

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 23, 2007, 10:30 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 123 members present.
Reps. Crow and Knox were excused on excused absence by the Speaker.
Present later: Rep. Knox.

Prayer by Chaplain Brubaker:

Dear Lord, have you ever noticed how much basketball tournament teams
and bills in the legislature have in common?

Some hit the floor running,
Others hit the floor with a thud.
Some win by the skin of their teeth,
Some win by a mudslide.
Some totally foul out,
Some can't miss a shot.
Some have a strong defense,
Others need work on the offense.

A Kansas team — or a Kansan coach
Would make all Kansans proud
But what's really important in our work,
And what would make us shout out loud,
Is that our House would unite and play a clean fight,
So all Kansans can rest better at night.

On a more serious note — please bring peace, comfort and consolation to
Marti Crow and her family on the passing of her mother. Also, please bring
healing to Candy Ruff's husband who is in the hospital. In Your Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Goico.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Calendar and Printing: **Sub. SB 375**.

Economic Development and Tourism: **SB 342**.

Energy and Utilities: **SB 327**.

Taxation: **HB 2592; SB 144, SB 180; Sub. SB 215; SB 291, SB 298, SB 382**.

MESSAGES FROM THE SENATE

The Senate concurs in House amendments to **SB 137**.

The Senate nonconcur in House amendments to **H. Sub. for SB 35**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

Announcing passage of **HB 2038**, as amended.

Also, announcing passage of **SB 338, SB 366, SB 373**.

Announcing passage of **HB 2087, HB 2475**.

Announcing passage of **HB 2033**, as amended; **HB 2113**, as amended; **HB 2145**, as amended as amended by **S. Sub. for HB 2145; HB 2267**, as amended; **HB 2283**, as amended; **HB 2316**, as amended.

Announcing adoption of **HCR 5018**, as amended.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2031** and has appointed Senators Allen, Donovan and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2044** and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2140** and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2169** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2171** and has appointed Senators Allen, Donovan and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2202** and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2217** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2280** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2310** and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2485** and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 338, SB 366, SB 373.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 35**.

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

CONSENT CALENDAR

No objection was made to **HB 2587; Sub. SB 354** appearing on the Consent Calendar for the first day.

No objection was made to **SCR 1606** appearing on the Consent Calendar for the second day.

No objection was made to **SB 183, SB 308** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 183, An act concerning the uniform commercial code; general provisions; amending K.S.A. 16-1501, 50-682, 58-241, 60-1007, 60-2409, 61-3703, 84-2-202, 84-2a-501, 84-2a-518, 84-2a-519, 84-2a-527, 84-2a-528, 84-4-104, 84-4a-105, 84-4a-106, 84-4a-204, 84-5-103 and 84-8-102 and K.S.A. 2006 Supp. 16-1603, 16-1616, 84-2-103, 84-2a-103 and 84-9-102 and repealing the existing sections; also repealing K.S.A. 84-1-101, 84-1-102, 84-1-103, 84-1-104, 84-1-106, 84-1-107, 84-1-108, 84-1-109, 84-1-202, 84-1-203, 84-1-204, 84-1-205, 84-

1-206, 84-1-207, 84-1-208, 84-1-209, 84-2-208 and 84-2a-207 and K.S.A. 2006 Supp. 84-1-105, 84-1-201 and 84-3-103, 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, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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: Crow, Knox.

The bill passed.

SB 308. An act concerning the uniform commercial code; relating to documents of title; amending K.S.A. 21-3736, 21-3737, 84-2-104, 84-2-310, 84-2-323, 84-2-401, 84-2-503, 84-2-505, 84-2-506, 84-2-509, 84-2-605, 84-2-705, 84-2a-514, 84-2a-526 and 84-4-104 and K.S.A. 2006 Supp. 16-1616, 84-1-201, 84-2-103, 84-2a-103, 84-4-210, 84-8-103, 84-9-102, 84-9-201, 84-9-203, 84-9-207, 84-9-208, 84-9-301, 84-9-310, 84-9-312, 84-9-313, 84-9-314, 84-9-317, 84-9-338 and 84-9-601 and repealing the existing sections; also repealing K.S.A. 84-7-101 through 84-7-105, 84-7-201 through 84-7-210, 84-7-301 through 84-7-309, 84-7-401 through 84-7-404, 84-7-501, 84-7-502, 84-7-504 through 84-7-509, 84-7-601, 84-7-602 and 84-7-603 and K.S.A. 2006 Supp. 84-7-503, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, 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: McKinney.

Present but not voting: None.

Absent or not voting: Crow, Knox.

The bill passed.

HB 2097. An act concerning pharmacists; relating to the giving of vaccinations; amending K.S.A. 2006 Supp. 65-1635a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau,

Feuerborn, Flaharty, Flora, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim 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, 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: Burroughs, Frownfelter, M. Holmes, Lane, Judy Morrison, Schroeder, Schwartz.

Present but not voting: None.

Absent or not voting: Crow, Knox.

The bill passed, as amended.

HB 2447, An act concerning charitable organizations; relating to exemptions from registration; amending K.S.A. 17-1762 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, 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, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, McKinney, McLachlan, Treaster, Ward.

Present but not voting: None.

Absent or not voting: Crow, Knox.

The bill passed.

SB 18, An act enacting the uniform child abduction prevention act, 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, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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: Crow, Knox.

The bill passed.

SB 88, An act concerning civil procedure; relating to alteration of name upon marriage or divorce; amending K.S.A. 2006 Supp. 60-1610 and 60-1621 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 60-1621a, 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, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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, Treasurer, 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: Crow, Knox.

The bill passed, as amended.

SB 232, An act concerning taxing subdivisions; relating to pensions and other postemployment benefits; amending K.S.A. 10-1116 and 12-16,102 and repealing the existing sections, 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, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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, Treasurer, 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: Crow, Knox.

The bill passed.

SB 239, An act relating to insurance; concerning long-term care insurance; providing for prompt payment of claims; amending K.S.A. 40-2441 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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: Burroughs.

Present but not voting: None.

Absent or not voting: Crow, Knox.

The bill passed, as amended.

SB 255, An act concerning insurance; pertaining to the use of lapse rates; amending K.S.A. 2006 Supp. 40-409 and repealing the existing section, 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, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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: Crow, Knox.

The bill passed.

SB 362, An act concerning retirement and pensions; enacting the Kansas public employees retirement system act of 2009; providing terms, conditions and requirements related thereto for certain new members; benefit enhancements for existing members; postretirement benefit payment to certain retirants, employer contributions; amending K.S.A. 74-4911 and 74-4917 and K.S.A. 2006 Supp. 74-4920 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 10; Present but not voting: 2; Absent or not voting: 2.

Yeas: Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, 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, 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: Aurand, Brown, Brunk, George, Hodge, King, Kinzer, McLeland, Rhoades, Roth.

Present but not voting: Beamer, Landwehr.

Absent or not voting: Crow, Knox.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Faber, the House concurred in Senate amendments to **HB 2048**, An act concerning conservation districts; relating to funding therefor; amending K.S.A. 2-1907c and repealing the existing section.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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: Crow, Knox.

On motion of Rep. Myers, the House concurred in Senate amendments to **HB 2068**, An act concerning security officers appointed by the adjutant general; relating to powers as law enforcement officers; amending K.S.A. 48-204 and K.S.A. 2006 Supp. 22-2401a and 74-5602 and repealing the existing sections.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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: Crow, Knox.

On motion of Rep. Landwehr, the House nonconcurrent in Senate amendments to **HB 2214** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Landwehr, Mast and Flaharty as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurrent in Senate amendments to **HB 2240** 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 nonconcurrent in Senate amendments to **S. Sub. for HB 2405** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

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

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

On page 1, in line 33, by striking "2009" and inserting "2011";

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

JAY SCOTT EMLER
PAT APPLE
JANIS K. LEE
Conferees on part of Senate

CARL DEAN HOLMES
ROBERT OLSON
ANNIE KUETHER
Conferees on part of House

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

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Flora, Frownfelter, Fund, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kuether, Landwehr, Light, Loganbill, Lukert, Mah, Mast, Masterson, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Pauls, Peterson, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Bowers, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Garcia, Gatewood, Grant, Henderson, Henry, Holland, Kelley, Kinzer, Lane, Long, McCray-Miller, McKinney, McLachlan, Palmer, Peck, Phelps, Rardin, Ruff, Ruiz, Sharp, Storm, Tietze, Treaster, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Crow, Knox.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2036**, submits the following report:

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

On page 1 in line 35, by striking "at any"; in line 36, by striking "time upon request or"; in line 38, after the comma, by inserting "and at any other time upon request,";

On page 5, by striking all in lines 1 through 43 and inserting the following:

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

JAY SCOTT EMLER
MIKE PETERSEN
JANIS K. LEE
Conferees on part of Senate

CARL DEAN HOLMES

ROBERT OLSON

CINDY NEIGHBOR

Conferees on part of House

On motion of Rep. C. Holmes, the conference committee report on **HB 2036** was adopted.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kuether, 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: Huebert, Kelley, Kinzer, Landwehr.

Present but not voting: None.

Absent or not voting: Crow, Knox.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Shultz, the House concurred in Senate amendments to **Sub. HB 2108**, An act relating to insurance; concerning unfair trade practices; amending K.S.A. 40-2416 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, C. Holmes, 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, 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: Crow, Knox.

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

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:

Recommended that on motion of Rep. Craft, **HCR 5022** be amended on page 1, in line 33, by striking "permit, regulate, license and tax" and inserting "authorize, regulate, license and tax, by law,."; in line 35, by striking "shall permit" and inserting "may authorize"; in line 37, by striking all preceding "destination" and inserting "casino or"; in line 39, by striking

all after “devices”; by striking all in lines 40 through 42; in line 43, by striking all before the period;

On page 2, in line 1, by striking “privately-owned”; in line 9, by striking “pri-”; in line 10, by striking all preceding “destination”; in line 16, by striking “privately-owned”; in line 23, by striking “privately-owned casino or privately-owned” and inserting “casino or”; by striking all in lines 26 through 39; preceding line 40, by inserting the following:

“(h) As used in this section, “destination casino” means a casino, as defined by law, in which there has been invested at least \$250,000,000.”

Also, on motion of Rep. Swenson to lay **HCR 5022** on the table, the motion was ruled not in order pursuant to House Rule 1907.

Also, on further motion of Rep. Swenson to postpone debate on **HCR 5022** until Monday, March 26, 2007, the motion did not prevail.

Also, roll call was demanded on motion to recommend **HCR 5022** favorably for adoption.

On roll call, the vote was: Yeas 74; Nays 50; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Dahl, Dillmore, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hill, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Knox, Landwehr, Light, Lukert, Mast, Masterson, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Pottorff, Powell, Proehl, Ruff, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Tafanelli, Vickrey, Watkins, Wetta, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Beamer, Burroughs, Carlin, Crum, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hodge, Holland, C. Holmes, Kinzer, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, McKinney, Menghini, Neighbor, Patton, Peterson, Phelps, Powers, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Storm, Swenson, Tietze, Treaster, Trimmer, Ward, Whitham, Winn.

Present but not voting: None.

Absent or not voting: Crow.

The motion prevailed, and **HCR 5022** be adopted as amended.

On motion of Rep. Siegfried, **HCR 5023** be amended on page 1, in line 15, after “members” by inserting “nine of which shall be legislators”; in line 29, by striking all after “governor”; by striking all in line 30; in line 31, by striking all before the semicolon; by striking all in lines 36 through 41”;

Also, roll call was demanded on motion to recommend **HCR 5023** favorably for adoption.

On roll call, the vote was: Yeas 106; Nays 16; 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, Dahl, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kuether, Landwehr, Light, Loganbill, 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, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crum, Davis, Flaharty, Hodge, Huebert, Humerickhouse, Kinzer, Lane, Menghini, Patton, Rhoades, Schroeder, Sharp, Tietze, Whitham, Wilk.

Present but not voting: None.

Absent or not voting: Crow, Flora, Knox.

The motion prevailed, and **HCR 5023** be adopted as amended.

Pursuant to House Rule 2311, Rep. Merrick moved that House Rule 1704 be suspended for the purpose of allowing Reps. Siegfried, Carlson and Peterson to speak more than twice on **SB 66**. The motion prevailed.

On motion of Rep. Aurand to amend **SB 66**, rose and reported progress.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2421**; **SB 262**, **SB 302**, **SB 355** be passed.

Committee on **Appropriations** recommends **SB 109** 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 2224** be amended on page 1, in line 31, by striking all following "performed"; in line 32, by striking all preceding the period and inserting "without charge"; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **SB 334** be passed.

Committee on **Economic Development and Tourism** recommends **Substitute for Substitute for SB 316** be amended on page 1, in line 26, by striking all after "projects"; in line 27, by striking all before "as"; in line 33, by striking "21" and inserting "19";

On page 2, by striking all in lines 3 through 40;

And by relettering the remaining subsections accordingly;

On page 3, in line 5, by striking "or bioscience development district"; by striking all in lines 29 through 32;

And by relettering the remaining subsections accordingly;

On page 4, following line 22, by inserting the following:

"(p) "Museum facility" means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.;"

And by relettering the remaining subsections accordingly;

Also on page 4, in line 23, by striking all following "project" where it appears the second time; in line 24, by striking "project"; in line 26, by striking "or bioscience development project plan"; in line 29, by striking all before the semicolon;

On page 5, in line 8, by striking all after "(17)"; by striking all in lines 9 through 13 and inserting "museum facility;

(18) major motorsports complex.;"

And by redesignating the remaining paragraphs accordingly;

Also on page 5, in line 15, by striking "or bioscience development project"; in line 19, by striking "(18)" and inserting "(19)"; in line 26, by striking "or bioscience development district"; in line 29, by striking "or bioscience development district"; in line 31, by striking "or bioscience development district"; in line 33, by striking all following "county"; in line 34, by striking all before the semicolon;

On page 6, in line 14, by striking "(o)" and inserting "(f)"; in line 17, by striking "(v)" and inserting "(l)"; in line 18, by striking the period and inserting "; or

(4) is a major motorsports complex, as defined in subsection (k), and amendments thereto."

Also on page 6, in line 35, by striking all following "plan"; in line 36, by striking all before "was"; in line 41, by striking all following "district"; in line 42, by striking all before "occupied";

On page 7, in line 2, by striking "or bioscience development district"; also in line 2, following "established" by inserting "; or the 12-month period prior to the month in which a redevelopment district, as defined in K.S.A. 12-1770a, and amendments thereto, was established under K.S.A. 12-1770 et seq., and amendments thereto, that is later approved as a STAR bond project district, provided, such redevelopment district was established on

or after July 1, 2002”; in line 6, by striking all before “is”; also in line 6, following “established” by inserting “, or approved for an existing redevelopment district under K.S.A. 12-1770 et seq., and amendments thereto, provided, such redevelopment district was established on or after July 1, 2002”; in line 8, by striking “or bioscience development district”; in line 9, by striking all following “district”; in line 10, by striking all before “is”; in line 21, by striking “(q)” and inserting “(h)”; in line 25, by striking “or bioscience development projects”; in line 27, by striking “or bioscience development project”; in line 31, by striking “or bioscience development projects”;

On page 8, in line 3, following “bond” by inserting “project”; in line 17, by striking all following “projects”; in line 18, by striking all before “pursuant”; by striking all in lines 19 through 26; in line 28, by striking “or bioscience development district”; in line 31, by striking all before the period; in line 33, by striking all following “district”; in line 34, by striking “district”; in line 36, by striking “or bioscience development district”; in line 37, by striking all following “plan”; in line 38, by striking all before the semicolon; in line 40, by striking “or bioscience development district”; in line 43, by striking all following “district”;

On page 9, in line 1, by striking all before the period; in line 2, by striking “(b)” and inserting “(f)(2) of section 7, and amendments thereto”; by striking all in lines 3 through 9;

And by relettering the remaining subsections accordingly;

Also on page 9, in line 10, following “proposed” by inserting “STAR bond”; in line 11, by striking all following “area”; in line 12, by striking all before “as”; in line 15, by striking all following “area”; in line 16, by striking all before the comma; by striking all in lines 30 through 43;

On page 10, by striking all in lines 1 and 2;

And by redesignating the remaining paragraphs accordingly;

Also on page 10, in line 5, by striking “or bioscience development district”; by striking all in lines 16 through 19;

And by relettering the remaining subsections accordingly;

Also on page 10, in line 20, by striking all following “projects”; in line 21, by striking “jects”; in line 22, by striking “or bioscience development district”; in line 23 by striking “or bioscience development district”; in line 30, by striking all following “district”; in line 31, by striking all before “required”; in line 32, by striking “or bioscience development district”; in line 37, by striking “or bioscience development district”; in line 38, by striking all following “plan”; in line 39, by striking all before “provides”;

On page 11, in line 2, by striking all following “district”; in line 3, by striking all before the period; in line 4, by striking “or bioscience development project”; in line 5, by striking “or bioscience development project plan”; in line 8, by striking all following the period; by striking all in line 9; in line 10, by striking all before “Any”; in line 13, by striking all following “district”; in line 14, by striking all before “established”; in line 17, by striking all following “project’s”; in line 18, by striking “ject’s”; in line 21, by striking all following “project”; in line 22, by striking “project”; in line 25, by striking “or bioscience development project”; in line 41, by striking “or bioscience development project”;

On page 12, in line 8, by striking all following “project”; in line 9, by striking “project”; in line 24, by striking all following “plan”; in line 25, by striking all before “prepared”; in line 27, by striking “or”; in line 28, by striking all before the period; also in line 28, by striking all following “plan”; in line 29, by striking all before “prepared”; in line 31, by striking “or bioscience project area”; in line 33, by striking “or bioscience development project plan”; in line 36, by striking “or bioscience development project”; in line 37, by striking “or”; in line 38, by striking all before “is”; in line 41, by striking “or”; in line 42, by striking all before the period;

On page 13, in line 1, by striking all following “plan”; in line 2, by striking “ject plan”; in line 3, by striking all following “district”; in line 4, by striking all before “within”; also in line 4, by striking “or”; in line 5, by striking all before “will”; in line 8, by striking “or bioscience project area”; in line 9, by striking all following “plan”; in line 10, by striking all before the first comma; in line 16, by striking “or bioscience development project plan”; in line 23, by striking all following “area”; in line 24, by striking all before the period; in line 26, by striking “or bioscience project area”; in line 32, by striking “or bioscience project

area"; in line 35, by striking all following "plan"; in line 36, by striking all before the period; in line 37, by striking "or bioscience project area";

On page 14, in line 1, by striking all following "plan"; in line 2, by striking "plan"; in line 3, by striking all following "members"; in line 4, by striking all before the period; in line 6, by striking "or bioscience development project plan"; in line 8, following "bond" by inserting "project"; also in line 8, by striking "or bioscience development district"; in line 17, following "bond" by inserting "project"; also in line 17, by striking "or"; in line 18, by striking all before "is"; in line 20, following "bond" by inserting "project"; also in line 20, by striking all following "district"; in line 21, by striking "district"; in line 22, by striking all following "plan"; in line 23, by striking "plan"; in line 25, by striking "or"; in line 26, by striking all before the comma; in line 27, by striking "or bioscience development project plan"; in line 31, by striking all following "plan"; in line 32, by striking all before "as"; in line 35, by striking "or bioscience development project"; in line 37, by striking "or bioscience development project plan"; in line 42, by striking "or bioscience project area"; in line 43, by striking all following "project";

On page 15, in line 1, by striking "project" as it appears the first time; in line 2, by striking all following "plan"; in line 3, by striking all before the period; in line 4, by striking "or bioscience development project"; in line 10, by striking "or bioscience development project plan"; in line 13, by striking "or bioscience development project"; in line 27, by striking "or bioscience development project"; in line 36, by striking "incremental" and inserting "tax increment"; in line 39, following "bond" by inserting "project"; also in line 39, by striking all following "district"; in line 40, by striking all before "established"; in line 41, by striking all following "project"; in line 42, by striking all before the comma;

On page 16, in line 1, by striking "or bioscience development project"; in line 2, following "bond" by inserting "project"; also in line 2, by striking all following "district"; in line 3, by striking all before the comma; also in line 3, by striking "incremental" and inserting "tax increment"; in line 6, following "bond" by inserting "project"; also in line 6, by striking "or bioscience development district"; in line 9, by striking all following "project"; in line 10, by striking "project"; in line 11, following "bond" by inserting "project"; also in line 11, by striking all following "district"; in line 12, by striking "trict"; also in line 12, by striking "incremental" and inserting "tax increment"; in line 16, following "bond" by inserting "project"; also in line 16, by striking "or"; in line 17, by striking all before "established"; in line 18, by striking all following "project"; in line 19, by striking all before the semicolon; in line 20, by striking "incremental" and inserting "tax increment"; in line 22, following "bond" by inserting "project"; also in line 22, by striking all following "district"; in line 23, by striking all before "occupied"; also in line 23, by striking all following "project"; in line 24, by striking all before the semicolon; in line 32, by striking "or bioscience development district";

On page 17, following line 22 by inserting the following:

"(b) (1) Subject to the provisions of paragraph (2) of this subsection, any city shall have the power to issue full faith and credit tax increment bonds to finance the undertaking, establishment or redevelopment of any major motorsports complex, as defined in subsection (k) of section 3, and amendments thereto. Such full faith and credit tax increment bonds shall be made payable, both as to principal and interest: (A) From the revenue sources identified in paragraph (1) of subsection (a) or by any combination of these sources; and (B) subject to the provisions of paragraph (2) of this subsection, from a pledge of the city's full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient.

(2) Except as provided in paragraph (3) of this subsection, before the governing body of any city proposes to issue full faith and credit tax increment bonds as authorized by this subsection, the feasibility study required by subsection (b) of section 7, and amendments thereto, shall demonstrate that the benefits derived from the project will exceed the cost and that the income therefrom will be sufficient to pay the costs of the project. No full faith and credit tax increment bonds shall be issued unless the governing body states in the resolution required by subsection (e) of section 7, and amendments thereto, that it may issue such bonds to finance the proposed STAR bond project. The governing body may issue the bonds unless within 60 days following the conclusion of the public hearing on the proposed STAR bond project plan a protest petition signed by 3% of the qualified voters

of the city is filed with the city clerk in accordance with the provisions of K.S.A. 25-3601 et seq., and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds in accordance with this section. No such election shall be held in the event the board of county commissioners or the board of education determines, as provided in section 6, and amendments thereto, that the proposed STAR bond project district will have an adverse effect on the county or school district.

(3) As an alternative to paragraph (2) of this subsection, any city which adopts a STAR bond project plan for a major motorsports complex, but does not state its intent to issue full faith and credit tax increment bonds in the resolution required by subsection (e) of section 7, and amendments thereto, and has not acquired property in the STAR bond project area may issue full faith and credit tax increment bonds if the governing body of the city adopts a resolution stating its intent to issue the bonds and the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds pursuant to paragraph (1) of subsection (a). Any project plan adopted by a city prior to the effective date of this act in accordance with K.S.A. 12-1772, and amendments thereto, shall not be invalidated by any requirements of this act.

(4) During the progress of any major motorsports complex project in which the project costs will be financed, in whole or in part, with the proceeds of full faith and credit tax increment bonds, the city may issue temporary notes in the manner provided in K.S.A. 10-123, and amendments thereto, to pay the project costs for the major motorsports complex project. Such temporary notes shall not be issued and the city shall not acquire property in the STAR bond project area until the requirements of paragraph (2) or (3) of this subsection, whichever is applicable, have been met.

(5) Full faith and credit tax increment bonds issued under this subsection shall be general obligations of the city and are declared to be negotiable instruments. Such bonds shall be issued in accordance with the general bond law. All such bonds and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes. The amount of the full faith and credit tax increment bonds issued and outstanding which exceeds 3% of the assessed valuation of the city shall be within the bonded debt limit applicable to such city.

(6) Any city issuing full faith and credit tax increment bonds under the provisions of this subsection may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.”;

And by relettering the remaining subsections accordingly;

Also on page 17, in line 27, by striking all before “any”; in line 38, by striking all following “plan”; in line 39, by striking all before the period; in line 40, following “bond” by inserting “project”;

On page 18, in line 11, by striking “or bioscience development district”; in line 13, by striking “or bioscience development district plan”; in line 15, by striking all following “district”; in line 16, by striking all before the period; in line 18, by striking “or bioscience development district”; in line 21, by striking “or bioscience development district”; in line 22, by striking all following “district”; in line 23, by striking all before the comma; also in line 23, by striking “or”; in line 24, by striking all before the period; in line 25, by striking “or bioscience development district”; in line 26, by striking “or bioscience development district”; in line 28, by striking all following “district”; in line 29, by striking all before the period; in line 30, by striking all following “project”; in line 31, by striking all before “within”; also in line 31, by striking all following “district”; in line 32, by striking all before the comma; in line 34, by striking “or bioscience development district”; in line 36, by striking “or bioscience development district”; in line 37, by striking all following “district”; in line 38, by striking all before the comma; in line 40, by striking “or bioscience development district”; in line 41, by striking “or bioscience development project”; in line 43, by striking “or”;

On page 19, in line 1, by striking all before “and”; in line 2, by striking all following “district”; in line 3, by striking all before “may”; in line 6, by striking “(b)” and inserting “(f)”; in line 8, by striking all before the period; by striking all in lines 9 through 12; in line 14, by striking “or bioscience development project plan”; in line 20, following “district” by inserting “; however, eminent domain may be used only as authorized by K.S.A. 26-501b, and amendments thereto”; also in line 20, by striking all following the period; by striking all in lines 21 through 34; in line 42, by striking “this act” and inserting “K.S.A. 26-501 et seq., and amendments thereto.”; in line 43, by striking all following “plan”;

On page 20, in line 1, by striking all before “and”; in line 2, following “property” by inserting “acquired pursuant to this section that is”; in line 6, following “property” as it first appears by inserting “acquired pursuant to this section that is”; also in line 6, following “leased” by inserting “in accordance with the STAR bond project plan”; in line 17, by striking all following “project”; in line 18, by striking all before “shall” as it appears the first time; in line 23, by striking “or bioscience development district”; in line 24, by striking “or”; in line 25, by striking all before “as”; in line 27, by striking all following “project”; in line 28, by striking “ject”; in line 30, by striking “or bioscience development district”; in line 39, by striking “or bioscience development district”; in line 43, by striking all following “project” as it appears the first time;

On page 21, in line 1, by striking all before the first comma; in line 4, by striking “or bioscience project area”; in line 12, by striking all following “area”; in line 13, by striking all before the period; in line 21, by striking all following “project”; in line 22, by striking all before the period; in line 27, by striking “or”; in line 28, by striking all before the period; in line 33, by striking all following “projects”; in line 34, by striking all before “using”;

On page 22, in line 7, following “bond” by inserting “project”;

On page 23, in line 27, following “bond” by inserting “project”;

On page 24, in line 15, by striking “(v)” and inserting “(l)”; also on page 24, by striking all in lines 39 through 43;

On page 25, by striking all in lines 1 through 18; and by renumbering the remaining sections accordingly; also on page 25, by striking all in lines 24 through 29; and by renumbering the remaining sections accordingly; also on page 25, in line 30, following “district” by inserting “, as defined in K.S.A. 12-1770a, and amendments thereto.”; in line 32, by striking all following “act”; by striking all in line 33; in line 34, by striking all before “may”; in line 35, following “district” by inserting “, as defined in K.S.A. 12-1770a, and amendments thereto.”; in line 36, by striking all following “projects”; in line 37, by striking all before “shall”;

On page 28, in line 16, by striking “jobs and”; in line 17, by striking “state and”; in line 18, by striking “region” and inserting “jurisdiction in which the project is located”;

On page 29, in line 23, by striking all following “(l)”; by striking all in lines 24 through 26 and inserting “ “Museum facility” means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.”;

On page 30, in line 16, by striking “and”; in line 27, by striking “and”; in line 31, by striking the period and inserting: “;

(R) major multi-sport athletic complex; and

(S) museum facility.”;

Also on page 30, in line 32, preceding “Redevelopment” by inserting “Except as specified in subsections (A) through (S) above.”; also in line 32, following “include” by inserting a semicolon; also in line 32, by striking the colon appearing after “(A)”; in line 33, by striking all following “structures”; by striking all in lines 34 through 41; in line 42, by striking all before “and” and inserting “; (B) fees”; and by relettering the remaining subparagraphs accordingly; also in line 42, following “to” by inserting “developers.”; in line 43, following “the” by inserting “developers or any other”;

On page 31, in line 1, following “in” by inserting “or located in”; in line 9, by striking the period and inserting a semicolon; also on page 31, following line 9 by inserting the following: “(H) any personal property, as defined in K.S.A. 79-102, and amendments thereto; and (I) travel, entertainment and hospitality.

