

Journal of the House

SEVENTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 31, 2002, 9:30 a.m.

The House met pursuant to **SCR 1627** with Speaker Glasscock in the chair.

Rep. O'Brien was excused on verified illness.

Reps. Ballard, Dillmore, Gilbert, Goering, Hayzlett, Henderson, Horst, Kirk, Krehbiel, Lloyd, Mayans, McLeland, Myers, Neufeld, Novascone, Palmer, E. Peterson, Rehorn, Storm, Tomlinson, Welshimer, J. Williams and Winn were excused on excused absence by the Speaker.

Prayer by Dr. Bill Wolff, Deacon, Grace Episcopal Cathedral, Topeka:

O God, creator of all good things

We give you thanks for the time away,

for rest after a difficult session,

for the opportunity to be reacquainted with family, friends and constituents,

to a return to a more normal life away from the capitol.

Look after us as finish the work for this session.

Be with us as we leave this place,

Look after those who are not here with us because of illness or accident.

We ask these things in the name of the one who protects us

Today, tomorrow, and all the days of our lives.

Amen.

The Pledge of Allegiance was led by Rep. Aurand.

MESSAGES FROM THE GOVERNOR

HB 2247; Sub. HB 2285; Sub. HB 2469; HB 2505; S. Sub. for HB 2621; HB 2630, HB 2642, HB 2666, HB 2690, HB 2703, HB 2729, HB 2752, HB 2772, HB 2812; S. Sub. for HB 2831; HB 2872, HB 2880, HB 2979, HB 2996, HB 3032 approved on May 16, 2002.

Also, **S. Sub. for HB 2075; HB 2078, HB 2175, HB 2640, HB 2709, HB 2718, HB 2746** approved on May 17, 2002.

Also, **HB 2020, HB 2050; S. Sub. for HB 2094; HB 2145; S. Sub. for HB 2154; HB 2563, HB 2575, HB 2727; Sub. HB 2754; HB 2771, HB 2802, HB 2878, HB 2991, HB 3009, HB 3011** approved on May 29, 2002.

Also, **HB 2337; Sub. HB 2653; HB 2896** approved May 30, 2002.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 3023**, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, 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 am vetoing **HB 3023**. **HB 3023** modifies the term "fair market value." Under this bill, when a builder pays the special assessment before selling developed property to the buyer, it becomes part of the selling price and the fair market value includes the special assessment when appraisal is done. If a builder passes the special assessment on to the buyer, it is not included in the fair market value and the appraiser is not allowed to consider it as part of the fair market value. I veto **HB 3023** because it creates a situation in which two pieces of identical property are given different fair market values dependent upon the timing of payment.

BILL GRAVES
Governor

Dated: May 17, 2002

MESSAGE FROM THE GOVERNOR

May 29, 2002

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

Enclosed herewith is Executive Directive No. 02-324 for your information.

EXECUTIVE DIRECTIVE NO. 02-324

Authorizing a Personnel Transaction and Expenditures from Federal Funds

BILL GRAVES
Governor

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

CONSIDERATION OF VETOED BILLS

The Governor's objection to **HB 3023** having been read May 31, 2002, the time arrived for reconsideration of **HB 3023**, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section.

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

COMMUNICATIONS FROM STATE OFFICERS

From Tina DeLaRosa, Executive Director, Department of Human Resources, 2001 Annual Report for The Kansas Advisory Committee on Hispanic Affairs.

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

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 624**, An act relating to motor vehicles; providing for the issuance of certain distinctive license plates; amending K.S.A. 8-1,141 and repealing the existing section, which was received on April 18, 2002, and was read before the Senate on May 1, 2002.

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 veto **SB 624**.

SB 624 provides for official state issued "Choose Life" license plates. License plates are a method or tool for law enforcement to identify vehicles. License plates should not be used as moving billboards for editorial comment.

BILL GRAVES,
Governor

Dated: April 18, 2002

There being no action on **SB 624**, the veto was sustained.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Garner, **HR 6021**, by Reps. Garner, Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson and Winn, as follows, was introduced and adopted:

A RESOLUTION in memory of Ralph Edward Bussman.

