

Journal of the House

TWENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 11, 2003, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Rep. Pottorff was excused on legislative business.
Rep. Yonally was excused on excused absence by the Speaker.

Prayer by guest chaplain, Scott Lorimer, Youth Minister, First Presbyterian Church, Lawrence, and guest of Rep. Sloan:

Great God of All,
We are constantly thinking of the here and now, making decisions based on facts and figures.
Often we are limited by resources and our programs don't always get all the attention that we desire.
We ask that you help each of us to become creative realists in our administration.
Help guide our hearts and minds to make loving choices for all whom we serve, for our state and those who reside within it.
We each pursue a dream of a greater district, a greater state, and ultimately a greater nation in which we live.
Help us to identify that dream and bring our dreams closer to reality.
Help us to assist our greatest dreamers, those who are still in school, still learning how to dream.
May the actions of this house be a blessing to all whom we serve. Amen.

The Pledge of Allegiance was led by Rep. Beggs.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

HB 2257, An act establishing the joint committee for legislative oversight of foster care and adoption services; prescribing powers, duties and functions therefor; amending K.S.A. 46-1001 and repealing the existing section, by Committee on Appropriations.

HB 2258, An act concerning agriculture; enacting the agricultural opportunities and value-added partnerships act, by Committee on Commerce and Labor.

HB 2259, An act concerning schools; relating to teachers' contracts; amending K.S.A. 72-5411 and 72-5437 and repealing the existing sections, by Representatives Patterson, Newton, Owens, D. Williams and Yoder.

HB 2260, An act concerning schools; relating to the capital outlay levy and fund; amending K.S.A. 72-8801 and 72-8804 and repealing the existing sections, by Representatives Patterson, Newton, Owens, D. Williams and Yoder.

HB 2261, An act concerning schools; relating to the capital outlay levy and fund; amending K.S.A. 72-8801 and 72-8804 and repealing the existing sections, by Representatives Patterson, Newton, Owens, D. Williams and Yoder.

HB 2262, An act enacting the children's internet protection act, by Representative Patterson (By request).

HB 2263. An act relating to property taxation; limiting annual increases in property valuation, by Representative Patterson.

HB 2264. An act concerning sales taxation; enacting the streamlined sales and use tax agreement conformity act; local sales tax transportation development district act; amending K.S.A. 12-191, 12-198, 75-5151, 79-3607, 79-3608 and 79-3651 and K.S.A. 2002 Supp. 12-194, 25-432, 79-3602, 79-3603, 79-3606, 79-3650 and 79-3703 and repealing the existing sections; also repealing K.S.A. 12-191a, by Committee on Taxation.

HB 2265. An act relating to property taxation; limiting annual increases in property valuation, by Committee on Taxation.

HB 2266. An act concerning income taxation; relating to resident trusts; amending K.S.A. 79-32,109 and repealing the existing section, by Committee on Taxation.

HB 2267. An act concerning employment security law; relating to definition of employment; service performed by certain agricultural workers who are aliens; amending K.S.A. 2002 Supp. 44-703 and repealing the existing section, by Committee on Taxation.

HB 2268. An act enacting the uniform prescription drug information card act, by Representative Horst.

HB 2269. An act concerning campaign finance; relating to indirect expenditures; amending K.S.A. 25-4156 and repealing the existing section, by Representative Horst.

