

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 8, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 122 members present.
Reps. C. Holmes and Merrick were excused on legislative business.
Rep. Wilk was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Clint W. Decker, President and Evangelist, Great Awakening, Inc., Clay Center, and guest of Rep. Swanson:

I stand in amazement at the works of your hands Almighty God, who alone created heaven and earth, and all that is seen and unseen. By knowledge and wisdom, you made it all.

I pray over these Representatives, whom you love, that they would seek you diligently. May they govern this great state by your wisdom, which is freely given to them through repentance and faith in your beloved Son, Jesus. For it is the same wisdom through which you created all things and presently govern the universe. May each one also carry out their duties with a humble and grateful spirit, realizing that you alone are the one who gives position and power and takes it away. May your hand be against the proud and deceitful, but through your mercy, oh God, may you grant a double portion of your favor and blessings to those who do justice, love kindness and walk humbly before you, before one another and before the citizens of Kansas.

In the name of Jesus, the King of Kings, Amen.

The Pledge of Allegiance was led by Rep. Neighbor.

INTRODUCTION OF GUESTS

Rep. Ballard introduced a number of Girl Scouts from around the state who have achieved the Silver and Gold Awards.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2571, An act concerning drivers' licenses; relating to renewal of such licenses, by Committee on Federal and State Affairs.

CORRECTION OF REFERENCE

Speaker pro tem Dahl announced **HB 2570** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Federal and State Affairs, should be corrected to be referred to Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2568**, **HB 2569**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 136; Sub. SB 194; SB 321, SB 333.**
 Announcing passage of **HB 2013, HB 2096, HB 2168, HB 2181, HB 2182.**
 The Senate concurs in House amendments to **SB 75.**
 The Senate adopts conference committee report on **HCR 5003.**
 Also, announcing passage of **S. Sub. for Sub. SB 316; SB 355.**
 Announcing passage of **HB 2074.**
 Announcing passage of **HB 2021**, as amended; **HB 2036**, as amended; **HB 2208**, as amended; **HB 2220**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 136; Sub. SB 194; S. Sub. for Sub. SB 316; SB 321, SB 333, SB 355.

CONSENT CALENDAR

Objection was made to **SB 111, SB 190, SB 240** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **SB 58, SB 76, SB 102** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2504** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2475, An act concerning fireworks; enacting the Kansas fireworks act, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 56; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Bethell, Bowers, Crow, Dahl, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Hill, Holland, Horst, Johnson, Kelsey, Kiegerl, Knox, Kuether, Lane, Light, Loganbill, Long, Mah, McCray-Miller, Menghini, Moxley, Myers, Neighbor, Otto, Palmer, Pauls, Peck, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Tietze, Treaster, Trimmer, Wetta, Whitham, Williams, Winn, Worley.

Nays: Aurand, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Donohoe, Faber, Feuerborn, George, Gordon, Grange, Hayzlett, Henry, M. Holmes, Huebert, Humerickhouse, Huntington, Kelley, King, Kinzer, Landwehr, Lukert, Mast, Masterson, McKinney, McLachlan, McLeland, Metsker, Jim Morrison, Judy Morrison, Neufeld, O'Neal, Olson, Owens, Patton, Peterson, Phelps, Powell, Powers, Rhoades, Swanson, Swenson, Tafarielli, Vickrey, Ward, Watkins, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Hodge, C. Holmes, Merrick, Wilk.

The bill passed.

SB 191, An act relating to wildlife; concerning big game and wild turkey violations; amending K.S.A. 2006 Supp. 32-1032 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson,

Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Knox, Otto.

Present but not voting: None.

Absent or not voting: C. Holmes, Merrick, Wilk.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 191** because I have never personally known of one case where wild life and parks has ever prosecuted a real criminal. They most often like to catch honest citizens who have a problem following their extremely complex and bewildering regulations. If the lack of a comma will stop this department from busting a 12 year old for a fish one inch too short then so be it.—BILL OTTO

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HCR 5003**, submits the following report:

The House accedes to all Senate amendments to the concurrent resolution, and your committee on conference further agrees to amend the concurrent resolution, as printed with Senate Committee amendments, as follows:

On page 7, in line 21, by striking "24" and inserting "28"; in line 22, by striking "March 29" and inserting "April 2";

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

STEPHEN R. MORRIS

DEREK SCHMIDT

ANTHONY HENSLEY

Conferees on part of Senate

MELVIN J. NEUFELD

RAY MERRICK

DENNIS MCKINNEY

Conferees on part of House

On motion of Rep. Neufeld, the conference committee report on **HCR 5003** was adopted.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr, Watkins.

