

Journal of the House

FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 12, 2004, 2:00 p.m.

This being the day fixed by the Constitution of the State of Kansas for the assembling of the 2004 session of the legislature, the House of Representatives was called to order at 2:00 p.m. by Speaker Doug Mays.

Speaker Mays announced that the Rev. Michael Chamberlain, pastor, First United Methodist Church, Topeka, will serve as Chaplain of the House for the 2004 session.

Prayer by Chaplain Chamberlain:

Lord, giver of life and all that it promises, we greet you this day as we embark again on an adventure of discovery. We have equipped ourselves with the gifts and the tools that you have provided. We are surrounded with colleagues who have committed themselves with us to work for the citizens of our state. We have set aside the time to meet, consider, debate and decide.

Lord, Guide us as we journey together. Lead us in the right path. Let us not stray upon the easy way that hides the right way. Guard us from words that fracture rather than heal, that tear down rather than build up. Open us to all the voices that gather with us, so that at the end of our journey in this session, we might assure you that no Kansan's concerns were forgotten or ignored.

May each member of this house exercise the authority that comes from you with justice, mercy and humility. Make us all aware of the powerless, the silent, the needy, the disenfranchised and the stranger in our midst. And Lord, as we journey together, journey with us by day and by night, for in your presence is the true joy of life. Amen.

The Pledge of Allegiance was led by Rep. Merrick.

COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, RON THORNBURGH, Secretary of State of the State of Kansas, do hereby certify that Harold Lane, Topeka, Kansas, was appointed by the Governor effective August 11, 2003, for the unexpired term State Representative for the 58th Legislative District, to fill the vacancy created by the resignation of Rocky Nichols.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the city of Topeka this 12th day of January, A.D. 2004.

RON THORNBURGH
Secretary of State

COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, RON THORNBURGH, Secretary of State of the State of Kansas, do hereby certify that H. Jan Scoggins-Waite, Dodge City, Kansas, was appointed by the Governor effective

October 23, 2003, for the unexpired term State Representative for the 119th Legislative District, to fill the vacancy created by the resignation of Ethel Peterson.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the city of Topeka this 12th day of January, A.D. 2004.

RON THORNBURGH
Secretary of State

Speaker Mays welcomed Reps. Lane and Scoggins-Waite as new members for the 2004 session.

Speaker Mays also recognized Rep. Betts who has been appointed to the Senate to serve the unexpired term of Senator Gooch. Rep. Betts addressed a few remarks to the members of the House.

The roll was called with 124 members present.

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

COMMUNICATIONS FROM STATE OFFICERS

Dear Mr. Speaker:

This letter is to advise you that the Office of Chief Clerk has received the following communications during the interim since adjournment of the 2003 Regular Session of the Legislature

From William H. Layes, Chief, Labor Market Information Services, the Kansas Employment Security Advisory Council Annual Report 2003.

From Molly McGovern, Administrator of the Metropolitan Culture District Bi-State Commission, the Annual Report and Comprehensive Annual Financial Report for the Kansas and Missouri Metropolitan Culture District Commission.

From Patricia A. Biggs, Executive Director of the Kansas Sentencing Commission, the FY 2004 Kansas Prison Population Projection Report.

From Dale Brunton, Director, Division of Accounts and Reports, the fiftieth Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2003. The document is available on line at: <http://da.state.ks.us/ar/finrept>.

From Irene Cumming, President and Chief Executive Officer, The University of Kansas Hospital Authority, the operating and financial statement on Fiscal Year 2003.

From Glenn Deck, Executive Director, the Annual Report of the Kansas Public Employees Retirement System for the fiscal year ending June 30, 2003.

From The Honorable Lynn Jenkins, Kansas State Treasurer, the State Treasurer's Annual Report to the Legislature, for fiscal year 2003.

From Derl S. Treff, Director of Investments, the Annual Report of the Pooled Money Investment Board for Fiscal Year 2003.

From the Office of Governor Kathleen Sebelius:

Executive Order No. 2003-12, placing a moratorium on employee bonuses.

Executive Order No. 2003-13, concerning sexual harassment.

Executive Order No. 2003-14, offer of a reward.

Executive Order No. 2003-15, declaring a Drought Warning.

Executive Order No. 2003-16, declaring a Drought Watch.

Executive Order No. 2003-17, approving an operations plan for the Governor's Drought Response Team.

Executive Order No. 2003-18, declaring an expanded Drought Warning.

Executive Order No. 2003-19, declaring a Drought Emergency.

Executive Order No. 2003-20, establishing a Cellular Phone Policy for cellular phones provided by the State of Kansas, and for personal cellular phones.

Executive Order No. 2003-21, establishing the Governor's Office of Health Planning and Finance.

Executive Order No. 2003-22, declaring a Drought Emergency.

Executive Order No. 2004-01, establishing the Kansas Bioterrorism Coordinating Council and the Kansas Hospital Preparedness Planning Committee.