HB 2270. An act concerning the Kansas juvenile justice code; amending K.S.A. 38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1606a, 38-1607, 38-1608, 38-1609, 38-1610, 38-1613, 38-1614, 38-1615, 38-1616, 38-1617, 38-1618, 38-1621, 38-1622, 38-1623, 38-1624, 38-1625, 38-1626, 38-1627, 38-1628, 38-1629, 38-1630, 38-1631, 38-1632, 38-1633, 38-1634, 38-1635, 38-1636, 38-1637, 38-1638, 38-1639, 38-1640, 38-1641, 38-1651, 38-1652, 38-1653, 38-1654, 38-1655, 38-1656, 38-1657, 38-1658, 38-1661, 38-1663, 38-1664, 38-1665, 38-1666, 38-1668, 38-1671, 38-1673, 38-1674, 38-1675, 38-1676, 38-1677, 38-1681, 38-1682, 38-1683, 38-1684, 38-1685, 38-1691, 38-16,111, 38-16,116, 38-16,117, 38-16,118, 38-16,119, 38-16,120, 38-16,126, 38-16,127, 38-16,128, 38-16,129, 38-16,130, 38-16,132 and 38-16,133 and K.S.A. 2002 Supp. 38-1611 and 38-1692 and repealing the existing sections; also repealing K.S.A. 38-1612, 38-1662, 38-1667 and 38-16,131, by Committee on Corrections and Juvenile Justice.

HB 2271. An act concerning crimes and punishment; relating to crimes against property; amending K.S.A. 21-3704 and 21-3720 and K.S.A. 2002 Supp. 21-3701 and 21-3707 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2272. An act concerning corrections; relating to a day reporting center in Wyandotte county, by Committee on Corrections and Juvenile Justice.

HB 2273. An act relating to emergency contraception; providing for education and dissemination of information relating thereto, by Committee on Health and Human Services.

HB 2274. An act providing for the regulation and licensing of radiologic technologists; granting powers and duties of the state board of healing arts; establishing a radiologic technology council and providing for the functions thereof; declaring unlawful acts and penalties, by Committee on Health and Human Services.

HB 2275. An act concerning civil procedure; relating to protection from abuse; amending K.S.A. 2002 Supp. 60-3107 and repealing the existing section, by Representative Sloan.

HOUSE CONCURRENT RESOLUTION No. 5010—

By Representatives Patterson, Gatewood, Rehorn and Sawyer

A CONCURRENT RESOLUTION urging the Kansas Insurance Department and the Commissioner of Insurance to continue to disseminate certain information regarding long-term care insurance and to continue to study long-term care policy options or provisions.

WHEREAS, The average life expectancy is now almost 80 years and, often, the blessing of longer life means that diseases of aging that require long-term or custodial care, such as Alzheimer's disease, are more prevalent; and

WHEREAS, Changes in the structure of the nuclear family, such as two-earner households, make families less able to care for an aging parent on a full-time basis; and

WHEREAS, Currently 5.8 million people aged 65 or older need long-term care and this number will increase as more people survive heart attacks, cancer, strokes and other ailments that once were fatal; and

WHEREAS, Medicare does not cover the cost of nursing home care, assisted living, residential health care or other long-term care except for 100 days of rehabilitation; and

WHEREAS, The primary sources of private financing of long-term care are the income and savings of the elderly, the disabled and their families or medicaid, a program for the poor; and

WHEREAS, The average cost for care in a nursing home in the United States is \$40,000-\$50,000 a year and that figure is certain to increase; and

WHEREAS, Kansas seniors must spend their life savings and contribute all their income before medicaid pays for their care; and

WHEREAS, Long-term care insurance can play an important role in helping to provide better quality and choice of long-term care and protection against the cost of long-term care and the expenditure of a lifetime of savings; and

WHEREAS, Insurance companies provide long-term health insurance policies which cover all or part of the costs of such long-term care; and

WHEREAS, The information provided by vendors of long-term care insurance to the prospective purchasers is confusing and bewildering due to the number of options available, the number of issues to be considered and the different formats used to provide such information; and

WHEREAS, The information available from vendors of long-term care insurance does not allow the prospective purchaser of long-term care insurance to make an easy comparison of policies, or the provisions of such policies, prior to purchasing long-term care insurance; and

WHEREAS, The Legislature supports the efforts of the Kansas Insurance Department as it gathers and publishes information on many topics related to insurance, including long-term care medicare supplement insurance: Now, therefore;

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature urges the Kansas Insurance Department and the Commissioner of Insurance to continue to obtain information from the insurance companies who sell long-term care insurance in this state which would explain in simple language and permit a prospective purchaser of long-term care insurance to make an informed choice regarding:

- (a) The coverage for in-home services;
- (b) the coverage for nursing home services;
- (c) the length of time that the policy is to provide coverage for long-term care services;
- (d) the length of elimination periods, if any, and the effect of such periods on the coverage provided;
- (e) the daily rate of benefits and other payments for covered benefits;
- (f) the amount of inflation protection provided under any proposed policy of long-term care insurance;
- (g) the extent, if any, to which the insured's activities of daily living will be affected by the terms of any proposed policy of long-term care insurance; and
- (h) the identity of the person or entity which makes decisions affecting the insured's activities of daily living; and

Be it further resolved: That the Kansas Insurance Department and the Commissioner of Insurance are hereby urged to continue to publish an informational pamphlet, as similar in format and style as possible to the Kansas Insurance Department's pamphlet entitled "Kansas Medicare Insurance Shopper's Guide" with input from the members of the Kansas Silver Haired Legislature; and

Be it further resolved: That the Kansas Insurance Department and the Commissioner of Insurance are hereby urged to continue to study the long-term care policy options or provisions for all long-term care insurance policies sold in the State of Kansas; and

Be it further resolved: That the Secretary of State is hereby directed to provide an enrolled copy of this resolution to the Commissioner of Insurance.

HOUSE CONCURRENT RESOLUTION No. 5011—

By Representative F. Miller

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, prohibiting the increase of the rate of certain fees or taxes.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

“§ 14. **Prohibition against tax rate increases.** No enactment of the legislature shall: (1) Increase by more than 3.0% the rate of any fee or tax imposed prior to November 2, 2004; (2) impose a new fee or tax after November 2, 2004; or (3) increase by more than 3.0% the rate of any new fee or tax described by clause (2) imposed after November 2, 2004, without the affirmative vote of two-thirds of the members of the House of Representatives and the Senate.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“Explanatory statement. This amendment would establish a prohibition against general fee or tax rate increases.

“A vote for this proposition would establish a prohibition against increases of the rate in excess of 3.0% of any fee or tax which was imposed prior to November 2, 2004, the imposition of a new fee or tax after November 2, 2004, or increases of the rate in excess of 3.0% of any new fee or tax imposed after November 2, 2004, without a two-thirds affirmative vote of the members of the House of Representatives and the Senate.

“A vote against this proposition would maintain the absence of any tax levy rate increase limitation in the constitution.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on November 2, 2004.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Education: **HB 2256.**

Health and Human Services: **HB 2254.**

Taxation: **HB 2255.**

MESSAGE FROM THE GOVERNOR

Homeownership has long been considered the centerpiece of the American Dream. Kansas families in both rural areas and urban centers share that dream. Today, however, Kansas is the only state in the union without a statewide homeownership program. Homeownership programs in Kansas are administered on the local level, primarily by two counties. The development of a “One Stop Shop for Housing” and a statewide homeownership program would send a strong message to Kansans of all income levels that the American Dream is still alive for them.

The primary mission of our “One Stop Shop for Housing” would be to ensure that Kansas families throughout the entire state have the financial tools for affordable homeownership. *The first step in this process, which is accomplished through this Executive Reorganization Order, is the transfer of the housing programs from the Department of Commerce and Housing to the Kansas Development Finance Authority.*

This reorganization would abolish the housing functions performed by the Department of Commerce and Housing, as authorized by and assigned under K.S.A. 74-5002g, and reassign them to KDFA. This reorganization would begin to consolidate the authority for making homeownership affordable into a "One Stop Shop for Housing." Communities throughout Kansas have different housing needs. From emergency shelter grants, rental assistance, rehabilitation of substandard housing to the construction of new affordable housing, our "One Stop Shop for Housing" would ensure that the resources are available and administered to meet the needs of our communities.

