

# Journal of the House

FORTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, March 16, 2007, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.  
The roll was called with 123 members present.

Rep. Garcia was excused on verified illness.

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

Prayer by guest chaplain, Captain Jerry, D. Moritz, CHC, USN (Ret.), Calvary Baptist Church, Stafford, guest of Rep. M. Holmes:

Today we come before You O God with THANKSGIVING for the blessings you have bestowed upon us in our nation, and we readily acknowledge that FREEDOM, PEACE and PROSPERITY come from You alone. Yet all too often, the very abundance of our blessings have caused us to take them for granted. HELP us never forget that while we have many good things in this great nation of ours, we have nothing good simply because someone desired it. Rather, what we have for GOOD we have by Your great GRACE and MERCY alone, and in no small measure due to the way you were pleased to use many brave young men and women who were willing to lay their lives down in order to gain the FREEDOM and PEACE we now enjoy, or to keep them. HELP us never to forget that PRIVILEGES and RESPONSIBILITIES must always go together. Be wit the men and women in our ARMED FORCES today serving their country both at home and abroad. DELIVER them from the hand of the enemy and help them to be both strengthened and encouraged as they willingly, bravely and sacrificially go in harms way. Give us the discernment to understand that any dead fish can float down stream, but it takes a live one with power to go against the pressures and encouragement of evil in our world today. May the costly and sacrificial efforts of our service personnel and their allies never be taken for granted or forgotten. Be with our president and all those who serve in government. Grant them Your GUIDANCE as they fulfill their roles of LEADERSHIP and DIRECTION both today and in the FUTURE. Give us the MORAL COURAGE, DETERMINATION and COMMITMENT to do what is right according to Your word — regardless of the consequences. Give us the necessary WISDOM, STRENGTH and HUMILITY to ensure your blessing as we serve the people of our state and the nation. Enable us to discern TRUTH from FALSEHOOD, GOOD from EVIL — and follow that which honors and pleases You. Ever keep before us that we are not necessarily responsible for SUCCESS as we serve our constituents, but that we must one day give account to You for our FAITHFULNESS and OBEDIENCE. FORGIVE us for our SINS both of co-mission and omission. May Your blessing be upon us and those we represent and serve as we are FAITHFUL and OBEDIENT to You. This we humbly ask in the name of the one Who gave Himself for us and rose from the dead — AMEN.

The Pledge of Allegiance was led by Rep. Crow.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. M. Holmes are spread upon the journal:

It is my privilege this morning to recognize and honor a special group of young people from my district. Standing before you is the Class 2A State Boys Basketball champions, the St. John Tigers. This team has made the community of St. John proud, as they have played with great heart and desire. This is a great group of kids with a cumulative grade point average of 3.65.

Appearing with us today are: Ryan Minnis, Derek Burgan, Lyal Miller, Andy Franshier, Brent Staub, Tyler Meyer, Josh Hildebrand, Travis Neidig, Colorado Shields, Jake Fanshier, Nathan Miller, Jordan Bauer, and team managers, Jesse VanDoren, Katie Moore and Kade Kinnamon.

Our Head Coach is Clint Kinnamon and Assistant Coach is Derek Sanders. Also with us is our principal, Mike Burgan, and Superintendent, Dr. Jim Kenworthy.

Ruth Teichman is our senator and wishes to join us in congratulating the Tigers. She is not able to be with us in our Chamber, but has introduced a Senate Resolution honoring the Tigers.

Please join me in congratulating Coach Kinnamon and the St. John Tigers.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 123**.

Commerce and Labor: **SB 360**.

Committee of the Whole: **SCR 1609**.

Economic Development and Tourism: **Sub. SB 79; Sub. SB 334; SCR 1610**.

Elections and Governmental Organization: **SB 319**.

Energy and Utilities: **Sub. SB 20**.

Federal and State Affairs: **HB 2583; SB 329**.

Judiciary: **SB 351**.

Social Services Budget: **Sub. SB 354**.

Select Committee on KPERS: **HB 2584; SB 335, SB 362, SB 371**.

#### CONSENT CALENDAR

Objection was made to **SB 114** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 121, SB 178, SB 188** appearing on the Consent Calendar for the first day.

No objection was made to **SB 82, SB 285** appearing on the Consent Calendar for the second day.

