

Journal of the House

SEVENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, June 20, 2013, 10:00 a.m.

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

Prayer by guest chaplain, the Rev. Josh Fredlund, Wanamaker Woods Church of the Nazarene, Topeka:

Heavenly Father, I want to thank you for each person in this room and the work that they accomplished for the state of Kansas in this session. God I pray that you will give them rest as they head back to their home and the people that they serve. I pray that you will continue to bless this great state through the work of the men and women whom have been elected as well as those that they represent. I pray for travel mercies as they head home. In Jesus name I pray, Amen.

The Pledge of Allegiance was led by Rep. Weber.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Vickrey are spread upon the Journal:

Last year we were stunned at the loss of Representative Bob Bethell in a car accident at the close of session. In recognition of Representative Bethell's years of service and sense of fairness, a new award was presented to his widow, Lorene, commending Bob as statesman of the year.

Webster's early dictionary defines statesman as "One versed in the arts of government; usually, one eminent in political abilities, later adding the phrase: A leader considered above partisan politics."

Alexander Pope, in his *Moral Essays* (1720) elaborated:

"Statesman, friend to truth, of soul sincere,
In action faithful, and in honor clear,
Who broke no promise, served no private end,
Who gaine'd no title, and who lost no friend."

This year we received equal nominations for this new award, and it was decided to grant two awards, to Representatives Arlen Siegfried and Jan Pauls. Arlen and Jan serve as co-chairs of the Weekly Legislative Prayer Breakfast during session. They both are faithful in urging others to pray for their colleague who is speaking at the mic. They

champion an air of civility in committees and on the floor. They work hard at treating others fairly and with respect.

A root word for statesman is stature. Often seen as tallness, the word is also used in the Scriptures by Luke (2:52) when he says of Jesus at age twelve: "He increased in wisdom and stature with God and man." Jan and Arlen have increased in favor with their peers here in the Statehouse.

Congratulations to both of you.

PERSONAL PRIVILEGE

Rep. Weber addressed a few remarks to the members of the House announcing his resignation and thanking all the members for their support.

MESSAGES FROM THE GOVERNOR

HB 2213 approved on June 7, 2013.

Also, **HB 2216** approved on June 11, 2013.

Also, **HB 2059** approved on June 13, 2013.

MESSAGE FROM THE GOVERNOR

June 11, 2013

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

Enclosed herewith is Executive Directive No. 13-440 for your information.

EXECUTIVE DIRECTIVE NO. 13-440
Authorizing Personnel Transactions

SAM BROWNBACK
Governor

MESSAGE FROM THE GOVERNOR

June 11, 2013

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

Enclosed herewith is Executive Directive No. 13-441 for your information.

EXECUTIVE DIRECTIVE NO. 13-441
Authorizing A Fund Transfer

SAM BROWNBACK
Governor

COMMUNICATIONS FROM STATE OFFICERS

From Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, Kansas Department of Health and Environment, in accordance with k.S.A. 49-512(h), Treece Relocation Assistance Project Monthly Expenditure/Income Report for the My 2013 reporting period.

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

REPORT ON ENGROSSED BILLS

HB 2059, HB 2216 reported correctly engrossed June 3, 2013.

REPORT ON ENROLLED BILLS

HB 2059, HB 2216 reported correctly enrolled, properly signed and presented to the Governor on June 10, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6035 reported correctly enrolled and properly signed on June 4, 2013.

The hour for final adjournment having arrived, Speaker Merrick said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2013 session, I do now declare the House adjourned sine die."

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*



COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, KRIS KOBACH, Secretary of the State of Kansas, do hereby certify that Maynard Estes, Dodge City, Kansas, was appointed by the Governor effective June 20, 2013, for the unexpired term of State Representative for the 119th Legislative District, to fill the vacancy created by the resignation of Brian Weber.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 20th day of June, A.D. 2013.

KRIS KOBACH
Secretary of State

OATH OF OFFICE

Representative-elect Maynard Estes took and subscribed to the following oath of office, which was administered by Deputy Assistant Secretary of State Nancy Bryant.

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of member of the House of Representatives, so help me God.

Subscribed and sworn to before me this 20th day of June, 2013.

NANCY BRYANT
Deputy Assistant Secretary of State

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits a veto message from the Governor on **SB 171**. "AN ACT making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-8963, 74-99b34, 75-2319, 75-6702, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4227, 79-4804 and 82a-953a and repealing the existing sections", which was received on June 15, 2013 and was read before the Senate on June 20, 2013.

