

Journal of the House

SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 13, 2004, 11:00 a.m.

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

Prayer by Chaplain Chamberlain:

Almighty God, the work that lies before this body of your servants is daunting. The challenges are mighty. The gulfs are wide. The obstacles are significant . . . , yet we remain a people of joy and of hope. For you, O Lord are a God who equips your people with all that they require. You meet every need. You overcome every obstacle. You bridge every gulf. You, O God are our refuge and our strength, the God who is with us in every time.

As the work of this house now begins in earnest, give to each of its members an extra measure of your love and grace. Bless them with your vision for a world in which your Kingdom reigns. Add to their industry and sacrifice the blessing of your providence. Infuse them with the joy of life and bring them to see the ways in which that joy might be experienced by more and more of your children in Kansas.

Hear our prayer this day, O Lord, you who are our rock and our redeemer. Amen.

The Pledge of Allegiance was led by Rep. Osborne.

COMMUNICATIONS FROM STATE OFFICERS

January 13, 2004

Ron Thornburgh, Secretary of State
Memorial Hall 1st Floor
120 SW 10th Avenue
Topeka, Kansas 66612

Dear Secretary Thornburgh:

This letter is to confirm that I relieve my duties as State Representative of the 84th district, as of Tuesday, January 13, 2004, 12:00 noon, to fill the unexpired term of Senator U.L. "Rip" Gooch created by his resignation effective January 2, 2004.

I am grateful for the opportunity to serve in the Kansas House of Representatives, and I look forward to serving in the Senate.

Respectfully,
Donald Betts, Jr.

With the resignation of Rep. Betts, the House is organized with 124 members.
The roll was called with 122 members present.
Rep. Wilk was excused on legislative business.
Rep. DeCastro was excused on excused absence by the Speaker.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2503, An act concerning health care; establishing the managed care responsibility act, by Representative Swenson.

HB 2504, An act concerning school districts; relating to residency; amending K.S.A. 72-1046 and repealing the existing section, by Representative Neighbor.

HB 2505, An act relating to drugs; establishing the pharmacological standards commission and the pharmacological standards laboratory; and providing for the financing thereof, by Committee on Higher Education.

HB 2506, An act relating to the state board of regents supervised educational institutions; concerning tuition charges, by Committee on Higher Education.

HB 2507, An act relating to regents supervised institutions; concerning group health coverage for certain personnel, by Committee on Higher Education.

HB 2508, An act relating to community colleges; concerning remedial coursework for graduates of Kansas public high schools; providing for a reimbursement plan, by Committee on Higher Education.

HB 2509, An act relating to the Kansas board of regents; concerning recognition of certain educational programs in Kansas that are unique or exemplary, by Committee on Higher Education.

HB 2510, An act relating to technical colleges; providing for technical colleges to be merged with a community college; providing for financing related thereto; amending K.S.A. 2003 Supp. 72-4470 and repealing the existing section; also repealing K.S.A. 2003 Supp. 72-4470a, by Committee on Higher Education.

HB 2511, An act relating to community colleges; authorizing the transfer of certain programs from community colleges to state educational institutions; providing procedures relating thereto, by Committee on Higher Education.

HB 2512, An act relating to higher education; concerning property tax levies for the educational building fund; establishing a business workforce training advisory group; establishing the Kansas commission on higher education operations and opportunities; amending K.S.A. 76-6b02 and 76-6b03 and K.S.A. 2003 Supp. 76-6b01 and repealing the existing sections, by Committee on Higher Education.

HB 2513, An act concerning the secretary of health and environment; providing for the establishment of an electronic communicable disease reporting system; establishing criteria for the system, by Representatives Neighbor, Patterson, Reitz, Schwab, S. Sharp, Storm and Yonally.

HB 2514, An act concerning telecommunications; relating to availability of high-speed digital service; concerning wireless service towers; providing for administrative fines for certain violations; establishing an enhanced 911 fund, by Committee on Utilities.

HB 2515, An act concerning electricity generated from renewable resources or technologies; placing certain requirements on state agencies and certain electric service providers; providing penalties for noncompliance; prescribing the rate of return on investment in certain generation facilities, by Committee on Utilities.

HB 2516, An act concerning utilities; providing certain incentives to increase electric transmission system and electric generating capacity; relating to powers and duties of the state corporation commission; relating to inclusion of certain expenses in rates; amending K.S.A. 66-128 and K.S.A. 2003 Supp. 74-8946 and 79-32,117 and repealing the existing sections, by Committee on Utilities.

HB 2517, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; requiring certain duties of state board of education; amending K.S.A. 72-5437, 72-5445, 72-7513, 74-4914, 74-4922 and 74-4939 and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

HB 2518, An act concerning certain public utilities; relating to energy efficiency and conservation programs for certain customers; providing for recovery of certain amounts therefor, by Committee on Utilities.

CORRECTION OF REFERENCE

Speaker Mays announced **HB 2481** appearing on the Calendar and in the Journal of January 12 under Reference of Bills and Concurrent Resolutions as being referred to Committee on Judiciary, should be corrected to be referred to Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2497**.
 Commerce and Labor: **HB 2498**.
 Higher Education: **HB 2493, HB 2494**.
 Judiciary: **HB 2495**.
 Local Government: **HB 2489, HB 2490**.
 Taxation: **HB 2491, HB 2492, HB 2496, HB 2499**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Select Committee on Pensions: **HB 2500, HB 2501, HB 2502**.

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5025**, a concurrent resolution relating to a committee to wait upon the Governor and advise her the 2004 session of the Legislature is duly organized and ready to receive communication.

Also, announcing the appointment of Senators Taddiken and Goodwin as Senate members of the committee to wait upon the Governor.

