

Journal of the House

FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 26, 2007, 9:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.
The roll was called with 122 members present.
Reps. Crow, Goico and McCray-Miller were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord, today we pray the Prayer of St. Francis of Assisi:

“Lord, make (us) an instrument of your peace,
Where there is hatred, let me sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
Where there is sadness, joy;
O Divine Master, grant that (we) may not so much
seek to be consoled as to console;
To be understood as to understand;
To be loved as it is to love.
For it is in giving that we receive;
It is in pardoning that we are pardoned;
And it is in dying that we are born to eternal life.”

Father God, may these not just be words spoken in a prayer, but may this prayer be reflected in our words — our actions — our attitudes in this session today. May we be instruments of peace. In Christ’s name I pray. Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Sharp and Neighbor are spread upon the journal:

Today, Representatives Sharp and Neighbor stand before you with a bipartisan presentation in honor of a very special young man, Daniel Beattie. Daniel is a senior at Shawnee Mission Northwest and was the only diver from Shawnee Mission Northwest to qualify for state. At state, Daniel took first place. Daniel has stated that he does not intend to pursue diving in college and is now working on pole vaulting.

Rep. Neighbor read from the Northwest Passage: Swim team manager Erin Schubert fidgeted with excitement at last Saturday’s state meet in Topeka while senior Daniel Beattie was diving. Schubert, a diver herself, talked with her mother and fellow manager Melody Schrongar between dives: “Oh my gosh. He’s going to win. He’s going to win State. I’m going to cry,” she said during his performance.

Rep. Sharp shared comments from Daniel’s mother, Dorothy, about how he became interested in diving: “Daniel competed in gymnastics, but had never tried diving until his sophomore year in high school. He and the new coach learned about diving together through

videos and books! His second year of diving, he placed 7th at State. This year, his third in the sport, he won the State diving contest by performing dives he had never performed in competition.

“Daniel is a well-rounded student with grades that place him in the top 10% of his class, and he is active in National Honor Society, Spirit Club, and the Prom Committee. Please join me in congratulating Daniel Beattie for stellar performances in school and sports, and thank his parents, Dorothy and Dan, for their support.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 338**.

Judiciary: **SB 366, SB 373**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6017—

By Representatives Kiegerl and Vickrey

A RESOLUTION congratulating and commemorating the city of Spring Hill upon their Sesquicentennial Celebration.

WHEREAS, in March 1857, James B. Hovey came to the area, staked and claimed the land and named it Spring Hill after a town near Mobile, Alabama; and

WHEREAS, in the summer of 1857, the first buildings were erected on the highest elevation in the original downtown, presently known as the City Park on West Nichols Street; and

WHEREAS, the United States Federal Government granted a post office for Spring Hill in the fall of 1857, thus sealing the official designation as a town in the new west; and

WHEREAS, on October 5, 1857, the first election was held in Spring Hill for delegates to congress, the state legislature, and Justices of the Peace with 16 votes being polled; and

WHEREAS, Spring Hill is proud to have been the home of Celia Ann Dayton, reported to be the first woman doctor in Kansas; and

WHEREAS, the same selfless spirit that came to the aid of its citizens after the devastation of the 1957 tornado is still very much alive, we continue to grow and prosper as a community; and

WHEREAS, the City of Spring Hill is celebrating its 150th Birthday and continues to be a wonderful place to live, work, and raise a family; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the city of Spring Hill upon their first 150 years as a growing, vibrant Kansas community and extend our best wishes for the future.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Mayor Mark Squire, 206 N. Vine, Spring Hill, KS, 66083; and Ann Jensen, Chamber Secretary/Executive Director, P.O. Box 15, Spring Hill, KS 66083.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Colyer, **HR 6015**, A resolution setting forth a vision for the future of the health care system in Kansas, was adopted.

On motion of Rep. Pottorff, **HR 6016**, A resolution in memory of Ruth Luzzati, was adopted.

There being no objection, the following remarks of Reps. Pottorff and Faust-Goudeau are spread upon the journal.

Remarks by Rep. Pottorff:

Several years ago I thought the House should honor former representatives when they die with a resolution. Today we honor Ruth Luzzati. I did not serve with Ruth, but her name was well known in Wichita and she lived in my legislative district.