Executive Directive No. 03-340, Authorizing a Fund Transfer and Authorizing Personnel Transactions.

Executive Directive No. 03-341, Authorizing a Fund Transfer.
 Executive Directive No. 03-342, Authorizing Fund Transfers and Authorizing a Personnel Transaction.
 Executive Directive No. 03-343, Authorizing Expenditure of Federal Funds.
 Executive Directive No. 03-344, Authorizing a Fund Transfer.
 Executive Directive No. 03-345, Authorizing Personnel Transactions and Fund Transfers.
 Executive Directive No. 03-346, Authorizing Expenditure of Federal Funds and Authorizing a Fund Transfer.
 Executive Directive No. 03-347, Authorizing Personnel Transactions.

Also, from M.L. Korphage, Director, Kansas Corporation Commission, Conservation Division, Abandoned Oil & Gas Well Status Report, January 12, 2004.

From M.L. Korphage, Director, Kansas Corporation Commission, Conservation Division, Remediation Site Status Report, January 12, 2004.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Aurand, **HR 6002**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6002—

A RESOLUTION relating to the organization of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the Chief Clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Doug Mays, speaker,
 John Ballou, speaker pro tem,
 Clay Aurand, majority leader,
 Dennis McKinney, minority leader,
 Janet Jones, chief clerk,
 Wayne Owen, sergeant at arms,

and awaits the pleasure of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Aurand, **HR 6003**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6003—

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2004 regular session shall occupy the same seats assigned pursuant to 2003 House Resolution No. 6002 with the following exceptions: Scoggins-Waite, seat No. 34; Lane, seat No. 76.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2474, An act relating to drivers' licenses; concerning the contents thereof; amending K.S.A. 2003 Supp. 8-243 and repealing the existing section, by Representatives McKinney and Loyd.

HB 2475, An act making the Topeka convention and visitor's bureau, inc. subject to the open meetings act and open records act, by Representative Lane.

HB 2476, An act concerning emergency telephone service; enacting the wireless enhanced 911 act; imposing certain fees and taxes; providing for certain grants; amending K.S.A. 12-5302 and repealing the existing section, by Representatives Neighbor and Svaty.

HB 2477, An act concerning crimes and punishment; relating to stalking; amending K.S.A. 2003 Supp. 21-3438 and repealing the existing section, by Representative Barbieri-Lightner.

HB 2478, An act relating to health care; concerning self-medication by students in secondary schools, by Representative Barbieri-Lightner.

HB 2479, An act concerning employment of illegal aliens, by Representative Dillmore.

HB 2480, An act concerning membership of the Kansas water authority; amending K.S.A. 2003 Supp. 74-2622 and repealing the existing section, by Representative Sloan.

HB 2481, An act relating to school districts; concerning local option budgets, by Representative Carter.

HB 2482, An act concerning civil procedure; relating to the amount of damages; amending K.S.A. 60-19a01 and 60-19a02 and K.S.A. 2003 Supp. 60-1903 and repealing the existing sections, by Representative Swenson.

HB 2483, An act concerning appropriations for fiscal years June 30, 2005, and June 30, 2006, for a pilot program for dependents of state employees; amending K.S.A. 2003 Supp. 75-6506a and repealing the existing section, by Representative Gordon.

HB 2484, An act concerning public water supply systems; relating to certain fees and the disposition thereof; amending K.S.A. 2003 Supp. 82a-2101 and repealing the existing section, by Representative Sloan.

HB 2485, An act concerning crimes, criminal procedure and punishment; relating to the interstate compact for juveniles; repealing K.S.A. 38-1001, 38-1002, 38-1003, 38-1004, 38-1005, 38-1006 and 38-1007, by Representative Loyd.

HB 2486, An act concerning chemicals; relating to the registration of wholesalers, manufacturers and distributors; amending K.S.A. 65-7003 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

HB 2487, An act concerning the juvenile justice authority; relating to the abolishment thereof; repealing K.S.A. 2003 Supp. 75-7032, by Joint Committee on Corrections and Juvenile Justice Oversight.

HB 2488, An act concerning the developmental disabilities reform act; relating to intake and service referral functions and treatment and care service functions; amending K.S.A. 39-1801, 39-1803, 39-1804, 39-1805 and 39-1806 and K.S.A. 2003 Supp. 39-1811 and repealing the existing sections, by Legislative Budget Committee.

HB 2489, An act amending the open meetings act; relating to closed meetings; amending K.S.A. 2003 Supp. 75-4319 and repealing the existing section, by Special Committee on Kansas Security.

HB 2490, An act amending the open records act; relating to certain closed records; amending K.S.A. 2003 Supp. 45-221 and repealing the existing section, by Special Committee on Kansas Security.

HB 2491, An act concerning technical colleges; relating to the powers and duties of the governing bodies thereof; relating to adult education; amending K.S.A. 2003 Supp. 72-4470a and repealing the existing section, by Legislative Educational Planning Committee.

