

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 2, 2003, 10:30 a.m.

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

The roll was called with 124 members present.

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

Rep. Thimesch was excused later in the day on legislative business.

Rep. Merrick was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. John A. DeVeaux, Jr., pastor, St. John African Methodist Episcopal Church, Topeka, and guest of Rep. Mays:

Gracious God, Thou Who hast been our guide and protector in all of this State's history, we put our trust in Thee now. Shelter the citizens of Kansas from the harm, distress, hurts, and dangers that are the plagues which can come in times of economic turbulence and warfare.

Enable these elected representatives of the people to discern what are the best solutions to the problems facing this state. Give to them the political skills, moral courage, physical stamina, and spirit of cooperation, through which they may choose well and enact sound legislation for the enhancement of all of the people who inhabit this good land, even the poorest and the most feeble.

Open all our eyes to see that all humankind are brothers and sisters who are precious in Thy sight. May the day quickly come when kindness, justice, and peace, reign in our hearts and in our heartland, so that all are safe and no one lives in fear or in want. Show these Thy servants who have accepted the challenges and responsibilities of leadership how be instruments of Thy peace, and let all the people catch that vision and follow it, too.

Bless us, we pray, and give us thankful hearts, for the glory of Thy Holy Name. Amen.

The Pledge of Allegiance was led by Rep. Holland.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2399** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 6**, An act making and concerning appropriations for the fiscal years ending June 30, 2003, June 30, 2004, June 30, 2005, and June 30, 2007, June 30, 2008, June 30, 2009, and June 30, 2010, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2-223 and K.S.A. 2002 Supp. 55-193, 75- 2319, 76-775, 79-2959, as amended by section 21 of 2003 House Bill No. 2026, 79-2964, as amended by section 22 of 2003 House Bill No. 2026, 79-3425i,

as amended by section 23 of 2003 House Bill No. 2026, 79-34,147, 79-4804 and 82a-953a and repealing the existing sections,

which was received on April 21, 2003 and was read before the Senate on April 30, 2003.

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill No. 6 with my signature approving the bill, except for the items enumerated below.

Attorney General

Interstate Water Rights Transfer Authority

Section 29(d) has been line-item vetoed in its entirety.

This section would allow the Attorney General to transfer funds between line-item appropriations to provide funds for the Colorado or Nebraska litigation. Similar authority allowing the Attorney General to transfer money to water litigation accounts has been passed in HB 2456. Therefore, this language is an unnecessary part of the appropriation bill. I veto this section to remove the duplication.

Judicial Council

State General Fund Appropriation

Section 33(a) has been line-item vetoed in its entirety.

SB 6 appropriates \$60,000 from the State General Fund for FY 2004 for operating expenditures of the Council. However, SB 36, which has been signed into law, will raise \$230,000 of new revenue from docket fee increases. Therefore, the State General Fund appropriation is not needed. For this reason, I veto this section.

Board of Regents

Human Sexuality Proviso

Section 67(i) has been line-item vetoed in its entirety.

In a democracy, academic freedom in higher education is essential. Nevertheless, every institution of higher learning in Kansas has an obligation to exercise its academic freedom responsibly. The Kansas Board of Regents has in place well-established policies and procedures to provide redress for students, parents, and taxpayers who question the educational value or appropriateness of any material used in the institutions of higher learning under the authority of the Board of Regents. Following such policies and procedures will resolve concerns within the appropriate exercise of academic freedom. Therefore, I veto the above proviso as an inappropriate use of legislative powers designed to impinge upon academic freedom in the State of Kansas.

Water Office

Authority for Internal Transfer of Funds

Section 82(d) has been line-item vetoed in its entirety.

A number of state agencies have the authority to shift funds, with the approval of the Director of the Budget, between their line-item appropriations to allow flexibility in the efficient management of fiscal resources, especially in times of reduced budgets. This authority has been in regular use for some time with no problems or complaints. This proviso departs from the authority granted to other agencies and grants authority to make budgetary decisions entirely to the Kansas Water Authority. There is no justifiable reason to remove the Water Office from the same budgetary oversight in the prudent management of funds that other agencies are subject to. I therefore find it necessary to veto this section and request that the Legislature restore the original language.