Memorial services will be Saturday. Former Governor John Carlin will be in attendance and will read this House Resolution.

Remarks by Rep. Faust-Goudeau:

It is my honor to recognize former state representative Ruth Luzzati who represented the 84th district which I now represent. I am especially grateful for her leadership and courage in her role for paving the way for other women to serve in the Kansas State House of Representatives. My heartfelt sympathy goes out to her family for their loss.

CONSENT CALENDAR

No objection was made to **SB 109** appearing on the Consent Calendar for the first day.

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

No objection was made to **SCR 1606** appearing on the Consent Calendar for the third day. The resolution was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1606. A concurrent resolution designating the region from Manhattan, Kansas, to the Kansas City metropolitan area as the KC Animal Health Corridor and recognizing the value and economic benefits of the animal health industry throughout the state of Kansas, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; 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, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, 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, 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, Goico, McCray-Miller.

The resolution was adopted.

HCR 5022. A PROPOSITION to amend section 3c of article 15 of the constitution of the state of Kansas, relating to lotteries.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 3c of article 15 of the constitution of the state of Kansas is hereby amended to read as follows:

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

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

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

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

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

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

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

(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."

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

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

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

"A vote against this amendment would continue the current prohibition against such casinos."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2008 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Dahl, Dillmore, Donohoe, Fund, Gatewood, George, Gordon, Hayzlett, Hill, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Landwehr, Light, Lukert, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Neufeld, Olson, Otto, Owens, Palmer, Peck, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Sawyer, Schwartz, Sharp, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Beamer, Burroughs, Carlin, Crum, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Kelley, Kinzer, Kuether, Lane, Loganbill,

Long, Mah, Mast, McKinney, McLachlan, Menghini, Myers, Neighbor, O'Neal, Patton, Pauls, Peterson, Phelps, Rardin, Rhoades, Ruiz, Schroeder, Shultz, Storm, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Winn.

Present but not voting: None.

Absent or not voting: Crow, Goico, McCray-Miller.

Not having received the required two-thirds majority, the resolution was not adopted.

HCR 5023, A concurrent resolution establishing the Kansas commission on expanded gaming, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 25; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Colyer, Craft, Dahl, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Fund, Garcia, Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Sawyer, Schwartz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Burroughs, Crum, Davis, Flaharty, Flora, Frownfelter, Henderson, Hodge, C. Holmes, Kelley, Kinzer, Kuether, Lane, Patton, Peterson, Ruiz, Schroeder, Sharp, Shultz, Storm, Tietze, Whitham, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Crow, Goico, McCray-Miller.

The resolution was adopted, as amended.

SB 66, An act concerning 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. 19-1011 and 21-4619c, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 58; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Burgess, Burroughs, 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, Loganbill, Long, Mah, McLachlan, Menghini, Neighbor, Otto, Owens, Palmer, Peterson, Phelps, 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.

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

Present but not voting: None.

Absent or not voting: Crow, Goico, McCray-Miller.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: With the rapid increase in the size of the gambling footprint in Kansas, there will be a sizeable increase in number of persons addicted to gambling. The number

of families affected by this addiction grows exponentially. I will vote no on **SB 66** and my conscience will be clear. Will yours?— DON MYERS, JUDY MORRISON

MR. SPEAKER: This debate was the lowest point of my legislative tenure. I saw people who have attended a special morning prayer breakfast on a weekly basis with me. We disagree on this issue. I am reminded of Galatians 6:7-8. "Be not deceived, God is not mocked. For whatsoever a man soweth that shall he also reap. He that soweth to the flesh shall of the flesh reap corruption. He that soweth to the Spirit shall of the Spirit reap everlasting life." I want posterity to know that there were those of us that still believed and respected God's Word. I vote no on **SB 66**.— PEGGY MAST

MR. SPEAKER: I vote no on **SB 66**. It is sadly ironic how we, the state, justify our support for gambling in Kansas. It is acceptable to have gambling throughout Kansas as the state needs the income from the sin taxes. Cigarette, alcohol and gambling owners and manufacturers are heavily taxed and regulated to reduce use in our society. But we insist they be allowed in casinos to keep them profitable and provide the state with tax income. Is this not hypocrisy? That adults need to drink, smoke and gamble more so we can afford to pay for our youth's education?— RICHARD CARLSON

MR. SPEAKER: What are we doing here? We are opening up a Pandora's box that will have dire consequences for everyone in this room. Each of you will be impacted negatively by the passage of this bill.