HB 2492, An act concerning technical colleges; relating to the powers and duties of the governing bodies thereof; relating to operating expenses; amending K.S.A. 2003 Supp. 72-4470a and repealing the existing section, by Legislative Educational Planning Committee.

HB 2493, An act concerning certain institutions of postsecondary education; relating to certain registration requirements; amending K.S.A. 74-3251 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2494, An act concerning certain institutions of postsecondary education; relating to certain fees; amending K.S.A. 74-3250 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2495, An act concerning district courts; amending K.S.A. 4-207, 4-209, 4-210, 4-214, 4-215, 4-218, 4-221, 4-222, 4-226, 4-229, 4-231, 4-232, 20-301b, 20-327, 20-333, 20-336, 20-354 and 20-2908 and K.S.A. 2003 Supp. 20-348 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 20-338, by Special Committee on Judiciary.

HB 2496, An act concerning franchise taxes; relating to certain business entities; rates and maximums; amending K.S.A. 2003 Supp. 17-2036, 17-4634, 17-7503, 17-7504, 17-7505,

17-7507, 17-76,139, 56-1a606, 56-1a607, 56a-1201, 56a-1202 and 56a-1203 and repealing the existing sections, by Special Committee on Assessment and Taxation.

HB 2497, An act relating to children; authorizing a transfer from the Kansas endowment for youth fund; making appropriations relating thereto; amending K.S.A. 38-2102 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2498, An act concerning income taxation; relating to employer health insurance or care credit; sale or assignment; amending K.S.A. 40-2246 and repealing the existing section, by Special Committee on Assessment and Taxation.

HB 2499, An act concerning taxation; relating to city, county or municipal university compensating use tax on services; amending K.S.A. 2003 Supp. 12-198 and repealing the existing section, by Special Committee on Assessment and Taxation.

HOUSE CONCURRENT RESOLUTION No. 5022—

By Representative Barbieri-Lightner

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 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: (a) Increase the rate of any tax imposed prior to November 2, 2004; (b) impose a new tax after November 2, 2004; or (c) increase the rate of any tax described by clause (b), without the affirmative vote of 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.”

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 tax rate increases.

“A vote for this proposition would establish a prohibition against increases of the rate of any tax which was imposed prior to November 2, 2004, or the imposition or the increase of the rate of a tax newly 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.

HOUSE CONCURRENT RESOLUTION No. 5023—

By Representative Barbieri-Lightner

A CONCURRENT RESOLUTION urging the Congress of the United States to pass the RU-486 suspension and review act of 2003.

WHEREAS, The Clinton administration did not require proper Federal Food and Drug Administration review of the medical abortion pill RU-486; and

WHEREAS, Since that time at least seven American women have died as a result of the use of RU-486, most recently Holly Patterson, 18 years of age, of Livermore, California, on September 17, 2003; and

WHEREAS, There is currently a bill before the Congress of the United States, H.R. 3453, 108th Cong., 1st Sess. (2003), seeking to suspend the use of RU-486 until the Comptroller General of the United States reviews the process by which the Food and Drug Administration approved the use of such drug; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature urges the Congress of the United States to pass H.R. 3453, 108th Cong., 1st Sess. (2003), known as the RU-486 suspension and review act of 2003; and

Be it further resolved: That the Secretary of State is hereby directed to provide an enrolled copy of this resolution to the President pro tempore of the United State Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

HOUSE CONCURRENT RESOLUTION No. 5024—

By Representative Pottorff

A PROPOSITION to amend section 8 of article 2 of the constitution of the state of Kansas, relating to the duration of sessions of the legislature.

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: Section 8 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 8. **Organization and sessions.** The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of ~~each regular sessions held in even-numbered years~~ ~~session shall not exceed ninety eighty-eight~~ calendar days. ~~Each such sessions~~ ~~session may be extended beyond ninety eighty-eight~~ calendar days by an affirmative vote of ~~two-thirds of the~~ a majority of all members elected (or appointed) and qualified to each house, ~~except that no regular session can be extended by more than two calendar days.~~ Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members.”

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

“Explanatory statement. The purpose of this amendment is to limit the duration of the annual regular sessions of the Kansas legislature. It imposes a limit of eighty-eight calendar days for each regular session. It removes the existing limit of ninety calendar days which applies only to regular sessions held in even-numbered years and the existing provision allowing extension of such sessions beyond ninety calendar days by a vote of two-thirds of the members of each house. This amendment would permit the legislature to extend the regular session beyond

the eighty-eighth calendar day by the vote of a majority vote of all members of each house. Such extension could not be for more than two calendar days.

“A vote for this proposition would limit the duration of each regular session of the Kansas legislature to eighty-eight calendar days. Each such session could be extended by the legislature for not to exceed two calendar days by a majority vote of all members of each house.