No objection was made to **SB 326** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 326**, An act concerning the state corporation commission; relating to certain powers and duties related to emergency management; amending K.S.A. 74-616, 74-619 and 74-620 and repealing the existing sections; also repealing K.S.A. 74-618, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, 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, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert,

Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, 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, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Garcia.

The bill passed.

**HB 2540.** An act making and concerning appropriations for the fiscal years ending June 30, 2008, and June 30, 2009, 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, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Feuerborn, Flaharty, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Lane, Light, Long, Lukert, Mah, Masterson, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Carlson, Colyer, Dillmore, Faust-Goudeau, Flora, Grant, Henderson, Hodge, Huebert, Kelley, Kinzer, Kuether, Landwehr, Loganbill, Mast, McCray-Miller, Menghini, Peck, Peterson, Tietze, Treaster, Ward, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Garcia.

The bill passed, as amended.

**HB 2541.** An act making and concerning appropriations for the fiscal year ending June 30, 2007, 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. 79-4801 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Burroughs, Davis, Dillmore, Flora, Frownfelter, Henry, Holland, Huebert, Kuether, Landwehr, Loganbill, Menghini, Peck, Peterson, Ruiz, Tietze, Ward, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Garcia.

The bill passed, as amended.

**HB 2542**, An act making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, 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. 79-4801 and K. S.A. 2006 Supp. 2-223, 55-193, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 44; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Co-lyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Long, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kuether, Landwehr, Lane, Loganbill, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Garcia.

The bill passed, as amended.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Gordon, the House nonconcurred in Senate amendments to **HB 2004** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2010** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **HB 2032** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Long as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **HB 2034** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **S. Sub. for Sub. HB 2035** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **Sub. HB 2108** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB 2111** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurrent in Senate amendments to **HB 2112** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurrent in Senate amendments to **HB 2185** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurrent in Senate amendments to **Sub. HB 2278** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. Brunk, the House nonconcurrent in Senate amendments to **HB 2314** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Brunk, Kiegerl and Ruiz as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrent in Senate amendments to **HB 2360** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Schwartz, the House nonconcurrent in Senate amendments to **HB 2368** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **Sub. HB 2042**, An act relating to vehicles; concerning drivers' licenses; relating to vehicle registration; amending K.S.A. 8-234 and K.S.A. 2006 Supp. 8-126 and 8-247 and repealing the existing sections.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Coloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, 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, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Beamer, Garcia.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Grange in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that **SB 162** be passed.

On motion of Rep. Peck to amend **SB 210**, Rep. Hayzlett moved that the bill be rereferred to Committee on Transportation. The motion prevailed and the bill be rereferred to Committee on Transportation.

Committee report to **SB 219** be adopted; and the bill be passed as amended.

Committee report to **HB 2561** be adopted; and the bill be passed as amended.

Committee report to **SB 23** be adopted; and the bill be passed as amended.

Committee report to **HB 2422** be adopted; also, on motion of Rep. Siegfried be amended on page 1, in line 14, before "On" by inserting "(a)"; in line 15, by striking all after "teacher"; in line 16, by striking all before "during" and inserting "or licensed personnel"; in line 18, after "teacher" by inserting "or licensed personnel"; in line 22, after "teacher" by inserting "or licensed personnel"; in line 26, after "teacher" by inserting "or licensed personnel"; after line 27, by inserting the following:

"(b) As used in this section:

(1) "Teacher" means a teacher as defined by K.S.A. 76-11a04, and amendments thereto.

(2) "Licensed personnel" means a person who is required to hold a license and who is paid on the teacher salary schedule including, but not limited to, librarians, counselors and nurses.";

Also on page 1, in line 28, before "On" by inserting "(a)"; in line 29, by striking all after "teacher"; in line 30, by striking all before "during" and inserting "or licensed personnel"; in line 32, after "teacher" by inserting "or licensed personnel"; in line 36, after "teacher" by inserting "or licensed personnel"; in line 40, after "teacher" by inserting "or licensed personnel"; after line 41, by inserting the following:

"(b) As used in this section:

(1) "Teacher" means a teacher as defined by K.S.A. 76-11a04, and amendments thereto.