(3) Redevelopment project costs specified in paragraphs (1)(C) through (1)(K) of this subsection may be incurred either within or outside of the redevelopment district so long as such redevelopment project costs are identified in the redevelopment project plan.”;

On page 32, in line 12, by striking “major com-”; in line 13, by striking all before “and” where it appears the second time and inserting “redevelopment district”; in line 24, by striking all following “means”; by striking all in lines 25 through 27 and inserting “an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.”;

On page 33, by striking all in lines 41 through 43;

On page 34, by striking all in lines 1 through 8; and by relettering the remaining subsections accordingly; also on page 34, in line 33, by striking “(b)” and inserting “(c)”;

On page 37, by striking all in lines 40 through 43;

By striking all on pages 38 and 39;

On page 40, by striking all in lines 1 through 24; and by renumbering the remaining sections accordingly; also on page 40, by striking all in lines 35 through 43;

On page 41, by striking all in lines 1 through 4; in line 40, following “shall” by inserting “have a maximum maturity of 20 years and”;

On page 44, in line 17, by striking all following “thereto”; in line 19, following “shall” by inserting “have a maximum maturity of 20 years and”;

On page 45, in line 41, following “bonds” by inserting “or full faith and credit tax increment bonds”;

On page 47, following line 22 by inserting the following:

“New Sec. 27. Any city that created a redevelopment district or a bioscience development district prior to the effective date of this act may by ordinance elect to have the provisions of this act applicable to such redevelopment district or bioscience development district.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 13, by striking “12-1771b,”; in line 16, following the first comma by inserting “12-1771b,”; and the substitute bill be passed as amended.

Committee on **Education** recommends **SB 129** be amended on page 5, following line 19, by inserting the following:

“(b) If timely notice is not given to the appropriate law enforcement agency or to the division as specified in subsection (a), the division of vehicles shall not suspend the pupil’s driver’s license or privilege to operate a motor vehicle on the streets and highways of this state.”;

And by relettering the remaining subsections accordingly;

On page 6, in line 1, by striking “driving privileges have” and inserting “driver’s license or driving privilege has”; in line 5, following “pupil’s” by inserting “driver’s license or driving”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2576** be amended on page 2, in line 2, by striking “any municipally owned or operated electric or gas utility which”; by striking all in lines 3 and 4; in line 5, by striking all before the period and inserting “as provided in section 2, and amendments thereto”; by striking all in lines 41, 42 and 43;

On page 3, by striking all in lines 1 through 11 and inserting in lieu thereof the following:

“New Sec. 2. (a) As used in this section, “municipal utility” means any municipally owned or operated electric or natural gas utility which serves more than 50,000 customers.

(b) The state corporation commission shall investigate all rates, joint rates, tolls, charges and exactions, classifications and schedules of rates of a municipal utility if there is filed with the commission, not more than one year after a change in such utility’s rates, joint rates, tolls, charges and exactions, classifications or schedules of rates, a petition signed by

not less than 5% of all the utility's customers or 3% of the utility's customers from any one rate class. If, after investigation, the commission finds that such rates, joint rates, tolls, charges or exactions, classifications or schedules of rates are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission shall have the power to fix and order substituted therefor such rates, joint rates, tolls, charges and exactions, classifications or schedules of rates as are just and reasonable.

(c) The municipal utility's rates, joint rates, tolls, charges and exactions, classifications or schedules of rates complained of shall remain in effect subject to change or refund pending the state corporation commission's investigation and final order.

(d) Any customer of a municipal utility wishing to petition the commission pursuant to subsection (b) may request from the utility the names, addresses and rate classifications of all the utility's customers or of the utility's customers from any one or more rate classes. The municipal utility, within 21 days after receipt of the request, shall furnish to the customer the requested names, addresses and rate classifications and may require the customer to pay the reasonable costs thereof.

(e) Nothing in this section shall be construed to authorize the state corporation commission to regulate payments by a municipal utility to the municipality owning or operating such utility.

(f) The commission shall assess its expenses of any investigation or proceeding pursuant to this section against the municipal utility.”;

Also on page 3, in line 12, by striking “K.S.A. 66-1,174 and”; also in line 12, by striking “are” and inserting “is”;

In the title, in line 11, by striking “K.S.A. 66-1,174 and”; in line 12, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2299** be passed.

Committee on **Federal and State Affairs** recommends **HB 2367** be amended on page 2, after line 18, by inserting the following:

“Sec. 2. (a) All employers shall verify the identity and employment eligibility of all persons hired by completing and retaining pursuant to this section a federal form I-9 for each employee. For purposes of this section, the term employee shall not include the following:

(1) Any person hired before November 7, 1986, and has been continuously employed by the same employer;

(2) any person providing domestic services in a private household that are sporadic, irregular or intermittent;

(3) any person providing services for the employer as an independent contractor; and

(4) any person providing services for the employer, under a contract, subcontract or exchange entered into after November 6, 1986.

(b) Employers shall, to the extent not inconsistent with federal laws and regulations:

(1) Ensure that each employee completes section 1 of the form I-9 when the employee starts work;

(2) review documents establishing each employee's identity and eligibility to work to ensure that they reasonably appear on their face:

(A) To be genuine; and

(B) to relate to the individual presenting the documents;

(3) complete section 2 of the form I-9;

(4) complete section 3 of the form I-9;

(5) retain the form I-9 for three years after the date the person began work or one year after the person's employment is terminated, whichever is later; and

(6) make the form I-9 available for inspection by state or federal officials upon request with three days notice.

(c) The Kansas department of labor shall make the form I-9 available to all employers.

(d) No action shall be brought by any person, city, county or state official against any employer who complies with the provisions of subsections (a) and (b) relating in any way to the employment of an illegal alien.

(e) In the event that the form I-9 is amended or replaced after the enactment of this section, an employer shall be considered in compliance with the provisions of subsections

(a) and (b) if it completes and maintains the then current federal employment eligibility form consistent with all relevant federal laws and regulations.

Sec. 3. As used in sections 3 through 7, and amendments thereto:

(a) "Employer" means any person, including any partnership, firm, subcontractor, vendor, corporation or association, or agent thereof, who engages or utilizes the personal services of one or more individuals for a salary or wage;

(b) "illegal alien" means any person not a citizen of the United States who has entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder, who has legally entered but without the right to be employed in the country, or who has legally entered subject to a time limit but has remained illegally after the expiration of such time limit, except that the term "illegal alien" shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States;

(c) "secretary" means the secretary of labor;

(d) "state agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or unit within any office, department, board, commission or other state authority of this state or any person requesting a state appropriation;

(e) "state benefit" means any state-administered or subsidized tax credit, tax abatement, tax exemption, loan or loan guarantee; and

(f) "unit of government" means any school board, city or county council or commission of this state, including, but not limited to, any governmental entity which is wholly or partially taxpayer funded or any entity which is the beneficiary of any state benefit.

Sec. 4. (a) A person or entity is considered to have complied with a requirement of sections 1 through 5, and amendments thereto, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with the federal requirements found in title 8 of the United States code, section 1324a.

(b) A person or entity which establishes that it has complied in good faith with respect to the hiring, recruiting or referral for employment of an alien in the United States has established an affirmative defense under sections 1 through 5, and amendments thereto.

Sec. 5. (a) No state agency or unit of government shall award a public works or purchase contract to a bidder, contractor or employer, nor shall a bidder, contractor or employer be eligible to bid for or receive a public works contract, who has, in the preceding five years: (1) Been convicted of violating a law of this state or federal law respecting the employment of illegal aliens, or (2) been a party to a state agency proceeding in this state in which a penalty or sanction was ordered, either by hearing or final order, or through stipulation and agreement, for violation of a law of this state or federal law respecting the employment of illegal aliens.

(b) Any employer found to be in violation of subsection (c) by attempting to bid on a contract or having been awarded a contract when ineligible shall, in addition to all available administrative penalties and sanctions, forfeit and be liable for an amount equal to the total value of the state benefit such employer has received or been the beneficiary of for the period of five years leading up to the date of the finding of guilt, not to exceed the federally prescribed civil penalty in title 8 of the United States code, section 1324a.

Sec. 6. The secretary of the department of labor shall be responsible for administering the provisions of sections 1 through 5, and amendments thereto.

Sec. 7. The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all proceedings initiated under sections 1 through 5, and amendments thereto.;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, after "and" by inserting "employment; relating to"; in line 10, by striking all after "States"; in line 11, by striking all before the period; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2412** be amended on page 5, in line 12, by striking "180" and inserting "30"; in line 14, by striking "180" and inserting

“30”; in line 30, by striking “180” and inserting “30”; in line 32, by striking “180” and inserting “30”; following line 38, by inserting:

“(3) The provisions of subsections (1) and (2) shall not apply to a business or entity licensed pursuant to chapter 41, of the Kansas Statutes Annotated, the licensee or an employee or agent of the business or entity acting within the normal course and scope of such person’s duties and employment.”;

On page 6, in line 21, by striking all before the period and inserting “a minor”; in line 31, by striking “180” and inserting “30”; in line 33, by striking “180” and inserting “30”; following line 39, by inserting:

“(3) The provisions of subsections (1) and (2) shall not apply to a business or entity licensed pursuant to chapter 41, of the Kansas Statutes Annotated, the licensee or an employee or agent of the business or entity acting within the normal course and scope of such person’s duties and employment.”;

Also on page 6, in line 41, by striking all after “thereto”; in line 42, by striking all before the period;

On page 7, following line 16, by inserting:

“(d) When a person under age 18 is cited or arrested for a violation of this section, the law enforcement agency employing the arresting officer shall make a reasonable attempt to notify such person’s custodial parent or guardian of the citation or arrest.”;

And by relettering subsections accordingly;

Also on page 7, in line 26, by striking “180” and inserting “30”; in line 28, by striking “180” and inserting “30”;

On page 8, following line 24, by inserting:

“New Sec. 6. (a) Any licensed retailer, club, drinking establishment or caterer or a person who holds a temporary permit may bring a civil action against any person who is 18 years of age or older or emancipated minor, or a person having legal custody of an unemancipated minor who violates provisions of K.S.A. 2006 Supp. 41-727, and amendments thereto. If the person is found to have violated provisions of K.S.A. 2006 Supp. 41-727, and amendments thereto, such person shall be liable for a \$1,000 civil fine and for payment of all costs and attorneys fees of the licensed retailer, club, drinking establishment or caterer or person who holds a temporary permit.

(b) No licensed retailer, club, drinking establishment or caterer or a person who holds a temporary permit may bring a civil action as provided in subsection (a) unless such person used reasonable diligence to comply with the provisions of K.S.A. 2006 Supp. 41-727, and amendments thereto.”;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **Substitute for SB 152** be amended on page 2, by striking all of line 28, and inserting “The ballot shall indicate that the person elected at such election shall serve until a successor is elected and qualified at the next primary and general election for United States representative, at which general election the person elected shall fill the remainder of the unexpired senate term.”; On page 3, by striking all in lines 19 through 43;

On page 4, by striking all in lines 1 through 34; in line 35, by striking “25-101b, 25-318 and 40-106 are” and inserting “25-318 is”;

In the title, in line 10, by striking all after the stricken “elections”; in line 11, by striking “fices;” by striking all in line 12; in line 13, by striking all before “amending”; also in line 13, by striking “25-101b;”; in line 14, by striking “and 40-106”; also in line 14, by striking “sections” and inserting “section”; and the substitute bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 176** be passed.

Committee on **Health and Human Services** recommends **SB 138** be amended on page 1, in line 15, by striking “consist of 15 members as follows” and inserting “be made up of the following members”; in line 16, by striking “Three” and inserting “Four”; in line 17, after the semicolon by inserting “one shall be a psychiatrist;”; in line 24, by striking “two” and inserting “three”; in line 25, after “senate” by inserting “; one shall be a parent of a child with autism;”; in line 29, by striking “three” and inserting “four”; in line 31, after the semicolon by inserting “one shall be a parent of a child with autism;”; in line 35, by striking “two” and inserting “three”; in line 37, after the semicolon by inserting “one shall be a

parent of a child with autism;"; in line 39, by striking "three" and inserting "four"; in line 40, by striking the second comma and inserting a semicolon; in line 41, by striking the comma and inserting "; one shall be an"; also in line 41, by striking all after "therapist"; by striking all in line 42; in line 43, by striking all before "and" and inserting a semicolon;

On page 2, after line 1, by inserting the following:

"(6) one member appointed by the parents of children with autism appointed pursuant to subsections (a)(2) through (5). Such member shall be a parent of a child with autism;";

And by renumbering the remaining paragraphs accordingly;

Also on page 2, in line 2, after "commissioner" by inserting "of insurance"; in line 4, by striking "and"; in line 6, before the period by inserting "; and

(9) the secretary of health and environment, the secretary of social and rehabilitation services and the commissioner of education, or such persons' designees, who shall serve only as non-voting ex officio members of the task force";

Also on page 2, in line 11, by striking "eight" and inserting "11"; also in line 11, by striking "Eight" and inserting "Eleven"; in line 43, by striking all after "provide" and inserting "evidence-based intervention";

On page 3, in line 3, by striking all after the first "the"; in line 4, by striking "insurance policies" and inserting "benefits currently available"; in line 5, by striking "the creation" and inserting "study and discussion"; in line 6, by striking all after the comma; by striking all in line 7; in line 8, by striking all before "improve" and inserting "(B)"; in line 9, by striking "(D)" and inserting "(C)"; after line 12, by inserting the following:

"(7) the creation and design of a financial assistance program for children with autism;";

And by renumbering the remaining paragraphs accordingly;

Also on page 3, in line 14, by striking "intensive behavioral therapy" and inserting "intervention"; in line 17, by striking "inten-"; in line 18, by striking "sive" and inserting "evidence-based intervention"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 31** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 31," as follows:

"HOUSE Substitute for SENATE BILL No. 31

By Committee on Judiciary

"AN ACT concerning municipal courts; relating to jurisdiction; amending K.S.A. 12-4104 and 22-2601 and K.S.A. 2006 Supp. 8-1567 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 31 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. 182, by Representative Trimmer, commending the steering committee for the National Speech, Debate and Student Congress Tournament;

Request No. 183, by Representative Palmer, commending pages for March 21, 2007;

Request No. 184, by Representative Dahl, congratulating Andrew and Bonnie Friesen on their 50th wedding anniversary;

Request No. 185, by Representative Siegfried, commending the Mid-America Nazarene women's basketball team on advancing in tournament play;

Request No. 186, by Representative Siegfried, congratulating the Mid-America Nazarene men's basketball team on winning the Division II National Championship;

Request No. 187, by Representative Grange, congratulating the El Dorado High School boys cross country team on winning the 4A State Championship;

Request No. 188, by Representative Grange, commending The Lord's Diner for five years of service;

Request No. 189, by Representative Peck, congratulating Ralph and Wilma Perkins on their 60th wedding anniversary;

Request No. 190, by Representative Peck, congratulating Jim and JoAnn Garrison on their 50th wedding anniversary;

Request No. 191, by Representative Sharp, commending the YES students on completing their year at Shawnee Mission;

Request No. 192, by Representative Sharp, commending Milena Radonjic on completing her year as an international student;

Request No. 193, by Representative Sharp, commending Anne Hoekema on completing her year as an international student;

Request No. 194, by Representative Vickrey, congratulating the Paola High School Forensics Team on its twenty-six consecutive wins in the league tournament;

Request No. 195, by Representative Jim Morrison, congratulating the Colby High School Lady Eagles basketball team on winning the 2007 4A state championship;

Request No. 196, by Representatives Phelps and Johnson, congratulating the Thomas More Prep-Marian boys basketball team on winning the 4A state championship;

Request No. 197, by the House of Representatives, congratulating Ty and Marlo Masterson on the birth of Kenzy Jane Masterson;

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.

On motion of Rep. Merrick, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

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

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:

Recommended that discussion resume on the amendment offered by Rep. Aurand on **SB 66**. Rep. Siegfried requested the question be divided. The question was divided.

On Part A, **SB 66** be amended by inserting the following:

New Sec. 6. (a) The board of county commissioners of each county in each gaming zone shall submit by resolution to the qualified voters of the county a proposition to permit the operation of a lottery gaming facility within the county as provided in this section. The proposition shall be submitted to the voters at a special election called by the board of county commissioners for that purpose and held not more than 180 days after the effective date of this act.

(b) Upon the adoption of a resolution calling for an election pursuant to this section, the county election officer shall cause the following proposition to be placed on the ballot at the election called for that purpose: "Shall the Kansas lottery be authorized to operate a lottery gaming facility in _____ county?"

(c) If a majority of the votes cast and counted at such election is in favor of approving the operation of a lottery gaming facility within the county, the Kansas lottery may operate a lottery gaming facility in such county, subject to the provisions of this act. If a majority of the votes cast and counted at an election under this section is against permitting the operation of a lottery gaming facility within the county, the Kansas lottery shall not operate a lottery gaming facility in such county. The county election officer shall transmit a copy of the certification of the results of the election to the executive director.

(d) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections of the county.

(e) The lottery commission may waive the requirement that an election be held pursuant to this section if the lottery commission determines that after December 31, 2004, and before the effective date of this act, the county has held an election of qualified voters pursuant to the county's home rule authority: (1) At which the ballot question was in sub-

stantial compliance with the requirements of this section; (2) which was administered by the county election officer in a manner consistent with the requirements of state election law; and (3) at which a majority of the votes cast and counted was in favor of the proposition.

(f) The question of the operation of a lottery gaming facility in a county may be submitted at the same election as the question of placement of electronic gaming machines at a parimutuel licensee location in the county under section 12, and amendments thereto.

New Sec. 7. Upon receipt of a copy of the certification of the results of the election pursuant to section 6, and amendments thereto:

(a) If the certification shows that a majority of the voters voted against the operation of a lottery gaming facility in the county, the executive director shall direct the state treasurer to refund, without interest, all privilege fees paid pursuant to lottery gaming facility management contracts for a lottery gaming facility in the county.

(b) If the certification shows that a majority of the voters voted in favor of the operation of a lottery gaming facility in the county, the executive director shall direct the state treasurer to refund, without interest, all privilege fees paid pursuant to lottery gaming facility management contracts for a lottery gaming facility in the county, other than the lottery gaming facility management contract which is binding as provided by section 5, and amendments thereto. Thereupon, the state treasurer shall transfer to the expanded lottery act revenues fund an amount equal to the privilege fee paid pursuant to the lottery gaming facility management contract which is binding as provided by section 5, and amendments thereto, the lottery gaming facility manager fund shall be abolished.

On Part B, **SB 66** be amended by inserting the following:

New Sec. 8. The sale or service by lottery gaming facility managers or ancillary lottery gaming facility operations and the consumption by patrons of lottery gaming facilities of alcohol, liquor, wine, spirits, cereal malt beverages and other intoxicating liquors is hereby permitted upon and in lottery gaming facilities and ancillary lottery gaming facility operations. The provisions of K.S.A. 41-719, and amendments thereto, relating to alcoholic liquor shall not be applicable to lottery gaming facilities and ancillary lottery gaming facility operations.

On Part C, **SB 66** be amended by inserting the following:

New Sec. 9. (a) Subject to the provisions of subsection (b), the Kansas lottery shall enter into racetrack gaming facility management contracts to place electronic gaming machines at parimutuel licensee locations as provided by sections 10 through 16, and amendments thereto.

(b) The Kansas lottery shall not place electronic gaming machines at any parimutuel licensee location unless the commission has adopted rules and regulations as provided in sections 10 through 16, and amendments thereto.

New Sec. 10. (a) The executive director of the Kansas lottery shall negotiate a racetrack gaming facility management contract to place electronic gaming machines at one parimutuel licensee location in each gaming zone.

(b) To be eligible to enter into a racetrack gaming facility management contract the prospective racetrack gaming facility manager shall, at a minimum:

(1) Have sufficient access to financial resources to support the activities required of a racetrack gaming facility manager under the Kansas expanded lottery act; and

(2) be current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes.

(c) A racetrack gaming facility management contract shall include:

(1) The term of the contract;

(2) provisions for the Kansas racing and gaming commission to oversee all racetrack gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and any required certification or licensing of officers, directors, board members, employees, contractors and agents of the racetrack gaming facility manager; auditing of net electronic gaming machine income and maintenance of the integrity of electronic gaming machine operations;

(3) provisions for the racetrack gaming facility manager to pay the costs of oversight and regulation of the racetrack gaming facility manager under this act and such manager's racetrack gaming facility operations by the Kansas racing and gaming commission; and

(4) enforceable provisions: (A) Prohibiting the state, until July 1, 2022, from (i) entering into management contracts for more than three lottery gaming facilities or similar gaming facilities, one to be located in the northeast Kansas gaming zone, one to be located in the south central Kansas gaming zone and one to be located in the southeast Kansas gaming zone, (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the racetrack gaming facility manager an amount equal to the privilege fee paid by such racetrack gaming facility manager, plus interest on such amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(d) Racetrack gaming facility management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine net electronic gaming machine income, unclaimed prizes and credits;

(2) minimum requirements for a racetrack gaming facility manager to provide qualified oversight, security and supervision of electronic gaming machines including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a racetrack gaming facility manager who will have responsibility for or involvement with electronic gaming machines or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing or certification requirements of any employee, contractor or agent as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct racetrack gaming facility operations in a legal and fair manner.

(e) A person who is the manager of a lottery gaming facility in a gaming zone shall not be eligible to be the manager of the racetrack gaming facility in the same zone.

(f) A racetrack gaming facility management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated.

New Sec. 11. The executive director shall submit the proposed racetrack gaming facility management contract to the commission for the commission's approval. Upon approval of the Kansas lottery commission, the executive director shall submit such contract to the Kansas racing and gaming commission for approval. The Kansas racing and gaming commission shall conduct such background investigations of the proposed racetrack gaming facility manager, and its officers, directors, employees, owners, agents and contractors, as determined in accordance with rules and regulations adopted by the Kansas racing and gaming commission. Upon completion of such investigations and approval of the background of the proposed racetrack gaming facility manager, and its officers, directors, employees, owners, agents and contractors, the Kansas racing and gaming commission shall vote to approve or reject the contract in whole. If the Kansas racing and gaming commission rejects the contract, the Kansas racing and gaming commission shall notify the executive director of the lottery and make recommendations regarding negotiation of the contract. The executive director may then resume negotiations with the proposed racetrack gaming facility manager.

New Sec. 12. (a) The board of county commissioners of each county where there is a parimutuel licensee location by resolution shall submit to the qualified voters of the county a proposition to permit the placement of electronic gaming machines in the county as provided in this section. The proposition shall be submitted to the voters at a special election

called by the board of county commissioners for that purpose and held not more than 180 days after the effective date of this act.

(b) Upon the adoption of a resolution calling for an election pursuant to this section, the county election officer shall cause the following proposition to be placed on the ballot at the election called for that purpose: "Shall the Kansas Lottery be authorized to place electronic gaming machines in _____ county?"

(c) If a majority of the votes cast and counted at such election is in favor of approving the placement of electronic gaming machines in the county, the Kansas lottery may place and operate electronic gaming machines at a parimutuel licensee location in the county, subject to the provisions of this act. If a majority of the votes cast and counted at an election under this section is against permitting placement of electronic gaming machines in the county, the Kansas lottery shall not place or operate electronic gaming machines at a parimutuel licensee location in the county. The county election officer shall transmit a copy of the certification of the results of the election to the executive director.

(d) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections of the county.

(e) The lottery commission may waive the requirement that an election be held pursuant to this section if the lottery commission determines that after December 31, 2004, and before the effective date of this act, the county has held an election of qualified voters pursuant to the county's home rule authority: (1) At which the ballot question was in substantial compliance with the requirements of this section; (2) which was administered by the county election officer in a manner consistent with the requirements of state election law; and (3) at which a majority of the votes cast and counted was in favor of the proposition.

(f) The question of the placement of electronic gaming machines in a county may be submitted at the same election as the question of operation of a lottery gaming facility in the county under section 6, and amendments thereto.