“A vote against this proposition would continue in effect the current provision which limits only the regular sessions held in even-numbered years to ninety calendar days and the existing provision allowing extension of such sessions beyond ninety calendar days by a vote of two-thirds of the members of each house.”

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 in November in the year 2004 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2500, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; alternative investments; amending K.S.A. 74-4921 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

HB 2501, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; real estate investments; amending K.S.A. 74-4921 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

HB 2502, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; amending K.S.A. 74-4967 and K.S.A. 2003 Supp. 20-2605 and 74-4920 and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Aurand, **HCR 5025**, by Reps. Mays and McKinney, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5025—

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 7:00 p.m. on January 12, 2004, for the purpose of hearing the message of the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Supreme Court Justices.

In accordance with **HCR 5025**, Speaker Mays appointed Reps. Holmes, Pottorff and Henderson to wait upon the Governor.

On motion of Rep. Aurand, **HCR 5026**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5026—

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

In accordance with **HCR 5026**, Speaker Mays appointed Reps. Neufeld, Jim Morrison and Minor to escort the Governor.

Also, Reps. Wilk, Hayzlett and Thimesch to escort the Lieutenant Governor.

Also, Reps. O'Neal, Freeborn and Ruff to escort the Supreme Court.

Also, Reps. Beggs, Cox and Burroughs to escort the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6001—

By Representative Owens

A RESOLUTION relating to the rules of the House of Representatives for the 2003-2004 biennium; amending Rule 101 and Rule 2311, relating to meeting times.

Be it resolved by the House of Representatives of the State of Kansas: That Rule 101 be amended to read as follows:

Rule 101. Time of Meeting; Limitations. The hour of meeting on the first day of each regular session shall be at 2:00 p.m., and on other days, shall be the hour set at adjournment on the previous legislative day except that if no hour of meeting is set at adjournment on the previous legislative day, the hour of meeting shall be 11:00 a.m. *A session of the House commenced on any day shall be adjourned not later than 12:01 a.m. on the next day. No session of the House shall convene prior to 8:00 a.m. on any day.*

Be it further resolved: That Rule 2311 be amended to read as follows:

Rule 2311. Suspension of Rules of the House. (a) No rule of the House shall be suspended except by unanimous consent or by an affirmative vote of a majority of the members then elected (or appointed) and qualified to the House, subject to the following exceptions:

(1) A motion to suspend the rules, and to declare an emergency and to advance a bill to the order of business Final Action, as contemplated in article 2, section 15 of the Constitution shall require an affirmative vote of $\frac{2}{3}$ of the members present in the House.

(2) A motion to suspend the rules and to permit amendment and debate of a bill under the order of business Final Action shall require an affirmative vote of $\frac{2}{3}$ of the members present in the House.

(3) *A motion to suspend rule 101 and declare an emergency for the purpose of allowing adjournment of the House at a time later than 12:01 a.m. of the next day following the day the session of the House commenced shall require an affirmative vote of $\frac{2}{3}$ of the members present in the House.*

(b) When under the rules of the House a motion, question or action requires a vote of a majority greater than a majority of the members present, the majority specified for such motion, question or action shall be required to suspend the rules for the purpose of such motion, question or action. When under the rules of the House notice of a motion reduces the required majority for adoption of the motion, the required majority shall not be reduced if the notice is disposed of by suspension of the rules.

(c) Suspension of the rules or unanimous consent shall not reduce the majority required under subpart (1) of subsection (a) of this rule.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2483, HB 2487, HB 2488; HCR 5024.**

Calendar and Printing: **HR 6001.**

Commerce and Labor: **HB 2479.**

Corrections and Juvenile Justice: **HB 2477, HB 2485, HB 2486.**

Environment: **HB 2480.**

Health and Human Services: **HB 2478; HCR 5023.**

Judiciary: **HB 2481, HB 2482.**

Local Government: **HB 2475.**

Taxation: **HB 2484; HCR 5022.**

Transportation: **HB 2474.**

Utilities: **HB 2476.**

To be referred: **HB 2489, HB 2490, HB 2491, HB 2492, HB 2493, HB 2494, HB 2495, HB 2496, HB 2497, HB 2498, HB 2499.**

INTRODUCTION OF GUESTS

Speaker Mays welcomed Dr. Carol Johnson, the current President of the Kansas Academy of Family Physicians, who sponsor the Doctor of the Day Program. She is a graduate of the University of Kansas School of Medicine, and completed her family practice residency at Wesley Family Practice Residency Program in Wichita. Dr. Johnson currently works at Emergency Services of Kansas in the hospital emergency departments in Dodge City, El Dorado, Newton and Winfield. She is also working with the Centers for Disease Control and Prevention in Atlanta on a research project and doing other clinical research projects through Research Support Personnel in Wichita.

COMMITTEE ASSIGNMENTS CHANGES

Rep. Bonnie Sharp is appointed to Committee on Appropriations to replace Rep. Nichols.