"I want to thank every member of the Kansas Legislature for your hard work during the 2013 session. This two-year budget will provide state agencies and school districts a greater level of funding certainty, allowing them to extend their planning horizons and strengthen their focus on improving services. Having a strong ending balance for three straight years will help us weather the uncertainty of a federal government that continues to have major budget problems. Your commitment to fiscal responsibility will ensure every taxpayer dollar will be used in an effective and efficient manner."

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill No. 171 with my signature approving the bill, except for the items enumerated below.

Department of Administration

Refund of Past FICA Payments for Medical Residents

Section 29(f) is vetoed in its entirety.

In my original budget I had recommended that from the state's share of FICA refunds originally made on behalf of medical residents, \$25.0 million be swept to the State General Fund and that \$10.0 million of that be devoted to construction of a new medical education building for the Medical Center. The timing of the refunds has been much slower than ever anticipated and the state has not yet received its full share of the refunds from the Internal Revenue Service (IRS). We are going to pay the medical residents their share received to date, but I veto this sweep of the state's share so it does not occur prior to full settlement with the IRS.

Department of Corrections

Transfer of State Resources

Section 44(c), 44(d), 44(e), 44(f), 45(b) and 173(h) are vetoed in their entirety.

I have grave concerns about the impact of this budget on public safety. Eliminating the \$1.9 million in current year budget lapses and the sweep of \$750,000 from the Kansas Correctional Industries will allow the Department of Corrections to use these resources to soften the impact of their reduced funding and protect critical components of our corrections system.

Office of the Attorney General
Fee Sweeps to the State General Fund

Section 87(h), Section 87(i), Section 88(g), Section 88(h) and Section 88(i) have been line-item vetoed in their entirety.

The Court Cost Fund and the Medicaid Prosecution Revolving Fund receive money from various litigation settlements handled by the Attorney General in which the defendant is ordered to reimburse the state's litigation costs. Sometimes, the balance in these litigation recovery funds exceeds the actual cost of operating the state's litigation and, at those times, it is proper to remove the "excess" and place it in the State General Fund for other uses. The critical issue is not whether that is done but how and when. This approach provides stability and planning ability so the agency can operate the recovery litigation professionally and in a cost-efficient manner without worrying whether sufficient funds are available in the short-term to make payroll. Most importantly, it also ensures the state's recovery litigation is focused exclusively on obtaining just litigation outcomes and not on the need to generate immediate funds to pay the current bills. In addition, sweeping the money paid by Kansans who seek to permit to carry a concealed firearm pursuant to the Kansas Personal and Family Protection Act into the State General Fund transforms these dedicated permit fees into a general "gun tax" on Kansans who are exercising their Second Amendment Rights. For these reasons, I veto the sweeps that exceed my recommendations applied to the Attorney General's Office.

Department of Administration
Sweep of the Curtis State Office Building Maintenance Reserve Fund

Section 111(t) has been vetoed in its entirety.

A lease agreement with the Public Building Commission and the State of Kansas was executed upon construction and occupancy of the Curtis State Office Building. Within that contract and the bond documents issued on the construction of the building was a provision that the building's reserve fund would accrue a balance up to \$2.5 million. It is bond counsel's opinion that transferring cash from this fund would be a reportable material default to the Securities Exchange Commission and would hinder the state's ability to issue future bonds related to NBAF, the KBI lab at Washburn and the Department of Agriculture's move to the Kansas State University campus. I therefore find it necessary to veto this provision.

Elimination of Vacant Positions

Section 111(w) and Section 112(s) have been vetoed in their entirety.

In FY 2010, agencies' headcounts totaled 23,957.98, excluding the Regents. In FY 2012, we drove that number down to 22,208.57. My administration remains committed to reducing the size of state government and we will continue those efforts in the next year. We went through a lengthy exercise last year to eliminate old vacant positions. Moreover, the language in these sections will drive agencies to spend more on overtime as they will be kept from filling positions open for only 120 days. In some locations, such as at Larned State Hospital and Topeka Correctional Facility, we face challenges in recruiting and retaining staff at critical agencies and this language does not grant them any flexibility. For these reasons, I veto these provisions and will continue to work with agencies to restructure them in a targeted and strategic manner.

Department of Commerce

Sweep of the Reimbursement and Recovery Fund

Section 123(l) and Section 124(j) are vetoed in their entirety.

