c"; also in line 10, by striking "section" and inserting "sections";

Roll call was demanded.

On roll call, the vote was: Yeas 50; Nays 72; Present but not voting: 0; Absent or not voting: 3.

Yeas: Barnes, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Howell, Huy, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Schwartz, Shultz, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Toplikar, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Ballard, Neufeld, O'Brien.

The motion of Rep. Ruff did not prevail, and **SB 619** be passed as amended.

Committee report to **HB 2956** be adopted; also, on motion of Rep. Tanner be amended on page 2, in line 16, by striking "state general" and inserting "tuition waiver gifts, grants and reimbursements"; in line 25, by striking "and grants" and inserting ", grants and reimbursements"; in line 26, by striking "financing tuition waivers for eligible applicants" and inserting "payment of claims of Kansas educational institutions"; following line 32, by inserting the following material to read as follows:

“(g) During each year, the chief executive officer of the state board shall make one or more certifications of the amount or amounts required to pay claims received from Kansas educational institutions for tuition and fees under this section to the director of accounts and reports and the secretary of social and rehabilitation services. Upon receipt of each such certification, the director of accounts shall transfer the amount certified from moneys received under the federal Chafee foster care independence grant and credited to the foster care assistance federal fund of the department of social and rehabilitation services to the tuition waiver gifts, grants and reimbursements fund of the state board.”;

And by relettering subsections in the section accordingly; and **HB 2956** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2635**, as amended by House Committee, be amended as recommended by the Committee on Utilities during the 2002 regular session of the legislature and the bill, as printed with amendments by House Committee, be further amended: on page 2, after line 7, by inserting:

“Sec. 2. K.S.A. 2001 Supp. 74-8905 is hereby amended to read as follows: 74-8905. (a) The authority may issue bonds, either for a specific activity or on a pooled basis for a series of related or unrelated activities or projects duly authorized by a political subdivision or group of political subdivisions of the state in amounts determined by the authority for the purpose of financing projects of statewide as well as local importance as defined pursuant to K.S.A. ~~12-1744~~ *12-1774*, and amendments thereto, capital improvement facilities, educational facilities, health care facilities and housing developments. Nothing in this act shall be construed to authorize the authority to issue bonds or use the proceeds thereof to:

(1) Purchase, condemn or otherwise acquire a utility plant or distribution system owned or operated by a regulated public utility;

(2) finance any capital improvement facilities, educational facilities or health care facilities which may be financed by the issuance of general obligation or utility revenue bonds of a political subdivision, except that the acquisition by the authority of general obligation or utility revenue bonds issued by political subdivisions with the proceeds of pooled bonds shall not violate the provisions of the foregoing; or

(3) purchase, acquire, construct, reconstruct, improve, equip, furnish, repair, enlarge or remodel property for any swine production facility on agricultural land which is owned, acquired, obtained or leased by a corporation, limited liability company, limited partnership, corporate partnership or trust.

Nothing in this subsection (a) shall prohibit the issuance of bonds by the authority when any statute specifically authorizes the issuance of bonds by the authority or approves any activity or project of a state agency for purposes of authorizing any such issuance of bonds in accordance with this section and provides an exemption from the provisions of this subsection (a).

(b) The authority may issue bonds for activities and projects of state agencies as requested by the secretary of administration. No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. When requested to do so by the secretary of administration, the authority may issue bonds for the purpose of refunding, whether at maturity or in advance of maturity, any outstanding bonded indebtedness of any state agency. The revenues of any state agency which are pledged as security for any bonds of such state agency which are refunded by refunding bonds of the authority may be pledged to the authority as security for the refunding bonds.

(c) The authority may issue bonds for the purpose of financing industrial enterprises, agricultural business enterprises, educational facilities, health care facilities and housing developments, or any combination of such facilities, or any interest in facilities, including without limitation leasehold interests in and mortgages on such facilities. No less than 30 days prior to the issuance of any bonds authorized under this act with respect to any project

or activity which is to be undertaken for the direct benefit of any person or entity which is not a state agency or a political subdivision, written notice of the intention of the authority to provide financing and issue bonds therefor shall be given by the president of the authority to the governing body of the city in which the project or activity is to be located. If the project or activity is not proposed to be located within a city, such notice shall be given to the governing body of the county. No bonds for the financing of the project or activity shall be issued by the authority for a one-year period if, within 15 days after the giving of such notice, the governing body of the political subdivision in which the project or activity is proposed to be located shall have adopted an ordinance or resolution stating express disapproval of the project or activity and shall have notified the president of the authority of such disapproval.