(2) "Licensed personnel" means a person who is required to hold a license and who is paid on the teacher salary schedule including, but not limited to, librarians, counselors and nurses.";

In the title, in line 11, by striking "for teachers" and inserting "of certain persons"; and **HB 2422** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Elections and Governmental Organization** recommends **SB 100** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 100," as follows:

"HOUSE Substitute for SENATE BILL No. 100

By Committee on Elections and Governmental Organization

"AN ACT concerning elections; amending K.S.A. 25-1307, 25-1308, 25-1309, 25-1310, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341, 25-1343, 25-4142, 25-4148, 25-4151, 25-4157a, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4605, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612 and 25-4613 and K.S.A. 2006 Supp. 25-4143 and repealing the existing sections.";

and the substitute bill be passed.

(H. Sub. for **SB 100** was thereupon introduced and read by title.)

#### REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 146**, by Representative Proehl, commending Greg and Suzie York and Mike and Kim Meyer on their business being named Emerging Business of the Year;

**Request No. 147**, by Representative Crum, congratulating Allison Berner on receiving a "1" rating at the state piano festival;

**Request No. 148**, by Representative Hayzlett, congratulating the Kearny County Historical Society on its 50th anniversary;

**Request No. 149**, by Representative Dahl, congratulating James and Peggy Cooper on their 50th wedding anniversary;

**Request No. 150**, by Representative Goico, congratulating Michael Allen Merchant on attaining the rank of Eagle Scout;

**Request No. 151**, by Representative Worley, commending the Cold War Veterans Association;

**Request No. 152**, by Representative Proehl, congratulating Diamond Coach Corporation on 50 years in business;

**Request No. 153**, by Representative Moxley, congratulating John and Peggy Meuli on their 50th wedding anniversary;

**Request No. 154**, by Representative Pottorff, congratulating the Junior League of Wichita for their volunteer work;

**Request No. 155**, by Representative Neufeld, congratulating YeJu and Seungju Hwang on being winners in the 2007 Post Cart Art Contest;

**Request No. 156**, by Representative Neufeld, congratulating the Montezuma Boys Basketball Team on winning the 1A State Championship;

**Request No. 157**, by Representative Neufeld, congratulating the Cimarron Girls Basketball Team on making a good showing at the 2A State Tournament;

**Request No. 158**, by Representative Bowers, congratulating Rosalie and John Tibbits on being chosen as the 2006 Soil Conservation winner by the Ottawa County Conservation District;

**Request No. 159**, by Representative Neufeld, commending Wayne Owen on his service to the House of Representatives as Sergeant-at-Arms;

**Request No. 160**, by Representative Bowers, congratulating Colleen Lambert and Lisa and Lon Faidley on winning the 2007 Ottawa County Conservation District's Grassland Award;

**Request No. 161**, by Representative Bowers, congratulating Terry and Jan Clancy on winning the 2006 Ottawa County Conservation District's Windbreak Award;

**Request No. 162**, by Representative Bowers, congratulating Emily Kaylynn Koch and Stephanie Doyle on receiving Scholarship awards;

**Request No. 163**, by Representative Bowers, congratulating Darrell Sharpe, Joe Kuchera and John Murray for their many years of membership in St. John's Masonic Lodge of Concordia;

**Request No. 164**, by Representative Bowers, congratulating Oliver and Janice Wacker on their 50th wedding anniversary;

**Request No. 165**, by Representative Bowers, congratulating Lanny Morse for his 26 years of service at Farmway Coop;

**Request No. 166**, by Representative Bowers, congratulating Claire deRocheport-Reynolds on being named student of the month, Concordia High School;

**Request No. 167**, by Representative Bowers, congratulating James Mendenhall on his retirement from Alstom Power Air Preheater;

**Request No. 168**, by Representative Bowers, congratulating Stuart Warkentin on winning the St. John's Masonic Lodge Essay Award;

**Request No. 169**, by Representative Bowers, congratulating Zachary Demars and Carly Magidson on being Spelling Bee champion and runner-up;

**Request No. 170**, by Representative Bowers, congratulating Andrew Yoxall on winning the local "If I Were Mayor Contest";

**Request No. 171**, by Representative Bowers, congratulating Harold and Paula Brummer on their 50th wedding anniversary;

**Request No. 172**, by Representative Gatewood, congratulating Sophia Evans on receiving a Prudential Spirit of Community Award;

**Request No. 173**, by Representative Rardin, commending Raffa Prevot, Ashton Wilkin and Rae Myers for their service as pages in the House of Representatives on March 13, 2007;