Rep. Lane is appointed to Committee on Federal and State Affairs to replace Rep. Wilson, Committee on Local Government to replace Rep. Peterson, Committee on Financial Institutions to replace Rep. Bonnie Sharp, and Committee on Commerce and Labor to replace Rep. Betts.

Rep. Svaty is appointed to the Public Service Budget Committee to replace Rep. Bonnie Sharp.

Rep. R.J. Wilson is appointed to Committee on Health and Human Services to replace Rep. Svaty.

Rep. Pauls is appointed to Committee on Commerce and Labor to replace Rep. Holland.

Rep. Holland is appointed to Committee on Education to replace Rep. Peterson.

Rep. Thull is appointed to Committee on Taxation to replace Rep. Bonnie Sharp.

Rep. Dillmore is designated as the ranking minority member on Committee on Insurance.

Rep. Grant is designated as the ranking minority member on Committee on Financial Institutions.

Rep. Flaharty is designated as the ranking minority member on Committee on Tourism.

Rep. Feuerborn is appointed to the Education Budget Committee.

Rep. Bonnie Sharp is appointed to the Public Safety Budget Committee.

Rep. Scoggins-Waite is appointed to Committee on Federal and State Affairs, Committee on Insurance, and Committee on Tourism and Parks.

Rep. Ruff is appointed to the Joint Committee on Arts and Cultural Resources to replace Rep. Peterson.

Rep. Sawyer is designated as the ranking minority member on Joint Committee on State-Tribal Relations.

MESSAGE FROM THE SENATE

Announcing adoption of **SR 1801**, a resolution relating to the organization of the 2004 Senate and selection of the following officers:

Dave Kerr, President,
 John Vratil, Vice President,
 Lana Oleen, Majority Leader,
 Anthony Hensley, Minority Leader,
 Pat Saville, Secretary,
 Jody Kirkwood, Sergeant-at-Arms,
 and awaits the pleasure of the House of Representatives.

On motion of Rep. Aurand, the House recessed until 6:30 p.m.

EVENING SESSION

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

It being the hour in accordance with **HCR 5026** to meet in joint session with the Senate to hear the message of the Governor, Reps. Beggs, Cox and Burroughs escorted President Kerr and members of the Senate to seats in the House.

Reps. O'Neal, Freeborn and Ruff and Senators O'Connor and Haley escorted the Supreme Court to seats in the House.

Reps. Wilk, Hayzlett and Thimesch and Senators Wagle and Helgerson escorted the Lieutenant Governor to a seat in the House.

Reps. Neufeld, Jim Morrison and Minor and Senators Adkins and Downey escorted the Governor to the rostrum.

GOVERNOR KATHLEEN SEBELIUS COMPLETE TEXT OF THE STATE OF THE STATE

Mr. Speaker, Mr. President, Madam Chief Justice, members of the Legislature, members of the Court, Cabinet officers, elected officials, leaders of the Kansas tribes, honored guests, and fellow Kansans.

I am profoundly grateful to the people of Kansas for providing me with an opportunity to serve the state I love. I am proud to work each and every day on your behalf, and I am dedicated, in the time that is given to me, to do all within my power to make Kansas an even better place to live, work, and raise a family.

To begin tonight, I ask that we all pause for a moment to reflect on the sacrifices that the men and women of our armed forces and reserves have made on our behalf. Four-hundred-and-ninety-seven brave soldiers, including 24 Kansans, died defending our freedom in Iraq. We owe them a debt that can never be paid. And we owe our continued prayers to those still in harm's way.

The men and women who serve this great nation, whether they are stationed in Iraq, Fort Riley, or the Korean Peninsula, or they serve us at home as our community first responders, serve because they believe in America. They believe in what she stands for — freedom of opportunity, freedom of thought, and freedom of worship; and they trust that as elected officials, we will steadfastly guard those freedoms at home.

In a very real sense, we have an opportunity to honor those men and women during our service here. We can honor them by working faithfully to once again set aside our political differences and make decisions that serve not our personal ambitions, but the needs of the people.

As I did last year from this podium, I call on each and every one of us to leave this chamber resolved to work together to confront the challenges that we face. It will not be easy. We must keep faith with those who sacrificed to create this progressive state out of the prairie wilderness, as well as those who labored to sustain it through Civil War, economic hardships, and most recently, anxious times borne of terrorism and recession.

Since that dreadful day in September of 2001 when terrorists struck, our nation and state have been in the grips of an historic financial downturn. In the aftershocks of those attacks, our revenues dropped more steeply than at any time since the Great Depression.

A year ago, the situation was bleak, but responding to my call, you rolled up your sleeves and went to work with me to solve the unprecedented financial problems that we faced. No one thought we could do it. But by trusting one another and working together, we crafted a balanced budget that protected schools and restored vital safety net programs that sustain elderly and disabled Kansans. Working together, we also provided millions of dollars in additional benefits to unemployed Kansans, and we did it all without raising taxes.