You say, "Look at all the money it will bring to Kansas!" I say, "See all the grief you have caused!" You say, "Gambling is already here." I say, "You are enabling an addictive behavior."

The benefits of the money that will come from this cannot outweigh the grief it will cause. I vote "NO" on **SB 66**.— VIRGINIA B. BEAMER

MR. SPEAKER: With this bill, we are combining government, which operates best when kept to a limited size, in part because of man's flawed nature, with gambling, a practice known to corrupt.

Nowhere in even a broad interpretation of the idea of limited government does there exist room for state-operated gambling. I vote no on **SB 66**.— BENJAMIN HODGE

MR. SPEAKER: I am voting against **SB 66**. I oppose gambling and its adverse effects on the Kansas economy and citizens.

Kansas is competing with other states to secure the Ag-Bio science facility. Other states will use gambling to their advantage. They will argue that the Governor's attention will be diverted toward various lawsuits anticipated. These lawsuits will be contentious and disruptive and hinder proper focus by state officials.

Citing pro-gambling votes against teacher salaries, full time kindergarten, etc., while setting aside 18 million dollars for gambling addiction is not pro-business or pro-family. Defeat gambling to enhance Ag-Bio Science facility success.— OWEN DONOHOE

MR. SPEAKER: With *no* animosity towards anyone in this body I am deeply disappointed in the passage of legislation that provides for state sponsored casino gambling. The benefit to the state coffer is offset by the potential for serious compromise to our long term financial viability. With the continued expansion of gambling in Kansas and throughout our country, future generations may gamble away their future and the future of our great state and nation.

Thomas Jefferson state "that it is our own fault if we are ever driven to the miserable resources of gaming, which corrupts our dispositions, and teaches us a habit of hostility against all mankind." I vote on **SB 66**.— DAVE CRUM, JIM MORRISON

MR. SPEAKER: I vote no on **SB 66** because it is bad public policy to reward failed business practices with millions of dollars. It is bad public policy to spread gambling's social problems throughout the state. It is bad public policy to allow gaming interests full access to the wealth of their patrons for the stated reason of giving them a chance to succeed. I vote no because we have no idea of the full economic consequences of **SB 66**.— ARLEN SIEGFREID

MR. SPEAKER: I vote no on **SB 66**. A vision for Kansas: Strong intact families actively engaged in the life of their community; veneration of one's elders, the rearing of sober,

upright and pious children; thrift, diligence and honest labor; temperance, prudence, fortitude and justice. Vibrant churches, schools, and voluntary associations; parochial communities, mediating between the individual and the state. Faith, hope and charity serving as the glue of civil society. Love, joy, peace, longsuffering, gentleness, goodness, faith, meekness, and temperance. These constitute the unbought grace of life.

Gambling gnaws away at all these things, impoverishing us regardless of financial gain. I vote no on **SB 66**.— LANCE KINZER

MR. SPEAKER: While I supported a Constitutional Amendment that would prevent the State from owning casinos and allow the people of Kansas to vote for privately owned ones, I must vote NO on **SB 66**. The State has no business owning and monitoring casinos.

In addition, a 98-page amendment went on to allow for State-owned destination casinos. This amendment, presented in one day, gave Legislators little time to thoroughly understand. We have passed other pieces of legislation in the dead of night only to be back the following session to correct the unintended consequences of our actions.— LANA GORDON, MIKE KIEGERL

MR. SPEAKER: I vote No on **SB 66**. Supporters of gambling agree that lives and families will be destroyed as a result of **SB 66**. They admitted it during debate and put language in **SB 66** that requires 2% of the gambling profits go to the *Problem Gambling and Addictions Fund*. They vote yes knowing full well that lives and families will be destroyed, but point to the amount of money the state is projected to bring in.

It is written “*What will it profit a man if he gains the whole world and loses his own soul? Or what will a man give in exchange for his soul?*” Mark 8:36— VIRGIL PECK, JR.