Roll call was demanded on Part D of the motion of Rep. Aurand to amend **SB 66** by inserting the following:

New Sec. 13. (a) In accordance with rules and regulations adopted by the commission, the executive director shall have general responsibility for the implementation and administration of the provisions of this act relating to racetrack gaming facility operations, including the responsibility to:

(1) Certify net electronic gaming machine income by inspecting records, conducting audits, having agents of the Kansas lottery on site or by any other reasonable means; and

(2) assist the commission in the promulgation of rules and regulations concerning the operation of racetrack gaming facilities, which rules and regulations shall include, without limitation, the following:

(A) The number of electronic gaming machines allocated for placement at each racetrack gaming facility, subject to the provisions of subsection (b);

(B) standards for advertising, marketing and promotional materials used by racetrack gaming facility managers;

(C) the kind, type, number and location of electronic gaming machines at any racetrack gaming facility; and

(D) rules and regulations and procedures for the accounting and reporting of the payments required from racetrack gaming facility managers under section 35, and amendments thereto, including the calculations required for such payments.

(b) Rules and regulations establishing the minimum and maximum number of electronic gaming machines allocated for placement at each racetrack gaming facility shall be adopted and published not later than 120 days after the effective date of this act. Such rules and regulations shall be subject to the following:

(1) At least 600 electronic gaming machines shall be allocated to and placed at each racetrack gaming facility.

(2) The total number of electronic gaming machines allocated to and placed at all racetrack gaming facilities in the state shall not exceed 2,800. Until lottery gaming facility management contracts for lottery gaming facilities in all gaming zones become binding, the total number of electronic gaming machines placed at all racetrack gaming facilities shall not exceed 2,200. When lottery gaming facility management contracts for lottery gaming facil-

ities in all gaming zones have become binding, the lottery commission shall take privilege fee bids from the lottery gaming facility manager and racetrack gaming facility manager in each gaming zone for the remaining electronic gaming machines allocated to but not yet placed at the racetrack gaming facility in such zone. The minimum bid shall be a privilege fee of \$2,500 per electronic gaming machine. If the racetrack gaming facility manager submits the highest bid, the lottery commission shall place the remaining electronic gaming machines at the racetrack gaming facility. If the lottery gaming facility manager submits the highest bid, the commission shall not place any additional electronic gaming machines at the racetrack gaming facility.

(3) In addition to any privilege fee paid pursuant to paragraph (2), each racetrack gaming facility manager shall pay a privilege fee of \$2,500 for each electronic gaming machine placed at the racetrack gaming facility for which a privilege fee is not paid pursuant to paragraph (2).

(4) The racetrack gaming facility manager shall pay the privilege fees provided by this subsection to the executive director, who shall remit the entire amount to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the expanded lottery act revenues fund.

On roll call, the vote was: Yeas 67; Nays 54; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Bowers, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: Beamer, Bethell, Brown, Brunk, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Huntington, Kelley, Kelsey, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Taffanelli, Vickrey, Watkins, Whitham, B. Wolf.

Present but not voting: None.

Absent or not voting: Ballard, Crow, Knox, Light.

The motion on Part D of the amendment by Rep. Aurand prevailed.

Rep. Siegfried withdrew his request for the division of the amendment. The question then reverted to the balance of the amendment to amend **SB 66** on page 1, after line 14, by inserting the following:

"Section 1. K.S.A. 74-8702 is hereby amended to read as follows: 74-8702. As used in the Kansas lottery act, unless the context otherwise requires:

(a) "Ancillary lottery gaming facility operations" means additional non-lottery facility game products and services not owned and operated by the state which may be included in the overall development associated with the lottery gaming facility. Such operations may include, but are not limited to, restaurants, hotels, motels, museums or entertainment facilities.

~~(b)~~ (b) "Commission" means the Kansas lottery commission.

(c) "Electronic gaming machine" means any electronic, electromechanical, video or computerized device, contrivance or machine authorized by the Kansas lottery which, upon insertion of cash, tokens, electronic cards or any consideration, is available to play, operate or simulate the play of a game authorized by the Kansas lottery pursuant to the Kansas expanded lottery act, including, but not limited to, bingo, poker, blackjack, keno and slot machines, and which may deliver or entitle the player operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Electronic gaming machines may use bill validators and may be single-position reel-type, single or multi-game video and single-position multi-game video electronic game, including, but not limited to, poker, blackjack and slot machines. Electronic gaming machines shall be directly linked to a central

computer at a location determined by the executive director for purposes of security, monitoring and auditing.

~~(b)~~ (d) "Executive director" means the executive director of the Kansas lottery.

~~(c)~~ "Gaming equipment" means any electric, electronic or mechanical device or other equipment unique to the Kansas lottery used directly in the operation of any lottery and in the determination of winners pursuant to this act.

(e) "Gaming equipment" means any electric, electronic, computerized or electromechanical machine, mechanism, supply or device or any other equipment, which is: (1) Unique to the Kansas lottery and used pursuant to the Kansas lottery act; and (2) integral to the operation of an electronic gaming machine or lottery facility game; and (3) affects the results of an electronic gaming machine or lottery facility game by determining win or loss.

(f) "Gaming zone" means: (1) The northeast Kansas gaming zone, which consists of Wyandotte county; (2) the southeast Kansas gaming zone, which consists of Crawford and Cherokee counties; and (3) the south central Kansas gaming zone, which consists of Sedgewick county.

(g) "Gray machine" means any mechanical, electro-mechanical or electronic device, capable of being used for gambling, that is: (1) Not authorized by the Kansas lottery, (2) not linked to a lottery central computer system, (3) available to the public for play or (4) capable of simulating a game played on an electronic gaming machine or any similar gambling game authorized pursuant to the Kansas expanded lottery act.

~~(b)~~ (h) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.

(i) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

(j) "Lottery facility games" means any electronic gaming machines and any other games which, as of January 1, 2007, are authorized to be conducted or operated at a tribal gaming facility, as defined in K.S.A. 74-9802, and amendments thereto, located within the boundaries of this state.

(k) "Lottery gaming enterprise" means an entertainment enterprise which includes a lottery gaming facility authorized pursuant to the Kansas expanded lottery act and ancillary lottery gaming facility operations that have a coordinated business or marketing strategy. A lottery gaming enterprise shall be designed to attract to its lottery gaming facility consumers who reside outside the immediate area of such enterprise.

(l) "Lottery gaming facility" means that portion of a building used for the purposes of operating, managing and maintaining lottery facility games.

(m) "Lottery gaming facility expenses" means normal business expenses, as defined in the lottery gaming facility management contract, associated with the ownership and operation of a lottery gaming facility.

(n) "Lottery gaming facility management contract" means a contract, subcontract or collateral agreement between the state and a lottery gaming facility manager for the management of a lottery gaming facility, the business of which is owned and operated by the Kansas lottery, negotiated and signed by the executive director on behalf of the state.

(o) "Lottery gaming facility manager" means a corporation, limited liability company, resident Kansas American Indian tribe or other business entity authorized to construct and manage, or manage alone, pursuant to a lottery gaming facility management contract with the Kansas lottery, and on behalf of the state, a lottery gaming enterprise and lottery gaming facility.

(p) "Lottery gaming facility revenues" means the total revenues from lottery facility games at a lottery gaming facility after all related prizes are paid.

(q) (1) "Lottery machine" means any machine or device that allows a player to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the player, a prize or evidence of a prize, including, but not limited to:

(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the player's or players' skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played;

(B) any machine or device in which the prize or evidence of a prize is determined only by chance, including, but not limited to, any slot machine or bingo machine; or

(C) any lottery ticket vending machine, such as a keno ticket vending machine, pull-tab vending machine or an instant-bingo vending machine.

(2) "Lottery machine" shall not mean:

(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;

(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;

(C) any machine which dispenses only bottled or canned soft drinks, chewing gum, nuts or candies;

(D) any machine excluded from the definition of gambling devices under subsection (d) of K.S.A. 21-4302, and amendments thereto; or

(E) any electronic gaming machine or lottery facility game operated in accordance with the provisions of the Kansas expanded lottery act.

~~(f)~~ (r) "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

~~(f)~~ "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

~~(g)~~ (s) (1) "Major procurement" means any gaming product or service, including but not limited to facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(2) "Major procurement" shall not mean any product, service or other matter covered by or addressed in the Kansas expanded lottery act or a lottery gaming facility management contract or racetrack gaming facility management contract executed pursuant to the Kansas expanded lottery act.

(t) "Net electronic gaming machine income" means all cash or other consideration utilized to play an electronic gaming machine operated at a racetrack gaming facility, less all cash or other consideration paid out to winning players as prizes.

(u) "Organization licensee" has the meaning provided by K.S.A. 74-8802, and amendments thereto.

(v) "Parimutuel licensee" means a facility owner licensee or facility manager licensee under the Kansas parimutuel racing act.

(w) "Parimutuel licensee location" means a racetrack facility, as defined in K.S.A. 74-8802, and amendments thereto, owned or managed by the parimutuel licensee. A parimutuel licensee location may include any existing structure at such racetrack facility or any structure that may be constructed on real estate where such racetrack facility is located.

~~(h)~~ (x) "Person" means any natural person, association, limited liability company, corporation or partnership.

~~(i)~~ (y) "Prize" means any prize paid directly by the Kansas lottery pursuant to ~~its~~ the Kansas lottery act or the Kansas expanded lottery act or any rules and regulations adopted pursuant to either act.

(z) "Progressive electronic game" means a game played on an electronic gaming machine for which the payoff increases uniformly as the game is played and for which the jackpot, determined by application of a formula to the income of independent, local or interlinked electronic gaming machines, may be won.

(aa) "Racetrack gaming facility" means that portion of a parimutuel licensee location where electronic gaming machines are operated, managed and maintained.

(bb) "Racetrack gaming facility management contract" means an agreement between the Kansas lottery and a racetrack gaming facility manager, negotiated and signed by the executive director on behalf of the state, for placement of electronic gaming machines owned and operated by the state at a racetrack gaming facility.

(cc) "Racetrack gaming facility manager" means a parimutuel licensee specifically certified by the Kansas lottery to become a certified racetrack gaming facility manager and offer electronic gaming machines for play at the racetrack gaming facility.

(dd) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

~~(ff)~~ (ee) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game, *except as provided by the Kansas expanded lottery act.*

~~(ff)~~ (ff) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game *other than a lottery facility game.*

~~(gg)~~ (gg) "Token" means a representative of value, of metal or other material, which is not legal tender, redeemable for cash only by the issuing lottery gaming facility manager or racetrack gaming facility manager and which is issued and sold by a lottery gaming facility manager or racetrack gaming facility manager for the sole purpose of playing an electronic gaming machine or lottery facility game.

~~(hh)~~ (hh) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

~~(m)~~ (m) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

~~(n)~~ (ii) "Video lottery machine" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including, but not limited to, bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

~~(o)~~ (1) "Lottery machine" means any machine or device that allows a player to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the player, a prize or evidence of a prize, including, but not limited to:

~~(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the player's or players' skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played;~~

~~(B) any machine or device in which the prize or evidence of a prize is determined only by chance, including, but not limited to, any slot machine or bingo machine, or~~

~~(C) any lottery ticket vending machine, such as a keno ticket vending machine, pull-tab vending machine or an instant-bingo vending machine;~~

~~(2) "Lottery machine" shall not mean:~~

~~(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;~~

~~(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;~~

~~(C) any machine which dispenses only bottled or canned soft drinks, chewing gum, nuts or candies, or~~

~~(D) any machine excluded from the definition of gambling devices under subsection (d) of K.S.A. 21-4302, and amendments thereto.~~

New Sec. 2. (a) Sections 2 through 42, and amendments thereto, shall be known and may be cited as the Kansas expanded lottery act. The Kansas expanded lottery act shall be part of and supplemental to the Kansas lottery act.

(b) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application.

(c) Any action challenging the constitutionality of or arising out of any provision of this act, any lottery gaming facility management contract or any racetrack gaming facility management contract entered into pursuant to this act shall be brought in the district court of Shawnee county.

New Sec. 3. (a) The Kansas lottery may operate one lottery gaming facility in each gaming zone.

(b) Not more than 30 days after the effective date of this act the lottery commission shall adopt and publish in the Kansas register the procedure for receiving, considering and approving, proposed lottery gaming facility management contracts. Such procedure shall include provisions for review of competitive proposals within a gaming zone and the date by which proposed lottery gaming facility management contracts must be received by the lottery commission if they are to receive consideration.

(c) The lottery commission shall adopt standards to promote the integrity of the gaming and finances of lottery gaming facilities, which shall apply to all management contracts, shall meet or exceed industry standards for monitoring and controlling the gaming and finances of gaming facilities and shall give the executive director sufficient authority to monitor and control the gaming operation and to ensure its integrity and security.

(d) The Kansas lottery commission may approve management contracts with one or more prospective lottery gaming facility managers to manage, or construct and manage, on behalf of the state of Kansas and subject to the operational control of the Kansas lottery, a lottery gaming facility or lottery gaming enterprise at specified destination locations within the northeast, south central and southeast Kansas gaming zones where the commission determines the operation of such facility would promote tourism and economic development. The commission shall approve or disapprove a proposed management contract within 90 days after the deadline for receipt of proposals established pursuant to subsection (b).

(e) In determining whether to approve a management contract with a prospective lottery gaming facility manager to manage a lottery gaming facility or lottery gaming enterprise pursuant to this section, the commission shall take into consideration the following factors: The size of the proposed facility; the geographic area in which such facility is to be located; the proposed facility's location as a tourist and entertainment destination; the estimated number of tourists that would be attracted by the proposed facility; the number and type of lottery facility games to be operated at the proposed facility; and agreements related to ancillary lottery gaming facility operations.

(f) Subject to the requirements of this section, the commission shall approve at least one proposed lottery gaming facility management contract for a lottery gaming facility in each gaming zone.

(g) The commission shall not approve a management contract unless:

(1) (A) The prospective lottery gaming facility manager is a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; and (ii) has three consecutive years' experience in the management of gaming which would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; or

(B) the prospective lottery gaming facility manager is not a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; (ii) is current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes; and (iii) has three consecutive years' experience in the management of gaming which would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; and

(2) The commission determines that the proposed development consists of an investment in infrastructure, including ancillary lottery gaming facility operations, of at least \$225,000,000. The commission, in determining whether the minimum investment required by this subsection is met, shall not include any amounts derived from or financed by state or local retailers' sales tax revenues.

(h) Any management contract approved by the commission under this section shall:

(1) Have a maximum initial term of 15 years from the date of opening of the lottery gaming facility. At the end of the initial term, the contract may be renewed by mutual consent of the state and the lottery gaming facility manager;

(2) specify the total amount to be paid to the lottery gaming facility manager pursuant to the contract;

(3) establish a mechanism to facilitate payment of lottery gaming facility expenses, payment of the lottery gaming facility manager's share of the lottery gaming facility revenues and distribution of the state's share of the lottery gaming facility revenues;

(4) include a provision for the lottery gaming facility manager to pay the costs of oversight and regulation of the lottery gaming facility manager and the operations of the lottery gaming facility by the Kansas racing and gaming commission;

- (5) establish the types of lottery facility games to be installed in such facility;
- (6) provide for the prospective lottery gaming facility manager, upon approval of the proposed lottery gaming facility management contract, to pay to the state treasurer a privilege fee of \$25,000,000 for the privilege of being selected as a lottery gaming facility manager, which fee shall be deposited in the state treasury and credited to the lottery gaming facility manager fund, which is hereby created in the state treasury;
- (7) incorporate terms and conditions for the ancillary lottery gaming facility operations;
- (8) designate as key employees, subject to approval of the executive director, any employees or contractors providing services or functions which are related to lottery facility games authorized by a management contract;
- (9) include financing commitments for construction;
- (10) include a resolution of endorsement from the city governing body, if the proposed facility is within the corporate limits of a city, or from the county commission, if the proposed facility is located in the unincorporated area of the county;
- (11) include a requirement that any parimutuel licensee developing a lottery gaming facility pursuant to this act comply with all orders and rules and regulations of the Kansas racing and gaming commission with regard to the conduct of live racing, including the same minimum days of racing as specified in section 15, and amendments thereto, for operation of electronic gaming machines at racetrack gaming facilities;
- (12) include a provision for the state to receive not less than 22% of lottery gaming facility revenues, which shall be paid to the expanded lottery act revenues fund established by section 37, and amendments thereto;
- (13) include a provision for 2% of lottery gaming facility revenues to be paid to the problem gambling and addictions grant fund established by K.S.A. 2006 Supp. 79-4805, and amendments thereto;
- (14) if the prospective lottery gaming facility manager is an American Indian tribe, include a provision that such tribe agrees to waive its sovereign immunity with respect to any actions arising from or to enforce either the Kansas expanded lottery act or any provision of the lottery gaming facility management contract; any action brought by an injured patron or by the state of Kansas; any action for purposes of enforcing the workers compensation act or any other employment or labor law; and any action to enforce laws, rules and regulations and codes pertaining to health, safety and consumer protection; and for any other purpose deemed necessary by the executive director to protect patrons or employees and promote fair competition between the tribe and others seeking a lottery gaming facility management contract;
- (15) (A) if the lottery gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located; or (B) if the lottery gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;
- (16) (A) if the lottery gaming facility is located in the southeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the lottery gaming facility is located in the southeast Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;
- (17) (A) if the lottery gaming facility is located in the south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the lottery gaming facility revenues to Sedgwick county and an amount equal to 1% of such revenues to Sumner county; or (B) if the lottery gaming facility is located in the south central Kansas gaming zone comprised of more than one county and is located within a city, provide for payment of an amount equal to 1% of the lottery gaming facility revenues to

the city in which the lottery gaming facility is located, an amount equal to 1% of such revenues to Sedgwick county and an amount equal to 1% of such revenues to Sumner county;

(18) allow the lottery gaming facility manager to manage the lottery gaming facility in a manner consistent with this act and applicable law, but shall place full, complete and ultimate ownership and operational control of the gaming operation of the lottery gaming facility with the Kansas lottery. The Kansas lottery shall not delegate and shall explicitly retain the power to overrule any action of the lottery gaming facility manager affecting the gaming operation without prior notice. The Kansas lottery shall retain full control over all decisions concerning lottery gaming facility games;

(19) include provisions for the Kansas racing and gaming commission to oversee all lottery gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and credentialing of employees, contractors and agents of the lottery gaming facility manager and of ancillary lottery gaming facility operations, as determined by the Kansas racing and gaming commission; auditing of lottery gaming facility revenues; enforcement of all state laws and maintenance of the integrity of gaming operations; and

(20) include enforceable provisions: (A) Prohibiting the state, until July 1, 2022, from (i) entering into management contracts for more than three lottery gaming facilities or similar gaming facilities, one to be located in the northeast Kansas gaming zone, one to be located in the south central Kansas gaming zone and one to be located in the southeast Kansas gaming zone, (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the lottery gaming facility manager an amount equal to the privilege fee paid by such lottery gaming facility manager, plus interest on such amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(i) The power of eminent domain shall not be used to acquire any interest in real property for use in a lottery gaming enterprise.

(j) Any proposed management contract for which the privilege fee has not been paid to the state treasurer within 30 days after the date of approval of the management contract shall be null and void.

(k) A person who is the manager of the racetrack gaming facility in a gaming zone shall not be eligible to be the manager of the lottery gaming facility in the same zone.

(l) Management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine the lottery gaming facility revenues, unclaimed prizes and credits;

(2) minimum requirements for a lottery gaming facility manager to provide qualified oversight, security and supervision of the lottery facility games including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a lottery gaming facility manager who will have responsibility for or involvement with actual gaming activities or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing requirements for any employee, contractor or agent of the lottery gaming facility manager or of any ancillary lottery gaming facility operation as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct any lottery facility game in a legal and fair manner.

(m) A management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated. The trustee of any insolvent or bankrupt lottery gaming facility manager may con-

tinue to operate pursuant to the management contract under order of the appropriate court for no longer than one year after the bankruptcy or insolvency of such manager.

(n) (1) The Kansas lottery shall be the licensee and owner of all software programs used at a lottery gaming facility for any lottery facility game.

(2) A lottery gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery all lottery facility games. All lottery facility games shall be subject to the ultimate control of the Kansas lottery in accordance with this act.

(o) A lottery gaming facility shall comply with any planning and zoning regulations of the city or county in which it is to be located. The executive director shall not contract with any prospective lottery gaming facility manager for the operation and management of such lottery gaming facility unless such manager first receives any necessary approval under planning and zoning requirements of the city or county in which it is to be located.

(p) Prior to expiration of the term of a lottery gaming facility management contract, the lottery commission may negotiate a new lottery gaming facility management contract with the lottery gaming facility manager if the new contract is substantially the same as the existing contract. Otherwise, the lottery gaming facility review board shall be reconstituted and a new lottery gaming facility management contract shall be negotiated and approved in the manner provided by this act.

New Sec. 4. (a) There is hereby created the lottery gaming facility review board. The board shall consist of:

- (1) Three members appointed by the governor;
- (2) two members appointed by the president of the senate; and
- (3) two members appointed by the speaker of the house of representatives.

(b) To be eligible for appointment to the board, a person shall submit to the appointing authority evidence of significant business experience, particularly in business development and location of new businesses to maximize revenue.

(c) A person shall not be eligible for appointment to the board if the person:

- (1) Is a resident of or owns property in a gaming zone;
- (2) has an interest in any business domiciled in or conducting a significant portion of its business in a gaming zone; or

(3) has, or has had during the preceding two years, either directly or indirectly, a financial interest in or is, or has been during the preceding two years, employed by or a consultant to a prospective lottery gaming facility manager or any ancillary lottery gaming facility operations proposed by a prospective lottery gaming facility manager.

(d) Not more than four members of the board shall be members of the same political party.

(e) The governor shall designate one member of the board to serve as chairperson of the board.

(f) The vote of at least four members of the board shall be required to take action.

(g) Subject to the limitations of appropriations therefor, members of the board shall receive such compensation as determined by the governor. Members of the board attending meetings of the board or subcommittee meetings thereof approved by the board shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(h) The board is hereby attached to the Kansas racing and gaming commission as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered by the executive director of the Kansas racing and gaming commission and the executive director shall provide office and meeting space and such clerical and other staff assistance as may be necessary to assist the board in carrying out its powers, duties and functions under this act. The board may employ any experts, consultants or other professionals at the expense of a prospective lottery gaming facility manager to provide assistance in evaluating a lottery gaming facility management contract submitted to the board.

New Sec. 5. (a) Upon approval of a lottery gaming facility management contract by the commission, but not later than 90 days after the deadline for receipt of proposals established pursuant to subsection (b) of section 3, and amendments thereto, the executive director and the prospective lottery gaming facility manager shall execute the contract, which shall be binding upon the parties only upon a determination by the lottery gaming facility review

board pursuant to this section that the contract is the best possible such contract, approval of the contract by the Kansas racing and gaming commission pursuant to this section and endorsement by resolution of the city governing body or county commission as required in section 3, and amendments thereto.

(b) Upon execution of a lottery gaming facility management contract or contracts by the executive director, the executive director shall submit such contract or contracts to the lottery gaming facility review board. The board shall determine which contract best maximizes revenue, encourages tourism and otherwise serves the interests of the people of Kansas. In making its determination, the board shall conduct public hearings, take testimony, solicit the advice of experts and investigate the merits of each contract submitted by the executive director.

(c) Within 30 days after execution of a lottery gaming facility management contract with a parimutuel licensee for development of a lottery gaming facility at a parimutuel licensee location, the parimutuel licensee must submit to the Kansas racing and gaming commission, for approval by the commission, a plan for compliance with the requirements for live racing and purse supplements established pursuant to sections 14 and 36, and amendments thereto. Upon application of a parimutuel licensee, the Kansas racing and gaming commission shall open a proceeding to consider such licensee's proposal for development of a lottery gaming facility at the parimutuel licensee location. Such proposal shall include provisions for: (1) Compliance with the requirements of section 14, and amendments thereto; (2) payment of purse supplements from the appropriate funds established by section 36, and amendments thereto; and (3) a plan for protecting and promoting live racing in Kansas. The Kansas racing and gaming commission shall hear evidence and testimony from all interested parties. Upon a finding by the Kansas racing and gaming commission that the proposal is in the best interest of live racing in Kansas and more beneficial to live racing than placement of electronic gaming machines at such parimutuel licensee location, the Kansas racing and gaming commission may approve such proposal. The Kansas racing and gaming commission shall notify the lottery gaming facility review board of the commission's approval or disapproval of the proposal. If the Kansas racing and gaming commission does not approve the proposal, the lottery gaming facility review board shall not give further consideration to the lottery gaming facility management contract with the parimutuel licensee and the executive director shall direct the state treasurer to refund, without interest, the privilege fee paid pursuant to such contract.

(d) (1) Not more than 60 days after all lottery gaming facility management contracts for a lottery gaming facility in a gaming zone have been submitted to the lottery gaming facility review board, the board: (A) If more than one lottery gaming facility management contract has been submitted for a lottery gaming facility in a gaming zone, shall select by public vote the lottery gaming facility management contract, if any, which the board determines is the best possible such contract; or (B) if the executive director submits only one lottery gaming facility management contract for a lottery gaming facility in a gaming zone, shall determine whether such contract is the best possible such contract.

(2) If the board cannot reach agreement that a lottery gaming facility management contract is the best possible such contract, the board shall request the executive director to renegotiate the contract or contracts until the board determines that the best possible such contract or contracts have been executed.

(e) Upon a determination by the lottery gaming facility review board that a lottery gaming facility management contract is the best possible such contract, the board shall submit the contract to the Kansas racing and gaming commission for approval. The Kansas racing and gaming commission shall conduct such background investigations of prospective lottery gaming facility managers, their directors and officers and any other persons having an interest in such prospective managers, as determined in accordance with rules and regulations adopted by the Kansas racing and gaming commission. Upon completion of such investigations and approval of the background of the prospective lottery gaming facility manager, directors, officers and other persons having an interest in such prospective manager, but not more than 10 days after receiving the recommendation of the lottery gaming facility review board, the Kansas racing and gaming commission shall vote to approve in whole or reject in whole the recommendation of the lottery gaming facility review board. If the Kansas

racing and gaming commission does not approve the background of such prospective lottery gaming facility manager, directors, officers and other persons having an interest in such prospective manager or does not approve the recommendation of the lottery gaming facility review board, the Kansas racing and gaming commission shall notify the executive director of the lottery and the process for selection of a lottery gaming facility manager shall begin again in the manner provided in sections 3 and 4, and amendments thereto.

(f) The deadline for receipt of proposals established pursuant to subsection (b) of section 3, and amendments thereto, the time limit imposed by subsection (a) for action by the lottery commission, the time limit imposed by subsection (d) for action by the lottery gaming facility review board or the time limit imposed by subsection (e) for action by the Kansas racing and gaming commission, upon application by the respective commission or board, may be extended by the governor for a period not to exceed 60 days if the governor, in the governor's discretion, determines that the respective commission or board has acted on good faith to comply with the time limit. Failure to comply with any such time limit, unless extended as provided by this subsection, or to comply with an extended time limit authorized by this subsection, shall render the respective commission or board subject to relief in the form of mandamus, injunction or other legal remedy.