Department of Administration

Information Technology Projects Proviso

Section 133 has been line-item vetoed in its entirety.

Section 133 would establish a procedure to restrict expenditures for information technology hardware, software, and network resources until the Director of the Budget certifies to the Director of Accounts and Reports that an agency has complied with KSA 75-7209.

This statute prescribes the procedures by which agencies provide information about proposed information technology projects, including a project description, schedule, financial plan, and cost-benefit statement. This proviso duplicates the existing budget instructions that implement KSA 75-7209. Establishing an additional certification process is unduly burdensome and can result in costs to the taxpayers in both time and money. For these reasons, I veto this section.

KATHLEEN SEBELIUS
Governor

Dated: April 21, 2003

There being no motion to reconsidered the line item vetoes on **SB 6**, the President ruled the line item vetoes sustained.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Larkin, **HR 6026**, A resolution in memory of James W. "Bill" Patton, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2053. An act concerning the Kansas lottery; concerning lottery games and electronic gaming machines; amending K.S.A. 74-8702, 74-8705, 74-8710 and 74-8711 and K.S.A. 2002 Supp. 19-101a and 79-4805 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 58; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Beggs, Betts, Boyer, Burroughs, Carlin, Compton, Cox, Crow, Davis, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gilbert, Gordon, Grant, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, Loyd, J. Miller, Minor, Neighbor, Newton, Nichols, Novascone, O'Malley, O'Neal, Patterson, Peterson, Phelps, Reardon, Rehorn, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Storm, Toelkes, Ward, Wilk, Wilson, Winn, Yoder, Yonally.

Nays: Barbieri-Lightn, Bethell, Brunk, Burgess, Campbell, Carter, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Gatewood, Goering, Goico, Hayzlett, Holmes, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Krehbiel, Landwehr, Light, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Osborne, Ostmeyer, Owens, Pauls, Powell, Powers, Reitz, Schwab, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Thull, Vickrey, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Pottorff.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: Since Rep. Ballou included Geary County in his amendment, I want to explain why I am not voting in support of **HB 2053**. Currently, there is a great deal of interest in Geary County for building a casino next to I-70 and adjacent to the new convention center in Junction City. I represent most of Geary County. The people there who support a casino in our area have been working very closely with Butler National, an Olathe company that would build casinos as allowed by **SB 283**. Junction City supporters favor **SB 283**, so for that reason I am opposed to **HB 2053**.—BARBARA CRAFT

MR. SPEAKER: I cannot support any measure that preys upon the weaknesses of others. It is abhorrent for government to sanction activities that have absolutely no redeeming moral value but just the reverse—a track record of the promotion of social decay; an activity that causes an increase in suicides, bankruptcies, crime, and broken homes. The strong work ethic that Kansans have been so proud of is being sacrificed upon the altar of greed. This bill is designed to pad the bank accounts of several wealthy, greedy individuals at the expense of legitimate businesses. It places local economies under siege. It is absolutely appalling

what big money can buy. I vote no on **HB 2053**.— DONALD DAHL, RALPH OSTMEYER, DON MYERS, BILL MCCREARY, PATRICIA BARBIERI-LIGHTNER, VERLYN OSBORNE, PEGGY LONG, BONNIE HUY, MARY KAUFFMAN

HB 2471, An Act making and concerning appropriations for the fiscal years ending June 30, 2003, June 30, 2004, June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008, June 30, 2009, and June 30, 2010; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending K.S.A. 2002 Supp. 79-3425c and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 63; Nays 61; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Boyer, Brunk, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Krehbiel, Landwehr, Light, P. Long, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Powell, Powers, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Vickrey, D. Williams, Yoder, Yonally.

Nays: Ballard, Bethell, Betts, Burgess, Burroughs, Campbell, Carlin, Crow, Davis, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Howell, Jack, Kassebaum, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Nichols, Pauls, Peterson, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Pottorff.