WHEREAS, Ralph Edward Bussman, 74, of Mound Valley, died May 12 at his home; and

WHEREAS, Mr. Bussman served in the Kansas House of Representatives representing District 2 from 1975 through 1984. Committee assignments included Vice-Chairperson for Agriculture and Livestock and membership on Energy and Natural Resources, Governmental Organization, Public Health and Welfare, Education, Assessment and Taxation and Ways and Means; and

WHEREAS, Mr. Bussman farmed southwest of Mound Valley. He served as Chairman of the Board of Directors of the Mound Valley Cooperative and as Chairman of the Farmers Nitrate Association. He also served as President of the Labette County Farmers Union and as Congregational Vice-Chairman of the Church Congregation and as an usher at St. Paul's Lutheran Church; and

WHEREAS, Mr. Bussman was born at Mound Valley November 9, 1927, and graduated from Labette County Community High School in 1945. After graduation he enlisted in the United States Navy and served on the U.S.S. Jason. He married Ilene Tressa Oakleaf in Mound Valley on November 10, 1951, and at that time they purchased the farm where they continued to live until the time of his death. He enjoyed hunting and fishing and observing the wildlife of the area. Survivors include his wife of the home: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize and honor the life of our deceased colleague and extend our deepest sympathy to Mrs. Bussman; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Mrs. Ralph Bussman at Rural Route 1, Mound Valley, Kansas 67354.

Rep. Garner introduced Ilene Bussman, wife of Ralph Bussman, and presented her with a certificate in his memory.

The House stood at ease until the sound of the gavel.

Speaker Glasscock called the House to order.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator Clark as a member of the conference committee on **S. Sub. for HB 2034** to replace Senator Emler.

The House stood at ease until the sound of the gavel.

Speaker Glasscock called the House to order.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **S. Sub. for HB 2034**.

INTRODUCTION OF ORIGINAL MOTIONS

Rep. Holmes moved, pursuant to Joint Rule 3(f), that the rules be suspended regarding distribution of copies of the conference committee report on **S. Sub. for HB 2034** to all members of the House. The motion prevailed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2034**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Amended by Senate on Final Action, as follows:

On page 1, by striking all in lines 21 through 43;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 7 and inserting:

“Section 1. K.S.A. 55-102 is hereby revived and amended to read as follows: 55-102.

(a) Except as provided in subsection (b), it shall be unlawful for any person, firm or corporation having possession or control of any ~~natural-gas or natural gas well~~, oil well or coalbed natural gas well, whether as a contractor, owner, lessee, agent or manager, to use or permit the use of gas by direct well pressure for pumping of oil or for blowing oil out of wells, or for operating any machinery by direct well pressure of gas, or to allow or permit the flow of gas or oil from any such well to escape into the open air without being confined within such well or proper pipes or other safe receptacle for a longer period than two days after gas or oil shall have been struck in such well, except that a reasonable time, not exceeding five days, shall be allowed such contractor, owner, lessee, agent or manager, in addition to such two days, in which to place in the well the casing, tubing, packers and other appliances necessary to properly operate the same and obtain the products therefrom or, in case such contractor, owner, lessee, agent or manager shall not desire to operate such well, to securely enclose the same, so as to prevent the escape of oil or gas therefrom, and thereafter all such gas or oil shall be safely and securely confined in such well, pipes, or other proper receptacle. The provisions of this section shall not be construed to apply to the escape of gas or oil during continuous drilling. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined in the sum not less than \$50 nor more than \$200, or by imprisonment in the county jail for not less than 30 days nor more than six months, and each day that the violation continues shall constitute a separate offense.

(b) Natural gas produced from natural gas wells or in connection with the production of oil, or coalbed natural gas produced from coal seams or associated shale, may be flared, vented or used in any manner if such use or, flaring or venting is authorized by an ~~order, rule or regulation~~ order or rules and regulations of the state corporation commission.