New Sec. 14. (a) All information and data required to be furnished to the Kansas lottery or the Kansas racing and gaming commission pursuant to sections 10 through 16, and amendments thereto, or which may otherwise be obtained, relative to the finances, earnings or revenue, except the net electronic gaming machine income, of any vendor shall be considered confidential and shall not be revealed in whole or in part without permission of the vendor, except (1) in the course of the necessary administration of the Kansas expanded lottery act, (2) upon the lawful order of a court of competent jurisdiction or (3) to a duly authorized law enforcement agency.

(b) All information and data pertaining to a vendor's criminal record, family and background furnished to or obtained by the Kansas lottery or Kansas racing and gaming commission pursuant to sections 10 through 16, and amendments thereto, from any source shall be considered confidential and shall not be revealed, in whole or part. Such information shall be released upon the lawful order of a court of competent jurisdiction or to a duly authorized law enforcement agency.

(c) Notice of the contents of any information released, except to a duly authorized law enforcement agency pursuant to this section, shall be given to any applicant, certificate holder or vendor in a manner prescribed by the rules and regulations adopted by the commission.

New Sec. 15. (a) Except as provided in subsection (b):

(1) No electronic gaming machines shall be operated at a parimutuel licensee location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 with at least 13 live races conducted each day for not less than five days per week.

(2) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee shall not be required to conduct the second live race restricted to Kansas-bred horses unless there are at least seven qualified entries for such race, and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.

(3) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts

at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.

(4) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.

(b) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection (a) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.

New Sec. 16. (a) Net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by section 36, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(3) 7% of net electronic gaming machine income shall be credited to the live greyhound racing purse supplement fund established by section 36, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(4) (A) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the racetrack gaming facility revenues to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the racetrack gaming facility revenues to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(5) (A) if the racetrack gaming facility is located in the southeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the racetrack gaming facility revenues to the county in which the racetrack gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the racetrack gaming facility is located in the southeast Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the racetrack gaming facility revenues to the city in which the racetrack gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;

(6) if the racetrack gaming facility is located in the south central Kansas gaming zone, provide for payment of an amount equal to 1.5% of the racetrack gaming facility revenues to the city of Wichita and an amount equal to 1.5% of such revenues to Sedgwick county;

(7) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2006 Supp. 79-4805, and amendments thereto;

(8) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;

(9) 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and

(10) 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)(9).

New Sec. 17. The Kansas lottery commission, upon the recommendation of the executive director, shall adopt rules and regulations necessary to carry out the purposes of this act. Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register.

New Sec. 18. (a) Electronic gaming machines operated pursuant to this act, including those operated as lottery facility games, shall:

(1) Pay out an average of not less than 87% of the amount wagered over the life of the machine;

(2) be directly linked to a central lottery communications system to provide monitoring, auditing and other available program information to the Kansas lottery;

(3) be on-line and in constant communication with a central computer situated at a location determined by the executive director and specified in the lottery gaming facility or racetrack gaming facility management contract; and

(4) be subject to deactivation at any time by order of the executive director.

(b) The communications systems selected by the executive director shall not limit participation to only one electronic gaming machine manufacturer, distributor, supplier or provider. The lottery gaming facility manager or racetrack gaming facility manager shall lease or purchase for the Kansas lottery and at such gaming facility manager's expense all equipment necessary to implement such central communications and auditing functions.

New Sec. 19. (a) Each specific type of electronic gaming machine and lottery facility game shall be approved by the Kansas racing and gaming commission. The Kansas racing and gaming commission shall examine prototypes of electronic gaming machines and lottery facility games and shall notify the lottery gaming facility manager or racetrack gaming facility manager which types of electronic gaming machines or lottery facility games are in compliance with the requirements of this act. The use of progressive electronic gaming machines is expressly permitted.

(b) No electronic gaming machine or lottery facility game shall be operated pursuant to this act unless the executive director of the racing and gaming commission first issues a certificate for such machine or game authorizing its use at a specified location. Each electronic gaming machine and lottery facility game shall have such certificate prominently displayed thereon. Any electronic gaming machine or lottery facility game which does not display the certificate required by this section is contraband and a public nuisance subject to confiscation by any law enforcement officer.

(c) The executive director of the racing and gaming commission shall require any manufacturer, supplier, provider, lottery gaming facility manager, racetrack gaming facility manager or other person seeking the examination and certification of electronic gaming machines or lottery facility games to pay the anticipated actual costs of the examination in advance. After the completion of the examination, the executive director of the Kansas racing and gaming commission shall refund any overpayment or charge and collect amounts sufficient

to reimburse the executive director for any underpayment of actual costs. The executive director of the Kansas racing and gaming commission may contract for the examination of electronic gaming machines and lottery facility games required by this section, and may rely upon testing done by or for other states regulating electronic gaming machines or lottery facility games, if the executive director deems such testing to be reliable and in the best interest of the state of Kansas.

(d) The executive director of the Kansas lottery or the executive director of the Kansas racing and gaming commission may remove from play and confiscate any electronic gaming machine or gray machine that does not comply with the requirements of the Kansas expanded lottery act. Any electronic gaming machine that the executive director or the executive director of the racing and gaming commission determines has been modified or the design of which has been modified without the consent of the executive director of the Kansas lottery may be removed from play, confiscated by either such executive director and disposed of in any manner allowed by law.

New Sec. 20. The Kansas racing and gaming commission, through rules and regulations, shall establish:

(a) A certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a 0.5% or more interest in a lottery gaming facility manager or racetrack gaming facility manager. Such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(b) a certification requirement, and enforcement procedure, for those persons, including electronic gaming machine manufacturers, technology providers and computer system providers, who propose to contract with a lottery gaming facility manager, a racetrack gaming facility manager or the state for the provision of goods or services related to a lottery gaming facility or racetrack gaming facility, including management services. Such certification requirements shall include compliance with such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a 0.5% or more interest in such entity as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits and associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. If the executive director of the racing and gaming commission determines the certification standards of another state are comprehensive, thorough and provide similar adequate safeguards, the executive director may certify an applicant already certified in such state without the necessity of a full application and background check. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(c) provisions for revocation of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a 0.5% or more interest therein: (1) Has knowingly provided false or misleading material information to the Kansas lottery or its employees; or (2) has been convicted of a felony, gambling related offense or any crime of moral turpitude; and

(d) provisions for suspension, revocation or nonrenewal of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a 0.5% or more interest therein: (1) Has failed to

notify the Kansas lottery about a material change in ownership of the certificate holder, or any change in the directors or officers thereof; (2) is delinquent in remitting money owed to the Kansas lottery; (3) has violated any provision of any contract between the Kansas lottery and the certificate holder; or (4) has violated any provision of the Kansas expanded lottery act or any rule and regulation adopted hereunder.

New Sec. 21. (a) The executive director of the Kansas lottery and the executive director of the Kansas racing and gaming commission, or their designees, may observe and inspect all electronic gaming machines, lottery facility games, lottery gaming facilities, racetrack gaming facilities and all related equipment and facilities operated by a lottery gaming facility manager or racetrack gaming facility manager.

(b) In addition to any other powers granted pursuant to this act, the executive director of the racing and gaming commission shall have the power to:

(1) Examine, or cause to be examined by any agent or representative designated by such executive director, any books, papers, records or memoranda of any lottery gaming facility manager or racetrack gaming facility manager, or of any business involved in electronic gaming machines or lottery facility games authorized pursuant to the Kansas expanded lottery act, for the purpose of ascertaining compliance with any provision of the Kansas lottery act, the Kansas expanded lottery act, or any rules and regulations adopted thereunder;

(2) investigate alleged violations of the Kansas expanded lottery act and alleged violations of any rules and regulations, orders and final decisions of the Kansas lottery commission, the executive director of the Kansas lottery, the Kansas racing and gaming commission or the executive director of the Kansas racing and gaming commission;

(3) request a court to issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any lottery gaming facility manager or racetrack gaming facility manager related to the management of the lottery gaming facility or racetrack gaming facility, or to compel the appearance of any lottery gaming facility manager or racetrack gaming facility manager for the purpose of ascertaining compliance with the provisions of the Kansas lottery act and the Kansas expanded lottery act or rules and regulations adopted thereunder;

(4) inspect and approve, prior to publication or distribution, all advertising by a lottery gaming facility manager or racetrack gaming facility manager which includes any reference to the Kansas lottery; and

(5) take any other action as may be reasonable or appropriate to enforce the provisions of the Kansas expanded lottery act and any rules and regulations, orders and final decisions of the executive director of the Kansas lottery, the Kansas lottery commission, the executive director of the Kansas racing commission or the Kansas racing and gaming commission.

(c) Appropriate security measures shall be required in any and all areas where electronic gaming machines and other lottery facility games authorized pursuant to the Kansas expanded lottery act are located or operated. The executive director of the Kansas racing and gaming commission shall approve all such security measures.

(d) The executive director of the Kansas racing and gaming commission shall require an annual audit of the operations of each lottery gaming facility and ancillary lottery gaming facility operations and each racetrack gaming facility as determined by the commission. Such audit shall be conducted by the Kansas racing and gaming commission or a licensed accounting firm approved by the executive director of the Kansas racing and gaming commission and shall be conducted at the expense of the lottery gaming facility manager or racetrack facility manager.

(e) None of the information disclosed pursuant to subsection (b) or (d) shall be subject to disclosure under the Kansas open records act, K.S.A. 45-216 et seq., and amendments thereto.

New Sec. 22. (a) No revenue bonds, tax increment financing or similar financing shall be used to finance any part of any lottery gaming enterprise or any racetrack gaming facility.

(b) No state or local tax abatement shall apply to any part of any lottery gaming enterprise or any racetrack gaming facility.

New Sec. 23. Each lottery gaming facility manager and each racetrack gaming facility manager shall hold the executive director, the commission and the state harmless from and defend any and all claims which may be asserted against the executive director, the com-

mission and the state, or the agents or employees thereof, arising from the operation of electronic gaming machines, lottery facility games or other lottery-type games pursuant to the Kansas expanded lottery act. This section may be satisfied by procurement of insurance by the lottery gaming facility manager or racetrack gaming facility manager, naming the executive director, the commission and the state as additional insured parties. Procurement of such insurance by a lottery gaming facility manager shall be a lottery gaming facility expense of the lottery gaming facility and procurement of such insurance by a racetrack gaming facility manager shall be a racetrack gaming facility expense of the racetrack gaming facility. The provisions of this section shall not apply to any claims arising from a negligent act or omission or willful or malicious misconduct of the executive director, the commission or the state, or the agents or employees thereof.

New Sec. 24. As a condition precedent to contracting for the privilege of being a lottery gaming facility manager or a racetrack gaming facility manager, such manager shall file with the secretary of state of this state a written and irrevocable consent that any action or garnishment proceeding may be commenced against such manager in the proper court of any county in this state by the service of process on a resident agent, and stipulating and agreeing that such service shall be valid and binding as if service had been made upon such manager. Such written consent shall state that the courts of this state have jurisdiction over the person of the lottery gaming facility manager or racetrack gaming facility manager and are the proper and convenient forum for such action and shall waive the right to request a change of jurisdiction or venue to a court outside this state and that all actions arising under this act and commenced by such manager shall be brought in this state's courts as the proper and convenient forum. Such consent shall be executed by the lottery gaming facility manager or racetrack gaming facility manager and, if a corporation, by the president and secretary of such corporate manager. Such consent shall be accompanied by a certified copy of the order or resolution of the board of directors, trustees or managers authorizing the president and secretary to execute the same.

New Sec. 25. (a) Wagers shall be received only from a person at the location where the electronic gaming machine or lottery facility game is authorized pursuant to the Kansas expanded lottery act. No person present at such location shall place or attempt to place a wager on behalf of another person who is not present at such location.

(b) No employee or contractor of, or other person who has any legal affiliation with, a racetrack gaming facility manager shall loan money to or otherwise extend credit to patrons of the parimutuel licensee.

(c) No employee or contractor of, or other person who has any legal affiliation with, a lottery gaming facility manager shall loan money to or otherwise extend credit to patrons of a lottery gaming facility.

(d) Violation of this section is a class A nonperson misdemeanor upon a conviction for a first offense. Violation of this section is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

New Sec. 26. (a) A person less than 21 years of age shall not be permitted in an area where electronic gaming machines or lottery facility games are being conducted, except for a person at least 18 years of age who is an employee of the lottery gaming facility manager or the racetrack gaming facility manager. No employee under age 21 shall perform any function involved in gaming by the patrons.

(b) No person under age 21 shall play or make a wager on an electronic gaming machine game or a lottery facility game.

New Sec. 27. (a) Except as authorized in subsection (c), it is unlawful for any racetrack gaming facility manager, or any employee or agent thereof, to allow any person to play an electronic gaming machine game at a racetrack gaming facility, or share in winnings of such person, knowing such person to be:

- (1) Less than 21 years of age;
- (2) the executive director of the Kansas lottery, a member of the Kansas lottery commission or an employee of the Kansas lottery;
- (3) the executive director, a member or an employee of the Kansas racing and gaming commission;

(4) an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment or tickets to the Kansas lottery for use in the operation of any lottery conducted pursuant to the Kansas expanded lottery act;

(5) an employee or agent of the racetrack gaming facility manager;

(6) a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent of a person described by subsection (a)(2), (a)(3), (a)(4) or (a)(5); or

(7) a person who resides in the same household as any person described by subsection (a)(2), (a)(3), (a)(4) or (a)(5).

Violation of this subsection is a class A nonperson misdemeanor upon conviction for a first offense. Violation of this subsection is a severity level 9, nonperson felony upon conviction for the second or a subsequent offense.

(b) Except as authorized in subsection (c), it is unlawful for any lottery gaming facility manager, or its employees or agents, to allow any person to play electronic gaming machines or lottery facility games at a lottery gaming facility or share in winnings of such person knowing such person to be:

(1) Under 21 years of age;

(2) the executive director of the Kansas lottery, a member of the Kansas lottery commission or an employee of the Kansas lottery;

(3) the executive director, a member or an employee of the Kansas racing and gaming commission;

(4) an employee or agent of the lottery gaming facility manager;

(5) an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment to the Kansas lottery for use in the operation of any electronic gaming machine or lottery facility game conducted pursuant to the Kansas expanded lottery act;

(6) a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent of a person described in subsection (b)(2), (b)(3), (b)(4) or (b)(5); or

(7) a person who resides in the same household as any person described by subsection (b)(2), (b)(3), (b)(4) or (b)(5).

Violation of this subsection is a class A nonperson misdemeanor upon conviction for a first offense. Violation of this subsection is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

(c) The executive director of the Kansas racing and gaming commission may authorize in writing any employee of the Kansas racing and gaming commission and any employee of a lottery vendor to play an electronic gaming machine game or a lottery facility game to verify the proper operation thereof with respect to security and contract compliance. Any prize awarded as a result of such ticket purchase shall become the property of the Kansas lottery and be added to the prize pools of subsequent electronic gaming machine games or lottery facility games. No money or merchandise shall be awarded to any employee playing an electronic gaming machine game or a lottery facility game pursuant to this subsection.

New Sec. 28. Except for persons acting in accordance with rules and regulations of the Kansas racing and gaming commission or by written authority of the executive director of the Kansas racing and gaming commission in performing installation, maintenance and repair services, any person who, with the intent to manipulate the outcome, pay out or operation of an electronic gaming machine game or a lottery facility game, manipulates by physical, electrical or mechanical means the outcome, pay out or operation of such game shall be guilty of a severity level 8, nonperson felony.

New Sec. 29. (a) Except in accordance with rules and regulations of the Kansas racing and gaming commission or by written authority from the executive director of the Kansas racing and gaming commission in performing installation, maintenance, inspection and repair services, it is a class A nonperson misdemeanor for the following to place a wager on or play an electronic gaming machine game or a lottery facility game at a lottery gaming facility in this state: The executive director of the Kansas lottery, a member of the Kansas lottery commission or any employee or agent of the Kansas lottery; the executive director, a member or any employee or agent of the Kansas racing and gaming commission; or the lottery gaming facility manager or any employee of the lottery gaming facility manager.

(b) Except in accordance with rules and regulations of the Kansas racing and gaming commission or by written authority from the executive director of the Kansas racing and

gaming commission in performing installation, maintenance, inspection and repair services, it is a class A nonperson misdemeanor for the following to place a wager on or play an electronic gaming machine at a racetrack gaming facility in this state: The executive director of the Kansas lottery, a member of the Kansas lottery commission or any employee or agent of the Kansas lottery; the executive director, a member or any employee or agent of the Kansas racing and gaming commission; or the racetrack gaming facility manager or any employee of the racetrack gaming facility manager.

(c) It is a severity level 8, nonperson felony for any person playing or using any electronic gaming machine in Kansas knowingly to:

(1) Use other than a lawful coin or legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in an electronic gaming machine, except that in the playing of any electronic gaming machine or similar gaming device, it shall be lawful for any person to use gaming billets, tokens or similar objects therein which are approved by the Kansas racing and gaming commission;

(2) possess or use, while on premises where electronic gaming machines are authorized pursuant to the Kansas expanded lottery act, any cheating or thieving device, including, but not limited to, tools, wires, drills, coins attached to strings or wires or electronic or magnetic devices to facilitate removing from any electronic gaming machine any money or contents thereof, except that a duly authorized agent or employee of the Kansas racing and gaming commission, lottery gaming facility manager or racetrack gaming facility manager may possess and use any of the foregoing only in furtherance of the agent's or employee's employment at the lottery gaming facility or racetrack gaming facility; or

(3) possess or use while on the premises of a lottery gaming facility or racetrack gaming facility, or any location where electronic gaming machines are authorized pursuant to this act, any key or device designed for the purpose of or suitable for opening or entering any electronic gaming machine or similar gaming device or drop box.

(d) Any duly authorized agent or employee of the Kansas racing and gaming commission, a lottery gaming facility manager or a racetrack gaming facility manager may possess and use any of the devices described in subsections (c)(3) and (c)(4) in furtherance of inspection or testing as provided in the Kansas expanded lottery act or in furtherance of such person's employment at any location where any electronic gaming machine or similar gaming device or drop box is authorized pursuant to the Kansas expanded lottery act.

New Sec. 30. It shall be a severity level 9, nonperson felony for any person to place in operation or continue to have in place any gray machine for use by members of the public at any location in this state.

New Sec. 31. (a) As used in this section:

(1) "Affiliated person" means:

(A) Any member of the immediate family of a state or local official; or

(B) any partnership, firm, corporation or limited liability company with which a state or local official is associated or in which a state or local official has an interest, or any partner, officer, director or employee thereof while the state or local official is associated with such partnership, firm, corporation or company.

(2) "State or local official" means any person who, on or after January 9, 2006, is:

(A) Any state officer or employee required to file a written statement of substantial interests pursuant to the state governmental ethics law and any other state officer or employee with responsibility for matters affecting activities or operations of any lottery gaming facility or racetrack gaming facility;

(B) the governor or any full-time professional employee of the office of the governor;

(C) any member of the legislature and any full-time professional employee of the legislature;

(D) any justice of the supreme court, judge of the court of appeals or judge of the district court;

(E) the head of any state agency, the assistant or deputy heads of any state agency, or the head of any division within a state agency; or

(F) any member of the governing body of a city or county where a lottery gaming facility or racetrack gaming facility is located; any municipal or county judge of such city or county; any city, county or district attorney of such city or county; and any member of or attorney

for the planning board or zoning board of such city or county and any professional planner or consultant regularly employed or retained by such planning board or zoning board.

(b) No state or local official or affiliated person shall hold, directly or indirectly, an interest in, be employed by, represent or appear for a lottery gaming facility or racetrack gaming facility, or for any lottery gaming facility manager or racetrack gaming facility manager, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter.

No state or local official or affiliated person shall represent, appear for or negotiate on behalf of any person submitting a proposal for a lottery gaming facility or racetrack gaming facility, or on behalf of any lottery gaming facility manager or racetrack gaming facility manager, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter.

(c) No state or local official or affiliated person, within five years immediately subsequent to the termination of the office or employment of the official, shall hold, directly or indirectly, an interest in, be employed by or represent, appear for or negotiate on behalf of any person submitting a proposal for a lottery gaming facility or racetrack gaming facility, or on behalf of any lottery gaming facility manager or racetrack gaming facility manager, in connection with any cause, application or matter, or on behalf of any holding or intermediary company with respect thereto, in connection with any phase of development of a lottery gaming facility or racetrack gaming facility or any other matter whatsoever related to activities or operations of a lottery gaming facility or racetrack gaming facility.

(d) No state or local official shall solicit or accept, directly or indirectly, any complimentary service or discount from any person submitting a proposal for a lottery gaming facility or racetrack gaming facility, or from any lottery gaming facility manager or racetrack gaming facility manager, which such official knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

(e) No state or local official shall influence, or attempt to influence, by use of official authority, the decision of the Kansas lottery commission, lottery gaming facility review board or Kansas racing and gaming commission pursuant to this act; the investigation of a proposal for a lottery gaming facility or racetrack gaming facility pursuant to this act; or any proceeding to enforce the provisions of this act or rules and regulations of the Kansas lottery commission or Kansas racing and gaming commission. Any such attempt shall be reported promptly to the attorney general.

(f) Willful violation of this section is a class A misdemeanor.

New Sec. 32. Each person subject to a background check pursuant to the Kansas expanded lottery act shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the applicant and whether the person has been convicted of any crime that would disqualify the person from engaging in activities pursuant to this act. The executive director is authorized to use the information obtained from the national criminal history record check to determine the person's eligibility to engage in such activities.

New Sec. 33. Each lottery gaming facility manager and each racetrack gaming facility manager shall post one or more signs at the location where such manager operates electronic gaming machines or lottery facility games to inform patrons of the toll-free number available to provide information and referral services regarding compulsive or problem gambling. The text shall be determined by the executive director of the Kansas racing and gaming commission. Failure by a lottery gaming facility manager or racetrack gaming facility manager to post and maintain such signs shall be cause for the imposition of a fine not to exceed \$500 per day.

New Sec. 34. The Kansas lottery, lottery gaming facility managers, racetrack gaming facility managers, lottery gaming facility management contracts and racetrack gaming facility management contracts under the Kansas expanded lottery act shall not be subject to the provisions of and restrictions on major procurement contracts, including, but not limited to, the provisions of K.S.A. 74-8705, and amendments thereto.

New Sec. 35. (a) There is hereby established in the state treasury the expanded lottery receipts fund. Separate accounts shall be maintained in such fund for receipt of moneys from each lottery gaming facility manager and racetrack gaming facility manager. All ex-

penditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director for the purposes set forth in this act.

(b) All lottery gaming facility revenues from lottery gaming facilities and all net electronic gaming machine income from racetrack gaming facilities shall be paid daily and electronically to the executive director. The executive director shall remit all moneys received therefrom to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the respective account maintained for the lottery gaming facility manager or racetrack gaming facility manager in the expanded lottery receipts fund.

(c) The executive director shall certify weekly to the director of accounts and reports the percentages or amounts to be transferred from each account maintained in the expanded lottery receipts fund to the expanded lottery act revenues fund, the live horse racing supplement fund, the live greyhound racing purse supplement fund and the problem gambling and addictions grant fund, as provided by the lottery gaming facility management contract or section 16, and amendments thereto. Upon receipt of the certification, the director of accounts and reports shall transfer amounts from each such account in accordance with the certification of the executive director. Once each month, the executive director shall cause amounts from each such account to be paid to cities, counties and lottery gaming facility managers in accordance with the lottery gaming facility management contract and to racetrack gaming facility managers in accordance with section 16, and amendments thereto.

(d) Amounts remaining in an account in the expanded lottery receipts fund after transfers and payments pursuant to subsection (c) shall be distributed in accordance with the related lottery gaming facility management contract or racetrack gaming facility management contract.

New Sec. 36. (a) (1) There is hereby established in the state treasury the live horse racing purse supplement fund.

(2) Twenty-five percent of all moneys credited to the live horse racing purse supplement fund shall be transferred to the Kansas horse breeding development fund created pursuant to K.S.A. 74-8829, and amendments thereto. Two percent of the moneys credited to the live horse racing purse supplement fund shall be distributed to the official registering agency designated pursuant to K.S.A. 74-8830, and amendments thereto, to be used for horse registration, administration, development, representation and promotion of the Kansas horse racing and breeding industries. A complete financial accounting for the use of the funds received pursuant to this subsection shall be provided annually to the Kansas racing and gaming commission. Fifty percent of the moneys credited to the Kansas horse breeding development fund pursuant to this section shall be used as purse supplements for registered Kansas-bred foals and distributed based upon recommendation from the official horse breed registering agency and approval of the Kansas racing and gaming commission. The balance of funds credited to the Kansas horse breeding development fund pursuant to this section shall be used as breed awards for registered Kansas-bred broodmares and stallions. The Kansas racing and gaming commission shall distribute such moneys credited to the Kansas horse breeding development fund in accordance with K.S.A. 74-8829, and amendments thereto.

(3) Based on the contribution to the Kansas horse racing and breeding industries in Kansas, the balance in the live horse race purse supplement fund shall be distributed in accordance with rules and regulations adopted by the Kansas racing and gaming commission with recommendations by the official registering agency designated pursuant to K.S.A. 74-8830, and amendments thereto.

(b) There is hereby established in the state treasury the live greyhound racing purse supplement fund. Moneys available in such fund shall be paid to the parimutuel licensees for distribution as purse supplements in accordance with rules and regulations of the Kansas racing and gaming commission. Such rules and regulations shall provide that 25% of the total amount credited to such fund shall be transferred to the credit of the Kansas greyhound breeding development fund, created pursuant to K.S.A. 74-8831, and amendments thereto. Moneys transferred into the Kansas greyhound breeding development fund pursuant to this section shall be used to supplement special stake races and enhance the amount per point

paid to the owners of Kansas-whelped greyhounds which win live races at Kansas greyhound tracks in accordance with Kansas racing and gaming commission rules and regulations. Upon the recommendation of the official greyhound breed registry, the Kansas racing and gaming commission may transfer moneys from the Kansas greyhound breeding development fund to the live greyhound racing purse supplement fund.

(c) All purse supplements paid pursuant to this act shall be according to the point schedule in effect on January 1, 2003, at the respective parimutuel licensee locations. All purse supplements paid pursuant to this section shall be in addition to purses and supplements paid under K.S.A. 74-8801 et seq., and amendments thereto.