(d) The authority may issue bonds for the purpose of establishing and funding one or more series of venture capital funds in such principal amounts, at such interest rates, in such maturities, with such security, and upon such other terms and in such manner as is approved by resolution of the authority. The proceeds of such bonds not placed in a venture capital fund or used to pay or reimburse organizational, offering and administrative expenses and fees necessary to the issuance and sale of such bonds shall be invested and reinvested in such securities and other instruments as shall be provided in the resolution under which such bonds are issued. Moneys in a venture capital fund shall be used to make venture capital investments in new, expanding or developing businesses, including, but not limited to, equity and debt securities, warrants, options and other rights to acquire such securities, subject to the provisions of the resolution of the authority. The authority shall establish an investment policy with respect to the investment of the funds in a venture capital fund not inconsistent with the purposes of this act. The authority shall enter into an agreement with a management company experienced in venture capital investments to manage and administer each venture capital fund upon terms not inconsistent with the purposes of this act and such investment policy. The authority may establish an advisory board to provide advice and consulting assistance to the authority and the management company with respect to the management and administration of each venture capital fund and the establishment of its investment policy. All fees and expenses incurred in the management and administration of a venture capital fund not paid or reimbursed out of the proceeds of the bonds issued by the authority shall be paid or reimbursed out of such venture capital fund.

(e) The authority may issue bonds in one or more series for the purpose of financing a project of statewide as well as local importance in connection with a redevelopment plan that is approved by the authority in accordance with K.S.A. 2001 Supp. 74-8921 and 74-8922, and amendments thereto.

(f) After receiving and approving the feasibility study required pursuant to K.S.A. 2001 Supp. 74-8936, and amendments thereto, the authority may issue bonds in one or more series for the purpose of financing a multi-sport athletic project in accordance with K.S.A. 2001 Supp. 74-8936 through 74-8938, and amendments thereto. If the project is to be constructed in phases, a similar feasibility study shall be performed prior to issuing bonds for the purpose of financing each subsequent phase.

(g) The authority may issue bonds for the purpose of financing resort facilities, as defined in subsection (a) of K.S.A. 32-867, and amendments thereto, in an amount or amounts not to exceed \$30,000,000 for any one resort. The bonds and the interest thereon shall be payable solely from revenues of the resort and shall not be deemed to be an obligation or indebtedness of the state within the meaning of section 6 of article 11 of the constitution of the state of Kansas. The authority may contract with a subsidiary corporation formed pursuant to subsection (v) of K.S.A. 74-8904, and amendments thereto, or others to lease or operate such resort. The provisions of K.S.A. 32-867, 32-868, 32-870 through 32-873 and 32-874a through 32-874d, and amendments thereto, shall apply to resorts and bonds issued pursuant to this subsection.

(h) The authority may use the proceeds of any bond issues herein authorized, together with any other available funds, for venture capital investments or for purchasing, leasing, constructing, restoring, renovating, altering or repairing facilities as herein authorized, for making loans, purchasing mortgages or security interests in loan participations and paying all incidental expenses therewith, paying expenses of authorizing and issuing the bonds,

paying interest on the bonds until revenues thereof are available in sufficient amounts, purchasing bond insurance or other credit enhancements on the bonds, and funding such reserves as the authority deems necessary and desirable. All moneys received by the authority, other than moneys received by virtue of an appropriation, are hereby specifically declared to be cash funds, restricted in their use and to be used solely as provided herein. No moneys of the authority other than moneys received by appropriation shall be deposited with the state treasurer.

(i) *The authority may issue bonds for the purpose of financing the construction of broadband technology facilities in areas of the state which do not have access to broadband services. The bond issue may include one or more cities, counties or school districts but any such cities, counties or school districts must contract with a private sector participant for the construction, maintenance and operation of the broadband facilities. In no event shall the authority issue such bonds to construct facilities which would provide telecommunications or broadband services in competition with existing services provided by the private sector. Bonds issued pursuant to this subsection shall be exempt from the provisions of subsection (a).*

(j) Any time the authority is required to publish a notification pursuant to the tax equity and fiscal responsibility act of 1982, the authority shall further publish such notification in the Kansas register.