Sec. 2. K.S.A. 55-102, as revived by section 1, and K.S.A. 55-102, as amended by section 1 of 2002 House Bill No. 3031, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 14, by striking all after “concerning”; by striking all in lines 15 through 18 and inserting: “natural gas; reviving and amending K.S.A. 55-102 and repealing the revived section; also repealing K.S.A. 55-102, as amended by section 1 of 2002 House Bill No. 3031.”;

And your committee on conference recommends the adoption of this report.

KARIN S. BROWNLEE

STAN CLARK

JIM BARONE

Conferees on part of Senate

CARL DEAN HOLMES
 TOM SLOAN
 LAURA MCCLURE
Conferees on part of House

On motion of Rep. Holmes, the conference committee report on **S. Sub. for HB 2034** was adopted.

On roll call, the vote was: Yeas 99; Nays 1; Present but not voting: 1; Absent or not voting: 24.

Yeas: Aday, Aurand, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Glasscock, Gordon, Grant, Henry, Hermes, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Newton, Nichols, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, Wilson.

Nays: Spangler.

Present but not voting: Powers.

Absent or not voting: Ballard, Dillmore, Gilbert, Goering, Hayzlett, Henderson, Horst, Kirk, Krehbiel, Lloyd, Mayans, McLeland, Myers, Neufeld, Novascone, O'Brien, Palmer, E. Peterson, Rehorn, Storm, Tomlinson, Welshimer, J. Williams, Winn.

REPORT ON ENGROSSED BILLS

HB 2337, HB 2719, HB 3009 reported correctly re-engrossed May 17, 2002.

Also, **HB 2030, HB 2896, HB 3011** reported correctly re-engrossed May 20, 2002.

REPORT ON ENROLLED BILLS

HB 2020, HB 2145; S. Sub. for HB 2154; HB 2563; Sub. HB 2653; HB 2727; Sub. HB 2754; HB 2878, HB 2991 reported correctly enrolled, properly signed and presented to the governor on May 21, 2002.

Also, **HB 2030, HB 2050; S. Sub. for HB 2094; HB 2337, HB 2575, HB 2665, HB 2719, HB 2771, HB 2802, HB 2896, HB 3011** reported correctly enrolled, properly signed and presented to the governor on May 22, 2002.

Also, **HB 3009** reported correctly enrolled, properly signed and presented to the governor on May 23, 2002.

The hour for final adjournment having arrived, Speaker Glasscock said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2002 session, I do now declare the House adjourned sine die."

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2030**, An act providing incentives for certain businesses; prescribing duties and authorities for the Kansas development finance authority and the secretary of commerce and housing relating thereto, was received.

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 veto **HB 2030**.

HB 2030 would authorize the Kansas Development Finance Authority to issue bonds totaling up to \$10,000,000 for a qualified business contracting for such treatment with the Department of Commerce and Housing. I veto this bill because it duplicates provisions in **SB 39**, the comprehensive tax bill, already signed into law. The record reflects that the House of Representatives passed **House Bill 2030** immediately after passing the identical provisions in **SB 39**. Those Representatives who voted "No" on **SB 39**, followed immediately by a "Yes" vote on this bill, are more interested in creating political cover for themselves than acting responsibly for Kansas. It was a blatant act of political deception.

BILL GRAVES
Governor

Dated: May 31, 2002

The Legislature having adjourned sine die, there was no opportunity for the members to reconsider **HB 2030** and the veto is sustained.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2719**, An act concerning certain governmental procedures; relating to state and school district purchasing procedures; repealing the Kansas performance review act; amending K.S.A. 75-3738 and 75-3740 and K.S.A. 2001 Supp. 72-6760, 75-3739 and 75-3739a and repealing the existing sections; also repealing K.S.A. 75-7101, 75-7102, 75-7103, 75-7104, 75-7105 and 75-7107, was received.

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 veto **HB 2719**.

HB 2719 attempts to provide a mechanism for reviewing contracts proposed under the non-competitive bid exceptions of current law. Although the notice provisions of this bill are probably not unduly burdensome, the legislature failed to adequately define who can file a legitimate protest to a non-competitive contract. There are no provisions to guard against abuse of protests without merit. This failure can result in costs to the taxpayers in both time and money.