Present but not voting: None.

Absent or not voting: C. Holmes, Merrick, Wilk.

On motion of Rep. Vickrey, the House resolved into Committee of the Whole, with Rep. Shultz in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Shultz, Committee of the Whole report, as follows, was adopted:

Recommended that **HCR 5018** be adopted.

Committee report to **SB 52** be adopted; and the bill be passed as amended.

Committee report to **Sb 54** be adopted; and the bill be passed as amended.

On motion of Rep. Powell, **SB 192** be amended on page 2, after line 27, by inserting the following:

“Sec. 2. K.S.A. 2006 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

Resident (other than elk permit): maximum \$100

Nonresident (other than elk permit): maximum \$400

Elk permit: maximum \$350

Resident big game tag: maximum \$20

Nonresident big game tag: maximum \$30

Nonresident applications: maximum \$25

Combination hunting and fishing licenses

Resident: maximum \$50

Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

Resident: maximum \$250

Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

Resident or nonresident with valid hunting license: maximum \$5

Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: maximum \$300

Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$75

Five-day nonresident: maximum \$25

Institutional group: maximum \$200

Special nonprofit group: maximum \$200

Twenty-four-hour: maximum \$10

Fur dealer licenses

Resident: maximum \$200

Nonresident: maximum \$400

Furharvester licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$400

Game breeder permits: maximum \$15

Handicapped hunting and fishing permits: maximum \$5

Hound trainer-breeder running permits: maximum \$25

Hunting licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident 16 or more years of age: maximum \$125

Nonresident under 16 years of age: maximum \$75

Controlled shooting area: maximum \$25

Forty-eight-hour waterfowl permits: maximum \$25

Migratory waterfowl habitat stamps: maximum \$8

Mussel fishing licenses

Resident: maximum \$200

Nonresident: maximum \$1,500

Rabbit permits

Live trapping: maximum \$200

Shipping: maximum \$400

Raptor propagation permits: maximum \$100

Rehabilitation permits: maximum \$50

Scientific, educational or exhibition permits: maximum \$10

Wildlife damage control permits: maximum \$10

Wildlife importation permits: maximum \$10

Wild turkey permits

Resident: maximum \$100

Nonresident: maximum \$400

Resident turkey tag: maximum \$20

Nonresident turkey tag: maximum \$30

Special permits under K.S.A. 32-961: maximum \$100

Miscellaneous fees

Special events on department land or water: maximum \$200

Special departmental services, materials or supplies: no maximum

Other issues of department: no maximum

Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to $\frac{1}{2}$ the fee for a general resident big game or wild turkey hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to $\frac{1}{2}$ the fee for a resident furharvester license.

(d) The fee for every nonresident big game deer permit shall be increased by the amount of \$10, and such amount shall be deposited in the state treasury to the credit of the feed the hungry fund pursuant to the provisions of K.S.A. 2006 Supp. 32-995, and amendments thereto. The secretary shall certify to the state treasurer the amount to be credited to the feed the hungry fund pursuant to this subsection.

~~(e)~~ (e) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).";

And by renumbering the remaining sections accordingly;

Also on page 2, in line 28, by striking "is" and inserting "and 32-988 are";

On page 1, in the title, in line 10, after "ACT" by inserting "concerning wildlife and parks"; also in line 10, by striking "hunting; concerning"; also in line 10, after the second semicolon by inserting "fees for resident and nonresident deer permits; feed the hungry fund;"; in line 11, after "32-970" by inserting "and 32-988"; also in line 11, by striking "section" and inserting "sections";

Also, on motion of Rep. M. Holmes, **SB 192** be amended on page 2, after line 27, by inserting the following:

"New Sec. 2. (a) The commission may authorize youth hunt of a lifetime deer permits to take deer. Such permits shall be made available only to nonprofit organizations based or

operating in Kansas that actively promote hunting for youth under the age of 21 who are handicapped or experiencing life threatening illnesses.