New Sec. 37. There is hereby created the expanded lottery act revenues fund in the state treasury. All expenditures and transfers from such fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be expended or transferred only for the purposes of reduction of state debt, state infrastructure improvements and reduction of local ad valorem tax in the same manner as provided for allocation of amounts in the local ad valorem tax reduction fund.

New Sec. 38. Each person subject to a background check pursuant to the Kansas expanded lottery act shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the applicant and whether the person has been convicted of any crime that would disqualify the person from engaging in activities pursuant to this act. The executive director of the Kansas racing and gaming commission is authorized to use the information obtained from the national criminal history record check to determine the person's eligibility to engage in such activities.

New Sec. 39. (a) No taxes, fees, charges, transfers or distributions, other than those provided for in the Kansas expanded lottery act, shall be made or levied by any city, county or other municipality from or against lottery gaming facility revenues of lottery gaming facilities or net electronic gaming machine income of racetrack gaming facilities.

(b) All sales of games on electronic gaming machines authorized by the Kansas expanded lottery act shall be exempt from sales taxes imposed pursuant to K.S.A. 12-187 et seq., and 79-3601 et seq., and amendments thereto.

New Sec. 40. Pursuant to section 2 of the federal act entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," 15 U.S.C. 1171 through 1777, the state of Kansas, acting by and through the duly elected and qualified members of the legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such federal act, declare and proclaims that it is exempt from the provision of section 2 of such federal act to the extent that such gambling devices as described therein are being transported to or from the Kansas lottery or to or from a lottery gaming facility or racetrack gaming facility or a location within the state of Kansas where such gambling devices are authorized pursuant to the Kansas expanded lottery act.

New Sec. 41. The Kansas racing and gaming commission shall adopt such rules and regulations as the commission deems necessary to carry out the duties and functions of the commission pursuant to the Kansas expanded lottery act. Such rules and regulations shall include, but not be limited to, rules and regulations:

(a) Promoting the integrity of the gaming and finances of lottery gaming facilities and racetrack gaming facilities and shall meet or exceed industry standards for monitoring and controlling the gaming and finances of lottery gaming facility operations and racetrack gaming facility operations and shall give the Kansas racing and gaming commission sufficient authority to monitor and control the gaming operation and to ensure its integrity and security;

(b) prescribing the on-site security arrangements for lottery gaming facilities and racetrack gaming facilities;

(c) requiring reporting of information about any lottery gaming facility manager or racetrack gaming facility manager, and its employees, vendors and finances, necessary or desirable to ensure the security of lottery gaming facility and racetrack gaming facility operations. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act;

(d) requiring reporting and auditing of financial information of lottery gaming facility managers and racetrack gaming facility managers, including, but not limited to, the reporting of profits or losses incurred by lottery gaming facility managers and racetrack gaming facility managers and the reporting of such other information as the Kansas racing and gaming commission requires to determine compliance with the Kansas expanded lottery act and rules and regulations adopted hereunder. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act; and

(e) provisions for oversight of all lottery gaming facility operations and racetrack gaming facility operations, including, but not limited to, oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and credentialing of employees, contractors and agents of lottery gaming facility managers, ancillary lottery gaming facility operations and racetrack gaming facilities; auditing of lottery gaming facility revenues and net electronic gaming machine income of racetrack gaming facilities; enforcement of all state laws; and maintenance of the integrity of lottery gaming facility and racetrack gaming facility operations.

New Sec. 42. The Kansas racing and gaming commission shall appoint or employ such officers and employees as the commission deems necessary to implement, administer and enforce the provisions of the Kansas expanded lottery act and may designate not more than 25 of such officers and employees to be in the unclassified service under the Kansas civil service act.

New Sec. 43. (a) A racetrack facility shall not be subject to subdivision regulations of a city but shall be subject to the Kansas fire prevention code adopted by the state fire marshal.

(b) This section shall be part of and supplemental to the Kansas parimutuel racing act.

Sec. 44. K.S.A. 74-8710 is hereby amended to read as follows: 74-8710. (a) The commission, upon the recommendation of the executive director, shall adopt rules and regulations governing the establishment and operation of a state lottery, *sales of lottery tickets and the operation of lottery gaming facilities and racetrack gaming facilities* as necessary to carry out the purposes of ~~this~~ *the Kansas lottery act and the Kansas expanded lottery act*. Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent rules and regulations may include but shall not be limited to:

(1) Subject to the provisions of subsection (c), the types of lottery games to be conducted, including, but not limited to, instant lottery, on-line ~~and~~ traditional games, *lottery facility games and electronic gaming machine games* but not including games on video lottery machines or lottery machines.

(2) The manner of selecting the winning tickets or shares, except that, if a lottery game utilizes a drawing of winning numbers, a drawing among entries or a drawing among finalists, such drawings shall always be open to the public and shall be recorded on both video and audio tape.

(3) The manner of payment of prizes to the holders of winning tickets or shares.

(4) The frequency of the drawings or selections of winning tickets or shares.

(5) The type or types of locations at which tickets or shares may be sold.

(6) The method or methods to be used in selling tickets or shares.

(7) Additional qualifications for the selection of lottery retailers and the amount of application fees to be paid by each.

(8) The amount and method of compensation to be paid to lottery retailers, including special bonuses and incentives.

(9) Deadlines for claims for prizes by winners of each lottery game.

(10) Provisions for confidentiality of information submitted by vendors pursuant to K.S.A. 74-8705, and amendments thereto.

(11) Information required to be submitted by vendors, in addition to that required by K.S.A. 74-8705, and amendments thereto.

(12) The major procurement contracts or portions thereof to be awarded to minority business enterprises pursuant to subsection (a) of K.S.A. 74-8705, and amendments thereto, and procedures for the award thereof.

(13) *Rules and regulations to implement, administer and enforce the provisions of the Kansas expanded lottery act. Such rules and regulations shall include, but not be limited to, rules and regulations which govern management contracts and which are designed to (A) ensure the integrity of electronic gaming machines and other lottery facility games and the finances of lottery gaming facilities and racetrack gaming facilities and (B) alleviate problem gambling, including a requirement that each lottery gaming facility and each racetrack gaming facility maintain a self-exclusion list by which individuals may exclude themselves from access to electronic gaming machines and other lottery facility games.*

(14) *The types of electronic gaming machines, lottery facility games and electronic gaming machine games to be operated pursuant to the Kansas expanded lottery act.*

(b) No new lottery game shall commence operation after the effective date of this act unless first approved by the governor or, in the governor's absence or disability, the lieutenant governor. *This subsection shall not be construed to require approval of games played on an electronic gaming machine.*

(c) The lottery shall adopt rules and regulations concerning the game of keno. Such rules and regulations shall require that the amount of time which elapses between the start of games shall not be less than four minutes.

Sec. 45. K.S.A. 2006 Supp. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) Except as provided by K.S.A. 2006 Supp. 74-8724 and the Kansas expanded lottery act, and amendments thereto, the executive director shall remit all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all costs incurred in the operation and administration of the Kansas lottery; all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including but not limited to supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications and distribution of tickets and shares; and reimbursement of costs of facilities and services provided by other state agencies;

(2) the payment of compensation to lottery retailers;

(3) transfers of moneys to the lottery prize payment fund pursuant to K.S.A. 74-8712, and amendments thereto;

(4) transfers to the state general fund pursuant to K.S.A. 74-8713, and amendments thereto;

(5) transfers to the state gaming revenues fund pursuant to subsection (d) ~~of this section~~ and as otherwise provided by law; and

(6) transfers to the county reappraisal fund as prescribed by law.

(d) The director of accounts and reports shall transfer moneys in the lottery operating fund to the state gaming revenues fund created by K.S.A. 79-4801, and amendments thereto, on or before the 15th day of each month in an amount certified monthly by the executive director and determined as follows, whichever is greater:

(1) An amount equal to the moneys in the lottery operating fund in excess of those needed for the purposes described in subsections (c)(1) through (c)(4); or

(2) except for pull-tab lottery tickets and shares, an amount equal to not less than 30% of total monthly revenues from the sales of lottery tickets and shares less estimated returned tickets. In the case of pull-tab lottery tickets and shares, an amount equal to not less than 20% of the total monthly revenues from the sales of pull-tab lottery tickets and shares less estimated returned tickets.

Sec. 46. K.S.A. 74-8716 is hereby amended to read as follows: 74-8716. (a) It is unlawful for the executive director, a member of the commission or any employee of the Kansas lottery, or any person residing in the household thereof to:

(1) Have, either directly or indirectly, an interest in a business knowing that such business contracts with the Kansas lottery for a major procurement, whether such interest is as a natural person, partner, member of an association, stockholder or director or officer of a corporation; or

(2) accept or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor or service, or hospitality other than food and beverages, having an aggregate value of \$20 or more in any calendar year from a person knowing that such person (A) contracts or seeks to contract with the state to supply gaming equipment, materials, tickets or consulting services for use in the lottery or (B) is a lottery retailer or an applicant for lottery retailer.

(b) It is unlawful for a lottery retailer, an applicant for lottery retailer or a person who contracts or seeks to contract with the state to supply gaming equipment, materials, tickets or consulting services for use in the lottery to offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor or service, or hospitality other than food and beverages, having an aggregate value of \$20 or more in any calendar year to a person, knowing such person is the executive director, a member of the commission or an employee of the Kansas lottery, or a person residing in the household thereof.

(c) It shall be unlawful for any person to serve as executive director, a member of the commission or an employee of the Kansas lottery while or within five years after holding, either directly or indirectly, a financial interest or being employed by or a consultant to any of the following:

(1) Any lottery gaming facility manager, subcontractor or agent of a lottery gaming facility manager, manufacturer or vendor of electronic gaming machines or central computer system provider, or any business which sells goods or services to a lottery gaming facility manager; or

(2) any licensee pursuant to the Kansas parimutuel racing act, other than the Kansas lottery or a person holding a license on behalf of the Kansas lottery, or any business which sells goods or services to a parimutuel licensee.

(d) No person who holds a license issued by the Kansas racing and gaming commission shall serve as executive director or as a member of the commission or shall be employed by the Kansas lottery while or within five years after holding such license.

(e) No person shall participate, directly or indirectly, as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting conducted in this state while executive director, a member of the commission or an employee of the Kansas lottery.

(f) It shall be unlawful for the executive director, a member of the commission or an employee of the Kansas lottery to accept any compensation, gift, loan, entertainment, favor or service from any lottery gaming facility manager, subcontractor or agent of a lottery gaming facility manager, manufacturer or vendor of electronic gaming machines or central computer system provider.

(g) It shall be unlawful for the executive director, a member of the commission or an employee of the Kansas lottery to accept any compensation, gift, loan, entertainment, favor or service from any licensee pursuant to the Kansas parimutuel racing act, except such suitable facilities and services within a racetrack facility operated by an organization licensee as may be required to facilitate the performance of the executive director's, member's or employee's official duties.

~~(h)~~ *(h) Violation of this section is a class A misdemeanor.*

~~(i)~~ *(i) If the executive director, a member of the commission or an employee of the Kansas lottery, or any person residing in the household thereof, is convicted of an act described by this section, such executive director, member or employee shall be removed from office or employment with the Kansas lottery.*

~~(j)~~ *(j) In addition to the provisions of this section, all other provisions of law relating to conflicts of interest of state employees shall apply to the members of the commission and employees of the Kansas lottery.*

Sec. 47. K.S.A. 74-8723 is hereby amended to read as follows: 74-8723. (a) The Kansas lottery and the office of executive director of the Kansas lottery, established by K.S.A. 74-8703, and amendments thereto, and the Kansas lottery commission, created by K.S.A. 74-8709, and amendments thereto, shall be and hereby are abolished on July 1, ~~2009~~ 2022.

(b) This section shall be part of and supplemental to the Kansas lottery act.

Sec. 48. K.S.A. 2006 Supp. 74-8810 is hereby amended to read as follows: 74-8810. (a) It is a class A nonperson misdemeanor for any person to have a financial interest, directly or indirectly, in any racetrack facility within the state of Kansas or in any host facility for a simulcast race displayed in this state:

(1) While such person is executive director or a member of the commission or during the five years immediately following such person's term as executive director or member of the commission; or

(2) while such person is an officer, director or member of an organization licensee, other than a fair association or horsemen's nonprofit organization, or during the five years immediately following the time such person is an officer, director or member of such an organization licensee.

(b) It is a class A nonperson misdemeanor for any person to hold any paid position with any facility manager licensee, facility owner licensee or organization licensee or to have any financial interest, directly or indirectly, in any racetrack facility within the state of Kansas:

(1) While such person is a member of the Kansas legislature or during the five years immediately following such person's term as such member; or

(2) if such person is (A) the spouse of a member of the Kansas legislature, (B) the spouse of a person who has been a member of the Kansas legislature during the preceding five years or (C) one of the following blood-relatives, half-relatives or step-relatives of a member of the Kansas legislature or a person who has been a member of the Kansas legislature during the preceding five years: Parent, grandparent, brother, sister, child, son-in-law, daughter-in-law, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law.

~~(c)~~ (c) It is a class A nonperson misdemeanor for any member, employee or appointee of the commission, including stewards and racing judges, to knowingly:

(1) Participate in the operation of or have a financial interest in any business which has been issued a concessionaire license, racing or wagering equipment or services license, facility owner license or facility manager license, or any business which sells goods or services to an organization licensee;

(2) participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting conducted in this state;

(3) place a wager on an entry in a horse or greyhound race conducted by an organization licensee; or

(4) accept any compensation, gift, loan, entertainment, favor or service from any licensee, except such suitable facilities and services within a racetrack facility operated by an organization licensee as may be required to facilitate the performance of the member's, employee's or appointee's official duties.

~~(d)~~ (d) (1) Except as provided in paragraph (2), it is a class A nonperson misdemeanor for any member, employee or appointee of the commission, or any spouse, parent, grandparent, brother, sister, child, son-in-law, daughter-in-law, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law thereof, to:

(A) Hold any license issued by the commission, except that a steward or racing judge shall hold an occupation license to be such a steward or judge; or

(B) enter into any business dealing, venture or contract with an owner or lessee of a racetrack facility in Kansas.

(2) This subsection shall not apply to any racing judge holding an occupation license, if such racing judge is employed at a racetrack facility and such racing judge's relative, as listed above, is a licensed owner, owner-trainer or trainer of a greyhound that races at a different racetrack facility.

~~(e)~~ (e) It is a class A nonperson misdemeanor for any officer, director or member of an organization licensee, other than a fair association or horsemen's nonprofit organization, to:

(1) Receive, for duties performed as an officer or director of such licensee, any compensation or reimbursement or payment of expenses in excess of the amounts provided by K.S.A.

75-3223 and amendments thereto for board members' compensation, mileage and expenses;
or

(2) enter into any business dealing, venture or contract with the organization licensee or, other than in the capacity of an officer or director of the organization licensee, with a facility owner licensee, facility manager licensee, racing or wagering equipment or services license or concessionaire licensee, or with any host facility for a simulcast race displayed in this state.

~~(f)~~ (f) It is a class A nonperson misdemeanor for any facility owner licensee or facility manager licensee, other than a horsemen's association, or any officer, director, employee, stockholder or shareholder thereof or any person having an ownership interest therein, to participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a live race conducted in this state.

~~(g)~~ (g) It is a class A nonperson misdemeanor for any licensee of the commission, or any person who is an officer, director, member or employee of a licensee, to place a wager at a racetrack facility located in Kansas on an entry in a horse or greyhound race if:

(1) The commission has by rules and regulations designated such person's position as a position which could influence the outcome of such race or the parimutuel wagering thereon; and

(2) such race is conducted at or simulcast to the racetrack facility where the licensee is authorized to engage in licensed activities.

~~(h)~~ (h) It is a class B nonperson misdemeanor for any person to use any animal or fowl in the training or racing of racing greyhounds.

~~(i)~~ (i) It is a class A nonperson misdemeanor for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under ~~18~~ 21 years of age, upon conviction of the first offense;

(2) accept, transmit or deliver, from a person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon conviction of the first offense;

(3) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the first offense;

(4) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the first offense;

(5) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the first offense;

(6) enter any horse or greyhound in any race knowing such horse or greyhound to be ineligible to compete in such race pursuant to K.S.A. 74-8812 and amendments thereto; or

(7) prepare or cause to be prepared an application for registration of a horse pursuant to K.S.A. 74-8830 and amendments thereto knowing that such application contains false information.

~~(j)~~ (j) It is a severity level 8, nonperson felony for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under ~~18~~ 21 years of age, upon conviction of the second or a subsequent offense;

(2) accept, transmit or deliver, from any person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon the second or a subsequent conviction;

(3) conduct or assist in the conduct of a horse or greyhound race, or the display of a simulcast race, where the parimutuel system of wagering is used or is intended to be used and where no license has been issued to an organization to conduct or simulcast such race;

(4) enter any horse or greyhound in any race conducted by an organization licensee knowing that the class or grade in which such horse or greyhound is entered is not the true class or grade or knowing that the name under which such horse or greyhound is entered is not the name under which such horse or greyhound has been registered and has publicly performed;

(5) use or conspire to use any device, other than an ordinary whip for horses or a mechanical lure for greyhounds, for the purpose of affecting the speed of any horse or greyhound at any time during a race conducted by an organization licensee;

(6) possess or conspire to possess, within the confines of a racetrack facility, any device, other than an ordinary whip for horses or a mechanical lure for greyhounds, designed or intended to affect the speed of a horse or greyhound;

(7) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(8) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(9) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(10) sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing such horse or affecting its speed at any time during a race meeting conducted by an organization licensee;

(11) alter or attempt to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee or transmit or receive an altered race or delayed broadcast race if parimutuel wagering is conducted or solicited after off time of the race;

(12) influence or attempt to influence, by the payment or promise of payment of money or other valuable consideration, any person to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee;

(13) influence or attempt to influence any member, employee or appointee of the commission, by the payment or promise of payment of money or other valuable consideration, in the performance of any official duty of that member, employee or appointee;

(14) fail to report to the commission or to one of its employees or appointees knowledge of any violation of this act by another person for the purpose of stimulating or depressing any horse or greyhound, or affecting its speed, at any time during any race conducted by an organization licensee;

(15) commit any of the following acts with respect to the prior racing record, pedigree, identity or ownership of a registered horse or greyhound in any matter related to the breeding, buying, selling or racing of the animal: (A) Falsify, conceal or cover up, by any trick, scheme or device, a material fact; (B) make any false, fictitious or fraudulent statement or representation; or (C) make or use any false writing or document knowing that it contains any false, fictitious or fraudulent statement or entry; or

(16) pass or attempt to pass, cash or attempt to cash any altered or forged parimutuel ticket knowing it to have been altered or forged.

~~(k)~~ (1) No person less than ~~18~~ 21 years of age shall purchase a parimutuel ticket or an interest in such a ticket.

(2) Any person ~~violating less than 18 years of age who violates~~ this subsection shall be subject to adjudication as a juvenile offender pursuant to the revised Kansas juvenile justice code.

(3) *Violation of this subsection by a person 18 or more years of age is a class A misdemeanor upon conviction of the first offense and a severity level 8, nonperson felony upon conviction of the second or a subsequent offense.*

Sec. 49. K.S.A. 74-8814 is hereby amended to read as follows: 74-8814. (a) Subject to the provisions of subsection (b), the commission shall establish by rules and regulations an application fee not exceeding \$500 for any of the following which applies for an organization license and the license fee for any of the following granted an organization license shall be \$100 for each day of racing approved by the commission:

(1) Any fair association other than the Greenwood county and Anthony fair associations, any horsemen's nonprofit organization or the national greyhound association of Abilene, Kansas, if: (A) Such association conducts not more than two race meetings each year; (B)

such race meets are held within the boundaries of the county where the applicant is located; and (C) such race meetings are held for a total of not more than ~~27~~ 40 days per year; or

(2) the Greenwood county fair association or a horsemen's nonprofit organization, with respect to race meetings conducted by such association or organization at Eureka Downs, or the Anthony fair association or a horsemen's nonprofit organization, with respect to race meetings conducted by such association or organization at Anthony Downs, for which the number of race meetings and days, and the dates thereof, shall be specified by the commission.

(b) The commission shall adopt rules and regulations providing for simplified and less costly procedures and requirements for fair associations and horsemen's nonprofit organizations applying for or holding a license to conduct race meetings.

(c) The Kansas ~~bureau of investigation~~ *racing and gaming commission* shall investigate:

(1) The president, vice-president, secretary and treasurer of a fair association, and such other members as the commission considers necessary, to determine eligibility for an organization license;

(2) each officer and each director of a nonprofit horsemen's organization, and such other members or shareholders as the commission considers necessary to determine eligibility for an organization license.

(d) Except as otherwise provided by this section, all applicants for organization licenses for the conduct of race meetings pursuant to the provisions of this section shall be required to comply with all the provisions of K.S.A. 74-8813 and amendments thereto.

Sec. 50. K.S.A. 74-8823 is hereby amended to read as follows: 74-8823. (a) There is hereby imposed a tax on the gross sum wagered by the parimutuel method as follows:

(1) Of the total daily takeout from parimutuel pools for live horse races conducted in this state, a tax at the rate of 3/18;

(2) except as provided by subsection (a)(3), for live greyhound races conducted in this state at a racetrack facility for the racing of only greyhounds: (A) During the first four years when racing with parimutuel wagering is conducted at such facility, a tax at the rate of 3/18 of the total daily takeout from parimutuel pools for live greyhound races; and (B) thereafter, from parimutuel pools for each live greyhound performance, a tax at the rate of 3/18 of the first \$400,000 wagered, 4/18 of the next \$200,000 wagered and 5/18 of any amounts wagered exceeding \$600,000;

(3) for live greyhound races conducted in this state at a dual racetrack facility or at a racetrack facility owned by a licensee whose license authorizes the construction of a dual racetrack facility: (A) During the first seven years when racing with parimutuel wagering is conducted at such facility, a tax at the rate of 3/18 of the total daily takeout from parimutuel pools for live greyhound races; and (B) thereafter, from parimutuel pools for each live greyhound performance, a tax at the rate of 3/18 of the first \$600,000 wagered, 4/18 of the next \$200,000 wagered and 5/18 of any amounts wagered exceeding \$800,000; and

(4) of the total daily takeout from amounts wagered in this jurisdiction on simulcast races displayed in this state, a tax at the rate of 3/18.

(b) The tax imposed by this section shall be no less than 3% nor more than 6% of the total money wagered each day at a racetrack facility.

(c) The tax imposed by this section shall be remitted to the commission by each organization licensee by the next business day following the day on which the wagers took place. The commission shall remit any such tax moneys received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state racing fund created by K.S.A. 74-8826, and amendments thereto, except as provided by K.S.A. 74-8838, and amendments thereto.

(d) The commission shall audit and verify that the amount of tax received from each organization licensee hereunder is correct.

(e) *Nothing in this section shall be construed to impose any tax on amounts wagered on electronic gaming machine games operated pursuant to the Kansas expanded lottery act.*

Sec. 51. K.S.A. 74-8830 is hereby amended to read as follows: 74-8830. (a) The commission shall, by rules and regulations:

(1) Qualify stallions for participation in Kansas-registered stallion awards;

(2) provide for the registration of Kansas-domiciled mares, Kansas-domiciled stallions and Kansas-bred horses;

(3) determine qualifications of Kansas-bred horses and establish classes of Kansas-bred horses for registration purposes and for the purpose of awarding purse supplements, stakes and awards pursuant to K.S.A. 74-8829 and amendments thereto; and

(4) establish a schedule of fees for the registration of Kansas-domiciled mares, Kansas-domiciled stallions and Kansas-bred horses sufficient to provide for all expenses incurred in the administration of the Kansas horse breeding development fund created pursuant to K.S.A. 74-8829 and amendments thereto.

(b) The commission may contract with and designate an official registering agency to implement the registration of horses. *The board of directors of the official registering agency shall consist of five representatives of the quarter horse breed and five representatives of the thoroughbred breed. Representatives shall be selected by each breed organization from their respective memberships pursuant to rules and regulations adopted by the Kansas racing and gaming commission. In order to be eligible to serve on the board, a participant must be a legal resident of the state of Kansas and a member of the Kansas quarter horse racing association or the Kansas thoroughbred association.* Such agency shall operate under the supervision of the commission and be subject to rules and regulations of the commission. The official registering agency shall receive no compensation *from the Kansas racing and gaming commission* except fees received for registration of horses necessary to pay its expenses for such registration.

(c) The commission may contract with and designate an agency to provide for the distribution of purse supplements, stakes and awards from the Kansas horse breeding development fund. Such agency shall operate under the supervision of the commission and be subject to rules and regulations of the commission.

Sec. 52. K.S.A. 74-8832 is hereby amended to read as follows: 74-8832. (a) The commission shall, by rules and regulations, establish a schedule of fees for the registration of Kansas-whelped greyhounds which, together with the amount provided pursuant to K.S.A. 74-8830 and amendments thereto, shall be sufficient to provide for all expenses incurred in the administration of the Kansas greyhound breeding development fund created pursuant to K.S.A. 74-8831 and amendments thereto.

(b) The commission may contract with and designate an official registering agency to implement the registration of greyhounds. Such agency shall operate under the supervision of the commission and be subject to rules and regulations of the commission. The official registering agency shall receive no compensation *from the Kansas racing and gaming commission* except the amount provided pursuant to K.S.A. ~~74-8830~~ 74-8831, and amendments thereto, and fees received for registration of greyhounds necessary to pay its expenses for such registration.

(c) The commission may contract with and designate an agency to provide for the distribution of purse supplements from the Kansas greyhound breeding development fund. Such agency shall operate under the supervision of the commission and be subject to rules and regulations of the commission.

Sec. 53. K.S.A. 74-8838 is hereby amended to read as follows: 74-8838. (a) The state treasurer shall credit $\frac{1}{3}$ of the taxes on the takeout from parimutuel pools for simulcast races, as certified by the executive director, to the horse fair racing benefit fund, which is hereby created in the state treasury.

(b) *Twenty-five percent of all moneys credited to the horse fair racing benefit fund may be expended, upon application to the commission, for capital improvements to racetrack facilities on or adjacent to premises used by a fair association to conduct fair racing activities.*

(c) *The remaining moneys in the horse fair racing benefit fund shall be expended only for:*

(1) Reimbursement of the commission for the commission's administrative costs, as established by rules and regulations of the commission, related to race meetings conducted by a fair association or a horsemen's nonprofit organization, including the cost of stewards, racing judges and assistant animal health officers performing services at such race meetings;

(2) paying the costs of totalisator expenses incurred by an organization licensee that is a fair association or horsemen's nonprofit organization;

(3) paying the costs of background investigations required under the Kansas parimutuel racing act for members of a fair association or horsemen's nonprofit organization;

(4) purse supplements at race meetings conducted by a fair association or horsemen's nonprofit organization;

(5) basic operating assistance grants to an organization licensee that is a fair association or horsemen's nonprofit organization; and

(6) costs for employment of key racing officials, as determined by the commission, incurred by an organization licensee that is a fair association or horsemen's nonprofit organization.