The ultimate goals of this process would be to (1) distribute housing resources equitably throughout the entire state; (2) increase homeownership for Kansas's families through continuous lending programs that deliver low cost mortgage financing and down payment assistance; (3) deliver programs that meet the basic shelter needs of our low and very low-income Kansas families; (4) deliver resources that assist local communities in the construction of new homes and the rehabilitation of substandard housing. I believe all Kansans support these goals.

Another essential step in this process is to give the Kansas Development Finance Authority the ability to administer a statewide homeownership program. I plan to follow up this ERO with legislation that would authorize KDFA to perform a variety of functions to make homeownership more affordable.

KDFA is an excellent organization, and I have confidence in its leadership and staff. It is well run and businesslike. It is known nationwide by investors in Kansas bonds and is well respected by the rating agencies. Placing this responsibility with KDFA will allow more Kansans to live the American Dream.

By the Governor
KATHLEEN SEBELIUS
February 10, 2003

Executive Reorganization Order No. 30

By Governor Kathleen Sebelius
Transmitted February 10, 2003

Section 1. There is hereby established within the Kansas development finance authority, a division of housing to be organized and administered by the Kansas development finance authority. The head of the division shall be the director of housing, who shall be appointed by and serve at the pleasure of the president of the Kansas development finance authority. The director of housing shall administer the division of housing.

Sec. 2. (a) The division of housing within the department of commerce and housing and the undersecretary for housing within the department of commerce and housing created by K.S.A. 74- 5002g, and amendments thereto, are hereby abolished. On the effective date of this order, the department of commerce and housing is hereby renamed the department of commerce, and the secretary of commerce and housing is hereby renamed the secretary of commerce.

(b) Except as otherwise provided by this order, all of the powers, duties and functions of the existing division of housing within the department of commerce and housing, and the existing undersecretary of housing within the department of commerce and housing, are hereby transferred to and imposed upon the division of housing within the Kansas development finance authority and the director of housing established by this order.

(c) Except as otherwise provided by this order, all of the powers, duties and functions of the department of commerce and housing and the secretary of commerce and housing that relate to housing and housing-related purposes are hereby transferred to and imposed upon the Kansas development finance authority and the president of the Kansas development finance authority.

Sec. 3. (a) The division of housing within the Kansas development finance authority established by this order shall be the successor in every way to the powers, duties, and functions of the division of housing within the department of commerce and housing in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such powers, duties and

functions by or under the authority of the Kansas development finance authority or the director of housing within the Kansas development finance authority established by this order shall be deemed to have the same force and effect as if performed by the department of commerce and housing or the undersecretary of housing within the department of commerce and housing in which such powers, duties and functions were vested prior to the effective date of this order. Contracts related to housing functions shall be transferred to the extent they may be legally transferred or assigned.

(b) Whenever the division of housing of the department of commerce and housing, or words of like effect, are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the division of housing established by this order.

(c) Whenever the undersecretary for housing within the department of commerce and housing, or words of like effect, are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the director of housing established by this order.

(d) Whenever the department of commerce and housing or the secretary of commerce and housing, or words of like effect, are referred to or designated by a statute, contract or other document and such reference is in regard to any of the powers, duties, or functions transferred to the Kansas development finance authority pursuant to this order, such reference or designation shall be deemed to apply to the Kansas development finance authority and the president of the Kansas development finance authority.

(e) All rules and regulations, orders and directives of the secretary of the department of commerce and housing or the undersecretary for housing which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the Kansas development finance authority and the director of housing until revised, amended, revoked, or nullified pursuant to law.

Sec. 4. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the department of commerce and housing relating to the powers and duties and functions transferred by this order are hereby transferred within the state treasury to the division of housing within the Kansas development finance authority and shall be used only for the purpose for which the appropriation was originally made.

(b) On the effective date of this order, liability for all accrued compensation or salaries of officers and employees who are transferred to the Kansas development finance authority under this order shall be assumed and paid by the division of housing within the Kansas development finance authority.