For example, legitimate protests to the non-competitive contracts should come from someone knowledgeable and interested in bidding not simply from someone more interested in disrupting the acquisition of goods and services vital to the State of Kansas.

For these reasons, I veto **HB 2719**.

BILL GRAVES
Governor

Dated: May 31, 2002

The Legislature having adjourned sine die, there was no opportunity for the members to reconsider **HB 2719** and the veto is sustained.

REPORT ON ENGROSSED BILLS

Senate Substitute for HB 2034 reported correctly engrossing June 3, 2002.

REPORT ON ENROLLED BILLS

Senate Substitute for HB 2034 reported correctly enrolled, properly signed and presented to the governor on June 4, 2002.

REPORT ON ENROLLED RESOLUTIONS

HR 6021 reported correctly enrolled and properly signed on June 3, 2002.

MESSAGES FROM THE GOVERNOR

HB 2665 approved on May 31, 2002.

Senate Substitute for HB 2034 approved on June 6, 2002.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 517**, An act making and concerning appropriations for the fiscal years ending June 30, 2002, June 30, 2003, June 30, 2004, June 30, 2005, and June 30, 2006, 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. 75-2319 and K.S.A. 2001 Supp. 55-193, 79-2959, 79-2964, 79-3425i, 79-34,147, 79-4804 and 82a-953a and repealing the existing sections; also repealing section 100 of chapter 144 and section 59 of chapter 216 of the 2001 Session Laws of Kansas, which was received on May 18, 2002, and was read before the Senate on May 31, 2002.

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. 517 with my signature approving the bill, except for the items enumerated below.

Department of Commerce & Housing**Film & Video Attraction Program**

The portion of Section 88(a) that reads as follows has been line-item vetoed:

And provided further, That expenditures shall be made by the above agency from the moneys appropriated in the operating grant (including official hospitality) account of the state economic development initiatives fund in the amount of not less than \$75,000 for a Kansas film and video attraction program, which shall be used by the Kansas film commission to attract film and video projects to the state:

Section 88(a) requires the Department of Commerce and Housing to spend \$75,000 of its operating expenditures from the Economic Development Initiatives Fund for a Kansas Film and Video Attraction Program. For the first time, the legislature has provided an operating grant for the Department, which is designed to give the agency flexibility in allocating funds between activities that produce measurable outcomes, rather than funding individual programs at a fixed amount. This proviso undermines the concept before the operating grant has had a chance to work. Because no additional funds were added for this purpose, this \$75,000 would have to be taken from an already reduced budget. In addition, the grant amount exceeds what the Department has been able to award in the past. The proviso also eliminates the Department's authority to issue the grants. Therefore, I find it necessary to veto this grant.

Emergency Medical Services Board**Radio Tower in Meade County**

Section 120(c) has been line-item vetoed in its entirety.

This section imposes an FY 2003 expense on the EMS Board for the use of radio towers. The use of state-owned, 800-megahertz radio antennae in Meade County as a platform for a non-state owned early warning system would create an undesirable precedent for the state. Agency policies are based upon sound expertise and designed to protect the integrity of the state system. Legislatively mandated modifications of the practices on a piecemeal basis generate the increased probability of significant future problems. The probability of equipment interference, even if the system is found to be 800-megahertz compliant, is great enough that I find it necessary to veto this section.

Department of Administration

Statehouse Dome Support for Ad Astra

Section 141(l) has been line-item vetoed in its entirety.

This section prohibits the Department of Administration from spending state funds during FY 2003 to reinforce the dome of the Statehouse so it will support the Ad Astra sculpture. However, private gifts, grants, or donations could be used for this project. At the time the agreement was made with the artist of the statue, no provision was made for support of the dome to be financed with private funds. The purpose of this proviso is not clear. When this item was considered during review of the budget, some objections were raised about the incorporation of this project into the broader Statehouse renovation effort, which would have allowed it to be financed through the State General Fund debt service payments on the renovation. If this proviso is intended to prevent this project from becoming funded from debt service for the Statehouse renovation, it is overbroad because it prohibits the use of *any* public funds for the project. Therefore, I line-item veto this proviso because it is unnecessary and unduly restrictive.