The bill passed, as amended.

SB 195, An act concerning criminal procedure; relating to the Kansas parole board; amending K.S.A. 2002 Supp. 22-3707 and 22-3709 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 103; Nays 19; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Dillmore, Edmonds, Flora, Gilbert, Henderson, Kirk, Klein, Kuether, Loganbill, McKinney, Pauls, Peterson, Phelps, Reardon, Sawyer, Svaty, Thimesch, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff, Swenson.

The bill passed.

SB 239, An act concerning the secretary of state; relating to fees for certain services and publications provided by the secretary of state; amending K.S.A. 2002 Supp. 75-438 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 34; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Goering, Goico, Gordon, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Landwehr, Light, Loganbill, Loyd, Mason, Mays, McCreary, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Phelps, Powell, Reitz, Ruff, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Tafanelli, Thimesch, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Burroughs, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Grant, Henderson, Huebert, Huy, Kirk, Klein, Krehbiel, Kuether, Larkin, M. Long, P. Long, McKinney, Nichols, Ostmeyer, Peterson, Powers, Reardon, Rehorn, Sawyer, B. Sharp, Svaty, Thull, Ward, Winn.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff, Swenson.

The bill passed.

H. Sub. for SB 263. An act relating to public utilities; concerning prior determination of rate-making principles and treatment by the corporation commission; repealing section 1 of 2003 Substitute for Senate Bill No. 104, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, 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, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Peterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dillmore, Klein, Svaty.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff, Swenson.

The substitute bill passed.

H. Sub. for SB 268. An act concerning the senior pharmacy assistance program; authorizing certain rules and regulations; prescribing powers, duties and functions for the secretary of aging; amending K.S.A. 2002 Supp. 75-5961 and repealing the existing section; also repealing K.S.A. 2002 Supp. 75-5962, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, 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, 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, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff, Swenson.

The substitute bill passed.

On motion of Rep. Aurand, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF GUESTS

Rep. F. Miller addressed a few remarks and introduced Chief William J. Stewart and Chief Harry T. Kelley, both surviving heroes of World War II. Reps. F. Miller and Cox presented them with certificates.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. P. Long, the House proceeded to reconsider **HB 2176**. An act concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions.

The Governor's objection of **HB 2176** having been read, (see HJ, p. 724) the question being, shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 73; Nays 50; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Campbell, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kauffman, Landwehr, Larkin, Light, M. Long, P. Long, Mason, Mays, McCreary, McKimney, McLeland, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Powell, Powers, Reardon, Ruff, Schwab, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thimesch, Vickrey, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Beggs, Betts, Boyer, Burroughs, Carlin, Compton, Cox, Craft, Crow, Davis, Dillmore, Dreher, Flaharty, Flora, Gilbert, Gordon, Henderson, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Loganbill, Loyd, J. Miller, Minor, Neighbor, Peterson, Rehorn, Reitz, Sawyer, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Thull, Toelkes, Ward, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

EXPLANATION OF VOTE

MR. SPEAKER: For me, this is not an abortion issue, but one that addresses a larger need. Safety standards should be set for all clinics, regardless of the procedures performed so all Kansans will feel they are getting the best care possible in the safest environment possible. As a retired medical administrator, I could not tell patients in a waiting room that only a small group of them were being treated with the highest standards possible, but the others were not eligible because the law did not require those same standards.

I believe all Kansans deserve quality health care services, no matter gender, religion, age, income, or medical need. Therefore, I vote no on **HB 2176**.—CINDY NEIGHBOR

CONSIDERATION OF VETOED BILLS

The Governor's objection to **HB 2212** having been read April 30, 2003 (see HJ, p. 723), the time arrived for reconsideration of **HB 2212**, An act concerning cities; relating to annexation amending K.S.A. 12-523 and repealing the existing section.