**Request No. 174**, by Representative Beamer, congratulating the 2A Girls State Champion Basketball Team from Oakley High School;

**Request No. 175**, by Representative Beamer, congratulating Michael Malay on being a state wrestling champion for the second year from Trego Community High School;

**Request No. 176**, by Representative Beamer, congratulating Aaron Racette on being a state wrestling champion from Oakley High School;

**Request No. 177**, by Representative Pottorff, congratulating Sabrina Vasquez on receiving the Kansas Artist Fellowship award for choreography;

**Request No. 178**, by Representative Pottorff, congratulating Darren DeFrain on receiving the Kansas Artist Mini-Fellowship award for fiction;

**Request No. 179**, by Representative Lane, congratulating the Highland Park Basketball team on winning the State 5A Championship;

**Request No. 180**, by Representative Davis, congratulating the University of Kansas Mock Trial Team on being invited to compete in the National Championship Tournament;

**Request No. 181**, by Representative Holmes, congratulating the St. John Boys Basketball Team on winning the 2A State Championship;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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 resolutions were thereupon introduced and read by title:

**HB 2585**, An act concerning sales taxation; relating to exemptions; Augusta lions clubs and Kiwanis club; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2586**, An act authorizing the Kansas department of wildlife and parks to exceed established expenditure limitations for compliance with federal aid expenditure requirements, by Committee on Appropriations.

**HB 2587**, An act creating the wildlife and parks nonrestricted fund, by Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION No. 5022—

By Committee on Federal and State Affairs

A PROPOSITION to amend section 3c of article 15 of the constitution of the state of Kansas, 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: Section 3c of article 15 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 3c. State-owned and operated lottery Lotteries.** (a) Notwithstanding the provisions of section 3 of article 15 of the constitution of the state of Kansas, the legislature may provide for a state-owned and operated lottery, ~~except that such state-owned lottery shall not be operated after June 30, 1990, unless authorized to be operated after such date by a concurrent resolution approved by a majority of all of the members elected (or appointed) and qualified of each house and adopted in the 1990 regular session of the legislature. The state shall whenever possible provide the public information on the odds of winning a prize or prizes in a lottery game: and privately-owned casinos and privately-owned destination casinos.~~

(b) *Whenever possible, the state shall provide to the public information on the odds of winning a prize or prizes in a lottery game.*



(c) *The legislature may permit, regulate, license and tax privately-owned casinos and privately-owned destination casinos. The legislature shall permit no more than four privately-owned destination casinos. The state shall not have an ownership interest in any privately-owned casino or privately-owned destination casino. The state shall not have an ownership interest in player-operated electronic gaming machines or other gambling devices located at a privately-owned casino or privately-owned destination casino.*

(d) *The legislature shall not permit the location of any privately-owned casino or privately-owned destination casino within 50 miles of any tribal casino operating pursuant to a state-tribal compact.*

(e) (1) *Except as provided by paragraph (2), a privately-owned destination casino may be permitted only in counties in which a majority of the qualified electors of the county voting on this proposed amendment vote in favor thereof and a majority of the qualified electors of at least  $\frac{2}{3}$  of the counties which are contiguous to such county voting on this proposed amendment vote in favor thereof.*

(2) *If a majority of the qualified electors of the county voting on this proposed amendment did not vote in favor thereof, a privately-owned destination casino may be permitted in such county only if at a subsequent election a majority of the qualified electors of the county voting on the proposition to permit the location and operation of a destination casino in the county vote in favor thereof and a majority of the qualified electors of at least  $\frac{2}{3}$  of the counties which are contiguous to such county voting on the proposition to permit the location and operation of a privately-owned destination casino in a contiguous county vote in favor thereof.*

(f) *The legislature shall provide for a casino gaming oversight authority. Members of the casino gaming oversight authority shall be appointed for terms of four years. Members may be removed from office for cause as may be provided by law.*

(g) *The casino gaming oversight authority shall not approve the operation of any privately-owned casino or privately-owned destination casino without first conducting or providing for necessary feasibility studies, economic impact studies and marketing reports.*

(h) *As used in this section:*

(1) *“Casino” means a building or portion of a building used for the purpose of operating, managing and maintaining electronic gaming machines, other gambling devices, activities and games and any ancillary facility of such building.*