Board of Regents

Rehabilitation & Repair Projects

The portion of Section 157(a) that reads as follows has been line-item vetoed:

Rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education\$10,000,000

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction.

During the 2001 Legislative Session, as a multi-year appropriation, \$10.0 million in funding from the Kansas Educational Building Fund was provided for rehabilitation and repair projects at state universities in each year for FY 2002 and FY 2003. This funding is appropriated to, and distributed by, the Board of Regents to the universities. During the preparation of appropriations, the \$10.0 million in funding for FY 2003 was unintentionally duplicated. My veto of this section will reflect the budget as it was intended by eliminating the duplication.

BILL GRAVES,
Governor

Dated: May 18, 2002

A motion was made that a line item the Governor vetoed in Section 141(l) of Senate Bill No. 517 which reads as follows:

(l) During the fiscal year ending June 30, 2003, no moneys appropriated for the department of administration for the fiscal year ending June 30, 2003, from the state general fund or any special revenue fund by this or other appropriation act of the 2002 regular session of the legislature shall be expended by the department of administration for the purpose of reinforcing the statehouse dome for placement of the Ad Astra sculpture atop the statehouse dome: *Provided*, That the provisions of this subsection shall not apply to gifts, grants or donations received for this project.

be passed. By a vote of 20 Yeas and 13 Nays, the motion not having received the required two-thirds majority of the elected members of the Senate voting in the affirmative, the motion did not prevail and the line item was sustained.

There being no other motions considered on **SB 517**, the line item vetoes on Section 88(a), 120(c) and 157(a) were sustained.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **H. Sub. for SB 363**. An act making and concerning appropriations for the fiscal years ending June 30, 2002, June 30, 2003 and June 30, 2004; 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, which was received on May 31, 2002.

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 House Substitute for Senate Bill No. 363 with my signature approving the bill, except for the items enumerated below.

Attorney General**Microsoft Litigation**

Section 2(b) has been line-item vetoed in its entirety.

The constitutional doctrine of separation of powers provides protection to citizens by ensuring that each branch of government is able to carry out its responsibilities without interference from the other branches of government. In Section 2(b) the Legislature is attempting to make a policy decision for the Attorney General.

Legislature**Hesston College Flagpole**

Section 38 has been line-item vetoed in its entirety.

It is poor public policy for the Legislature to intrude on the rights of private institutions. If the Kansas Legislature believes that a private Kansas college, which fails to adequately display the U.S. flag, should not receive state funding for student financial aid, then the Legislature should take appropriate action to withhold funding.

Department of Social & Rehabilitation Services**Senior Service Trust Fund Transfers**

Section 6(j) and 6(k) have been line-item vetoed in their entirety.

Section 6(j) transfers \$18.5 million from the State General Fund to the Senior Services Trust Fund at the beginning of FY 2003. Section 6(k) transfers \$28.9 million from the State General Fund to the Senior Services Trust Fund at the end of FY 2004. The intent was to use funding from the trust for State General Fund cashflow purposes and replace it to fund a larger pharmacy assistance program in future years. However, the Legislature did not pass a bill to create a new pharmacy assistance program. If such a bill were passed in the future, appropriations to a trust could be made at that time. Therefore, I veto these sections.

Counseling Center Grant

The portion of Section 6(a) that reads as follows has been line-item vetoed:

Youth services aid and assistance

For the fiscal year ending June 30, 2002 \$35,000

Provided, That expenditures shall be made for fiscal year 2002 from the youth services aid and assistance account for a grant in the amount of \$35,000 to the headquarters counseling center in Lawrence, Kansas, which shall be matched on the basis of \$1 for \$1 by the headquarters counseling center.