(b) The issuance of youth hunt of a lifetime deer permits shall be subject to the following limitations:

(1) A total of not more than 10 youth hunt of a lifetime permits shall be available in one calendar year;

(2) youth hunt of a lifetime permits shall not be included in nor reduce any limited quota permit allotments set by other rules and regulations of the secretary.

(c) Application requests by qualified organizations shall be submitted to any member of the commission and shall be provided to the commission as a whole.

(d) The commission shall conduct a random drawing from the pool of eligible qualified organizations to award youth hunt of a lifetime permits, subject to the approval of the secretary.

(e) Organizations awarded youth hunt of a lifetime permits shall pay to the department the price established by rules and regulations for the highest value for the type of permit awarded.

(f) Youth hunt of a lifetime permits shall only be issued in the name of the final recipient. Once a youth hunt of a lifetime permit is issued in the name of the final recipient, it shall not be transferred to any other individual.

(g) Youth hunt of a lifetime permits shall be subject to the restrictions of the season, sex, equipment type or hunt units as issued on the permit by the department.

(h) Organizations awarded youth hunt of a lifetime permits shall provide the department with a final report on the use of the permit by the final recipient not later than 30 days following the close of the season for which the permit is valid.

(i) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement the provisions of this section.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, after the second semicolon by inserting “concerning youth hunt of a lifetime deer permits;”; and **SB 192** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 19** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Appropriations** recommends **HB 2539** be amended on page 1, in line 14, before “Section” by inserting “New”; in line 35, before “Sec.” by inserting “New”;

On page 2, after line 23, by inserting the following:

“New Sec. 3. (a) The state fair board is hereby authorized to convey, without consideration, to the city of Hutchinson, Kansas, the following described state property located in Reno county, Kansas, containing 1.148 acres more or less: Commencing at a point 30 feet south of the northeast corner of the Southwest Quarter of Section 6, Township 23 South, Range 5 West of the 6th P.M.; thence west parallel with the north line of said Southwest Quarter a distance of 330.20 feet to the *Point of Beginning*; thence with a deflection angle 91°04'10" left — south parallel with the east line of said Southwest Quarter 416.86 feet; thence with a deflection angle 90°51'02" right — west 120.0 feet; thence with a deflection angle 89°08'58" right — north parallel with the east line of said Southwest Quarter to a point that is 30.00 feet south of the north line of said Southwest Quarter; thence with a deflection angle 88°55'50" right — east parallel with the north line of said Southwest Quarter 120.0 feet to the *Point of Beginning*. (Containing 1.148 acres more or less)

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the general manager of the state fair. The deed shall provide that in the event the land described in subsection (a) ceases to be used for water treatment purposes for the city of Hutchinson or similar public utility purposes as described in the deed, then all right, title and interest in the land shall revert to the state fair board.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2006 Supp. 75-6609, and amendments thereto.

Sec. 4. K.S.A. 2006 Supp. 75-3369a is hereby amended to read as follows: 75-3369a. (a) The secretary of social and rehabilitation services shall convey, without consideration, to the city of Osawatomie, Kansas, the following described tracts of real estate located in Miami county, Kansas:

Tract I. A portion of the South Half of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:

—All that part of the South Half of said Section 1, lying East of U.S. Highway 169 and North of W. 343rd Street and its Westerly extension, except the North 660 feet and except that part in road way. Containing 127 acres more or less.

Tract H. A portion of the Northwest Quarter of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:

—All that part of the West Half of the Northwest Quarter of said Section 1, lying North of County Road 279, except the West 450 feet more or less of the South Half of, said West Half, and the East 270 feet more or less of the South 280 feet more or less, of the West Half of the Northwest Quarter of said Section 1, and except that part in Osawatomie Road and W. 335th Street. Containing 65 acres more or less.

Tract III. A portion of the Southwest Quarter of Section 36, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:

—All that part of the Southwest Quarter of the Southwest Quarter and the East Half of the Northwest Quarter of the Southwest Quarter of said Section 36, except that part in Osawatomie Road and W. 335th Street. Containing 59 acres more or less.