(2) *“Destination casino” means a casino and any ancillary facility which are designed to attract persons who reside outside the immediate area in which such casino is located and in which there has been invested at least \$250,000,000.*

(3) *“Ancillary facility” means non-casino game products and services not owned and operated by the state which may be included in the overall development associated with a casino or destination casino, including, but not limited to, restaurants, hotels, motels, museums or entertainment facilities.”*

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

*“Explanatory statement. This amendment would authorize the legislature to provide for privately-owned casinos and for not more than four privately-owned and operated destination casinos. This amendment would provide for a casino gaming oversight authority.*

*“A vote for this amendment would permit the legislature to provide for operation of privately-owned casinos and privately-owned destination casinos.*

*“A vote against this amendment would continue the current prohibition against such 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 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.

HOUSE CONCURRENT RESOLUTION No. 5023—

By Committee on Federal and State Affairs

A CONCURRENT RESOLUTION establishing the Kansas commission on expanded gaming.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That there is hereby established the Kansas commission on expanded gaming. The commission shall be composed of 11 members as follows:

- (1) One member appointed by the speaker of the house of representatives;
- (2) one member appointed by the president of the senate;
- (3) one member appointed by the minority leader of the house of representatives;
- (4) one member appointed by the minority leader of the senate;
- (5) the chairperson of the house committee on federal and state affairs;
- (6) the chairperson of the senate committee on federal and state affairs;
- (7) one member appointed jointly by the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate and the minority leader of the senate;
- (8) two members appointed by the governor, of which one shall be a person representing the Native American Indian tribes having reservations in Kansas;
- (9) the legislative post auditor, or the designee thereof; and
- (10) the attorney general, or the designee thereof.

The legislative post auditor and the attorney general shall serve ex officio and shall be nonvoting members of the commission.

*Be it further resolved:* That except as specifically provided in paragraphs (5) and (6) of subsection (a), nothing in this section shall be construed as requiring the appointment of legislators to the commission. Of the members of the commission, one member shall be from the parimutuel racing industry and one member shall be a person recognized for expertise in the area of casino gaming.

*Be it further resolved:* That a vacancy shall be filled for the unexpired term by appointment in the manner prescribed for the original appointment.

*Be it further resolved:* That legislative members shall receive compensation, subsistence allowances, mileage and other expenses as authorized by the legislative coordinating council; that other state officers and employees shall receive compensation, subsistence allowances, mileage and other expenses as authorized by their respective agencies; and that other members shall receive no compensation but may receive subsistence allowances, mileage and other expenses as authorized by the legislative coordinating council; and the members of the commission annually shall select a chairperson and vice-chairperson from the membership of the commission. The commission may meet at any time and at any place within the state on the call of the chairperson. A quorum of the commission shall be six voting members. All actions of the commission shall be by motion adopted by a majority of those voting members present when there is a quorum.

*Be it further resolved:* That in accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the commission. The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the commission. Upon request of the commission, the Kansas lottery commission and the Kansas racing and gaming commission shall provide consultants and assistance when requested by the commission.

*Be it further resolved:* That the commission shall:

- (a) Determine whether the expansion of gaming in the state of Kansas is economically feasible;
- (b) determine what types of gaming are preferable if the expansion of gaming in Kansas is feasible;
- (c) determine at what venues expanded gaming should be conducted;

(d) make any other suggestions and provide such market research and feasibility information as may be deemed necessary for the state of Kansas to adequately evaluate the issue of expanded gaming;

(e) conduct hearings and receive and consider suggestions from persons concerned with the issue of expanded gaming;

(f) appoint subcommittees and advisory committees when deemed necessary to conduct hearings and gather information. The chairperson of any advisory commission shall be a member of the commission; and

(g) make and submit annual reports to the legislature and the governor on or before December 31 of each year, which shall include appropriate legislation or proposed constitutional amendments to implement any recommendations for expanded gaming.

*Be it further resolved:* That the commission shall cease to exist on December 31, 2008.

#### MESSAGES FROM THE GOVERNOR

**HB 2013, HB 2181, HB 2182** approved on March 16, 2007.

#### REPORT ON ENGROSSED BILLS

**HB 2540** reported correctly engrossed March 16, 2007.

#### READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 439, under Report on Engrossed Bills, **HB 2031** should read **HB 2021**.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 19, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