(k) Any time the authority issues bonds pursuant to this section, the authority shall publish notification of such issuance at least 14 days prior to any bond hearing in the official county newspaper of the county in which the project or activity financed by such bonds are located and in the Kansas register.

Sec. 3. K.S.A. 2001 Supp. 74-8905 is hereby repealed.”;

By renumbering section 2 as section 4;

In the title, in line 10, by striking all after “concerning”; in line 11, by striking all before the period and inserting “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”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 3007** be amended on page 3, following line 41, by inserting the following material to read as follows:

“Parks—Bilger/Taylor gym roof..... \$139,885”;

On page 9, following line 43, by inserting the following material to read as follows:

“(1) During the fiscal year ending June 30, 2003, no moneys appropriated for the department of administration for the fiscal year ending June 30, 2003, from the state general fund or any special revenue fund by this or other appropriation act of the 2002 regular session of the legislature shall be expended by the department of administration for the purpose of reinforcing the statehouse dome for placement of the Ad Astra sculpture atop the statehouse dome.”;

On page 10, following line 14, by inserting the following material to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance a capital improvement project for renovation of student residential life facilities: *Provided*, That such capital improvement project is hereby approved for the Fort Hays state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the Fort Hays state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$9,045,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project



and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.”;

On page 25, in line 4, preceding “employment”, by inserting “special”; also in line 4, by striking “administration”; in line 6, preceding “employment”, by inserting “special”; also in line 6, by striking “administration”; by striking all in line 7; in line 8, by striking all preceding the colon; in line 9, by striking all following “2003”; in line 10, by striking all preceding “may”; in line 16, by striking all following “2003”; in line 17, by striking all preceding “for”; in line 21, preceding “employment” by inserting “special”; also in line 21, by striking “administration”;

On page 30, following line 28, by inserting the following material to read as follows:  
 “Boating fee fund—Kansas and Missouri river access ..... \$100,000”;

On page 32, following line 17, by inserting the following material to read as follows:  
 “(o) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2003, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2003 from the unexpended balance in the wildlife conservation fund—wetlands acquisition/development account and the unexpended balance in the wildlife conservation fund—land acquisition account for the additional purpose of financing a pilot project of grass terracing designed to encourage bird populations.”;

And by relettering subsections accordingly;

On page 33, following line 19, by inserting the following material to read as follows:

“(t) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for fiscal year 2003 for construction of any new river access project on the Kansas River or Missouri River unless (1) the secretary of wildlife and parks has obtained the prior written permission for the proposed river access project from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the proposed river access project is to be constructed, and (2), if a parcel of any of such immediately adjacent real property is being leased, the secretary of wildlife and parks also has obtained the prior written permission for the proposed river access project from the lessor of such parcel of any of such immediately adjacent real property.”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **SCR 1614** be amended on page 1, in line 22, after “parent” by inserting “on a full-time basis”; in line 38, after “provide” by inserting “better quality and choice of long-term care and”; after line 39, by inserting the following:

“WHEREAS, The department of social and rehabilitation services and the department on aging work to inform and educate applicants for medical assistance of such department’s powers and duties under the state and federal laws to recover the costs of medical assistance provided from the estates of medical assistance recipients, including kinds and amounts of allowable expenditures or other utilizations of assets to acquire exempt or other property so that such assets are excluded from such income calculations and also including the use of trusts to allowably reduce an individual’s net worth when applying for medical assistance; and

WHEREAS, The state’s goal should be to encourage purchase of long-term insurance not only to protect the public from asset loss, but also to protect the Medicaid program for the truly needy; and”;

On page 2, in line 4, by striking “is” and inserting “and the Kansas department of social and rehabilitation services are”; in line 5, by striking “younger”; in line 7, after “affordable” by inserting “and to encourage the Kansas department of social and rehabilitation services to aggressively pursue a five-year look back period for capturing disqualifying transfers for Medicaid eligibility and to report back to the 2003 Kansas legislature regarding potential legislative action”; in line 10, after “Aging” by inserting “and Secretary of the Kansas

Department of Social and Rehabilitation Services”; and the concurrent resolution be adopted as amended.