In the roughest financial seas since the Great Depression, we steadied the ship of state. We should all be proud of that accomplishment.

The essence of good government is trust. The people grant us the power to govern trusting we will act in their interest. For most of our history, Kansans have been blessed with honest, dedicated, and progressive public servants. Men and women who reverently accepted their positions of public trust and governed with steady hands, and who rarely failed to rise to the occasion when crises demanded that they lead us through difficult times.

We must honor that tradition by demonstrating that, even in an election year, we can come together to solve problems that cannot wait until tomorrow and by honoring the promises we make. A year ago, I pledged that I would balance my first budget without cutting education or vital safety net services.

With your help, I kept that promise.

I also pledged that I would fundamentally change the way business was done in Topeka — that I would give you a leaner, smarter government that did more with less.

With your help, I kept that promise and will continue to honor it.

Finally, I pledged that I would dedicate my administration to revitalizing our economy and elevating our schools to their rightful place among the nation's best.

And with your help, I intend to keep those promises as well.

One of the most important accomplishments of my first year in office is that we have changed the way government does business, changed the way we deliver state services, and demanded the state workforce to do more with less.

As you might expect, we encountered resistance. Some people insist on clinging to the old ways of doing business, but we are breaking through that resistance with the power of good ideas. The Budget Efficiency Savings Teams I formed have achieved results that I believe are nothing short of extraordinary. In just one year, the teams, working under the leadership of loaned executives from the private sector and former business executives in my Cabinet, have implemented \$85 million in savings and efficiencies.

Some of those savings and efficiencies were achieved quickly by doing simple things: reducing the size of the State Board of Tax Appeals, paying vendors electronically rather than by check, and installing systems that automatically turn out the lights in state offices at night.

Other changes weren't as simple. Some, like reducing the number of state-owned vehicles, required some detective work. Because we didn't even know how many cars we owned, I ordered a thorough inventory. When the results came in, I imposed a two-year moratorium on purchases, eliminated the State Motor Pool, and ordered the sale of hundreds of underutilized vehicles, saving the taxpayers almost \$9 million.

The FAIR SHARE program we initiated last year also has paid big dividends. Too many Kansans owed back taxes and hadn't paid them for years. Offering those citizens a one-time chance to pay what they owed without penalty generated almost \$54 million in back taxes. That's money we never would have seen if we had simply continued our "business-as-usual" approach to tax collections.

Last year, as a part of my efforts to change government, I said I would find better, more efficient ways of delivering services to the more than 450,000 Kansans who rely on the state for health care. To help accomplish that goal, I created the Governor's Office of Health Planning and Finance. Its small but talented staff is already hard at work on plans to obtain better prices for prescription drugs and other health care services by leveraging our buying power in the marketplace.

The people of this state want to know that their hard-earned tax dollars are being spent wisely. As your Governor, I'll continue to demand changes to ensure that's done every day in every agency of state government.

In recent years, we have reduced the size of the state's workforce by more than 10 percent. In the budget that I'm submitting to you, I propose additional cuts in spending to provide state workers with a cost of living raise. The men and women who serve this state in our leaner workforce are being asked to do more than ever with smaller budgets. I believe the state has a responsibility to be a good employer, and that means rewarding loyalty and hard work.

Working together last session, we pulled the state back from financial disaster. Without a tax increase, we crafted a budget that protected education and restored dollars to essential programs that serve those in need.

Because of our work, and the hard work of the people of Kansas, I can report to you tonight that this state is strong and getting stronger. For the first time in years, the revenues flowing into the state treasury are matching our projections. More of our friends and neighbors have jobs than a year ago, and laws that we put on the books last session to encourage community development projects and protect jobs in the aircraft industry have created a new sense of optimism across the state.

Things are better because we worked together to make them better. Starting tonight, we have another opportunity to improve the lives of Kansans by committing ourselves to look beyond our current problems to the untapped potential of this great state — a potential that is as vast as the prairie sky. We must envision a future of revitalized rural communities, world-class schools, cutting-edge universities, and thriving small businesses, and then we need to turn that vision into reality with the decisions we make — starting here, starting now.

We have weathered the storm. Now, as our state motto compels us to do, we must look to the stars.

State government can't create jobs, but it must create a climate in which businesses can flourish. My administration is committed to improving the business climate so that Kansas can match any state and any country in the competition for new jobs and businesses. And we're focused on creating an environment that encourages existing businesses to stay and grow.

Over the last year, the Department of Commerce, working with employers and local chambers, has more than held its own in head-to-head competition with other states. The Department has created or saved more than 4,600 jobs and generated new investment of more than \$300 million in Kansas.

That's a good start, but we must do more. Today's world is competitive. If we don't continue to move forward, we will surely fall behind.

That is why over the course of the summer and fall, led by Lieutenant Governor John Moore, we convened prosperity summits across the state. Nearly 2,000 business professionals, community leaders, and educators shared their ideas for building and sustaining a 21st Century economy in Kansas.