The Reimbursement and Recovery Fund of the Department of Commerce is primarily used to finance the operations of America's Job Link Alliance (AJLA). AJLA is a consortium of state workforce agencies and program operators that collaborate to reduce costs in the development of workforce development software needs for member states. Sweeping the pooled resources from the Reimbursement and Recovery Fund in FY 2014 and FY 2015 would violate our obligation to those states and necessitate reimbursement to them, so I must veto both of these transfers.

University of Kansas Medical Center

Enrollment Management

Section 167(e) and 168(e) are vetoed in their entirety.

The University of Kansas School of Medicine campus in Salina was created to address the critical shortage of physicians, particularly in rural Kansas. This innovative medical education program is aimed at students with a strong desire to practice in rural areas. I understand the Legislature's concern that this program as well as the Wichita campus not be disproportionately impacted by budget cuts. According to the University of Kansas Medical Center (KUMC), the language in this provision will require undesirable reductions to its Wichita campus, while a veto will keep current student levels the same. KUMC has committed to me how they will manage their budget cuts if these provisions are removed. The Center will still impose a variety of operational changes to manage this funding loss:

Plan and impact if the Proviso is vetoed:

Student reductions (in Kansas City only):

- 20 Nursing students
- 5 Health Professions students
- 4 Residency (GME) positions
- 2 MD/PhD student positions

I therefore veto these constraints on the Medical Center's management of its programs.

Department of Corrections

Budget for Corrections

Section 174 is vetoed in its entirety.

The Department of Corrections plays a key role in maintaining our state's public safety. Because I consider it inadequate, I veto the FY 2015 budget and look forward to working with the 2014 Legislature in finding the Department sufficient resources to ensure public safety is not imperiled.

Kansas Water Office

Weather Modification

That portion of Section 193(c) that reads as follows has been line-item vetoed.

“Weather modification program.....\$100,000
 Provided, That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.”

Support for this program has declined at the local level and the ongoing drought in western Kansas has exacerbated the continued declines of the Ogallala Aquifer. In 2012, I signed into law policies that will provide greater opportunities to conserve and extend the life of the Aquifer, such as Local Enhanced Management Areas (LEMA). As a result, I encourage the use of future State Water Plan Fund dollars in support of LEMAs and other related conservation efforts.

Salary Cap

Limitations on Agency Operations

Section 199 and 200 are vetoed in their entirety.

I applaud the Legislature's efforts to reduce the size and cost of state government. However, when salary restrictions are applied, they must be done so in a consistent manner, except when some inconsistency is justified. The language in these sections impacts agencies inconsistently and punishes those agencies that were working most diligently to drive down costs. Additionally, this policy restricts the ability of state agencies to best manage the reduced resources provided by this budget. While I veto these provisions, this action does not spend additional State General Fund resources.

Moving Forward

Public safety is unquestionably a core function of state government. The services provided by the Kansas Department of Corrections are a critical component of protecting our citizens. I will do everything I can to minimize the impact of the reduced funding on public safety. However, I ask that you carefully and thoughtfully consider whether or not this reduction was appropriate when you return.

The people of Kansas expect excellence in higher education. Our Regents system fuels the engine of our economy by providing a highly skilled workforce and nurturing the next generation of Kansas teachers, doctors, business people and others. I encourage you to spend the next several months examining university budgets more closely and working with their leadership teams and the Board of Regents to craft a shared vision for higher education in Kansas; a vision that you are confident both maintains our high standard of excellence and uses resources efficiently. “

There being no motion to reconsider **SB 171**, the President ruled the veto sustained.

Announcing the Senate herewith transmits a veto message from the Governor on **SB 37**. “AN ACT concerning the Kansas home inspectors’ professional competence and financial responsibility act; amending K.S.A. 2012 Supp. 58-4501 and repealing the existing section.” which was received on April 11, 2013 and was read before the Senate on May 8, 2013.

“SB 37 provides an opportunity to determine if the Kansas Home Inspectors Registration Board should be made permanent. Central to this issue is whether or not the potential harm inflicted upon the citizens of Kansas by unscrupulous home inspectors warrants the expansion of government and increased regulation that was applied in 2008 to this segment of the private sector. Also, the sunset that was added to the statute in 2009 allows us to reconsider the efficiency, effectiveness, and necessity of the board. Sunset dates are an important tool of limited government and should only be

removed under very limited circumstances.”

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill No. 171 with my signature approving the bill, except for the items enumerated below.”

There being no motion to reconsider **SB 37**, the President ruled the veto sustained.