The Committee on **Utilities** recommends **HB 3031** be amended on page 1, in lines 15 and 16, by striking “natural-gas or” and inserting “natural gas well.”; also in line 16, after “well” by inserting “or coalbed natural gas well”; in line 38, after “produced” by inserting “from natural gas wells or”; in line 39, by striking “in connection with the de-watering of” and inserting “from”; and the bill be passed as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Gatewood moved, pursuant to House Rule 2303, that the House reconsider its adverse action on Final Action on **SB 409**, and that the bill be returned to that order of business, Final Action on Bills and Concurrent Resolutions.

Roll call was demanded.

On roll call, the vote was: Yeas 56; Nays 66; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Cook, Cox, DiVita, Dreher, Edmonds, Faber, Gatewood, Glasscock, Goering, Gordon, Henry, Hermes, Horst, Huff, Kauffman, Lane, Larkin, Light, Lightner, P. Long, Mays, McCreary, McKinney, Merrick, Minor, Jim Morrison, Newton, O’Neal, Osborne, Ostmeyer, Owens, Patterson, L. Powell, Pyle, Ray, Schwartz, Showalter, Shultz, Stone, Storm, Swenson, Tafanelli, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams.

Nays: Aday, Aurand, Burroughs, Compton, Crow, Dahl, DeCastro, Dillmore, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gamer, Gilbert, Grant, Hayzlett, Henderson, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Levinson, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, McClure, McLeland, Miller, Judy Morrison, Myers, Nichols, Novascone, Palmer, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, T. Powell, Powers, Reardon, Rehorn, Ruff, Sharp, Shriver, Sloan, Spangler, Tanner, Thimesch, R. Toelkes, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Neufeld, O’Brien.

The motion of Rep. Gatewood did not prevail.

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 bills and concurrent resolution were thereupon introduced and read by title:

**HB 3033**, An act concerning school districts; relating to capital improvements; state aid; amending K.S.A. 75-2319 and repealing the existing section, by Committee on Appropriations.

**HB 3034**, An act concerning the legislature; restricting the creation of legislative study committees; and repealing K.S.A. 46-3101, relating to the legislative compensation commission, by Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION No. 5056—

By Representatives Ruff, Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gamer, 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’Brien, O’Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, 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 and Winn

A CONCURRENT RESOLUTION memorializing the Congress of the United States to maintain needed medical services at the Dwight D. Eisenhower Department of Veterans Affairs Medical Center in Leavenworth.

WHEREAS, The city of Leavenworth provided the land and considerable financial assistance to secure the establishment of the Western Branch, National Home for Disabled Volunteer Soldiers in 1884. In its early days it served as a home for "old soldiers". The home became a part of the Veterans Administration in 1930 as its mission changed from housing to provision of medical services to veterans of military service. Since World War II, the Center has served admirably the medical needs of an aging veteran population in Eastern Kansas and Western Missouri, and with the reduction in availability of medical services at active military installations, the Center is providing increasingly medical care for active duty military personnel; and

WHEREAS, The Department of Veterans Affairs (VA) has combined the Leavenworth VA Medical Center with the Topeka VA Medical Center to form the VA Eastern Kansas unit which in turn is a part of a regional organization containing Department of Veterans Affairs facilities in Kansas, Missouri and Illinois. The Leavenworth VA Medical Center has undergone cumulative budget reductions since fiscal year 1996 which other regional VA facilities have not faced, and while Department of Veterans Affairs information on future plans are not known, there is an ongoing insidious erosion of service capabilities at the Leavenworth VA Medical Center. This continues even though the Leavenworth VA Medical Center services nearly 35,000 active and retired military personnel and a substantial number of veterans who have made their homes in the Leavenworth community in order to use the facilities of Fort Leavenworth and the Leavenworth VA Medical Center: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we memorialize the Congress of the United States of the need to continue to provide the fine services which have been provided previously to our veterans at the Dwight D. Eisenhower Department of Veterans Affairs Medical Center in Leavenworth; and

*Be it further resolved:* That the Secretary of State provide an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the Director of the Department of Veterans Affairs and to each member of the Kansas congressional delegation.

#### CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Rep. Burroughs as a member of the conference committee on **H. Sub. for SB 605** to replace Rep. Gatewood.

#### COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Aurand announced Rep. McCreary is appointed to Committee on Federal and State Affairs to replace Rep. Edmonds.

#### REPORT ON ENGROSSED BILLS

**HB 2878, HB 2947** reported correctly engrossed April 1, 2002.

#### REPORT ON ENGROSSED RESOLUTIONS

**HCR 5014** reported correctly engrossed March 29, 2002.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Tuesday, April 2, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