Tract IV. A portion of the Southeast Quarter of Section 35, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:

—The South Half of the Southeast Quarter of said Section 35, except that part in Osawatomie Road and W. 335th Street. Containing 76 acres more or less.

TRACT I

That portion of the East Half (E ½) of the Southwest Quarter (SW ¼) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying East of US 169 Highway and South of 343rd Street, being more particularly described as follows:

Commencing at the Northeast corner of the East Half (E ½) of said Southwest Quarter (SW ¼); Thence South 02 Degrees 18 Minutes 25 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the East line of said East Half (E ½) a distance of 1074.10 feet to the intersection with the Northerly right-of-way of K 279 Highway, said intersection being the point of beginning; Thence continuing South 02 Degrees 18 Minutes 25 Seconds West along said East line a distance of 1582.50 feet to the Southeast corner of said East Half (E ½); Thence South 89 Degrees 29 Minutes 17 Seconds West along the South line of said East Half (E ½) a distance of 1012.35 feet to a point on the Easterly right-of-way of US Highway 169, said point being 315.60 feet East of the Southwest corner of said East Half (E ½); Thence North 17 Degrees 40 Minutes 40 Seconds East along said Easterly right-of-way a distance of 576.70 feet to the beginning of a curve to the right having a radius of 4183.22 feet; Thence Northeasterly along said right-of-way along said curve an arc distance of 473.35, chord to said curve being 473.10 feet on a bearing of North 20 Degrees 55 Minutes 40 Seconds West; Thence North 32 Degrees 08 Minutes 40 Seconds East along said right-of-way a distance of 249.54 feet; Thence North 46 Degrees 00 Minutes 27 Seconds East along said right-of-way a distance of 596.07 feet to the Southerly right-of-way of K 279 Highway; Thence South 58 Degrees 23 Minutes 59 Seconds East along said right-of-way a distance of 50.36 feet to the point of beginning.

AND

That portion of the South Half (S ½) of the Southeast Quarter (SE ¼) and that part of the South Half (S ½) of the North Half (N ½) of the Southeast Quarter (SE ¼) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying South and West of K 279 Highway, being more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter (SE ¼); Thence South 02 Degrees 18 Minutes 25 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the East line of said East Half (E ½) a distance of 1074.10 feet to the intersection with the Southerly right-of-way of K 279 Highway, said intersection being

the point of beginning; Thence South 58 Degrees 17 Minutes 25 Seconds East along said right-of-way a distance of 180.20 feet to the beginning of a curve to the right having a radius of 1050.91 feet; Thence Southeasterly along said right-of-way along said curve an arc length of 747.14 feet, chord to said curve being 731.50 feet on a bearing of South 32 Degrees 04 Minutes 25 Seconds East; Thence South 11 Degrees 42 Minutes 25 Seconds East along said right-of-way a distance of 204.70 feet to the beginning of a curve to the left having a radius of 913.51; Thence Southeasterly along said right-of-way along said curve an arc distance of 732.25 feet, chord to said curve being 712.80 feet on a bearing of South 34 Degrees 40 Minutes 25 Seconds East; Thence South 20 Degrees 14 Minutes 25 Seconds East along said right-of-way a distance of 36.00 feet; Thence South 02 Degrees 12 Minutes 42 Seconds West a distance of 23.55 feet to a point on the South line being 936.90 feet East of the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$); Thence South 88 Degrees 36 Minutes 43 Seconds West along the South line of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 936.90 feet to the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$); Thence North 02 Degrees 18 Minutes 25 Seconds West along the West line of said Southwest Quarter (SW $\frac{1}{4}$) a distance of 1582.50 feet to the point of beginning.