Those ideas became the framework of a regional economic strategy that you will have an opportunity to endorse this session. Our Economic Revitalization Plan focuses new resources on six goals: creating and retaining jobs, expanding the biosciences industry, providing start-up capital for new businesses, encouraging entrepreneurship in rural areas,

linking our workforce development programs to the needs of business and industry, and enhancing the state's image.

Our plan includes a proposal to modernize our tax incentive programs to make them work better for the businesses they are designed to serve. With these changes, Kansas will compete more effectively for jobs and attract companies that offer the best-paying jobs. Under our plan, high potential start-up companies can sell their tax credits to already established businesses. It's a classic win-win situation: start-up businesses receive needed infusions of cash and already profitable Kansas companies save money.

Our plan pays special attention to rural Kansas. It creates a Rural Business Development Tax Credit that will ensure that investments are made in viable job-producing businesses, many of which will be tied to agriculture.

Our Revitalization Program also extends funding for the Enterprise Facilitation program now nurturing businesses in 24 Kansas counties. So far, this program, which helps communities help themselves, has sparked the creation or expansion of nearly 70 businesses in rural areas.

Quality highways have long been essential to economic development, but in recent years the state's revenue problems have jeopardized the ambitious highway-building program passed by this Legislature in 1999. My plan restores funding for the remainder of the program so that the Kansas Department of Transportation can keep its promises to communities and complete every announced project.

The Kansas Technology Enterprise Corporation, key legislators, and the Department of Commerce are working on an aggressive initiative to make Kansas a world leader in biosciences. We must build on the unique assets in the Kansas City metropolitan area and work already underway at our research universities. For the sake of both our economy and the people whose lives will be saved by the research, we must seize this opportunity.

Though often overlooked as an economic development strategy, helping employers provide health coverage to their workers may be one of the most important things we can do to keep Kansas businesses competitive. My Office of Health Planning and Finance will soon announce a set of health care initiatives that will provide that assistance to small businesses.

Our military installations contribute more than \$2 billion a year to the Kansas economy and generate tens of thousands of jobs in Kansas. They are integral to our economy and our heritage. That's why I am convening the Governor's Strategic Military Planning Commission. It will include members of the Kansas congressional delegation, leaders from our military base communities, military experts, and key legislators. They will work together to protect our vital military assets.

The plan that I have outlined so far stretches the state's limited resources as far as they will go. It is a prudent plan.

I pledged to continue vital state services within existing resources, and this budget does that.

I pledged to look for every alternative for savings and efficiencies, and this budget does that.

I pledged to do more with less, and this budget does that.

Without raising taxes, this budget also invests in a 21st Century plan to generate jobs and business opportunities, extends services to disabled Kansans on waiting lists, keeps promises made by the previous Governor and Legislature by completing the highway plan, and provides a cost of living increase for dedicated state employees.

Within the limits of existing state resources, it's a sound budget. It demonstrates that we can continue to keep government functioning without a tax increase. Frankly, it would be safer for me to propose status quo budgets for the remainder of my term budgets that don't

require sacrifices or hard decisions, but fail to address the make-or-break issues that will determine our future, and our children's future.

Doing that would be following the path of least resistance and least reward. A politician's path: one that leads only to the horizon, not beyond it where the true promise of this state and its people lie.

As leaders, we must ask ourselves whether that's good enough. If we follow that path, are we setting a course that creates new opportunities for our state? Are we fulfilling our responsibility to provide the best for our children and grandchildren?

I can tell you, it is not good enough for the thousands of Kansans who participated in meetings of my Education Task Force. They told me that maintaining and improving the quality of Kansas schools is the most important thing that we can do for this state and its future. Business leaders told me that good schools are the key to maintaining the quality of life, essential to attracting jobs, and new business opportunities to the state.

Kansans have always valued education. The visionary men and women who settled this state often built schools before they established towns. From the beginning, Kansans have been dedicated to the proposition that a quality education should not be an accident of geography, but a right of birth in this great state.

Mr. President, Mr. Speaker, members of the Legislature, and fellow Kansans, we must rededicate ourselves to that proposition. We must honor the legacy that has been left to us by generations of Kansans who sacrificed so that we might prosper. The responsibility of sustaining that legacy and passing it on to future generations now falls to us. We must summon the courage and the will to meet it.

Everyone in this chamber knows that we are not adequately funding our schools. It has been years since we provided districts with an adequate increase in base funding, and the cost of our neglect is beginning to show. It can be measured in the scores of underpaid teachers who have fled our classrooms, and it can be measured in the growing performance gap that threatens to doom thousands of poor and minority students to failure.

We cannot pay teachers substandard wages and continue to have a world-class education system. Over the past 10 years, real salaries for Kansas teachers have declined by 8 percent and rank a dismal 41st in the nation. On average, Kansas teachers make nearly \$8,000 less per year than their counterparts in other states.