(c) The Kansas development finance authority shall keep separate records and accounts for the division of finance and the division of housing within the Kansas development finance authority. All expenses of the division of finance incurred in the performance of its duties and conducting its finance programs shall be payable from funds generated by or designated for the division of finance, and all expenses of the division of housing incurred in the performance of its duties and conducting its housing programs shall be payable from funds generated by or designated for the division of housing, including state appropriations. This system of separate records and accounts shall be in effect for such period as the Kansas development finance authority deems necessary and appropriate, and may also be subject to modification as the Kansas development finance authority deems necessary and appropriate.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas development finance authority shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the Kansas development finance authority. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected. The state shall remain the party in interest in any such action.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order, and the state shall remain the party in interest in any such action.

Sec. 7. (a) Except with respect to the powers, duties, and functions that are transferred by this order to the Kansas development finance authority or to the division of housing within the Kansas development finance authority, the department of commerce established by this order shall be the successor in every way to the powers, duties, and functions of the department of commerce and housing in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of commerce or the secretary of commerce established by this order shall be deemed to have the same force and effect as if performed by the department of commerce and housing or the secretary of commerce and housing in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the department of commerce and housing, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power, or duty other than those powers, duties, and functions that are transferred to the Kansas development finance authority under this order, such reference or designation shall be deemed to apply to the department of commerce established by this order.

(c) Whenever the secretary of commerce and housing, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power, or duty other than those powers, duties, and functions that are transferred to the Kansas development finance authority under this order, such reference or designation shall be deemed to apply to the secretary of commerce established by this order.

(d) All rules and regulations, orders and directives of the secretary of the department of commerce and housing that relate to functions other than those functions transferred by this order and that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of commerce until revised, amended, revoked, or nullified pursuant to law.

Sec. 8. (a) All officers and employees of the division of housing within the department of commerce and housing who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order are hereby transferred to and become employees of the Kansas development finance authority. All classified employees so transferred shall retain their status as classified employees. Thereafter, the Kansas development finance authority may convert vacant classified positions to positions that are not classified.

(b) Officers and employees of the division of housing of the department of commerce and housing transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs and abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed prior to the date of transfer by the division of housing within the department of commerce and housing.

Sec. 9. All of the provisions of this order shall take effect and have the force of general law on July 1, 2003, unless disapproved by either house of the Kansas legislature as provided

by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 10th day
of February, 2003.

By the Governor
KATHLEEN SEBELIUS

RON E. THORNBURGH
Secretary of State

JANET A. CHUBB
Assistant Secretary of State

The above **ERO 30** received from the Governor on February 10, 2003 was read by title. Speaker Mays announced **ERO 30** would be printed and placed in the bill books.

MESSAGE FROM THE SENATE

Announcing adoption of **HCR 5006**.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2026** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

CONSENT CALENDAR

No objection was made to **HB 2006** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2055** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2055. An act concerning agriculture; relating to agricultural production loan deposit agreements; interest rate; amending K.S.A. 2002 Supp. 75-4272 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Pottorff, Yonally.

The bill passed.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Sawyer in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2008** be passed.
 Committee report to **HB 2044** be adopted; and the bill be passed as amended.
 Committee report to **HCR 5007** be adopted; and the resolution be adopted as amended.
 Committee report to **HB 2009** be adopted; and the bill be passed as amended.
 Committee report to **HB 2014** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Ethics and Elections** recommends **HCR 5005** be amended on page 1, in line 36, by striking "only to"; and the concurrent resolution be adopted as amended.

The Committee on **Transportation** recommends **HB 2118** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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 2276, An act regarding family medical leave; concerning wage replacement; establishing the family leave wage replacement fund, by Representative Swenson.

HB 2277, An act concerning employment; ensuring that employees of government contractors are paid a living wage; amending K.S.A. 75-37,103 and K.S.A. 2002 Supp. 75-3739 and repealing the existing section, by Representative Swenson.

HB 2278, An act concerning agriculture; relating to livestock; prescribing certain unlawful acts and providing penalties therefor, by Committee on Agriculture.