~~(c)~~ (d) The commission shall adopt rules and regulations establishing procedures for distributing moneys in the horse fair racing benefit fund to fair associations and nonprofit horsemen's organizations for the purposes provided by this section.

~~(d)~~ (e) Expenditures from the horse fair racing benefit fund related to the conduct of a race meeting shall not be allocated to any organization licensee for a period exceeding ~~21~~ 40 days.

~~(e)~~ (f) Expenditures from the horse fair racing benefit fund shall not be allocated to any organization licensee to support the conduct of parimutuel greyhound races unless the organization licensee conducts an equal or greater number of parimutuel horse races during the race meeting.

~~(f)~~ (g) Expenditures from the horse fair racing benefit fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or a person designated by the chairperson.

New Sec. 54. (a) The Kansas racing and gaming commission shall establish a greyhound promotion and development fund which shall be funded through a voluntary greyhound purse checkoff program which shall provide for the deduction of 2% from all purses paid to kennels and greyhound owners who participate in the program. Greyhound owners and kennel operators shall be provided an opportunity annually to not participate in the program by signing a form approved by the Kansas racing and gaming commission. Moneys deposited into the fund shall be used for the development, promotion and representation of the greyhound industry in Kansas and shall be distributed to the organization contracted with by the Kansas racing and gaming commission to administer the official greyhound registry in Kansas.

(b) This section shall be part of and supplemental to the Kansas parimutuel racing act.

Sec. 55. K.S.A. 2006 Supp. 79-4805 is hereby amended to read as follows: 79-4805. (a) There is hereby established in the state treasury the problem gambling *and addictions* grant fund. All moneys credited to such fund shall be used only for the awarding of grants under this section. Such fund shall be administered in accordance with this section and the provisions of appropriation acts.

(b) All expenditures from the problem gambling *and addictions* grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved in the manner prescribed by law.

(c) (1) There is hereby established a state grant program to provide assistance for the direct treatment of persons diagnosed as suffering from pathological gambling and to provide funding for research regarding the impact of gambling on residents of Kansas. Research grants awarded under this section may include, but need not be limited to, grants for determining the effectiveness of education and prevention efforts on the prevalence of pathological gambling in Kansas. All grants shall be made after open solicitation of proposals and evaluation of proposals against criteria established in rules and regulations adopted by the secretary of the department of social and rehabilitation services. Both public and private entities shall be eligible to apply for and receive grants under the provisions of this section.

(2) *Moneys in the problem gambling and addictions grant fund may be used to treat alcoholism, drug abuse and other addictive behaviors.*

(d) The secretary of the department of social and rehabilitation services is hereby authorized to receive moneys from any grants, gifts, contributions or bequests made for the purpose of funding grants under this section and to expend such moneys for the purpose for which received.

(e) All grants made in accordance with this section shall be made from the problem gambling *and addictions* grant fund. The secretary shall administer the provisions of this section and shall adopt rules and regulations establishing criteria for qualification to receive grants and such other matters deemed necessary by the secretary for the administration of this section. Such rules and regulations shall include, but need not be limited to, a requirement that each recipient of a grant to provide treatment for pathological gamblers report at least annually to the secretary the grantee's measurable achievement of specific outcome goals.

(f) For the purpose of this section "pathological gambling" means the disorder by that name described in the most recent edition of the diagnostic and statistical manual.

(g) *On the effective date of this act the director of accounts and reports shall transfer all moneys in the problem gambling grant fund to the problem gambling and addictions grant fund. Thereupon the problem gambling grant fund shall be and is hereby abolished.*

Sec. 56. K.S.A. 2006 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a)

(1) Except as provided in subsection (b) or (c), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsection (b) or (c), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto;

(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, and amendments thereto.

(c) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto.

(d) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state: (1) The defendant's full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant's arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement agency or diverting authority. A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section. Any person who may have

relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing *and gaming* commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

~~(F)~~ (F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

~~(G)~~ (G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

~~(H)~~ (H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

~~(I)~~ (I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 2006 Supp. 17-12a102, and amendments thereto; or

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(g) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence

for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(i) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing *and gaming* commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) *the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;*
- ~~(10)~~ (11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
- ~~(11)~~ (12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

~~(12)~~ (13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

~~(13)~~ (14) the Kansas sentencing commission;

~~(14)~~ (15) the Kansas ~~law enforcement training~~ commission *on peace officers' standards and training* and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

~~(15)~~ (16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 57. K.S.A. 2006 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not affect the courts located therein.

(3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 27174th congress, or amendments thereof.

(6) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(9) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

~~(15) (A) Counties may not exempt from or effect changes in K.S.A. 19-13a26, and amendments thereto.~~

~~— (B) This provision shall expire on June 30, 2006.~~

~~(16) (A) Counties may not exempt from or effect changes in K.S.A. 71-301a, and amendments thereto.~~

~~(B) This provision shall expire on June 30, 2006.~~

~~(17) (15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.~~

~~(19) (16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.~~

~~(19) (17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.~~

~~(20) (18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.~~

~~(21) (19) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.~~

~~(22) (20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.~~

~~(23) (21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.~~

~~(24) (22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.~~

~~(25) (23) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.~~

~~(26) (24) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.~~

~~(27) (25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.~~

~~(29) (26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.~~

~~(29) (27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, and amendments thereto.~~

~~(30) (28) Counties may not exempt from or effect changes in K.S.A. 2006 Supp. 80-121, and amendments thereto.~~

~~(31) (29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.~~

~~(32) (30) Counties may not exempt from or effect changes in the wireless enhanced 911 act, in the VoIP enhanced 911 act or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.~~

~~(33) (31) Counties may not exempt from or effect changes in K.S.A. 2006 Supp. 26-601, and amendments thereto.~~

~~(34) (A) From and after November 15, 2005; (32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).~~

~~(B) From and after November 15, 2005; Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.~~

~~(35) (A) From and after November 15, 2005; (33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).~~

~~(B) From and after November 15, 2005; Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.~~

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

Sec. 58. K.S.A. 2006 Supp. 21-4619 is hereby amended to read as follows: 21-4619. (a)

(1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) and (c), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses: (1) Rape as defined in K.S.A. 21-3502, and amendments thereto; (2) indecent liberties with a child as defined in K.S.A. 21-3503, and amendments thereto; (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, and amendments thereto; (4) criminal sodomy as defined in subsection

(a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto; (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, and amendments thereto; (6) indecent solicitation of a child as defined in K.S.A. 21-3510, and amendments thereto; (7) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, and amendments thereto; (8) sexual exploitation of a child as defined in K.S.A. 21-3516, and amendments thereto; (9) aggravated incest as defined in K.S.A. 21-3603, and amendments thereto; (10) endangering a child as defined in K.S.A. 21-3608, and amendments thereto; (11) abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; (12) capital murder as defined in K.S.A. 21-3439, and amendments thereto; (13) murder in the first degree as defined in K.S.A. 21-3401, and amendments thereto; (14) murder in the second degree as defined in K.S.A. 21-3402, and amendments thereto; (15) voluntary manslaughter as defined in K.S.A. 21-3403, and amendments thereto; (16) involuntary manslaughter as defined in K.S.A. 21-3404, and amendments thereto; (17) involuntary manslaughter while driving under the influence of alcohol or drugs as defined in K.S.A. 2006 Supp. 21-3442, and amendments thereto; (18) sexual battery as defined in K.S.A. 21-3517, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed; (19) aggravated sexual battery as defined in K.S.A. 21-3518, and amendments thereto; (20) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation; (21) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or (22) any conviction for any offense in effect at any time prior to the effective date of this act, that is comparable to any offense as provided in this subsection.

(d) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state: (1) The defendant's full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant's arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement authority or diverting authority. There shall be no docket fee for filing a petition pursuant to this section. All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2006 Supp. 75-7b21, and amendments

thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

~~(F)~~ (F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

~~(G)~~ (G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

~~(H)~~ (H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

~~(I)~~ (I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 2006 Supp. 17-12a102, and amendments thereto; or

~~(J)~~ (J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(i) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing *and gaming* commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) *the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;*

~~(11)~~ (11) the Kansas sentencing commission;

~~(12)~~ (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

~~(13)~~ (13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

~~(14)~~ (14) the Kansas ~~law enforcement training~~ *commission on peace officers' standards and training* and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

~~(15)~~ (15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

~~(16)~~ (16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.

Sec. 59. K.S.A. 60-2102 is hereby amended to read as follows: 60-2102. (a) ~~An~~ *Appeal to court of appeals as matter* of right. Except for any order or final decision of a district

magistrate judge, the appellate jurisdiction of the court of appeals may be invoked by appeal as a matter of right from:

- (1) An order that discharges, vacates or modifies a provisional remedy.
- (2) An order that grants, continues, modifies, refuses or dissolves an injunction, or an order that grants or refuses relief in the form of mandamus, quo warranto or habeas corpus.
- (3) An order that appoints a receiver or refuses to wind up a receivership or to take steps to accomplish the purposes thereof, such as directing sales or other disposal of property, or an order involving the tax or revenue laws, the title to real estate, the constitution of this state or the constitution, laws or treaties of the United States.
- (4) A final decision in any action, except in an action where a direct appeal to the supreme court is required by law. In any appeal or cross appeal from a final decision, any act or ruling from the beginning of the proceedings shall be reviewable.

(b) *Appeal to supreme court as matter of right.* The appellate jurisdiction of the supreme court may be invoked by appeal as a matter of right from:

(1) A preliminary or final decision in which a statute of this state has been held unconstitutional as a violation of Article 6 of the Kansas constitution pursuant to K.S.A. 2006 Supp. 72-64b03, and amendments thereto. Any appeal filed pursuant to this subsection (b)(1) shall be filed within 30 days of the date the preliminary or final decision is filed.

(2) *A final decision of the district court in any action challenging the constitutionality of or arising out of any provision of the Kansas expanded lottery act, any lottery gaming facility management contract or any racetrack gaming facility management contract entered into pursuant to the Kansas expanded lottery act.*

(c) *Other appeals.* When a district judge, in making in a civil action an order not otherwise appealable under this section, is of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, the judge shall so state in writing in such order. The court of appeals may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within 10 days after the entry of the order under such terms and conditions as the supreme court fixes by rule. Application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or an appellate court or a judge thereof so orders.”;

And by renumbering the remaining sections accordingly;

On page 4, by striking all in line 39 and inserting the following:

“Sec. 62. K.S.A. 60-2102, 74-8702, 74-8710, 74-8716, 74-8723, 74-8814, 74-8823, 74-8830, 74-8832 and 74-8838 and K.S.A. 2006 Supp. 12-4516, 19-101a, 19-101l, 21-4619, 21-4619c, 74-8711, 74-8810 and 79-4805 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking all after “concerning”; by striking all in line 11; in line 12, by striking all before the period and inserting “lotteries; enacting the Kansas expanded lottery act; authorizing operation of certain gaming facilities, electronic gaming machines and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 60-2102, 74-8702, 74-8710, 74-8716, 74-8723, 74-8814, 74-8823, 74-8830, 74-8832 and 74-8838 and K.S.A. 2006 Supp. 12-4516, 19-101a, 21-4619, 74-8711, 74-8810 and 79-4805 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 19-101l and 21-4619c”;

Roll call was demanded.

On roll call, the vote was: Yeas 67; Nays 54; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Neighbor, Owens, Palmer, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Schwartz, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Nays: Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Craft, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert,

Huntington, Kelley, Kelsey, Kiegerl, Kinzer, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Rhoades, Schroeder, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Ballard, Colyer, Crow, Knox.

The motion of Rep. Aurand on the balance of his amendment prevailed.

Also, on motion of Rep. George, **SB 66** be amended as amended by House Committee of the Whole, in amendment designated as FAS66h1, on page 2, in line 19, by striking "and"; in line 20, before the period, by inserting "; and (4) the southwest Kansas gaming zone, which consists of Ford county";

On page 9, in line 7, before "and" by inserting ", southwest";

On page 10, in line 20, before the period, by inserting "in the northeast, southeast and south central Kansas gaming zones and \$50,000,000 in the southwest Kansas gaming zone";

On page 11, in line 14, by striking ", which" and inserting "of a lottery gaming facility in the northeast, southeast or south central Kansas gaming zone and \$5,500,000 for the privilege of being selected as a lottery gaming facility manager of a lottery gaming facility in the southwest Kansas gaming zone. Such";

On page 12, in line 24, after "northeast" by inserting "or southwest"; in line 28, after "northeast" by inserting "or southwest";

On page 14, in line 14, by striking "three" and inserting "four"; in line 17, before "and" by inserting ", one to be located in the southwest Kansas gaming zone";

On page 24, in line 1, before the period, by inserting "except the southwest Kansas gaming zone";

Also, on motion of Rep. Wetta, **SB 66** be amended as amended by House Committee of the Whole, in amendment designated as FAS66h1, on page 2, in line 20, by striking "county" and inserting "and Sumner counties";

On page 13, in line 1, after "southeast" by inserting "or south central"; in line 6, after "southeast" by inserting "or south central"; by striking all in lines 13 through 24 and renumbering subsections accordingly;

On page 33, in line 17, after "southeast" by inserting "or south central"; in line 22, after "southeast" by inserting "or south central"; by striking all in lines 29 through 33 and renumbering subsections accordingly;

Also, roll call was demanded on motion of Rep. Schroeder to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 8, following line 34, by inserting:

"(d) (1) At the time the lottery commission adopts procedures and standards pursuant to this section, an auditor shall be selected in accordance with K.S.A. 46-1122, and amendments thereto, to oversee the lottery gaming facility manager selection process. If the legislative post audit committee specifies under such statute that a person, as defined by K.S.A. 46-1112, and amendments thereto, other than the post auditor is to perform all or part of the oversight services, such person shall be selected and shall perform such services as provided in the applicable provisions of K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-1127, and amendments thereto. A contract to conduct the oversight services required by this section shall be considered a major procurement contract as defined by K.S.A. 74-8702, and amendments thereto, and shall not be awarded until a background investigation is conducted on the person or firm selected to perform the services. Such background investigation shall be subject to the requirements of subsection (c) of K.S.A. 74-8705, and amendments thereto.

(2) For the purpose of conducting oversight of the lottery gaming facility manager selection process under this section, a person or a firm selected to perform the oversight shall not be limited to a legal entity permitted by law to engage in practice as a certified public accountant.

(3) (A) The auditor selected pursuant to this section shall monitor the lottery gaming facility manager selection process to assure that the selection is conducted in a fair and impartial manner, in accordance with this act, and that the integrity of the process is not compromised. The auditor or one or more representatives of the auditor shall attend all

lottery commission meetings at which the lottery gaming facility manager selection process is discussed or acted upon and have access to all information available to the commission. If the auditor or a representative of the auditor determines that an incident has occurred that appears to compromise the integrity of the lottery gaming facility manager selection process, the auditor shall immediately call such incident to the attention of the attorney general in a public letter to the attorney general, with copies to the executive director, the commission, members of the legislative coordinating council and the governor.

(B) The attorney general shall initiate an investigation of the incident and shall direct the commission to suspend all work until the investigation is complete. If the investigation determines that the integrity of the process has not been compromised, the attorney general shall direct the commission to resume work on the lottery gaming facility manager selection. If the investigation determines that the integrity of the process has been compromised, the attorney general shall terminate the lottery gaming facility manager selection process immediately and a lottery gaming facility manager contract shall not be awarded.

(C) The auditor shall release a preliminary report when the winners of the first competitive phase of the lottery gaming facility manager selection process are announced and a final report when each winning lottery gaming facility manager is announced. Such reports shall be distributed to the attorney general, the commission, the Kansas lottery, the members of the legislative coordinating council, the governor and the public. Each such report shall summarize the oversight services, rendered to date by the auditor and shall include the auditor's assurance that, to the best of the auditor's observation and knowledge, based on the auditor's oversight and review of the selection process, the selection process was conducted in a fair and impartial manner, in accordance with the provisions of this act, and the integrity of the selection process was not compromised.

(D) The auditor and representatives of the auditor shall be prohibited from (i) meeting or communicating privately with any person associated with a proposal for a lottery gaming facility management contract in any manner on any subject associated with the lottery gaming facility manager selection process, (ii) meeting or communicating privately with any person not on the commission or lottery staff, including government employees and relatives or (iii) engaging in written communications with a prospective lottery gaming facility manager regarding a solicitation to be distributed to all known bidders unless such communication is a request for clarification of the bidder's proposal, except as specifically authorized in writing by the chairperson of the lottery in a commission meeting. The prohibitions of this paragraph shall not apply to communications on an incident that appears to have compromised the integrity of lottery gaming facility manager selection process, in which event the auditor or representative who communicates on the incident shall maintain an accurate journal on any and all such communications.

(4) The post auditor shall compute the reasonably anticipated cost of providing oversight services pursuant to this section, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the Kansas lottery shall reimburse the division of post audit for the amount approved by the contract audit committee. The furnishing of oversight services pursuant to this section shall be a transaction between the post auditor and the Kansas lottery and shall be settled in accordance with the provisions of K.S.A. 75-5516, and amendments thereto.”;

By relettering subsections accordingly;

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

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kelsey, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Whitham.

Nays: Aurand, Burgess, Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neigh-

bor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Colloton, Crow, Knox.

The motion of Rep. Schroeder did not prevail.

Also, on motion of Rep. Siegfried to amend **SB 66**, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Donohoe to amend **SB 66** as amended by House Committee of the Whole, on page 53 of the amendment adopted on motion of Representative Aurand, in section 37, in line 4 of the typed version of the amendment, by striking "expanded lottery"; in line 5 of the typed version of the amendment, by striking "act revenues fund" and inserting "state debt reduction special revenue fund"; in line 9, of the typed version of the amendment, by striking all after "state debt"; by striking all in line 10 of the typed version of the amendment; in line 11 of the typed version of the amendment, by striking all preceding the period;

On the last page of the bill as amended by House Committee of the Whole, preceding the last section of the bill, by inserting the following section:

"New Sec. 3.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State debt reduction special revenue fund..... \$0

Provided, That all expenditures from the state debt reduction special revenue fund during fiscal year 2008 shall be for the purposes of providing funding for retirement or to otherwise offset or pay outstanding state debt: *Provided further*, That all such expenditures shall be made by the secretary of administration in accordance with the provisions of appropriation acts or other statutes enacted by the legislature applicable thereto: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, no moneys shall be transferred or expended from the state debt reduction special revenue fund during fiscal year 2008: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any other appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the state debt reduction special revenue fund year 2008 or to otherwise authorize or provide for any expenditures from the state debt reduction special revenue fund for fiscal year 2008.";

And by renumbering sections accordingly;

On page 1, in the title, in the last line of the title, preceding the period, by inserting "; and making and concerning appropriations for certain state agencies for the fiscal year ending June 30, 2008";

On roll call, the vote was: Yeas 52; Nays 69; Present but not voting: 0; Absent or not voting: 4.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kelsey, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rar-

din, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Crow, Knox, Williams.

The motion of Rep. Donohoe did not prevail.

Also, roll call was demanded on motion of Rep. Colyer to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 53, in line 7, by striking all after the period and inserting "Fifty percent of all moneys credited to such fund shall be paid into the Kansas health permanent fund established outside the state treasury pursuant to 2007 House Substitute for Senate Bill No. 11. The remainder shall be";

On roll call, the vote was: Yeas 52; Nays 70; Present but not voting: 0; Absent or not voting: 3.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kelsey, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Crow, Knox.

The motion of Rep. Colyer did not prevail.

Also, roll call was demanded on motion of Rep. Peck to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 12, in line 5, by striking "2%" and inserting "4%";

On page 33, in line 34, by striking "2%" and inserting "4%";

On roll call, the vote was: Yeas 54; Nays 67; Present but not voting: 0; Absent or not voting: 4.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Carlin, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kelsey, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Swanson, Vickrey, Watkins, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Crow, Knox, Light.

The motion of Rep. Peck did not prevail.

Also, roll call was demanded on motion of Rep. Siegfried to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 56, after line 1, by inserting the following:

"New Sec. 44. As used in this act, unless the context otherwise requires:

(a) "Base year assessed valuation" means the assessed valuation of all real property within the boundaries of a destination casino and enterprise district.

(b) "Casino tax increment" means that amount of real property taxes collected from real property located within a destination casino and enterprise district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation.

New Sec. 45. (a) The board of county commissioners of the county wherein the destination casino shall be located, shall create a destination casino and enterprise district by the passage of a resolution.

(b) Beginning with the first payment of taxes which are levied following the date of the establishment of the redevelopment district, real property taxes received by the county treasurer resulting from taxes which are levied subject to the provisions of this act by and for the benefit of a taxing subdivision, as defined in K.S.A. 12-1770a, and amendments thereto, on property located within such district constituting a separate taxing unit under the provisions of this section, shall be divided as follows:

(1) From the taxes levied each year subject to the provisions of this act by or for each of the taxing subdivisions upon property located within a redevelopment district constituting a separate taxing unit under the provisions of this act, the county treasurer first shall allocate and pay to each such taxing subdivision all of the real property taxes collected which are produced from the base year assessed valuation.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within such district constituting a separate taxing unit under the provisions of this section in excess of the base year assessed valuation shall be allocated on an equal basis and paid by the county treasurer to each county treasurer of each county which was required to hold an election pursuant to section 7, and amendments thereto. Such moneys shall be placed in the county general fund."

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 55; Nays 65; Present but not voting: 0; Absent or not voting: 5.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Treaster, Vickrey, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McLachlan, Menghini, Neighbor, Owens, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Watkins, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Crow, Kelsey, Knox, Light.

The motion of Rep. Siegfried did not prevail.

Also, roll call was demanded on further motion of Rep. Siegfried to amend **SB 66**, as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 17, in line 34, after the period, by inserting "The director of the Kansas racing and gaming commission shall have at least five years experience in gaming facility regulation.";

On roll call, the vote was: Yeas 49; Nays 63; Present but not voting: 0; Absent or not voting: 13.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Rhoades, Schroeder, Shultz, Siegfried, Swanson, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Hen-

derson, Hill, Holland, Humerickhouse, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Feuerborn, Henry, Huntington, Kelsey, Knox, Light, McLeland, Powell, Schwartz, Tafanelli.

The motion of Rep. Siegfried did not prevail.

Also, roll call was demanded on motion of Rep. Patton to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 12, in line 1, following "(12)" by inserting "(A)"; following line 4, by inserting:

"(B) include a provision for the state to receive not less than 13% of lottery gaming facility revenues, which shall be paid to the Kansas public employees retirement fund established by K.S.A. 74-4921, and amendments thereto.";

On roll call, the vote was: Yeas 48; Nays 64; Present but not voting: 0; Absent or not voting: 13.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powers, Rhoades, Schroeder, Shultz, Siegfried, Swanson, Vickrey, Watkins, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Pauls, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Feuerborn, Henry, Horst, Kelsey, Knox, McLeland, Peterson, Powell, Schwartz, Tafanelli.

The motion of Rep. Patton did not prevail.

Also, on further motion of Rep. Patton to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 21, in line 27, by striking all after the colon; in line 28, by striking all before "lottery" where it appears for the second time, and inserting "The constitution of the state of Kansas requires that state lotteries be owned and operated by the state. Lotteries include lottery gaming facilities. Do you favor the establishment of a state owned and operated";

On page 27 of the amendment designated as FAS66h1, in line 5, by striking all after the colon; in line 28, by striking all before "electronic" and inserting "The constitution of the state of Kansas requires that state lotteries be owned and operated by the state. Lotteries include electronic gaming machines. Do you favor the establishment of state owned and operated";

On roll call, the vote was: Yeas 53; Nays 65; Present but not voting: 0; Absent or not voting: 7.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Huntington, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp,

Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Horst, Kelsey, Knox, Peterson.

The motion of Rep. Patton did not prevail.

Also, roll call was demanded on further motion of Rep. Patton to amend **SB 66** as amended by House Committee of the Whole, on March 23, 2007, by amendment designated FAS66h1, on page 21, in line 28, after "facility" by inserting "(casino)";

On roll call, the vote was: Yeas 60; Nays 60; Present but not voting: 0; Absent or not voting: 5.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Kelley, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf.

Nays: Aurand, Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Grange, Kelsey.

The motion of Rep. Patton did not prevail.

Also, roll call was demanded on motion of Rep. Otto to amend **SB 66** as amended by House Committee of the Whole, on page 11 of the amendment adopted on motion of Representative Aurand (FAS66h1), in subsection (h) of section 2, in line 3, of paragraph (4), after "(4) include a provision for the lottery gaming facility manager to pay the cost of" by inserting "the first \$5,000,000 required for regents deferred maintenance capital improvement projects, which \$5,000,000 is hereby directed to be paid on July 1, 2007, into the regents deferred maintenance support fund of the state board of regents as required by this act, and";

On the last page of the bill as amended by House Committee of the Whole, preceding the last section of the bill, by inserting the following section:

"New Sec. 3. (a) During the fiscal year ending June 30, 2008, notwithstanding any provision of this act or any other statute to the contrary, of all the moneys that constitute the payment by the lottery gaming facility manager pursuant to paragraph (4) of subsection (h) of section 2 of this act for the regents deferred maintenance support fund shall be deposited in the state treasury to the credit of the regents deferred maintenance support fund of the state board of regents: *Provided*, That the director of accounts and reports is hereby authorized and directed take such actions as may be necessary to properly account for and credit all of such moneys to the regents deferred maintenance support fund, notwithstanding any provision of this act or any other statute to the contrary.