There was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Myers, the House proceeded to reconsider **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, 25-2111, 25-2908 and 25-3008 and K.S.A. 2002 Supp. 25-106, 25-409, 25-2309 and 25-2706 and repealing the existing sections.

The Governor's objection of **HB 2288** having been read, (see HJ, pp. 723-724) the question being, shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 76; Nays 47; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, P. Long, Mason, Mays, McCreary, McLeland, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Powell, Powers, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Nays: Ballard, Betts, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Nichols, Pauls, Peterson, Phelps, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

EXPLANATIONS OF VOTE

MR. SPEAKER: Following the 2000 election, the Secretary of State repeatedly assured the people of Kansas that there is no problem with voter fraud in this state. Now two years later, we are being asked to enact legislation that goes beyond federal mandates to crack down on a problem that the Secretary of State says is not significant in Kansas.

The right to vote is one of the most fundamental rights that we should be seeking to uphold. The Hassle & Aggravate Voters Act will do nothing more than create an obstacle for Kansans in exercising their voting rights. I vote no on **HB 2288**.—R.J. WILSON

MR. SPEAKER: I vote NO on **HB 2288**. By exceeding the standards enacted in the federal Help Americans Vote Act, we actually threaten to undermine efforts to increase citizen participation in free and open elections.

Kansas advance voting laws have made it easier for citizens to vote and have helped in registering new voters. The standards we are being asked to adopt in **HB 2288** add make the process of advanced voting more complicated and could discourage many voters from participating altogether.

The bill also threatens to add confusion for those Kansans who have been voting without identification requirements for years.—ETHEL PETERSON, L. CANDY RUFF, SUE STORM

MR. SPEAKER: I rise in opposition to **HB 2288** and in support of the Governor's veto. Instead of passing the minimal federal requirements, we instead have been presented with legislation that seeks to deny many Kansans the right to vote and make voting much more

difficult for countless others. Kansas once had a proud history of being a progressive state. This proposal is one of many recent examples just how far we have given in to the extremists. It is blatantly partisan and seeks to circumvent the will of a majority of voters in races, where they could not otherwise prevail. I refuse to chip away at the rights of Kansans in order to promote the political aspirations of others. I vote in favor of sustaining the Governor's veto and protecting the rights of Kansans.—MARGARET LONG

MR. SPEAKER: I rise in support of the Governor's veto of **HC 2288**. This legislation goes way beyond the intent of the federal act. Requiring voters to provide identification upon the day of an election, despite having already provided that information upon registering to vote is outrageous and unnecessary. **HB 2288** intentionally or unintentionally seeks to dissuade Kansans to vote by advance ballot and will only lead to confusion on no doubt legal challenges. The Kansas Legislature still has the ability to pass the minimal federal requirements. We owe it to the voters of Kansas to ensure their right to vote is secure in every respect.—EBER PHELPS

MR. SPEAKER: I rise in support of sustaining the Governor's veto on **HB 2288**. As the Governor stated in her veto message, this legislation goes against our long standing tradition in concerns about privacy and will deny or abridge the right of eligible Kansans to perform their right to vote. We can still obtain the federal funding to assist with provisions of HAVA, if we simply pass the minimum federal requirements. I urge the House to do just that and vote in favor of sustaining the Governor's veto of **HB 2288** and take this issue up again in the near future.—JUDITH LOGANBILL

INTRODUCTION OF ORIGINAL MOTIONS

The message from the Senate having been received announcing that the Senate has reconsidered the veto by the Governor of **SB 134**, An act concerning land and water recreational areas; relating to limited liability; agritourism and ecotourism; amending K.S.A. 58-3201 and 58-3202 and repealing the existing sections, and determined that such bill pass notwithstanding the Governor's veto, Rep. Hutchins moved that the House reconsider the veto of **SB 134** which reads as follows:

I enthusiastically support expanding tourism in Kansas, including tourism tied to agriculture. However, Senate Bill 134 would endanger tourists and others seeking recreation by removing any duty of care for those who offer their lands for "agritourism" or "ecotourism," even if it is for profit. This bill could actually make agritourism less attractive as a result. Therefore, I veto Senate Bill 134.