MR. SPEAKER: To usher full blown Casino Gambling into our state without a vote of its people, with all the empirical evidence presented showing a likely overall negative effect on our economy, and undeniable social costs, would be poor representative government and foolish and reckless action. I vote NO on **SB 66**. Power to the People!— TY MASTERSON

MR. SPEAKER: Whatever happened here on the floor of the House last week still bewilders me. As a state, we want to be the first in the nation to own and operate casinos, yet have millionaires and billionaires serve up gambling venues whereby they “work for us” after they have designed this bill for our approval? As a state, we want to be sure that these wealthy men continue to offer their largess in portions to our re-election campaigns while we indicate that we are in charge.

We, as a state, have the obligation to our citizens to say NO...and I do on **SB 66**.— DICK KELSEY

MR. SPEAKER: Once again Sedgwick County and the city of Wichita loses in Topeka. **SB 66** gives 3% of Casino revenue in Wyandotte County to local units of government. A Casino in Sedgwick County local units of government (depending upon Casino location) only receive 2% of the revenue, 1% goes to Sumner county. A Casino built in Sumner county Sedgwick County only receives 1% of the gambling revenue. Sumner County passed a gambling referendum they are included. Harvey County passed a gambling referendum, they are not included. I find this strange and disturbing. Is this a political payoff? I vote NO on **SB 66**!— JOE MCLELAND

MR. SPEAKER: I vote no on **SB 66**, for lack of good government reporting and the biggest reason is in regard to access to instant money and credit by problem gamblers. As I left Saturday morning, I was utterly disappointed in people that I once referred to as friends. This anger grew Saturday, but a wonderful thing happened on Sunday morning at Mass.

Through God’s wonderful grace the anger was replaced with peace through my forgiveness of those whom angered me on Saturday. I ask the body to forgive me for my anger toward folks in this room, just as I through God’s help have forgiven.— ANTHONY BROWN

MR. SPEAKER: This 98 page gambling amendment was conceived in secret by dubious parents and born prematurely at night. It could not stand inspection in the light and so bypassed legislative hearings. What a travesty.

It is shameful that the state will now sponsor activities that promote social decay, bankruptcies, crime, suicide, divorce, embezzlement, etc. we have gone to the “dark side.” An ominous cloud has now covered Kansas and it will never go away. New state policy: Pray upon the weak to satisfy the greed of the out-of-state rich.

This is Robin Hood in reverse. Just follow the money! I vote no on **SB 66**.— DONALD L. DAHL

MR. SPEAKER: I took an oath to uphold the Constitution of the State. The renewal of the Kansas Lottery is constitutional, as the voters approved it with a Constitutional Amendment. I will vote to allow the people to change the constitution on this issue. The amendment to this bill at 2:30 a.m. Saturday morning provides for state-owned and state-operated casinos. That is not what the voters of Kansas approved. It does not meet the test of deliberative, informed decision-making. I can do nothing less than uphold the Kansas Constitution. I vote NO on **SB 66** as amended.— STEVE HUEBERT

MR. SPEAKER: I’m aware of pressing financial needs and legislative responsibilities and I, as a business person, support reasonable taxes. I’ve listened carefully to the debate on the expanded gaming amendment, and given it careful consideration. The economic gain for the state at the expense of our citizens losing money is not in our state’s best interests.

Deferred maintenance could be a benefactor of new revenue; the bill is silent on this. I support the Kansas Lottery’s renewal in another measure which will come before us again at a later time because it was approved by the voters who changed the Constitution. I vote no on **SB 66**.— SYDNEY CARLIN

MR. SPEAKER: I respectfully vote no on **SB 66**. It is not that I am against casinos; what I am against is the state of Kansas owning and operating them.— LEE TAFANELLI

MR. SPEAKER: **SB 66**, as amended, is not about bringing in more revenue for the state of Kansas. It’s about a handful of out-of-state billionaires using the power of the state of Kansas to enrich their personal fortunes on the backs of Kansans who cannot afford to be throwing money away. Most of these will be in the low-income category, and many will lose everything they have. Mr. Speaker, I vote “no” on **SB 66**.— MITCH HOLMES