The section would appropriate \$35,000 from the State General Fund to the Headquarters Counseling Center in Lawrence, Kansas for FY 2002. This grant was not part of the agency budget request submitted in the fall of 2001 and was not discussed during the regular appropriations process earlier in the legislative session. Appropriating a special grant in this manner would allow it to avoid the scrutiny of the budget process that should determine its priority relative to other worthy projects and programs. The bill does not explain the purpose of this grant or the outcomes expected by this program. In short, the Legislature appears to have awarded a non-competitive grant for an unstated or unknown reason. Although the

efforts of this center may be worthy of funding, this is not the legitimate means of evaluating or assessing this issue. Because this special treatment is unwarranted, I veto this section.

Department on Aging

Senior Pharmacy Outreach Program

Sections 5(a) and 5(b) have been line-item vetoed in their entirety.

These sections appropriate \$600,000 from the State General Fund for the Senior Pharmacy Outreach Program. The purpose of the program would be to identify and determine which prescription drug plans, whether state-funded or provided through a pharmaceutical company, would give elderly Kansans the best coverage. The funding would cover the cost of one employee at each Area Agency on Aging and one non-FTE unclassified permanent position at the Department on Aging. Although I agree with the need for this service, a new program with this funding is not necessary to provide it. Individual case workers at the Area Agencies on Aging should all be trained to perform this service. The Department on Aging can fund this training through its existing pharmacy assistance program and by securing grants through the charitable trust programs of the pharmaceutical companies. Therefore, I veto this section.

Commission on Veterans' Affairs

Persian Gulf War Health Initiative

The portion of Section 4(a) that reads as follows has been line-item vetoed:

Operating expenditures—Persian Gulf War health initiative program

For the fiscal year ending June 30, 2003 \$75,000

Provided, That no expenditures shall be made from the operating expenditures—Persian Gulf War health initiative program account if 2002 House Bill No. 2770 is enacted into law: *Provider further*, That no expenditures shall be made during fiscal year 2003 from the operating expenditures—Persian Gulf War health initiative program account unless the Kansas commission on veterans affairs has first presented a detailed budget for such expenditures to the legislative budget committee.

The \$75,000 is intended to fund staff and operating expenses for the continuation of surveys of Persian Gulf War veterans. Over the last five years, a total of \$389,565 has been expended on this initiative. Kansas funded the Persian Gulf War study published in the November 15, 2000 *Journal of Epidemiology*. Results were made available to Kansas Gulf War veterans and to the federal government. The State of Kansas is committed to issues concerning all veterans, and with the completion of the study and publication of the results, the state's limited resources must now be directed to the benefit of all its veterans. I will direct the Kansas Commission on Veterans' Affairs to ensure Persian Gulf War veterans receive timely assistance in filing claims for services with the Federal Veterans Administration.

Department of Human Resources

Unemployment Insurance Federal Funds

Section 26 has been line-item vetoed in its entirety.

As part of the President's Economic Stimulus Package, the State of Kansas will receive \$78.0 million in funding for its Unemployment Insurance Program. These funds will be deposited in the Kansas Unemployment Insurance Trust Fund and may be used for extended benefits under current appropriation authority. Monies for administration of the program would be available for expenditure by the Kansas Department of Human Resources if the State Finance Council increases the expenditure limitation on that portion of the fund. However, this section of the bill would not allow the State Finance Council to take action to release these administrative monies. As a result, this provision would prevent the funds from being used until the next legislative session. Therefore, I find it necessary to veto this restriction.

Board of Regents**Vocational Education EDIF Funding**

The portion of Section 20(a) that reads as follows has been line-item vetoed:

Vocational education capital outlay aid	
For the fiscal year ending June 30, 2003	\$135,000
Postsecondary aid for vocational education	
For the fiscal year ending June 30, 2003	\$323,383
Technology innovation and internship program	
For the fiscal year ending June 30, 2003	\$10,000

Although these provisions may fund worthy causes, over-reliance on EDIF funding jeopardizes flexibility for future governors and legislators.

Internal State General Fund Transfers

Section 20(e) has been line-item vetoed in its entirety.