(b)

STATE BOARD OF REGENTS

(1) There is appropriated for the above agency from the following special revenue fund or funds all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed for the fiscal year ending June 30, 2008, the following:

Regents deferred maintenance support fund..... No limit

Provided, That all moneys credited to the regents deferred maintenance support fund shall be for infrastructure capital improvement projects for the maintenance, repair, reconstruction or rehabilitation of a building or buildings and related utility systems located at a state educational institution: *Provided further*, That, "state educational institution" has the mean-

ing ascribed thereto in K.S.A. 76-711, and amendments thereto: *And provided further*, That the state board of regents is hereby authorized to transfer moneys from the regents deferred maintenance support fund to an appropriate special revenue fund of a state educational institution to be expended by the state educational institution for infrastructure capital improvement projects approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such moneys transferred from the regents deferred maintenance support fund until (A) the proposed infrastructure capital improvement projects have been reviewed by the joint committee on state building construction, and (B) the amount transferred from the regents deferred maintenance support fund has been matched by an equal amount provided by the endowment foundation established for the benefit of the state educational institution: *And provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the regents deferred maintenance support fund: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research: *And provided further*, That, on or before the 10th of each month during the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer from the state general fund to the regents deferred maintenance support fund interest earnings based on the average daily balance of moneys in the regents deferred maintenance support fund for the preceding month and the net earnings rate for the pooled money investment portfolio for the preceding month.”;

And by renumbering sections accordingly;

On page 1, in the title, in the last line of the title, preceding the period, by inserting “; and making and concerning appropriations for certain state agencies for the fiscal year ending June 30, 2008”;

On roll call, the vote was: Yeas 46; Nays 67; Present but not voting: 0; Absent or not voting: 12.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Siegfried, Vickrey, Watkins, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Colyer, Craft, Crow, Dillmore, Flora, Kelsey, Knox, Powers, Shultz, Storm.

The motion of Rep. Otto did not prevail.

Also, roll call was demanded on motion of Rep. Masterson to amend **SB 66** as amended by House Committee of the Whole, on page 11 of the amendment adopted on motion of Representative Aurand, in subsection (h) of section 2, in line 3 of paragraph (4), after “(4) include a provision for the lottery gaming facility manager to pay the cost of” by inserting “the \$4,294,993 required to be credited to the other medical assistance special revenue fund of the Kansas health policy authority, which amount is hereby required to be paid on July 1, 2007, as required by this act and”;

On the last page of the bill, preceding the last section of the bill, by inserting the following section:

“New Sec. 3.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Other medical assistance special revenue fund..... \$4,294,993

Provided, That all expenditures from the other medical assistance special revenue fund during fiscal year 2008 shall be for the purposes of providing funding for other medical assistance.”;

And by renumbering sections accordingly;

On page 1, in the title, in the last line of the title, preceding the period, by inserting “; and making and concerning appropriations for certain state agencies for the fiscal year ending June 30, 2008”;

On roll call, the vote was: Yeas 48; Nays 70; Present but not voting: 0; Absent or not voting: 7.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Siegfried, Swanson, Vickrey, Watkins, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Neufeld, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Colyer, Craft, Crow, Kelsey, Knox, Shultz.

The motion of Rep. Masterson did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend **SB 66** as amended by House Committee of the Whole, on page 11 of the amendment adopted on motion of Representative Aurand, in subsection (h) of section 2, in line 3 of paragraph (4), after “(4) include a provision for the lottery gaming facility manager to pay the cost of” by inserting “the \$3,988,0073 required to be credited to the MHRS aid and assistance special revenue fund and the \$4,000,000 required to be credited to the community based services special revenue fund of the department of social and rehabilitation services, which amounts are hereby required to be paid on July 1, 2007, as required by this act and”;

On the last page of the bill, preceding the last section of the bill, by inserting the following subsection:

“New Sec. 3.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

MHRS aid and assistance special revenue fund..... \$3,988,073

Provided, That all expenditures from the MHRS aid and assistance special revenue fund during fiscal year 2008 shall be for the purposes of providing funding for MHRS aid and assistance.

Community based services special revenue fund..... \$4,000,000”;

And by renumbering sections accordingly;

On page 1, in the title, in the last line of the title, preceding the period, by inserting “; and making and concerning appropriations for certain state agencies for the fiscal year ending June 30, 2008”;

On roll call, the vote was: Yeas 50; Nays 68; Present but not voting: 0; Absent or not voting: 7.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Williams, B. Wolf, K. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Winn, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Craft, Crow, Horst, Kelsey, Knox.

The motion of Rep. Mast did not prevail.

Also, roll call was demanded on further motion of Rep. Mast to amend **SB 66** as amended by House Committee of the Whole, on page 11 of the amendment adopted on motion of Representative Aurand, in subsection (h) of section 2, in line 3 of paragraph (4), after "(4) include a provision for the lottery gaming facility manager to pay the cost of" by inserting "the \$4,294,993 required to be credited to the other medical assistance special revenue fund of the Kansas health policy authority, which amount is hereby required to be paid on July 1, 2007, as required by this act and";

On the last page of the bill, preceding the last section of the bill, by inserting the following section:

"New Sec. 3.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Other medical assistance special revenue fund.....	\$4,294,993
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Provided, That all expenditures from the s other medical assistance pecial revenue fund during fiscal year 2008 shall be for the purposes of providing funding for other medical assistance.”;

And by renumbering sections accordingly;

On page 1, in the title, in the last line of the title, preceding the period, by inserting “; and making and concerning appropriations for certain state agencies for the fiscal year ending June 30, 2008”;

On roll call, the vote was: Yeas 46; Nays 69; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Rhoades, Schroeder, Shultz, Siegfried, Swanson, Vickrey, Watkins, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Horst, Kelsey, Knox, McLeland, Powell, Schwartz, Tafanelli.

The motion of Rep. Mast did not prevail.

Also, roll call was demanded on further motion of Rep. Mast to amend **SB 66** as amended by House Committee of the Whole, on page 98, in line 4, by striking all after the period; following line 4, by inserting:

“New Sec. 62. On or before January 14, of each year each lottery gaming facility manager shall submit a report to the legislature stating the total amount of money received by such lottery gaming facility manager during the preceding calendar year under the management contract entered into under section 3, and amendments thereto.

New Sec. 63. On or before January 14, of each year each racetrack gaming facility manager shall submit a report to the legislature stating the total amount of net electronic gaming machine income received by such racetrack gaming facility manager during the preceding calendar year under the racetrack gaming facility management contract entered into under section 8, and amendments thereto.”;

On roll call, the vote was: Yeas 45; Nays 70; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Rhoades, Schroeder, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Horst, Kelsey, Knox, McLeland, Powell, Schwartz, Tafanelli.

The motion of Rep. Mast did not prevail.

Also, roll call was demanded on motion of Rep. Brunk to amend **SB 66** as amended by House Committee of the Whole, in amendment designated as FAS66h1, on page 55, in line 31, by striking “not”; in line 32, by striking “but” and inserting “and”;

On roll call, the vote was: Yeas 43; Nays 72; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Landwehr, Mast, Masterson, McLeland, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Shultz, Siegfried, Vickrey, Watkins, Whitham, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kiegerl, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Hayzlett, Horst, Kelsey, Kinzer, Knox, Merrick, Schwartz.

The motion of Rep. Brunk did not prevail.

Also, roll call was demanded on motion of Rep. M. Holmes to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 56, after line 1, by inserting the following:

“New Sec. 44. No business engaged in payday loans or vehicle title loans may be located within 25 miles of any casino, lottery gaming casino or racetrack gaming facility.”;

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 64; Nays 56; Present but not voting: 0; Absent or not voting: 5.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Faust-Goudeau, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McCray-Miller, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Powers, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Swenson, Tafanelli, Vickrey, Ward, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burroughs, Carlson, Colloton, Davis, Dillmore, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Peterson, Phelps, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Tietze, Treaster, Trimmer, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Crow, Kelsey, Kiegerl, Knox.

The motion of Rep. M. Holmes prevailed (see further action).

Also, roll call was demanded on further motion of Rep. M. Holmes to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 56, after line 1, by inserting the following:

“New Sec. 44. (a) For the purposes of this section, the term “state office” means the governor, the lieutenant governor, the secretary of state, the attorney general, the commissioner of insurance, the state treasurer, any member of the state board of education and any member of the Kansas legislature.

(b) The term “formerly elected to a state office” shall mean any person who held such state office within the past 25 years.

(c) No person elected to a state office or formerly elected to a state office may engage in lobbying activities at the state or local government level on any issue related to gambling or gaming in any form.”;

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 47; Nays 67; Present but not voting: 0; Absent or not voting: 11.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, King, Kinzer, Landwehr, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burroughs, Carlin, Colloton, Craft, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Dillmore, Goico, Horst, Kelsey, Kiegerl, Knox, Mast, Peterson.

The motion of Rep. M. Holmes did not prevail.

Also, roll call was demanded on motion of Rep. Brown to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 55, after line 24, by inserting:

“New Sec. 42. (a) No officer, employee or member of a public body or agency shall expend or authorize the expenditure of public moneys for the purpose of engaging in any

activity promoting or opposing the adoption of a proposition submitted to the voters pursuant to section 6 or section 11, and amendments thereto.

(b) Violation of this section is a class A nonperson misdemeanor.

(c) This section shall be part of and supplemental to the campaign finance act.”;

By renumbering sections accordingly;

On roll call, the vote was: Yeas 54; Nays 62; Present but not voting: 0; Absent or not voting: 9.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Dillmore, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burroughs, Carlin, Colloton, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Goico, Kelsey, Kiegerl, Knox, Light, Swenson.

The motion of Rep. Brown did not prevail.

Also, roll call was demanded on further motion of Rep. Brown to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 55, after line 24, by inserting:

“New Sec. 45. (a) Any person who spends or contracts to spend more than \$500 for the purpose of engaging in any activity promoting or opposing the adoption of a proposition submitted to the voters pursuant to section 6 or section 11, and amendments thereto, shall file a report with the office of the secretary of state not less than eight days before the election, showing the required information as of 10 days before the election. Such report shall show: (1) The name and address of each individual contributor, together with the amount contributed or contributed in kind in an aggregate amount or value exceeding \$50 but not more than \$150; (2) the name, address, occupation and employer of each individual contributor, together with the amount contributed or contributed in kind in an aggregated amount exceeding \$150; (3) each expenditure in an aggregate amount or value in excess of \$50 by showing the amount paid to each payee and the purpose of the expenditure; (4) total receipts and expenditures during the reporting period; and (5) beginning and ending balance. A supplemental report in the same format as the preliminary report shall be filed with the secretary of state within 30 days after the election. If total expenditures within nine days prior to the election are more than \$500 or total contributions within nine days prior to the election are more than \$500, supplemental reports shall be filed on or before the close of the second business day following the day in which such total expenditures exceed \$500 or such total contributions exceed \$500.

Any person who engages in any activity promoting or opposing the adoption of a proposition submitted to the voters pursuant to section 6 or section 11, and amendments thereto, shall be considered engaged in such activity upon the date the Kansas expanded lottery act is enacted by the legislature. Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or by any electronic method authorized by the secretary of state.

(b) (1) If any person fails to file a report required by subsection (a) within the prescribed period, such person shall pay to the state a civil penalty of \$50 per day for each day that such report remains unfiled, except that no such civil penalty shall exceed \$5,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(2) Civil penalties provided for by this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt

of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

(3) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the governmental ethics commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(c) The intentional failure to file any report required by subsection (a) is a class A non-person misdemeanor.

(d) This section shall be part of and supplemental to the campaign finance act.

New Sec. 46. (a) The aggregate amount contributed to promote or oppose the adoption of a proposition submitted to the voters pursuant to section 6, and amendments thereto, by any person shall not exceed \$500.

(b) Intentionally making any contribution in violation of this section or intentionally accepting any contribution made in violation of this section is a class A nonperson misdemeanor.

(c) This section shall be part of and supplemental to the campaign finance act.”;

By renumbering sections accordingly;

On roll call, the vote was: Yeas 46; Nays 69; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Rhoades, Schroeder, Shultz, Siegfried, Swanson, Vickrey, Watkins, Whitham, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, George, Kelsey, Kiegerl, Knox, Powell, Schwartz, Tafanelli.

The motion of Rep. Brown did not prevail.

Also, roll call was demanded on further motion of Rep. Brown to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 14, in line 11, by striking “and”; after line 11, by inserting the following:

“(20) include provisions which:

(A) Prohibit the use of credit cards, debit cards and electronic benefit transfer cards or other federal or state assistance benefits if these are in a form other than cash, by any person at a destination casino;

(B) prohibit the location of ATM and credit card cash advance machines on the premises of any destination casino or in any parking facility or parking lot serving such casino;

(C) prohibit the extension of credit by a destination casino to any person;

(D) prohibit the destination casino from cashing any payroll check, third party check, public assistance check or business check for any person; and

(E) require a destination casino to enforce a weekly loss limit per person not to exceed \$500; and”;

Also on page 14, in line 12, by striking “(20)” and inserting “(21)”;

On roll call, the vote was: Yeas 59; Nays 58; Present but not voting: 0; Absent or not voting: 8.

Yeas: Beamer, Bowers, Brown, Brunk, Carlin, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McCray-Miller, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Pauls, Peck, Powell, Powers, Rhoades, Schroeder,

Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McLachlan, Menghini, Neighbor, Owens, Palmer, Peterson, Phelps, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, George, Kelsey, Knox, Light, Pottorff.

The motion of Rep. Brown prevailed (see further action).

Also, roll call was demanded on motion of Rep. Huebert to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 98, in line 4, by striking all after the period; following line 4, by inserting:

“New Sec. 62. The financial and accounting records of each lottery gaming facility manager shall be considered open records and shall be subject to disclosure under the open records law.

New Sec. 63. The financial and accounting records of each racetrack gaming facility manager shall be considered open records and shall be subject to disclosure under the open records law.”;

On roll call, the vote was: Yeas 49; Nays 67; Present but not voting: 0; Absent or not voting: 9.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Davis, Flora, Goico, Kelsey, Knox, Lane.

The motion of Rep. Huebert did not prevail.

Also, having voted on the prevailing side on the first motion to amend by Rep. M. Holmes, Rep. Ward moved to reconsider the action of adopting the amendment. The motion prevailed and the question then reverted back to the motion of Rep. M. Holmes (see previous action). Roll call was demanded on the motion to amend.

On roll call, the vote was: Yeas 55; Nays 62; Present but not voting: 0; Absent or not voting: 8.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Masterson, McCray-Miller, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Dillmore, Goico, Kelsey, King, Knox.

The motion of Rep. M. Holmes did not prevail.

Also, having voted on the prevailing side in adoption of the amendment by Rep. Brown, Rep. McKinney moved that the House reconsider its action. Roll call was demanded.

On roll call, the vote was: Yeas 66; Nays 52; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kiegerl, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Craft, Crow, Goico, Kelsey, Knox.

The motion prevailed, and the question reverted back to the motion of Rep. Brown to amend **SB 66** (see previous action). Roll call was demanded.

On roll call, the vote was: Yeas 59; Nays 61; Present but not voting: 0; Absent or not voting: 5.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Light, Mast, Masterson, McCray-Miller, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McLachlan, Menghini, Neighbor, Owens, Palmer, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Kelsey, Knox.

The motion of Rep. Brown did not prevail.

Also, roll call was demanded on motion of Rep. Fund to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1 on page 24, following line 24, by inserting:

“(3) provisions requiring that only persons who are employed by the Kansas lottery may be allowed to be involved in the operation of table games at lottery gaming facilities;”;

By renumbering paragraphs (3) and (4) as sections (4) and (5), respectively;

On page 98, following line 4, by inserting:

“New Sec. 62. The Kansas lottery shall employ a sufficient number of employees to comply with the requirements of paragraph (3) of subsection (d) of section 10, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 45; Nays 70; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Kelley, Kiegerl, Kinzer,

Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Carlin, Crow, Goico, Huebert, Huntington, Kelsey, Knox, Light.

The motion of Rep. Fund did not prevail.

Also, roll call was demanded on motion of Rep. Watkins to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 50, in line 2, by inserting the following:

“New Sec. 34. Each lottery gaming facility manager and each racetrack gaming facility manager shall monitor the losses of any player which exceed \$5,000 in a thirty-day period. Such player shall be identified and further monitored, and if such losses exceed \$15,000 during a three-month period immediately following, an intervention shall be attempted by the staff of the facility or the state.”;

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 51; Nays 68; Present but not voting: 0; Absent or not voting: 6.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Horst, Kelsey, Knox.

The motion of Rep. Watkins did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 2, in line 19, by striking “and”; in line 20, before the period, by inserting “; and (4) the north central Kansas gaming zone, which consists of Saline county”;

On page 12, following line 33, by inserting:

“(16) (A) if the lottery gaming facility is located in the north central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located; or (B) if the lottery gaming facility is located in the north central Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;”;

By renumbering paragraphs (16) through (20) as paragraphs (17) through (21), respectively;

On page 14, in line 14, by striking "three" and inserting "four"; in line 16, following "zone" by inserting "one to be located in the north central Kansas gaming zone,";

On page 24, in line 32, by striking "three" and inserting "four"; in line 34, before "one" by inserting "one to be located in the north central Kansas gaming zone,";

On page 33, following line 15, by inserting:

"(5) (A) if the racetrack gaming facility is located in the north central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the racetrack gaming facility revenues to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the north central Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the racetrack gaming facility revenues to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;"

By renumbering paragraphs (5) through (10) as (6) through (11);

On roll call, the vote was: Yeas 38; Nays 79; Present but not voting: 0; Absent or not voting: 8.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Dahl, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, M. Holmes, Horst, Kelley, Kiegerl, Kinzer, Landwehr, Mast, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, Olson, Otto, Patton, Peck, Powell, Schroeder, Schwartz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Crum, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Moxley, Neighbor, O'Neal, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Sharp, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Flora, Huebert, Kelsey, Knox, Powers.

The motion of Rep. Mast did not prevail.

Also, roll call was demanded on motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 98, in line 4, after the period, by inserting:

"New Sec. 60. That portion of any road which is within a 10-mile radius of a gaming facility and leads to such facility shall be required to be a super two lane highway with an ample shoulder. All costs of improving such roads to comply with this section shall be assessed against the facility manager.";

By renumbering sections accordingly;

On roll call, the vote was: Yeas 46; Nays 72; Present but not voting: 0; Absent or not voting: 7.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Dillmore, Kelsey, Kiegerl, Knox.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on further motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 98, in line 4, after the period, by inserting:

“New Sec. 60. The attorney general, in conjunction with the Kansas bureau of investigation, shall initiate immediately a comprehensive study of criminal activity in each gaming zone. Such study shall establish a baseline of current criminal activity in each gaming zone and shall study and analyze criminal activity in each such zone for the five-year period immediately following commencement of operation of the gaming facility or facilities located in such zone. At the beginning of each regular legislative session, the attorney general shall report annually to the legislature and the governor the results of the study and analysis for the preceding calendar year. The costs of such study and analysis shall be assessed against the gaming facility manager.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 49; Nays 69; Present but not voting: 0; Absent or not voting: 7.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Williams, B. Wolf.

Nays: Aurand, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Goico, Kelsey, Kiegerl, Knox.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on further motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 98, after line 4, by inserting:

“New Sec. 60. The secretary of social and rehabilitation services shall conduct a five-year statistical study of usage of public assistance programs, both statewide and within each gaming zone. At the beginning of each regular legislative session, the secretary of social and rehabilitation services shall report annually to the legislature and the governor the results of the study and analysis for the preceding calendar year. The costs of such study shall be assessed against all gaming facility managers.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 46; Nays 70; Present but not voting: 0; Absent or not voting: 9.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, George, Goico, Kelsey, Kiegerl, Knox, Pottorff.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on further motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 98, in line 4, after the period, by inserting:

“New Sec. 60. If studies conducted pursuant to this act indicate greater criminal activity or greater use of public assistance programs, costs thereof shall be paid by the gaming facility manager.”;

By renumbering sections accordingly;

On roll call, the vote was: Yeas 43; Nays 70; Present but not voting: 0; Absent or not voting: 12.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Powell, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treasurer, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, George, Kelsey, Kiegerl, Knox, Landwehr, McCray-Miller, Pottorff, Rhoades, Swenson.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on further motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, on page 11 of the amendment adopted on motion of Representative Aurand, in subsection (h) of section 2, in line 3 of paragraph (4), after “(4) include a provision for the lottery gaming facility manager to pay the cost of” by inserting “the \$1,000,000 required to be credited to the aviation research special revenue fund of Wichita state university, which amount is hereby required to be paid on July 1, 2007, as required by this act and”;

On the last page of the bill, preceding the last section of the bill, by inserting the following section:

“New Sec. 3.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Aviation research special revenue fund	\$1,000,000
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Provided, That all expenditures from the aviation research special revenue fund during fiscal year 2008 shall be for the purposes of providing funding for aviation research”;

And by renumbering sections accordingly;

On page 1, in the title, in the last line of the title, preceding the period, by inserting “; and making and concerning appropriations for certain state agencies for the fiscal year ending June 30, 2008”;

On roll call, the vote was: Yeas 47; Nays 69; Present but not voting: 0; Absent or not voting: 9.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison,

Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Craft, Crow, Flora, George, Kelsey, Kiegerl, Knox.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on further motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 12, in line 2, by striking "22%" and inserting "30%";

On roll call, the vote was: Yeas 47; Nays 65; Present but not voting: 0; Absent or not voting: 13.

Yeas: Beamer, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Kelley, Kinzer, Landwehr, Light, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Bowers, Craft, Crow, George, Kelsey, Kiegerl, Knox, Mast, Pottorff, Sharp, Tafanelli.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on motion of Rep. Kinzer to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 10, in line 1, by striking "and"; in line 4, after the semicolon, by inserting "and (iii) posts a \$500,000 indemnification bond to defray costs of litigation challenging the constitutionality of the Kansas expanded lottery act"; in line 14, by striking "and"; in line 17, after the semicolon, by inserting "and (iv) posts a \$500,000 indemnification bond to defray costs of litigation challenging the constitutionality of the Kansas expanded lottery act";

On roll call, the vote was: Yeas 48; Nays 66; Present but not voting: 0; Absent or not voting: 11.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, Whitham, B. Wolf.

Nays: Aurand, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, George, Huntington, Kelsey, Kiegerl, Knox, McCray-Miller, Pottorff, Tafanelli.

The motion of Rep. Kinzer did not prevail.

Also, roll call was demanded on further motion of Rep. Kinzer to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 12, in line 25, by striking “3%” and inserting “1½%”; in line 27, after “located” by inserting “and an amount equal to 1½% of the lottery gaming facility revenues, divided in equal amounts, to each contiguous county”;

On roll call, the vote was: Yeas 48; Nays 68; Present but not voting: 0; Absent or not voting: 9.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Palmer, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Vickrey, Watkins, Whitham, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McLachlan, Menghini, Moxley, Neighbor, Otto, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Kelsey, Kiegerl, Knox, McCray-Miller, Tafanelli, Yoder.

The motion of Rep. Kinzer did not prevail.

Also, having voted on the prevailing side in the adoption of the amendment by Rep. George, Rep. Landwehr moved that the House reconsider its action (see previous action). Roll call was demanded.

On roll call, the vote was: Yeas 40; Nays 76; Present but not voting: 0; Absent or not voting: 9.

Yeas: Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, King, Kinzer, Landwehr, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Siegfried, Tafanelli, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Beamer, Bethell, Crow, Kelsey, Kiegerl, Knox, Mast, Watkins.

The motion of Rep. Landwehr did not prevail.

Also, roll call was demanded on motion of Rep. Hodge to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 12, following line 4, by inserting:

“(13) include a provision for the state to receive not less than 40% of lottery gaming facility revenues, which shall be credited to the teacher salary enhancement trust fund established by section 60, and amendments thereto;”;

By renumbering paragraphs (13) through (20) as paragraphs (14) through (21), respectively;

On page 98, in line 4, by striking all after the period; following line 4, by inserting:

“New Sec. 60. (a) There is hereby created in the state treasury the teacher salary enhancement trust fund.

(b) The teacher salary enhancement weighting of each district shall be determined by the state board in each school year as follows:

- (1) Multiply the amount of moneys in the teacher salary enhancement trust fund by .30;
- (2) divide the amount determined under (1) by the number of all full-time equivalent teachers employed by all school districts in the state;
- (3) multiply the quotient obtained under paragraph (2) by the number of all full-time equivalent teachers employed by each school district; and
- (4) divide the product obtained under paragraph (3) by base state aid per pupil. The quotient is the teacher salary enhancement weighting of the district.”;

By renumbering sections accordingly;

On roll call, the vote was: Yeas 43; Nays 73; Present but not voting: 1; Absent or not voting: 8.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: Horst.

Absent or not voting: Ballard, Bethell, Crow, Dillmore, Kelley, Kelsey, Kiegerl, Knox.

The motion of Rep. Hodge did not prevail.

Also, roll call was demanded on further motion of Rep. Hodge to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 26, in line 27, after the period, by inserting “The executive director shall have authority to terminate the management contract when illegal acts involving moral turpitude, theft, embezzlement or sexual crimes are committed by the managers.”;

On roll call, the vote was: Yeas 46; Nays 71; Present but not voting: 0; Absent or not voting: 8.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Gordon, Kelsey, Kiegerl, Knox, Peterson.

The motion of Rep. Hodge did not prevail.

Also, roll call was demanded on motion of Rep. Faber to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 12, in line 1, following “(12)” by inserting “(A)”; following line 4, by inserting:

“(B) include a provision for the state to receive not less than 15% of lottery gaming facility revenues, which shall be credited to the state general fund and expended solely for the purpose of providing state aid for technical colleges and area vocational technical schools.”;

On roll call, the vote was: Yeas 46; Nays 68; Present but not voting: 0; Absent or not voting: 11.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Carlin, Crow, Faber, Kelsey, Kiegerl, Knox, McCray-Miller, Peterson, Pottorff.

The motion of Rep. Faber did not prevail.

Also, roll call was demanded on further motion of Rep. Faber to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 12, in line 1, following "(12)" by inserting "(A)"; following line 4, by inserting:

"(B) include a provision for the state to receive not less than 15% of lottery gaming facility revenues, which shall be credited to the state general fund and expended to pay the costs of full-day kindergarten;"

On roll call, the vote was: Yeas 45; Nays 70; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Schroeder, Schwartz, Siegfried, Sloan, Swanson, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Pottorff, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Horst, Huntington, Kelsey, Kiegerl, Knox, Peterson, Shultz.

The motion of Rep. Faber did not prevail.

Also, roll call was demanded on motion of Rep. Peck to amend **SB 66** as amended by House Committee of the Whole, in amendment FAS66h1, on page 14, in line 11, by striking "and"; after line 11, by inserting:

"(20) include enforceable provisions banning all smoking within lottery gaming facilities; and";

And by renumbering subsections accordingly;

On roll call, the vote was: Yeas 48; Nays 68; Present but not voting: 0; Absent or not voting: 9.

Yeas: Beamer, Bowers, Brown, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kinzer, Landwehr, Long, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Powers, Rhoades, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Brunk, Craft, Crow, Kelley, Kelsey, Kiegerl, Knox. The motion of Rep. Peck did not prevail.

Also, roll call was demanded on motion of Rep. Masterson to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 56, after line 1, by inserting:

“New Sec. 44. (a) No person who holds any financial interest in a lottery gaming facility, racetrack gaming facility or lottery gaming enterprise shall make any contribution to any candidate for state or local office.