HB 2279, An act concerning ethanol; requiring motor-vehicle fuel dealers to offer for sale; implementation plan, by Committee on Agriculture.

HB 2280, An act concerning wind resources and technologies; requiring the recording of leases related thereto, by Committee on Agriculture.

HB 2281, An act concerning employment security law; relating to the Kansas economic stimulus package of 2003; amending K.S.A. 44-704 and 44-757 and K.S.A. 2002 Supp. 44-703, 44-705 and 44-706 and repealing the existing sections, by Representatives Swenson and Nichols.

HB 2282, An act concerning oil and gas; relating to liability of certain contractors and operators for damages resulting from regulated activities, by Committee on Utilities.

HB 2283, An act concerning schools; relating to elections on capital outlay levys; amending K.S.A. 72-8801 and repealing the existing section, by Representative Wilk.

HB 2284, An act authorizing the imposition of individual and corporation income tax surtaxes by cities and counties; prescribing authorities and duties for the department of revenue relating thereto; amending K.S.A. 12-140 and K.S.A. 2002 Supp. 19-101a and repealing the existing sections, by Committee on Local Government.

HB 2285, An act concerning cities and counties; relating to retailers' sales tax; amending K.S.A. 2002 Supp. 12-189 and repealing the existing section, by Committee on Local Government.

HB 2286, An act concerning the state board of regents and state educational institutions under the control and supervision of the state board of regents; establishing the higher education classified staff personnel system; providing for assistance for retirement annuities for certain officers and employees; prescribing certain powers, duties and functions for the state board of regents; amending K.S.A. 74-4925, 74-4925e and 75-2938 and K.S.A. 2002 Supp. 75-2935 and repealing the existing sections, by Committee on Higher Education.

HB 2287, An act concerning property taxation; relating to classification of and exemption for property used partially for bed and breakfast purposes; amending K.S.A. 79-1439 and K.S.A. 2002 Supp. 79-201c and repealing the existing sections, by Representatives Krehbiel and Ruff.

HB 2288, An act concerning elections; relating to conformity with the help America vote act of 2002; amending K.S.A. 25-216, 25-414, 25-1122d, 25-1216, 25-2908 and 25-3008 and

K.S.A. 2002 Supp. 25-409, 25-2309 and 25-2706 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2289. An act concerning the Kansas development financing authority; relating to funding of out-of-state or in-state projects; amending K.S.A. 74-8904 and 74-8905 and repealing the existing sections, by Committee on Economic Development.

HB 2290. An act concerning the Kansas uniform trust code; amending K.S.A. 2002 Supp. 58a-103, 58a-505 and 58a-813 and repealing the existing sections, by Committee on Judiciary.

HB 2291. An act concerning district courts; relating to the jurisdiction of district magistrate judges; amending K.S.A. 2002 Supp. 20-302b and repealing the existing section, by Committee on Judiciary.

HB 2292. An act concerning civil procedure; relating to immunity from liability; program that provides alcohol level indicators By Committee on Judiciary.

HB 2293. An act concerning fees for services by sheriffs; amending K.S.A. 28-110, 28-170 and 28-172a and K.S.A. 2002 Supp. 60-2001 and 60-2003 and repealing the existing sections, by Committee on Judiciary.

HB 2294. An act concerning civil procedure; relating to the filing of lawsuits concerning construction defects, by Committee on Judiciary.

HB 2295. An act concerning crimes and punishment; relating to arson and aggravated arson; amending K.S.A. 21-3719 and K.S.A. 2002 Supp. 21-3718 and repealing the existing sections, by Committee on Judiciary.

HB 2296. An act concerning civil procedure; relating to civil liability for serving alcoholic beverages, by Committee on Judiciary.

HB 2297. An act concerning civil procedure; relating to garnishment; amending K.S.A. 2002 Supp. 60-739 and 61-3512 and repealing the existing sections, by Committee on Judiciary.

