

# Journal of the House

SIXTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
Topeka, KS, Thursday, May 29, 2003, 10:00 a.m.

The House met pursuant to **SCR 1614** with Speaker Mays in the chair.

## MESSAGE FROM THE GOVERNOR

May 6, 2003

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

Enclosed herewith is Executive Order No. 2003-09 for your information.

EXECUTIVE ORDER NO. 2003-09

Declaration of Natural Disaster

KATHLEEN SEBELIUS  
*Governor*

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

## MESSAGE FROM THE GOVERNOR

May 12, 2003

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

Enclosed herewith is Executive Order No. 2003-10 for your information.

EXECUTIVE ORDER NO. 2003-10

Suspension of Certain Regulatory Statutes, Rules and/or  
Regulations following Natural Disaster

KATHLEEN SEBELIUS  
*Governor*

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

## MESSAGES FROM THE GOVERNOR

**S. Sub. for HB 2399** approved on May 12, 2003.

**S. Sub. for HB 2400** approved on May 14, 2003.

**HB 2125, HB 2461** approved on May 15, 2003.

**HB 2005, HB 2397, HB 2423** approved on May 19, 2003

**HB 2014, HB 2205** approved on May 22, 2003.

**HB 2416; S. Sub. for HB 2444** (also see p. 929) approved on May 23, 2003.

## MESSAGE FROM THE GOVERNOR

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

The following message was received concerning Sec. 45(b) of **S. Sub. for HB 2444**. 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 82a-953a, as amended by section 131 of 2003 Senate Bill No. 6, and repealing the existing sections:

**Board of Regents: Sec. 45(b)**

After considering this proviso carefully, I have decided not to veto it. Its effect on Regents institutions will be slight. It is an acceptable balance that will both preserve academic freedom and require university administrators to adopt policies on issues of concern to many Kansans.

More importantly, the proviso, unlike its predecessor, returns the Legislature to its proper role regarding curriculum at Regents institutions. The Legislature should not attempt to regulate Regents institutions course-by-course, professor-by-professor. That would both chill speech at our universities and shortchange our students by giving them a lackluster, second-rate education. Merely asking the Board of Regents to adopt policies on certain topics, however, as this proviso does, keeps the Legislature within appropriate boundaries.

Academic freedom at institutions of higher learning is essential to our democratic way of life and to our future prosperity. As Governor, I will continue to ensure that our universities have that freedom, and that they exercise it responsibly.

I look forward to returning our focus to issues of genuine concern to Kansas families, such as creating jobs, streamlining government, and ensuring that our children will have the same opportunities and blessings we have had. This is the work Kansans have called on us to do.

**VETO MESSAGE FROM THE GOVERNOR**

The following message with the Governor's objection to **S. Sub. for HB 2444**, 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 82a-953a, as amended by section 131 of 2003 Senate Bill No. 6, and repealing the existing sections, was received and read.

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

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **S. Sub. for HB 2444** with my signature approving the bill, except for the items enumerated below.

**Sentencing Commission**

**Required Budget Recommendation for SB 123**

Section 16(c) has been line-item vetoed in its entirety.

To implement alternative penalties for drug possession contained in 2003 SB 123, I stated to the Legislature that my staff, over the next year, would examine drug rehabilitation money throughout the state budget to determine whether any of these funds could be utilized for this purpose. Section 16(c) would require me to prepare and submit a recommendation for additional funding for SB 123 in the amount of \$852,598. This section interferes with the practice of the Governor making budget recommendations and the Legislature approving a budget. By attempting to dictate what I can recommend this proviso violates the principle of separation of powers.

**Ombudsman for Corrections**

**Operating Expenditures**

Section 21 has been line-item vetoed in its entirety.

I veto the budget approved for the Ombudsman for Corrections for FY 2004. In my original budget recommendations I did not include funding for continuation of the Ombudsman. This program, along with many others, certainly provides a worthy service. However, the level of financial resources currently available to the state has necessitated difficult budget decisions based on our best judgment of priorities. Accordingly, I made the decision

not to recommend continuation of this office. Committing limited funds to such a low priority program is not a prudent use of the state's financial resources.