Under Senate Bill 134, an irresponsible individual could charge families to enter agricultural land, and then introduce them to dangerous conditions and equipment without having to observe even the slightest duty of care for these families' safety. Even if that individual knew of an exceedingly dangerous condition on the land or that a piece of farm equipment were damaged and unsafe, this individual would have no responsibility whatsoever to warn his patrons or take any steps to protect them from harm. These patrons would only be protected against intentionally and maliciously caused injuries. If this bill became law, I fear we would regret it once the first child was injured while riding on unsafe farm equipment or playing in a dangerous area.

Some level of immunity may be appropriate for agritourism. But relieving the tourism industry from any duty of care simply makes no sense. I believe we can find a better balance between promoting tourism and protecting families who seek an educational and enjoyable experience on agricultural land.

The Governor's objection of **SB 134** having been read, the question being, shall the bill pass notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 72; Nays 51; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Feuerborn, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, P. Long, Mason, Mays, McCreary, McLeland, F. Miller, Judy Morrison, Myers,

Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Pauls, Powell, Reitz, Schwab, Schwartz, S. Sharp, Siegfried, Sloan, Svaty, Tafanelli, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Nays: Ballard, Barbieri-Lightner, Betts, Burroughs, Carlin, Crow, Davis, Dillmore, Flaherty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Howell, Huntington, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Jim Morrison, Nichols, Patterson, Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Shultz, Storm, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

EXPLANATION OF VOTE

MR. SPEAKER: I rise in support of sustaining the Governor's veto of **SB 134**. While I support the need to provide legal protection for those engaging in agri-tourism, I believe this current legislation goes too far in removing liabilities for operators of these activities. The safety of visitors to Kansas and of our own citizens should not be compromised in the name of economic development or any other proposal. I vote no against the override of the Governor's veto.—TOM THULL

MR. SPEAKER: I rise in opposition to overriding the Governor's veto of SB 134. This legislation while based on the need to promote agri-tourism in our state goes way beyond in terms of providing liability for its operators. We should take advantage of our time off this summer and fall and work with the executive branch and our community leaders in drafting legislation that will protect people while promoting tourism in our state. Instead of providing far-reaching liability that will leave many without the ability to redress grievances following personal injuries or even death, let us instead make sure that insurance is available and affordable to these operators and consider major liability reform. I vote no against the override of the Governor's veto.—JUDITH LOGANBILL, L. CANDY RUFF, RUBY GILBERT, MARGARET LONG, SUE STORM, ETHEL PETERSON

MR. SPEAKER: As someone who represents a largely rural district, I understand and wholeheartedly support the need to invest in agri-tourism and attract visitors to the state of Kansas. However, I cannot at this time vote to override the Governor's veto of **SB 134**. I welcome the efforts of the Lt. Governor and others to address the needs of our rural communities and I look forward to their proposals. This is an area that must and will be addressed. **SB 134** is not the right answer at this time.—JAMES F. MILLER

MR. SPEAKER: Like any other member of this body, I support the expansion of tourism in our state, particularly those efforts that will improve the economy of our rural communities. However, passing this legislation will only make agri-tourism less attractive, if we cannot guarantee the safety and well-being of tourists and other visitors. I know that no one in this body wishes to see anyone injured and that some level of immunity is necessary for agri-tourism. However, this legislation raises too many questions and far too many concerns for me to support it at this time. I urge my colleagues to vote to sustain the Governor's veto and re-visit this legislation at a future date and hopefully at that time reach a more realistic and defensible position. I vote no on **SB 134**.—SYDNEY CARLIN, R.J. WILSON

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Carlin are spread upon the Journal:

We come here today, congratulating and commending the Kansas State University women's basketball team and Coach Deb Patterson for their tremendously successful and record breaking season.

The Kansas State University women's basketball team broke the school record for most wins in a season (29), broke the school mark for most conference wins in a season (14) and

ended its most successful season in school history being ranked No. 8 in the Associated Press poll.