In my original budget recommendations to the 2002 Legislature, I proposed adding a provision that would allow the Board of Regents, with the approval of the Director of the Budget, to transfer State General Fund dollars between institutions of higher education. The purpose of this proviso is to facilitate the movement of funds within the Regents system, especially as the universities function under the new concept of an operating grant in FY 2003. This section nullifies that proviso, which has the effect of taking away the flexibility of moving funds to where they are needed most. Other state agencies have the authority to transfer funds between agencies within their system, such as the Department of Corrections, the Juvenile Justice Authority, and the Department of Social and Rehabilitation Services. Because the Director of the Budget's approval constitutes a check on the Board's use of this proviso, I believe the Board of Regents should have this authority as well. For these reasons, I veto this section.

All Agencies**Prohibition on Furloughs**

Section 28 has been line-item vetoed in its entirety.

This section would effectively prevent state agencies from laying off or furloughing classified state employees during FY 2002 and FY 2003 because of a lack of funding, except when the Director of the Budget has certified to me under KSA 75-6704 that the unencumbered ending balance in the State General Fund is less than \$100.0 million. I veto this provision as an unreasonable intrusion on the executive branch responsibility of state agencies to manage their budgets within the constraints that will already be imposed on them by reduced funding levels. To outline in an appropriations bill specific measures that agencies must follow, such as leaving vacant positions unfilled and implementing management efficiencies, represents micro-managing at its worst. Every agency must have the flexibility to manage the significant funding reductions in the budget passed earlier this session. The provision is also unnecessary because agencies would very likely make every effort to avoid layoffs and furloughs.

Kansas Sentencing Commission

Section 12 has been line-item vetoed in its entirety.

In our current tight fiscal situation, it seems imprudent to add positions not necessary to provide essential services to Kansans.

BILL GRAVES
Governor

Dated: May 31, 2002

The Legislature having adjourned sine die, there were no opportunities for the members to reconsider the line items vetoes on **H. Sub. for SB 363** and the line item vetoes were sustained.

MESSAGE FROM THE SENATE

The Senate announces the following bills and concurrent resolutions are hereby transmitted to the House of Representatives with final disposition:

House bills that died in conference: **HB 2047, HB 2091; S. Sub. for HB 2143; HB 2221, HB 2316, HB 2507, HB 2607, HB 2613, HB 2624, HB 2693, HB 2795, HB 2810; S. Sub. for Sub. HB 3012.**

House bills and concurrent resolutions that died in Senate Committees: **Sub. HB 2006; HB 2010, HB 2013; S. Sub. for HB 2040; Sub. for S. Sub. for HB 2051; Sub. HB 2077; HB 2079; Sub. HB 2080; HB 2102, HB 2120, HB 2160; S. Sub. for HB 2161; Sub. HB 2183; HB 2224, HB 2227, HB 2229; Sub. HB 2244; HB 2292, HB 2317, HB 2328, HB 2353; Sub. HB 2366; HB 2377, HB 2396, HB 2458, HB 2471; Sub. HB 2487; Sub. HB 2488; Sub. HB 2489; Sub. HB 2504; Sub. HB 2524; Sub. HB 2546; HB 2548, HB 2549, HB 2557, HB 2566, HB 2569, HB 2574, HB 2583, HB 2612, HB 2619, HB 2626, HB 2635, HB 2643; Sub. HB 2644; HB 2647, HB 2661; Sub. HB 2667; HB 2681, HB 2699, HB 2706, HB 2711, HB 2714, HB 2735, HB 2736, HB 2737, HB 2743, HB 2744, HB 2750, HB 2751, HB 2767, HB 2770, HB 2773, HB 2782, HB 2785, HB 2787, HB 2797; S. Sub. for HB 2819; HB 2823, HB 2830, HB 2844, HB 2867, HB 2905, HB 2907, HB 2948, HB 2956, HB 2959, HB 2962, HB 2999, HB 3000, HB 3008, HB 3010; Sub. HB 3017; HB 3034, HB 3041; Sub. HCR 5037; HCR 5048.**

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