HB 2298. An act concerning the state board of nursing; authorizing the board to enter into agreements with other states for certain reciprocity of practice purposes, by Representative Schwab.

HOUSE CONCURRENT RESOLUTION No. 5012—

By Committee on Utilities

A CONCURRENT RESOLUTION creating the Broadband High-Speed Internet Access Task Force.

WHEREAS, The telecommunications industry has undergone tremendous change in recent years; and

WHEREAS, New levels of competition exist or may soon exist in the industry which will fundamentally alter the economic conditions in which telecommunications public utilities operate; and

WHEREAS, Greater competition in telecommunications services, including broadband high speed internet access service (BBHSIA), demands consideration of relaxed regulation of such services; and

WHEREAS, There should be representation from end users, state agencies, the Legislature and BBHSIA service providers in formulating any future regulatory policy governing BBHSIA given the wide array of affected parties; and

WHEREAS, Movement toward relaxed regulation of BBHSIA services is desirable if it is accomplished in a systematic and logical manner based on accurate information, public analysis and debate: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That there is hereby created the Broadband High-Speed Internet Access (BBHSIA) Task Force to study the unique aspects of deploying internet access to all areas of the state.

The Task Force shall be composed as follows:

(a) A representative of the State Corporation Commission, designated by the Commission;

(b) a representative of the Citizens Utility Ratepayer Board, designated by the Board;

- (c) a representative of Kan-Ed, designated by the State Board of Regents;
- (d) a representative of the Attorney General's office, designated by the Attorney General;
- (e) a representative of the Department of Administration, designated by the Secretary of Administration; and
- (f) the following members appointed by the Legislative Coordinating Council:
 - (1) Three members of the House of Representatives, one of whom shall be the chairperson of the House Committee on Utilities and at least one of whom shall be a Democrat;
 - (2) three members of the Senate, one of whom shall be the chairperson of the Senate Committee on Commerce and at least one of whom shall be a Democrat;
 - (3) a representative of the cable television industry;
 - (4) a representative of the rural independent telephone companies;
 - (5) a representative of the competitive local exchange companies;
 - (6) a representative of SBC Communications;
 - (7) a representative of Sprint;
 - (8) a representative of an interexchange carrier;
 - (9) a representative of internet service providers; and
 - (10) a representative of wireless broadband providers.

The chairperson of the Task Force shall be appointed by the Legislative Coordinating Council; and

Be it further resolved: That legislative members shall receive compensation, subsistence allowances, mileage and other expenses as authorized by the Legislative Coordinating Council; that other state officers and employees shall receive compensation, subsistence allowances, mileage and other expenses as authorized by their respective agencies; and that other members shall receive no compensation but may receive subsistence allowances, mileage and other expenses as authorized by the Legislative Coordinating Council; and

Be it further resolved: That the Task Force shall assess the availability of BBHSIA service throughout the State and shall inventory the various technologies being deployed. To the extent possible, the Task Force shall ascertain the deployment plans of various providers. The Task Force shall recommend to the 2005 Kansas Legislature what the Legislature might do to enhance demand and supply of BBHSIA services in a competitive neutral manner throughout the State. Members of the Task Force shall be appointed no later than July 1, 2003. The Task Force shall complete its duties and issue a report to the 2005 Session of the Kansas Legislature no later than when the Legislature convenes in 2005. The report to the 2005 Legislature should include, but not be limited to, the following:

- (a) A definition of the term "BBHSIA infrastructure" and a procedure for possible future modification of that definition;
- (b) a statewide inventory of the existing telecommunications and BBHSIA infrastructure and an assessment of the BBHSIA needs of end users;
- (c) identification of applications for BBHSIA of importance to the state and a method of setting priorities for their development. This analysis should include a plan for promoting such development, including: A means of providing for coordination and cooperation among public institutions, as well as private users, for purposes of efficient and economical acquisition and use of such applications; a means of fostering interconnections and interoperability among the networks used for such applications when applicable; and a process for informing prospective end users about the use and availability of new technologies associated with such applications. Outcomes to be considered include: Improving the competitiveness of Kansas businesses; improving the quality, affordability and availability of health care; improving the quality of and accessibility to primary, secondary and postsecondary education; increasing the efficiency, effectiveness and responsiveness of state and local government; and affording citizens greater exposure to cultural and recreational amenities; the Task Force should to the extent possible incorporate principles and deployment strategies envisioned in the KAN-ED initiative;
- (d) a recommendation to the legislature concerning the form of regulation that would be appropriate for telecommunication and BBHSIA services which remain regulated;
- (e) formulation of recommendations to the Governor, the Legislature and the State Corporation Commission on key concepts and changes to be incorporated into state regu-

latory policies and policies adopted by the division of information services and communication within the department of administration for the state information network where necessary; and

(f) an evaluation of the creation and retention of jobs in the BBHSIA industry in Kansas. The interim report to the 2004 Legislature should relate the progress of the task force on these issues to the extent they may be resolved; and

Be it further resolved: That subject to appropriations, the Legislative Coordinating Council shall contract with Legislative Post Audit for the development of a report to identify present and anticipated trends in BBHSIA technologies and services and their economic impact on the citizens and businesses of the state, including, but not limited to, low and moderate income households, small businesses and high technology businesses. This report shall address regional differences in economic impact and shall be presented to the 2005 Legislature; and

Be it further resolved: That the Kansas Legislative Research Department and the Revisor of Statutes Office shall provide Task Force staff as needed. The Task Force shall request such other advisory staff assistance as the Task Force considers necessary and state agencies shall cooperate with the Task Force in providing such assistance. Furthermore, subject to appropriations, the Legislative Coordinating Council, after consultation with the State Corporation Commission, may contract with a consultant for the duration of the development of the strategy. Such consultant would be authorized to provide technical assistance, frame policy issues and draft necessary Task Force reports. The consultant should work directly with the Task Force and such subcommittees as may be created; and

Be it further resolved: That the chairperson of the BBHSIA Task Force may appoint such subcommittees as may be necessary to examine in greater detail various issues raised in formulation of the strategic plan. The subcommittees should reflect a representation of public sector members, legislators and telecommunication service providers. However, at least one legislator must be assigned to each subcommittee; and

Be it further resolved: That the State Corporation Commission is urged, upon passage of this resolution, to open one or more generic investigations regarding the level of competition for each regulated or flexibly regulated BBHSIA service under its jurisdiction. In addition the Commission is urged to:

(a) Periodically assess the level of competitiveness of such services and emerging services with the intent of encouraging development of effective competition for BBHSIA services where feasible, including the removal of existing barriers to entry;

(b) ensure that regulated services will not subsidize competitive or unregulated services;

(c) define universal service, determine the extent to which it has been achieved in every region of the state and establish appropriate policies to insure universal service in high-cost areas of the state;

(d) define criteria for provision of "basic telephone service" and the availability and provision of such service in a competitive environment into the future. This should include consideration of the modification of "basic local service"; and

(e) develop a procedure for ensuring the quality of BBHSIA services until the development of viable competition in the BBHSIA market.

The Task Force shall report its findings to the Senate Committee on Commerce, the House Committee on Utilities, the Joint Committee on Economic Development, the Joint Committee on Information Technology and the Telecommunications Action Planning Committee of Kansas, Inc., no later than January 2005. This report shall include findings of the Task Force regarding a statewide plan for the development and utilization of BBHSIA; and

Be it further resolved: That during the first week of the 2005 regular legislative session, the State Corporation Commission shall report to the Senate Committee on Commerce and the House Committee on Utilities regarding the status of any docket opened by the commission as urged by this resolution; and

Be it further resolved: That copies of this resolution be transmitted to the President of the Senate, the Speaker of the House of Representatives, the Governor and the Chairperson of the State Corporation Commission.

REPORT ON ENROLLED RESOLUTIONS

HCR 5006 reported correctly enrolled and properly signed on February 11, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 12, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