The Wildcats winning percentage (87.8) was the highest in school history and the team finished the regular season by winning 9 of 10 Big 12 games—its best since joining the league.

The Wildcats drew 175,503 fans over 20 home games, good for sixth among NCAA Division I women's basketball teams. Such beloved and enthusiastic fan support inspired the Wildcats to reach the 20-win plateau for the 16th time in school history and the 25 win mark for the eighth time.

Top individual honors were awarded to Nicole Ohlde, who was named an All-American by the Associated Press, Kodak and the U.S. Basketball Writers Association. In addition, Nicole was named the Big 12 player of the year. Kendra Wecker was named a third team Associated Press All-American.

The individual successes of Ohlde and Wecker could not have been possible without contributions from their talented teammates, which include: Chelsea Domenico, Amy Dutmer, Laurie Koehn, Brie Madden, Megan Mahoney, Jessica McFarland, and Kimmery Newsom.

This year's team was led by Head Coach Deb Patterson, Associate Head Coach Kamie Etheridge and Assistant Coaches, Kristen Beckera and Sue Serafini.

The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, faculty and students.

Let's congratulate Kansas State University women's basketball team and Coach Patterson for the most successful and exciting season in Kansas State University's women's basketball history!

Coach Patterson also addressed a few remarks to the members of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 261**.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 261** be adopted; also, on motion of Rep. Jim Morrison be amended on page 1, by striking lines 28 through 43;

On page 2, by striking lines 1 through 43;

On page 3, by striking lines 1 through 43;

On page 4, by striking lines 1 through 43;

On page 5, by striking lines 1 through 17;

By renumbering the remaining sections accordingly;

On page 30, in line 39, by striking “, 74-8001 and 74-9303”;

In the title, in line 11, by striking all after the semicolon; in line 12, by striking all before the stricken material; in line 22, by striking the comma and inserting “and”; also in line 22, by striking “and 74-8001”; in line 25, by striking “; also repealing K.S.A. 74-9303”; and **SB 261** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Loyd, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2125**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Loyd, the House concurred in Senate amendments to **HB 2125**, An act concerning the support and care of children; relating to children in need of care; concerning rights of certain parties to be present at certain proceedings.

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

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, 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, 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, Tafaneli, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Merrick, Pottorff, Thimesch.

REPORTS OF STANDING COMMITTEES

The Committee on **Economic Development** recommends **SB 281** be amended on page 2, in line 26, by striking "obligations" and inserting "bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901, *et seq.*"; in line 31, after "during" by inserting "the period from the issuance of such bonds through"; in line 36, by striking "pursuant to law" and inserting "created in subsection (h)"; in line 40, by striking "obligations" and inserting "bonds"; in line 43, by striking "obligations" and inserting "bonds";

On page 3, following line 10, by inserting the following:

"(f) Income tax refunds and balances due resulting from withholding upon Kansas wages paid by the eligible business pursuant to K.S.A. 79-3294 *et seq.* and amendments thereto, with respect to the eligible project, shall be reconciled on at least an annual basis by a method defined in the agreement described in subsection (e).";

And by relettering the remaining subsections accordingly;

Also on page 3, in line 14, by striking "obligations" and inserting "bonds"; in line 17, by striking "application" and inserting "eligible"; in line 18, by striking all after the first period; by striking all in lines 19 and 20; in line 23, by striking "di-"; in line 24, by striking "rector" and inserting "secretary"; in line 25, before the period, by inserting the following: "in the custody of the state treasurer but shall not be a part of the state general fund. Distributions from the special economic revitalization fund shall be used to pay interest on the bonds as authorized pursuant to this act and shall not be subject to appropriation. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the special economic revitalization fund interest earnings based on: (1) The average daily balance of moneys in the special economic revitalization fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month";

Also on page 3, in line 30, by striking "obligations" and inserting "bonds"; in line 35, by striking "obligations" and inserting "bonds"; by striking all in lines 36 through 43;

On page 4, by striking all in line 1, and inserting the following:

"(i) The eligible business shall not be allowed to participate in the IMPACT act or program pursuant to K.S.A. 74-50,102 *et seq.* and amendments thereto, with respect to the eligible project. The secretary may include provisions in the agreement described in subsection (e) to limit or reduce the amount of eligible credits, including but not limited to

those allowed pursuant to K.S.A. 79-32,160a, 79-32,182b or 79-32,206 and amendments thereto, on the investment of the proceeds of the bonds issued under this act. Nothing in this subsection shall be construed to prohibit the eligible business from receiving credits allowed by law for any investment not related to bonds issued pursuant to this section.”;

Also on page 4, following line 18, by inserting the following:

“(l) No new eligible project shall be approved for financing under the provisions of this section on or after July 1, 2005.”;

Also on page 4, in line 30, following “taxpayers” by inserting “that: (1) are”; also in line 30, after “tax” by inserting “and (2) utilize any of the state income tax credits and exemptions described in subsections (a) through (i) below”;

On page 5, in line 27, by striking “obligation bonds issued” and inserting “distribution from the special economic revitalization fund”; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6027—

By Representatives Landwehr, Aurand, Ballard, Ballou, Barbieri-Lightner, 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, Kas-sebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, 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, Pottorff, 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 and Yonally

A RESOLUTION memorializing the United States Congress to fund the F/A-22 Raptor Program.

WHEREAS, The Kansas House of Representatives is pleased to join citizens across our great state, our nation, and the world in congratulating our troops on their recent victory in Iraq, as well as the hard working men and women across our state who design and assemble essential equipment and weaponry for our military; and

WHEREAS, Air dominance has become a signature of our armed forces and a determining factor when our military is drawn into combat throughout the world; and

WHEREAS, Kansas’ defense and aerospace industry invest millions of dollars and employs thousands of highly skilled workers in Kansas; and

WHEREAS, Defense and aerospace companies in Kansas provide our military with cutting edge technological components that are used to assemble vital military products, like the United States Air Force’s new generation fighter, the Lockheed Martin F/A-22 Raptor; and

WHEREAS, Projects like the F/A-22 Raptor will bring more than \$32 million dollars to the Kansas economy while providing thousands of Kansans with high quality jobs, thus stimulating the aerospace industry in the state; and

WHEREAS, The State of Kansas has a tradition of constructing both commercial and military aviation products and is the home of important components of our military’s air capabilities, such as the 22nd Air Refueling Wing, as well as dedicated soldiers, sailors, marines and airmen flying and maintaining those aircraft at bases across the country: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the members of this body recognize that the F/A-22 Raptor is critical to the Kansas economy and that the members of this body implore the Congress of the United States to fully fund the F/A-

22 program, thus providing our military heroes with the vital resources they need and invigorating our economy; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas legislative delegation.

HOUSE RESOLUTION No. 6028—

By Representative Powell

A RESOLUTION memorializing the United States Congress regarding the Health Insurance Portability and Accountability Act (HIPAA).

WHEREAS, The provisions of HIPAA are now in force with the stated purpose of simplifying health care administrative processes, and in the process, protecting individual privacy rights. Simplification is to be accomplished through the use of standardized, electronic transmission of administrative and financial data—which if successful should simplify health care record keeping and enhance the ability of private health insurance providers to process claims; and

WHEREAS, While the health and insurance industries may be aware of and executing the requirements of HIPAA, the recipients of health care, and individuals concerned of their condition, are confused and having difficulty comprehending the restrictions of the new procedures; and

WHEREAS, While patients have a right to their own health information, and while information regarding patients may be obtained by personal representatives or establishment of “significant other” relationships, it is urged information regarding whether a person is a patient at a facility, without disclosure of reason or condition, should be available to interested parties: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the Congress of the United States and implementing federal agencies to consider the provision of information which does not disclose medically sensitive information to be available to inquiring persons; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas legislative delegation.

On motion of Rep. Aurand, the House adjourned until 2:00 p.m., Saturday, May 3, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