AND

That portion of the South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and that part of the South Half (S $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying North and East of K 279 Highway and East of US Highway 169, being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 2; Thence South 88 Degrees 36 Minutes 43 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the South line of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 763.57 feet to the point of beginning; Thence North 01 Degree 24 Minutes 25 Seconds West perpendicular to said South line a distance of 25.00 feet; Thence North 88 Degrees 36 Minutes 43 Seconds East parallel with said South line a distance of 718.25 feet to a point being 45.00 feet West of the East line of said Southeast Quarter (SE $\frac{1}{4}$); Thence North 01 Degree 47 Minutes 48 Seconds West parallel with said East line a distance of 84.68 feet; Thence North 88 Degrees 12 Minutes 12 Seconds East perpendicular to the East line of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 45.00 feet to a point on said East line being 130.00 feet North of the Southeast corner of said Southeast Quarter (SE $\frac{1}{4}$); Thence North 01 Degree 47 Minutes 48 Seconds West along said East line a distance of 1842.98 feet to the Northeast corner of the South Half (S $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of said Southeast Quarter (SE $\frac{1}{4}$); Thence South 89 Degrees 01 Minute 29 Seconds West along the North line of the South Half (S $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 2406.39 feet to the intersection with the Easterly right-of-way of US Highway 69; Thence South 36 Degrees 15 Minutes 01 Second West along said right-of-way a distance of 278.07 feet to the Northerly right-of-way of K 279 Highway; Thence South 47 Degrees 21 Minutes 25 Seconds East along said K 279 right-of-way a distance of 225.50 feet to the beginning of a curve to the right having a radius of 1215.91 feet; Thence Southeasterly along said right-of-way along said curve an arc distance of 610.49 feet, chord to said curve being 604.10 feet on a bearing of South 38 Degrees 03 Minutes 25 Seconds East; Thence South 24 Degrees 34 Minutes 25 Seconds East along said right-of-way a distance of 320.80 feet; Thence South 00 Degrees 46 Minutes 35 Seconds West along said right-of-way a distance of 199.90 feet to the beginning of a curve to the left having a radius of 748.51 feet; Thence Southeasterly along said right-of-way along said curve an arc distance of 989.75 feet, chord to said curve being 919.20 feet on a bearing of South 53 Degrees 31 Minutes 25 Seconds East; Thence South 79 Degrees 43 Minutes 25 Seconds East along said right-of-way a distance of 222.30 feet; Thence South 01 Degree 24 Minutes 25 Seconds East a distance of 25.00 feet to a point on the South line being 1650.60 feet East of the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$); Thence North 88 Degrees 36 Minutes 43 Seconds East along said South line a distance of 241.60 feet to the point of beginning.

TRACT 2

That part of the West Half of the Northwest Quarter of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas described as follows:

Beginning at the Northwest Corner of said Northwest Quarter; thence along the north line of said Northwest Quarter on an assumed bearing of N88°30'16"E, 1323.45 feet to the northeast corner of said West Half; thence along the east line of said West Half S01°58'38"E, 2319.05 feet to a point being a perpendicular distance of 275.00 feet north of the south line of said Northwest Quarter; thence parallel with said south line S89°09'21"W, 801.13 feet; thence N21°23'10"W, 109.33 feet to a point being a perpendicular distance of 485.00 feet east of the west line of said Northwest Quarter; thence parallel with said west line N02°00'20"W, 892.81 feet to a point being a perpendicular distance of 1270.00 feet north of the south line of said Northwest Quarter; thence parallel with said south line S89°09'21"W, 485.10 feet to west line of said Northwest Quarter; thence along said west line N02°00'20"W, 1308.83 feet to the point of beginning.

TRACT 3

The Southwest Quarter (1/4) of the Southwest Quarter, also the East half (1/2) of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Thirty-six (36), in Township Seventeen (17) South, Range Twenty-two (22) East, Miami County, Kansas.

TRACT 4

The South one half (1/2) of the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventeen (17) South, Range Twenty-two (22) East, Miami County, Kansas.

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of the department of social and rehabilitation services. The deed for the conveyance shall provide that on July 1, 2026, that in the event that any portion of the above-described real estate has not been used for economic development, then all right, title and interest in such portion of such real estate shall revert to the state of Kansas. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the attorney general in consultation with the secretary of social and rehabilitation services.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2006 Supp. 75-6609 or 75-6610, and amendments thereto.