At the same time that their salaries have been declining, Kansas teachers, like the rest of us, have been hit with dramatic increases in health care costs. Some teachers are paying up to \$17,000 a year out of pocket for health insurance for themselves and their families.

It is no wonder that more than 30 percent of Kansas teachers leave the classroom within three years. We must reverse this trend that threatens to undermine the quality of Kansas schools for generations to come.

A growing student achievement gap also is threatening the overall quality of our education system. For instance, while most Kansas students score well on national assessment tests, 45 percent of Kansas fourth graders who qualify for free or reduced lunches can't read at their grade level.

It is my responsibility as Governor to provide leadership, so tonight I am giving you a choice. You can either take the easy road by adopting the basic budget that I have proposed, or you can join me on a more difficult road — one that demands vision and leadership to navigate, one that leads to rich rewards — schools that are second to none and a prosperous Kansas economy.

My Education First plan will provide an additional \$300 million to Kansas schools over the next three years. It's a responsible plan that targets additional resources to where they are most needed: teachers; early-education programs, including all-day kindergarten; and at-risk students who need our help to succeed.

Early learning programs are among the best investments we can make in the future. Decades of research prove that children engaged in early learning do better in school and enjoy more successful careers. Yet, we know that one-in-three children doesn't have the skills they need to succeed when they enter kindergarten.

We can't afford to continue this pattern of neglect. Therefore, my Education First plan invests \$10 million in Smart Start programs across the state. This will save the state from having to spend millions of additional dollars down the road on remedial education, juvenile justice — and other social programs that attempt — but often fail to put troubled lives back on track.

It's also critical that we do more to sustain our institutions of higher learning. Because of our difficult financial times, we have failed to keep a promise made to the state's colleges and universities to provide funding to retain key faculty and minimize the need for tuition increases. My proposal fulfills that promise.

But my plan does more than provide schools with the additional resources they need. It forges a new partnership between the state and local school districts that will bring new accountability to the system.

For far too long, local school boards have understood the value of all-day kindergarten, but because the state has failed to help pay for it, many districts can't afford to offer it. Under my Education First plan, the state will meet this responsibility to local districts.

Kansans have always believed that local boards, not the state, should guide the day-to-day operations of their schools. Throughout our history, countless men and women have selflessly volunteered their time and talents to serve on local school boards, and I applaud their service.

But just as Kansas taxpayers need to be assured that the state government is spending their dollars wisely, they must also be given confidence that school districts are using best business practices to manage their budgets.

Therefore, as part of my Education First plan, I propose we create a school audit team in the Division of the Budget to review district finances and help schools become more efficient.

I expect these reviews, which have been successfully launched in Texas, Virginia, and a handful of other states, will provide that confidence to taxpayers and parents. I believe they'll help Kansas school districts streamline their management and business practices so that more dollars reach the classroom and fewer are spent on unnecessary layers of bureaucracy.

In exchange for additional resources, we must also demand that school districts be good employers. We must demand that they adequately pay teachers and provide them with the health coverage that other public employees enjoy. We know that health insurance is a powerful recruitment and retention tool. Providing it to teachers will keep talent in Kansas classrooms.

For too long, we have treated education and the economy as separate issues. We have acted as if strengthening schools and creating jobs were somehow unrelated. But the world economy and the Kansas economy have changed. What natural resources, railroads, and fertile land were to previous generations, education must be to ours and our children's. For our economy to grow, every worker in this state, from the scientist to the schoolteacher to the worker on the assembly line, must have 21st Century skills.

Let me be clear: no plan to revitalize our economy and create jobs can be complete unless it strengthens our schools.

Therefore, we must act before what are now just cracks in its foundation bring the quality of our educational system down around us.

We must act, not because a judge says that we must, but because we love our children and our state, and we want what is best for both.

We must act, not because a study says that we must, but because we know in our hearts that each year we allow the inequities in the system to stand, we are dooming more Kansas children to failure.

And we must act, not because education groups say we must, but because of the charge that we inherited from previous generations to provide all Kansas children — not some, or most, or almost all — but all Kansas children with a quality education. One that allows them to make the most of their God-given potential.

I call on you tonight to join me in pursuing a new goal for our state: that a decade from now our schools are the best in the nation. The plan I have outlined tonight is but a first step toward that goal. But let us take that first step, together, this year. If we do anything less, we will fail the generations of Kansas leaders who came before us, and we will fail those who will inherit the responsibilities of leadership from us.

It is a question of responsibility, and it is a question of how we want our children and grandchildren, years from now, to remember this time when we were supposed to work together for them. Do we want them to say that we took the easy way out, that we did what was comfortable rather than what was courageous? Or do we want them to say that we took the hard but righteous path, that we did what was best for them rather than what was easy for us?

In the end, the choice will be ours. May God grant us the wisdom to make the right choice. And may He continue to richly bless this state that we love and honor by our service.

God bless the great state of Kansas and the United States of America. Thank you and good night.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, January 13, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