(b) No candidate for state or local office shall accept any contribution from any person who holds any financial interest in a lottery gaming facility, racetrack gaming facility or lottery gaming enterprise.

(c) This section shall be part of and supplemental to the campaign finance act.”;

By renumbering sections accordingly;

On roll call, the vote was: Yeas 57; Nays 62; Present but not voting: 0; Absent or not voting: 6.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Kelley, Kinzer, Landwehr, Long, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Powell, Powers, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf, K. Wolf.

Nays: Aurand, Burroughs, Carlin, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Johnson, King, Kuether, Lane, Light, Loganbill, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Kelsey, Kiegerl, Knox.

The motion of Rep. Masterson did not prevail.

Also, roll call was demanded on motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 12, in line 2, by striking “22%” and inserting “24%”;

On roll call, the vote was: Yeas 48; Nays 66; Present but not voting: 0; Absent or not voting: 11.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Whitham, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Feuerborn, Horst, Kelsey, Kiegerl, Knox, Light, Watkins, Yoder.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on further motion of Rep. Kelley to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 10, by striking all in lines 31 and 32; following line 32, by inserting the following:

“(2) specify, as a percentage of the lottery gaming facility revenues, the total amount to be paid to the lottery gaming facility manager. The total amount paid to the lottery gaming facility manager shall not exceed \$5,000,000 in any twelve-month period. If the percentage specified in the contract generates revenues in an amount exceeding \$5,000,000 in any twelve-month period, the excess amount shall be credited to the income tax refund fund designated by K.S.A. 79-32,105, and amendments thereto, to be used to pay claims for homestead property tax refunds under K.S.A. 79-4501 et seq., and amendments thereto.”;

On roll call, the vote was: Yeas 44; Nays 69; Present but not voting: 0; Absent or not voting: 12.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Patton, Peck, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Whitham, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Crow, Dillmore, Horst, Kelsey, Kiegerl, Knox, Pottorff, Powell, Watkins, Yoder.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on motion of Rep. Goico to amend **SB 66** as amended by House Committee of the Whole, in amendment designated FAS66h1, on page 12, following line 4, by inserting:

“(13) include a provision for the state to receive not less than 25% of lottery gaming facility revenues, which shall be credited to the teacher salary enhancement fund established by section 60, and amendments thereto.”;

By renumbering paragraphs (13) through (20) as paragraphs (14) through (21), respectively;

On page 98, in line 4, by striking all after the period; following line 4, by inserting:

“New Sec. 60. (a) There is hereby created in the state treasury the teacher salary enhancement fund.

(b) The teacher salary enhancement weighting of each district shall be determined by the state board in each school year as follows:

(1) Determine the amount of moneys in the teacher salary enhancement fund;

(2) divide the number of all full-time equivalent teachers employed by all school districts in the state;

(3) multiply the quotient obtained under paragraph (2) by the number of all full-time equivalent teachers employed by each school district; and

(4) divide the product obtained under paragraph (3) by base state aid per pupil. The quotient is the teacher salary enhancement weighting of the district.”;

By renumbering sections accordingly;

On roll call, the vote was: Yeas 43; Nays 72; Present but not voting: 1; Absent or not voting: 9.

Yeas: Beamer, Bowers, Brown, Brunk, Carlson, Crum, Dahl, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison,

Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Shultz, Siegfried, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: Horst.

Absent or not voting: Ballard, Bethell, Colyer, Crow, Kelsey, Kiegerl, Knox, Schwartz, Tafanelli.

The motion of Rep. Goico did not prevail.

Also, roll call was demanded on motion of Rep. M. Holmes to amend **SB 66** as amended by House Committee of the Whole, in the amendment designated FAS66h1, on page 56, after line 1, by inserting the following:

"New Sec. 44. No business engaged in payday loans or vehicle title loans may be located within 25 miles of any casino, lottery gaming casino or racetrack gaming facility. This provision shall not apply to such businesses which are in operation prior to the effective date of this act.";

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 55; Nays 62; Present but not voting: 0; Absent or not voting: 8.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Craft, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McCray-Miller, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burroughs, Carlin, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Colyer, Crow, Goico, Kelsey, Kiegerl, Knox.

The motion of Rep. M. Holmes did not prevail.

Also, roll call was demanded on motion of Rep. Brunk to amend **SB 66** as amended by House Committee of the Whole, on page 53, in line 30, by inserting the word "not" after the word "shall";

On roll call, the vote was: Yeas 45; Nays 69; Present but not voting: 0; Absent or not voting: 11.

Yeas: Bowers, Brown, Brunk, Carlson, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, Huebert, Kelley, King, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Beamer, Bethell, Colyer, Crow, Goico, M. Holmes, Horst, Kelsey, Kiegerl, Knox.

The motion of Rep. Brunk did not prevail.

Also, roll call was demanded on motion of Rep. Huebert to amend **SB 66** as amended by House Committee of the Whole on March 23, 2007, by amendment designated FAS66h1, on page 53, in line 11, before the period, by inserting “and a one-time postretirement benefit payment of \$500.00 to be paid on October 1, 2007, to retirants who are members or special members of the Kansas public employees retirement system and systems thereunder, who are otherwise entitled to retirement benefit payments from such system, who retired prior to July 1, 1997, and who had 10 or more years of credited service; joint annuitants or beneficiaries of any such member; and insured disability benefit recipients”;

On roll call, the vote was: Yeas 45; Nays 70; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, B. Wolf.

Nays: Aurand, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Spalding, Storm, Svaty, Swanson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Colyer, Crow, Flaharty, Goico, Kelsey, Kiegerl, Knox, Swenson.

The motion of Rep. Huebert did not prevail.

Also, roll call was demanded on motion of Rep. Brown to amend **SB 66** as amended by House Committee of the Whole, the amendment designated FAS66h1, on page 14, in line 11, by striking “and”; after line 11, by inserting the following:

“(20) include provisions which:

(A) Prohibit the use of credit cards, debit cards and electronic benefit transfer cards or other federal or state assistance benefits if these are in a form other than cash, by any person at a destination casino;

(B) prohibit the location of ATM and credit card cash advance machines on the premises of any destination casino or in any parking facility or parking lot serving such casino;

(C) prohibit the extension of credit by a destination casino to any person; and

(D) prohibit the destination casino from cashing any payroll check, third party check, public assistance check or business check for any person;”;

Also on page 14, in line 12, by striking “(20)” and inserting “(21)”;

On roll call, the vote was: Yeas 55; Nays 59; Present but not voting: 0; Absent or not voting: 11.

Yeas: Beamer, Bowers, Brown, Brunk, Carlin, Carlson, Craft, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kinzer, Landwehr, Light, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Vickrey, Watkins, Whitham, Williams, B. Wolf.

Nays: Aurand, Burgess, Burroughs, Colloton, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Humerickhouse, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McLachlan, Menghini, Neighbor, Owens, Palmer, Peterson, Phelps,

Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Colyer, Crow, Goico, Huntington, Kelsey, Kiegerl, Knox, McCray-Miller, Tafanelli.

The motion of Rep. Brown did not prevail.

Also, on motion of Rep. Aurand **SB 66** be amended as amended by House Committee of the Whole, in amendment designated as FAS66h1, on page 14, in line 13, by striking "2022" and inserting "2032";

On page 24, in line 31, by striking "2022" and inserting "2032"; and **SB 66** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2133** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2133," as follows:

"Substitute for HOUSE BILL No. 2133

By Committee on Appropriations

"AN ACT concerning fire inspections; establishing a two-tier informal dispute resolution procedure for medical care facilities, adult care homes, assisted living facilities or special hospitals."; and the substitute bill be passed.

(**Sub. HB 2133** was thereupon introduced and read by title.)

Committee on **Energy and Utilities** recommends **SB 327** be amended on page 1, by striking all in lines 18 through 43;

By striking all on pages 2 through 7 and inserting the following:

"Section 1. As used in this act:

(a) "Biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from vegetable oils or animal fats and that meets American society for testing and materials specification D6751-02 for biodiesel fuel (B100) blend stock for distillate fuels or a later version of such specification as adopted by rules and regulations of the secretary of agriculture pursuant to K.S.A. 55-442, and amendments thereto;

(b) "diesel" means any liquid, other than gasoline and biodiesel, which is used as fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark;

(c) "gasoline" means any liquid product sold as motor fuel for use in a spark-ignition internal combustion engine;

(d) "motor fuel" means any inflammable liquid by whatever name such liquid shall be known or sold, which is used, or practically or commercially usable, either alone or when mixed or combined in an internal combustion engine for the generation of power;

(e) "motor fuel pump" means a commercial measuring device used to measure and dispense motor fuel or special fuels on a retail basis;

(f) "renewable fuels" means the motor vehicle fuels E-85, B-5 and B-10;

(g) "retail dealer" means a Kansas seller of motor fuel or special fuels at retail.

Sec. 2. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$500,000 from the state general fund to the Kansas retail dealer incentive fund.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of this act.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of this act shall be credited by the state treasurer to the state general fund.

Sec. 3. (a) A retail dealer of motor fuel shall be paid an incentive for the selling or dispensing of renewable fuels through a motor fuel pump as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses renewable fuels through a motor fuel pump in the quarter in which the incentive is claimed.

(2) The retail dealer acquires the renewable fuels to be sold and dispensed through a motor fuel pump from a Kansas manufacturer of renewable fuels.

(3) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) The incentive shall be an amount equal to 6 cents for each gallon of renewable fuel sold and dispensed through a motor fuel pump by the retail dealer.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses renewable fuel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses renewable fuels.

Sec. 4. (a) A retail dealer of biodiesel shall be paid an incentive for the selling or dispensing of biodiesel as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses biodiesel in the quarter in which the incentive is claimed.

(2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate the following:

(1) The retail dealer's biodiesel distribution percentage which is the sum of the retail dealer's total biodiesel gallonage expressed as a percentage of the retail dealer's total diesel and biodiesel gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's biodiesel threshold percentage is as follows:

(A) Two percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;

(B) four percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;

(C) five percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011; and

(D) seven percent for any quarter of the determination period beginning on January 1, 2012, and ending July 1, 2012.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses biodiesel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses biodiesel.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's biodiesel gallonage by the incentive rate for any quarter in which the retail dealer has attained a biodiesel threshold percentage for the determination period, the incentive rate is three cents.

Sec. 5. (a) The retail dealer shall file electronically for the incentive for selling or dispensing of renewable fuels or biodiesel beginning January 1, 2009, and quarterly thereafter in the manner required by the department of revenue. The retail dealer shall file such information as the secretary of revenue may require by rules and regulations, but shall include the total number of gallons of renewable fuels or biodiesel sold.

(b) The secretary of revenue may adopt rules and regulations necessary to administer the provisions of this act, including the development of a procedure for the payment of the incentive on a pro rata basis.

Sec. 6. The provisions of this act shall expire on and after July 1, 2012.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, in line 15, by striking “income tax credits” and inserting “incentives”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 201** be amended on page 1, in line 24, after “thereto” by inserting a comma; in line 25, after “21-3301” by inserting a comma; also in line 25, after “thereto” by inserting a comma; in line 29, after “21-4301a” by inserting a comma; in line 30, after “thereto” by inserting a comma; in line 36, after “21-4301a” by inserting a comma; in line 37, after “thereto” by inserting a comma; in line 42, after “38-2226” by inserting a comma; in line 43, after “thereto” by inserting a comma;

On page 2, in line 5, by striking “declared in” and inserting “removed from home based on”; also in line 5, by striking all after “order” and inserting “pursuant to K.S.A. 2006 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based

upon a similar statute that finds the child”; in line 6, by striking “an allegation” and inserting “a finding”; in line 7, before the semicolon, by inserting “and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment”; in line 13, after “thereto” by inserting a comma; in line 24, by striking “(d)” the second time it appears; in line 29, by striking “subsection”; in line 30, by striking “(e) of”; also in line 30, after “38-2226” by inserting a comma; also in line 30, after “thereto” by inserting a comma; in line 36, after “65-519” by inserting a comma; in line 37, by striking “(e)” the second time it appears;

On page 3, in line 9, by striking “facility” and inserting “applicant, licensee or registrant”; in line 10, by striking “restricted” and inserting “certified”;

On page 4, in line 8, by striking “(h)”; in line 15, by striking “(h)” and inserting “(i)”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 368** be amended on page 2, in line 5, by striking “and”; in line 40, by striking “and” and inserting a comma; also in line 40, after “(25)” by inserting “, (26) and (27)”;

On page 1, in the title, in line 10, after “audiologists” by inserting “and speech-pathologists”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 351** be amended on page 2, in line 14, by striking all following “act”; by striking all in line 15; in line 16, by striking “head”; in line 42, by striking “Kansas administrative”; in line 43, by striking “procedure act hearings” and inserting “state agencies, boards or commissions”;

On page 3, in line 1, by striking all following “(i)”; by striking all in lines 2 through 6; in line 7, by striking “(j)”;

On page 4, following line 23, by inserting the following:

“(5) Effective July 1, 2009, any full-time presiding officer in agencies specified in subsection (h)(5) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person’s services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment occurred.

Sec. 2. K.S.A. 2006 Supp. 77-514 is hereby amended to read as follows: 77-514. ~~(a) For agencies listed in subsection (h) of K.S.A. 75-37,121, and amendments thereto, the agency head, one or more members of the agency head or a presiding officer assigned by the office of administrative hearings shall be the presiding officer. For all other agencies, the agency head, one or more members of the agency head, a presiding officer assigned by the office of administrative hearings, or, unless prohibited by K.S.A. 77-551, and amendments thereto, one or more other persons designated by the agency head shall be the presiding officer.~~

(a) (1) Notwithstanding any other provision of law to the contrary, for agencies listed in subsections (h)(1), (h)(2) and (h)(3) of K.S.A. 75-37,121, and amendments thereto, a presiding officer assigned by the office of administrative hearings shall be the presiding officer. The presiding officer shall render an initial order, which becomes a final order unless reviewed in accordance with K.S.A. 77-527, and amendments thereto.

(2) Notwithstanding any other provision of law to the contrary, on and after July 1, 2008, for agencies listed in subsection (h)(4) of K.S.A. 75-37,121, and amendments thereto, a presiding officer assigned by the office of administrative hearings shall be the presiding officer. The presiding officer shall render an initial order, which becomes a final order unless reviewed in accordance with K.S.A. 77-527, and amendments thereto.

(3) Notwithstanding any other provision of law to the contrary, except as provided in K.S.A. 77-551, and amendments thereto, on and after July 1, 2009, for all state agencies, a presiding officer assigned by the office of administrative hearings shall be the presiding

officer. *The presiding officer shall render an initial order, which becomes a final order unless reviewed in accordance with K.S.A. 77-527, and amendments thereto.*

(b) Any person serving or designated to serve alone or with others as presiding officer is subject to disqualification for administrative bias, prejudice or interest.

(c) Any party may petition for the disqualification of a person promptly after receipt of notice indicating that the person will preside or promptly upon discovering facts establishing grounds for disqualification, whichever is later.

(d) A person whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

(e) If a substitute is required for a person who is disqualified or becomes unavailable for any other reason, any action taken by a duly appointed substitute for a disqualified or unavailable person is as effective as if taken by the latter.

(f) If the office of administrative hearings cannot provide a presiding officer, a state agency may enter into agreements with another state agency to provide presiding officers to conduct proceedings under this act.

(g) *Prior to July 1, 2009, as applicable, notwithstanding any quorum requirements, if the agency head of a professional or occupational licensing agency is a body of individuals, the agency head, unless prohibited by law, may designate one or more members of the agency head to serve as presiding officer and to render a final order in the proceeding.*

Sec. 3. K.S.A. 77-516 is hereby amended to read as follows: 77-516. The presiding officer designated to conduct the hearing may conduct a prehearing conference. If the conference is conducted:

(a) *Prior to July 1, 2009, as applicable, the state agency may assign a presiding officer, if such agency is not required to use a presiding officer from the office of administrative hearings, for the prehearing conference, exercising the same discretion as is provided by K.S.A. 77-514 and amendments thereto concerning the selection of a presiding officer for a hearing.*

(b) The presiding officer for the prehearing conference shall set the time and place of the conference and give reasonable notice to all parties and to all persons who have filed written petitions to intervene in the matter.

(c) The notice shall include:

(1) The names and mailing addresses of all parties and other persons to whom notice is being given by the presiding officer;

(2) the name, official title, mailing address and telephone number of any counsel or employee who has been designated to appear for the state agency;

(3) the official file or other reference number, the name of the proceeding and a general description of the subject matter;

(4) a statement of the time, place and nature of the prehearing conference;

(5) a statement of the legal authority and jurisdiction under which the prehearing conference and the hearing are to be held;

(6) the name, official title, mailing address and telephone number of the presiding officer for the prehearing conference;

(7) a statement that at the prehearing conference the proceeding, without further notice, may be converted into a conference hearing or a summary proceeding for disposition of the matter as provided by this act; and

(8) a statement that a party who fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding may be held in default under this act.

(d) The notice may include any other matters that the presiding officer considers desirable to expedite the proceedings.

Sec. 4. K.S.A. 77-526 is hereby amended to read as follows: 77-526. (a) *Except as provided in K.S.A. 77-514, and amendments thereto, if the presiding officer is the agency head or designated in accordance with subsection (g) of K.S.A. 77-514, and amendments thereto, the presiding officer shall render a final order.*

(b) *Except as provided in K.S.A. 77-514, and amendments thereto, if the presiding officer is neither the agency head nor designated in accordance with subsection (g) of K.S.A. 77-514, and amendments thereto, the presiding officer shall render an initial order, which*

becomes a final order unless reviewed in accordance with K.S.A. 77-527 and amendments thereto.

(c) A final order or initial order shall include, separately stated, findings of fact, conclusions of law and policy reasons for the decision if it is an exercise of the state agency's discretion, for all aspects of the order, including the remedy prescribed and, if applicable, the action taken on a petition for stay of effectiveness. Findings of fact, if set forth in language that is no more than mere repetition or paraphrase of the relevant provision of law, shall be accompanied by a concise and explicit statement of the underlying facts of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration, administrative review or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order. If the presiding officer has been designated in accordance with subsection (g) of K.S.A. 77-514, and amendments thereto, the final order shall so state. Any final order, for which a petition for reconsideration is not a prerequisite for seeking judicial review, and any initial order, for which further administrative review is not available, shall state the agency officer to receive service of a petition for judicial review on behalf of the agency.

(d) Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding.

(e) If a substitute presiding officer is appointed pursuant to K.S.A. 77-514 and amendments thereto, the substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(f) The presiding officer may allow the parties a designated amount of time after conclusion of the hearing for the submission of proposed findings.

(g) A final order or initial order pursuant to this section shall be rendered in writing and served within 30 days after conclusion of the hearing or after submission of proposed findings in accordance with subsection (f) unless this period is waived or extended with the written consent of all parties or for good cause shown. If extended for good cause, such good cause shall be set forth in writing on or before expiration of the 30 days.

(h) The presiding officer shall cause copies of the order to be served on each party and, if the order is an initial order, on the agency head in the manner prescribed by K.S.A. 77-531 and amendments thereto.

(i) Notwithstanding the other provisions of this section, if the presiding officer in a hearing before the state corporation commission is not the agency head, the presiding officer shall not render an initial order but shall make written findings and recommendations to the commission. The commission shall render and serve a final order within 60 days after conclusion of the hearing or after submission of proposed findings in accordance with subsection (f) unless this period is waived or extended with the written consent of all parties or for good cause shown. If extended for good cause, such good cause shall be set forth in writing on or before expiration of the 60 days.

Sec. 5. K.S.A. 2006 Supp. 77-551 is hereby amended to read as follows: 77-551. ~~(a) Except as provided in subsection (b), in all hearings of any state agency specified in subsection (h) of K.S.A. 75-37,121, and amendments thereto, that are required to be conducted in accordance with the provisions of the Kansas administrative procedure act, the presiding officer shall be the agency head, one or more members of the agency head or a presiding officer assigned by the office of administrative hearings.~~

(a) (1) Notwithstanding any other provision of law to the contrary, except as provided in subsection (b), in all hearings of any state agency specified in subsections (h)(1), (h)(2) and (h)(3) of K.S.A. 75-37,121, and amendments thereto, that are required to be conducted in accordance with the provisions of the Kansas administrative procedure act, the presiding officer shall be a presiding officer assigned by the office of administrative hearings.

(2) Notwithstanding any other provision of law to the contrary, except as provided in subsection (b), on and after July 1, 2008, in all hearings of any state agency specified in subsection (h)(4) of K.S.A. 75-37,121, and amendments thereto, that are required to be conducted in accordance with the provisions of the Kansas administrative procedure act, the presiding officer shall be a presiding officer assigned by the office of administrative hearings.

(3) *Notwithstanding any other provision of law to the contrary, except as provided in subsection (b), on and after July 1, 2009, in all hearings of any state agency that are required to be conducted in accordance with the provisions of the Kansas administrative procedure act, the presiding officer shall be a presiding officer assigned by the office of administrative hearings.*

(b) The provisions of this section shall not apply to the employment security law, pursuant to K.S.A. 44-701 et seq., and amendments thereto or article 5 of chapter 44 and amendments thereto, except K.S.A. 44-532 and 44-5,120 and amendments thereto, concerning the workers compensation act.

(c) ~~Notwithstanding~~ *Subject to the provisions of subsection (a) the agency head or one or more members of the agency who will serve as a presiding officer may designate any other person to serve as a presiding officer to determine procedural matters that may arise prior to the hearing on the merits, including but not limited to conducting prehearing conferences pursuant to K.S.A. 77-516 and 77-517 and amendments thereto.*

(d) This section shall be part of and supplemental to the Kansas administrative procedure act.

Sec. 6. On and after July 1, 2009, K.S.A. 77-551, as amended by section 43 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 2003 Supp. 77-514, as amended by section 39 of chapter 145 of the 2004 Session Laws of Kansas are hereby repealed.”;

By renumbering the remaining sections accordingly;

Also on page 4, in line 24, preceding “K.S.A.” by inserting “K.S.A. 77-516 and 77-526 and”; also in line 24, following “Supp.” by inserting “74-599.”; also in line 24, by striking “is” and inserting “, 77-514 and 77-551 are”;

In the title, in line 10, by striking “office of the state bank commissioner” and inserting “Kansas administrative procedure act”; in line 11, before “amending” by inserting “presiding officers.”; also in line 11, preceding “K.S.A.” by inserting “K.S.A. 77-516 and 77-526 and”; in line 12, preceding “and” by inserting “, 77-514 and 77-551”; also in line 12, by striking “section” and inserting “sections; also repealing K.S.A. 2006 Supp. 74-599, K.S.A. 2003 Supp. 77-514, as amended by section 39 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 77-551, as amended by section 43 of chapter 145 of the 2004 Session Laws of Kansas”; and the bill be passed as amended.

Social Services Budget Committee recommends **SB 11** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 11,” as follows:

“HOUSE Substitute for SENATE BILL No. 11

By Social Services Budget Committee

“AN ACT enacting the foundations of health reform act of 2007; amending K.S.A. 38-2101, 39-785 and 40-2215 and K.S.A. 2006 Supp. 39-709, 40-19c06, 40-2209, 40-3209, 75-6501 and 75-7408 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 39-709d.”; and the substitute bill be passed.

(**H. Sub. for SB 11** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2548** be amended on page 1, in line 18, by striking all after “provide”; by striking all in lines 19 through 21; in line 22, by striking all before the period and inserting “to the Kansas department of revenue information necessary for a verification of taxes paid or filed. Such information shall include the applicant’s license number, social security number and current address. Applicants may submit such information by telephone, mail, or the secure internet access provided by the department. The department shall issue a notice of receipt of such information to the individual applicant within 30 days of the date the applicant submitted such information. The department may submit to the appropriate state authority by electronic means notice that the applicant has submitted the information necessary for verification of taxes paid. The applicant shall submit verification that the applicant has submitted the information necessary for verification of taxes paid with the application for original licensure, certification or registration, or renewal thereof, except that the applicant need not submit such verification if the department has submitted such notice that the applicant has submitted the information necessary for verification of taxes paid to the appropriate state authority by electronic means. If the applicant fails to submit the required information necessary for a verification of taxes paid or filed to the department, the license or renewal shall not be issued by the state authority”;

Also on page 1, in the title, in line 10, by striking all after “numbers”; in line 11, by striking “bers”; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 347** be amended on page 2, in line 1, before “With” by inserting: “If filing such statements by electronic means would be a hardship for any such employer, payer, person or organization, the secretary may permit such statements to be filed other than by electronic means.”; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6016—

By Representatives Pottorff, 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, 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, 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 and Yoder

A RESOLUTION in memory of Ruth Luzzati.

WHEREAS, Ruth Elwood Luzzati died December 24, 2005 in Wichita at age 84; and
WHEREAS, Ms. Luzzati represented the 84th House District as a Democrat from 1972 to 1986. She became the second woman to represent Sedgwick County in the Kansas Legislature and eventually became the first woman appointed to the House Ways and Means Committee; and

WHEREAS, Ms. Luzzati was born in Omaha, Nebraska and attended the University of California Los Angeles before moving to Wichita around 1961; and

WHEREAS, Among the bills sponsored by Ms. Luzzati, was legislation creating the state’s displaced homemaker centers which helped secure employment and housing for women who were widowed, divorced, or whose husbands were disabled. Ms. Luzzati was also instrumental in passing legislation that prevented utility companies from passing on the costs of construction to consumers by raising rates; and

WHEREAS, In addition to her work as a legislator, Ms. Luzzati devoted her time and efforts to working closely with the League of Women Voters, Wichita Urban League, Planned Parenthood of South Central Kansas, as well as many other organizations. In 1986, Ms. Luzzati was named “Woman of the Year” by the Women’s Equality Coalition: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Ruth Elwood Luzzati for the public service she gave to her city and state, and extend our deepest sympathy to her family and friends.

Be it further resolved: That the Chief Clerk of the House of Representatives provide eight enrolled copies of this resolution to Representative Pottorff.

REPORT ON ENGROSSED BILLS

HB 2097 reported correctly engrossed March 23, 2007.

REPORT ON ENROLLED BILLS

Sub. HB 2042; Sub. HB 2067; HB 2114, HB 2115, HB 2268, HB 2270, HB 2274; Sub. HB 2278; HB 2294, HB 2306, HB 2373, HB 2419, HB 2425 reported correctly enrolled, properly signed and presented to the governor on March 23, 2007.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Monday, March 26, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