Sec. 5. K.S.A. 2006 Supp. 75-3369a is hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, after “the” by inserting “conveyance of certain real property of state agencies; authorizing the”; also in line 9, by striking “; concerning” and inserting “to sell and convey or exchange certain real estate of”; in line 10, by striking all after “the”; in line 11, by striking all before “certain” and inserting “state fair board to convey”; also in line 11, before the period, by inserting “in Reno county to the city of Hutchinson; authorizing the department of social and rehabilitation services to convey certain real property in Miami county to the city of Osawatomie; amending K.S.A. 2006 Supp. 75-3369a and repealing the existing section”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **SB 235** be passed.

Committee on **Commerce and Labor** recommends **SB 288** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Economic Development and Tourism** recommends **SB 164, SB 356** be passed.

Committee on **Insurance and Financial Institutions** recommends **SB 220** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Insurance and Financial Institutions** recommends **SB 219** be amended on page 1, in line 25, following “if” by inserting “after”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2530** be amended on page 1, in line 24, after the period by inserting “For the purposes of this section, “professional services” means any service, treatment, operation, prescription, communication or practice related to the care, treatment, diagnosis, ascertainment, cure, relief, palliation, adjustment, or correction of any disease, condition, ailment, deformity, or injury. “Professional services” does not include billing, advertising or other business services.”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2491; SB 210** be passed.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were thereupon introduced and read by title:

HB 2572, An act concerning the environment; establishing the farm and ranch land protection grant program; amending K.S.A. 2-1904 and repealing the existing section, by Committee on Appropriations.

HB 2573, An act concerning the public employer-employee relations law; relating to election to be bound by resolution of city or county voters; amending K.S.A. 75-4321 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5021—

By Committee on Federal and State Affairs

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, relating to lotteries.

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 15 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

“§ 3d. **Gaming casinos.** (a) Notwithstanding the provisions of section 3 of article 15 of the constitution of the state of Kansas, the legislature may permit, regulate, license and tax privately-owned and operated gaming casinos.

(b) The legislature may provide for state-owned and operated gaming casinos.

(c) Any casino authorized under either subsection (b) or (c) shall be permitted only in a border county of this state which is adjacent to a border county of another state in which is located a casino. Before any casino may be constructed or operated, a majority of the qualified electors voting in elections held in the county in which the casino will be located and in each adjacent county thereto must approve the establishment of the casino.

(d) Any privately-owned and operated casino authorized must be awarded to the highest and best bid which meets the following criteria:

(1) It must represent the largest total investment of acceptable bids, for the casino and the related enterprise with a minimum acceptable amount of at least \$250,000,000, however, the minimum acceptable amount may be increased by a $\frac{2}{3}$ vote of the house of representatives and the senate;

(2) it must provide for the highest percentage of casino net revenues to be paid to the state general fund with the minimum amount of the bid to be at least 28% of the casino net revenue; and

(3) it must provide for the largest licensing fee with the minimum amount of the bid to be at least \$35,000,000.

(e) The legislature shall require any casino authorized under either subsection (a) or (b) to:

(1) Prohibit the extension of credit to any person engaged in gaming;

(2) prohibit the use of credit cards, debit cards and electronic benefit cards or other state or federal public assistance benefits by any person engaged in gaming;

(3) prohibit the cashing of any payroll checks, third-party checks, business checks or public assistance checks by any person engaged in gaming; and

(4) enforce a weekly loss limit as set by the legislature.

(f) The legislature shall require market studies be conducted to determine the economic impact on the area to be served by any casino and to ensure the profitability of any casino.

(g) The legislature shall prohibit campaign contributions to any person seeking public office or lobbying expenditures by any private entity which is authorized to own and operate a casino.”

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

“*Explanatory statement.* The proposed amendment would authorize the legislature to provide privately-owned and operated casinos and state-owned and operated casinos in Kansas. Casinos could only be located in border counties of Kansas where a casino is located across the state line. Casinos could only be established in counties where voters approved the casino and where voters in all counties adjacent to that county also approved the casino.

“A vote for this amendment would allow the legislature to authorize either privately-owned and operated casinos or state-owned and operated casinos to be located in border counties described above.

“A vote against this amendment would continue the current prohibition against privately-owned casinos.”

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 2008 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.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, March 9, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