#### **Department of Administration**

##### **Payroll Advices**

Section 36(e) has been line-item vetoed in its entirety.

Over the last several years, the State of Kansas has grown in technological abilities. The Department of Administration has developed a more efficient, paperless method of delivering pay advice information to state employees in FY 2004. Paycheck and leave information will be available online through the Employee Self Service Center on the Monday prior to a Friday payday, which is several days earlier than the current mailing process. Additionally, the Department of Administration, along with many other state agencies, has experienced significant budget reductions and has had to take extraordinary measures to realize efficiencies and cut costs. This proviso would require the Department to continue mailing an advice to anyone who makes a request. Initiating a special process for those requesting a mailed pay advice would require automation changes. Such a provision, if allowed to take effect, would clearly undermine the efficiency and cost effectiveness of the new policy. I therefore find it necessary to veto this proviso.

##### **Fee for KANS-A-N Directory**

Section 36(f) has been line-item vetoed in its entirety.

Another initiative by the Department of Administration, which takes advantage of technology and cuts costs, has been to eliminate printing of the KANS-A-N Directory and make it accessible through the Internet. The provision in HB 2444 presumes that the directory would continue to be printed and authorizes a fee to be charged to cover the cost. It is rapidly becoming standard practice to make information of this kind available through the most modern means of telecommunications not only because it is less expensive, but because it can be updated more efficiently as well as timely. Not to take advantage of the technology available to us is wasteful of the state's resources. This provision is an obstacle to progress and ignores current budget constraints when paying for a hard copy directory that is out of date shortly after its distribution. For these reasons, I veto this proviso.

#### **Department on Aging**

##### **HCBS/FE Waiver Waiting List Requirement**

Section 73(f) has been line-item vetoed in its entirety.

This section requires the Department on Aging to expend \$2,925,294 from the State General Fund to reduce the waiting list for the HCBS/FE Waiver Program in FY 2004. This amount is equal to the increase in program funding from FY 2003 to FY 2004. Additional appropriations made for the HCBS/DD Waiver Program and the HCBS/PD Waiver Program in the Department of Social and Rehabilitation Services did not include similar requirements. Because this requirement would unreasonably restrict the agency's flexibility in its management of this program, I find it necessary to veto this section.

KATHLEEN SEBELIUS  
*Governor*

Dated: May 23, 2003

#### **CONSIDERATION OF VETOED BILLS**

The Governor's objection to the line items in sections 16(c), 21, 36(e), 36(f), and 73(f) of **S. Sub. for HB 2444** having been read (see this journal), the time arrived for reconsideration of **S. Sub. For HB 2444**, 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 82a-953a, as amended by section 131 of 2003 Senate Bill No. 6, and repealing the existing sections.

Members were given the opportunity to reconsider the line item vetoes. There was no motion to reconsider. The Chair ruled the line items had been reconsidered and the veto sustained.

**REPORT ON ENGROSSED BILLS**

**HB 2005** reported correctly re-engrossed May 7, 2003.

Also, **S. Sub. for HB 2444** reported correctly re-engrossed May 8, 2003.

Also, **HB 2397; S. Sub. for HB 2399; HB 2416, HB 2464** reported correctly engrossed May 9, 2003.

**HB 2014** reported correctly re-engrossed May 9, 2003.

**REPORT ON ENROLLED BILLS**

**HB 2205, HB 2397; S. Sub. for HB 2399; HB 2423** reported correctly enrolled, properly signed and presented to the governor on May 12, 2003.

Also, **HB 2005, HB 2014, HB 2416; S. Sub. for HB 2444** reported correctly enrolled, properly signed and presented to the governor on May 14, 2003.

The hour for final adjournment having arrived, Speaker Mays said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2003 session, I do now declare the House adjourned sine die."

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