Also, announcing adoption of **HCR 5026**, 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.

The Senate announces the appointment of Senators Adkins and Downey to escort the Governor and Senators Wagle and Helgerson to escort the Lt. Governor. Also, Senators O'Connor and Haley to escort the Supreme Court.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6004—

By Representatives McKinney and Mays

A RESOLUTION honoring George Washington Carver.

WHEREAS, George Washington Carver was an eminent American botanist, chemurgist and educator who made significant contributions and gained world renown through his research in agriculture; and

WHEREAS, George Washington Carver was born into slavery near Diamond Grove, Missouri, on or about July 12, 1861. When he was a baby, he, his sister and mother were stolen by Confederate raiders and sold in Arkansas. Although near death with whooping cough, he was retrieved by his master, Moses Carver, upon payment of a prized racehorse valued at \$300; and

WHEREAS, He left home at age 10 to enroll in a school in Neosho, Missouri, and later attended school at Fort Scott. He moved with the Seymour family to Minneapolis where he completed his high school studies in 1884; and

WHEREAS, After being offered a scholarship he was refused entrance into Highland College because of his race. In 1888, George Washington Carver left Kansas to pursue his education in Iowa. He attended the State Agriculture College in Ames where he earned a Bachelor of Science Degree in 1894 and a Master's Degree in 1896; and

WHEREAS, In 1896, George Washington Carver accepted Booker T. Washington's invitation to become head of the newly organized agriculture department at Tuskegee Institute in Alabama; and

WHEREAS, George Washington Carver spent the rest of his life at Tuskegee where he had a distinguished career by developing programs to nourish the land that was worn out by growing only cotton and by finding new uses for soybeans, sweet potatoes and peanuts; and

WHEREAS, Even as a youth, George Washington Carver had an instinctive knowledge of plants. In Alabama he found the soil exhausted from single-crop cotton cultivation, eroded for lack of plant cover and parched by the sun. He taught farmers to restore the soil by planting nitrogen-producing legumes, and he taught crop diversification by planting peanuts and sweet potatoes, both which produced especially good yields in the Alabama soil; and

WHEREAS, Upon discovering that there was no ready market for these new farm products, George Washington Carver began a series of experiments that resulted in more than 300 by-products of the peanut and sweet potato. At the institute's experimental farm he worked with hybrids and various types of fertilizer. He developed a strain of cotton known as Carver's hybrid and grew enormous vegetables; and

WHEREAS, Although George Washington Carver became known world wide for his research and the products he developed, and was offered many positions at high salaries, he refused to leave Tuskegee; moreover, he refused to accept an increase in salary above the \$1,500 a year he received when he first came to Tuskegee; and

WHEREAS, George Washington Carver published many documents and received many awards for his work. In 1940 the Carver Research Foundation was established at Tuskegee Institute. Following George Washington Carver's death in 1943 at age 79, his entire estate was added to the foundation's endowment; and

WHEREAS, George Washington Carver's time in Kansas is a featured exhibit at the Ottawa County Historical Museum; and

WHEREAS, George Washington Carver died January 5, 1943; the United States congress has designated January 5th as a day to honor Mr. Carver each year; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor George Washington Carver and the contributions he made to American agriculture; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Mary R. Allman, Executive Director, State Historical Society, and to Sue Anderson, Territorial Sesquicentennial Coordinator, both at 6425 S.W. 6th Avenue, Topeka, KS 66615; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Mr. C. E. "Sonny" Scroggins of the National Action Network of Kansas, 901 SW Tyler, St. 111, Topeka, KS 66612.

HOUSE RESOLUTION No. 6005—

By Committee on Higher Education

A RESOLUTION providing for certain reports by the state board of regents; relating to state financial assistance; providing for the examination of tuition rates at certain educational institutions.

Be it resolved by the House of Representatives of the State of Kansas: That, by January 1, 2005, the state board of regents shall report to the governor and legislature regarding an assessment of the value of state financial assistance to students at nonpublic higher education institutions in Kansas. Such assessment shall include:

(a) The total amount of the state financial assistance to students at each nonpublic institution and the number of students served;

(b) an evaluation of whether such state financial assistance would provide greater benefit to the state of Kansas and its citizens if allocated to provide tuition assistance to students attending institutions supervised by the board of regents; and

(c) such other information as the board of regents determines is necessary to accurately determine the value of continuing state financial assistance to nonpublic higher education institutions and students.

By January 1, 2005, the state board of regents shall also report to the governor and legislature regarding an assessment of the value of state financial aid to municipal universities. Such assessment shall include the following:

- (1) The benefits to the state and its citizens of the value of such state financial aid;
- (2) such assessment shall also include a recommendation whether such aid shall be increased, decreased or targeted to one or more specific degree programs which benefit the state's citizens as a whole;
- (3) such assessment shall also include a report on the success or inadequacies of coordination between the state board of regents and the municipal university's governing body, including any recommendations for statutory changes.

On or before January 1, 2005, the state board of regents shall also report to the governor and legislature regarding an examination of tuition rates at off-main campus facilities of higher education institutions supervised by the state board of regents. Such assessment shall address whether the lack of access to recreation, health care and other facilities and services at main campus facilities justify lower tuition and fees for off-main campus facilities than main campus facilities.

On or before January 1, 2005, the state board of regents shall report viable alternatives to providing state aid to institutions based on credit hours. The board shall consider whether alternative funding mechanisms will better focus available aid on student progress toward degree completion; enable institutions to invest in faculty, equipment and facilities to provide optimum student education opportunities; and such other criteria as the board shall identify.

REPORT ON ENROLLED RESOLUTIONS

HR 6003 reported correctly enrolled and properly signed on January 13, 2004.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, January 14, 2004.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