MR. SPEAKER: I vote yes on **SB 66**. A majority of my constituents routinely indicate that they want the availability in Kansas of expanded gambling, including casinos. A “no” vote will not change the following facts: Kansas loses the ability to benefit from discretionary monies every time Kansans lose money at a tribal casino or a border state’s casino. Some Kansans are already addicted to gambling. Although I would like to see a larger percentage of proceeds received by Kansas, **SB 66** does provide funding for gambling addiction programs and provides the state with the ability to benefit from Kansans’ gambling losses currently being enjoyed by surround state.— DEENA HORST

MR. SPEAKER: I vote “NO” on **SB 66**. Our constituents are counting on us to serve the best interests of our districts and our state. The gambling amendment added to this bill is not the product of good public policy crafted after thoughtful consideration, purity of motive and open and public vetting. To the contrary, the blind and naive adherence to the gambling coalition’s insistence that no amendments to their plan be considered is stark evidence of how seductive big-money gambling interests can be. Kansan’s will be the ultimate victims if this patently unconstitutional measure is allowed to move forward.— MICHAEL R. O’NEAL

MR. SPEAKER: Last Friday and into the early morning hours of Saturday we debated **SB 66** that renewed the Kansas lottery. A 95 page, very vague amendment was offered and after many hours of emotional debate, passed.

I love the state of Kansas and its citizens and will not vote for a bill that will drain our citizens of their hard earned money. Slot machines, glitzy casinos and all the bells and whistles will reduce the quality of life in Kansas as a result of allowing further gambling in our great state. We vote no on **SB 66**.— GARY K. HAYZLETT, LARRY POWELL

MR. SPEAKER: There are over 300 Grey Hound operators in Kansas. Nearly 24,000 active Grey Hounds are owned by Kansans. This is an industry worth our support. Racetracks are the mechanism that keeps this industry alive.

My disappointment is that casino gambling has not and will not face a public vote. In 1986 the people of Kansas voted for a constitutional amendment to allow the Lottery, not casino gambling. This bill adds Casino gambling to the Lottery reauthorization. I cannot support a proposal of this gravity that goes around a vote of the people of Kansas. I vote no on **SB 66**.— TOM MOXLEY

MR. SPEAKER: Kansas is the only State in the nation to undertake the folly of State owned and State operated gambling. A careful examination of this amendment will bring you to conclude that this bill is written by and for those with gaming interests, and not for the benefit of Kansas and its citizens.

This bill is unconstitutional. Additionally, it promotes addiction, bankruptcy, corruption and other societal ills, and will have a detrimental effect on Kansans. I have a duty to our citizens to uphold the constitution. I have a duty to God to promote a moral and just society. **SB 66** violates both. I emphatically vote no.— STEVEN R. BRUNK

PROTEST

MR. SPEAKER: Pursuant to Article 2, Section 10, of the constitution of the State of Kansas, I protest the passage of **SB 66**.

Many states have already allowed legalized casino gambling and slot machines, so typical outcomes and statistics are readily available.

What can we expect? People will make money.

Many already have.

Wealthy developers, pro-gambling politicians, and businesses that normally experience up-ticks whenever gambling comes to townpaw shops, cash advance loans, and others can expect to see more money in their coffers.

Specifically, some wealthy people are going to get a lot wealthier.

What else can we expect? People will lose money.

From a study by the *National Bureau for Economic Research, Harvard University Press*: "Legalized gambling acts as a regressive tax on the poor." Since 70 percent of casino gamblers in non-tourist areas come from fewer than 35 miles away, it is more accurately a tax on Kansas' poor.

Traditional businesses can expect increased absenteeism and declining productivity. (*University of Miami Business Law Journal*) They can also expect an impact on revenues. When casinos came to Wisconsin, "More than 10 percent of locals would spend more on groceries if it were not for the casino, while nearly one-fourth would spend more on clothes. Thirty-seven percent said that their savings had been reduced since the casino had opened" (*Wisconsin Policy Research Institute Report*)

When casinos opened in Illinois, two studies concluded that for every job created, surrounding communities lost one or more existing jobs. (*Illinois Business Review*) In states where legalized gambling was promoted as a way to enhance tax revenues for education, the states actually saw education funding decrease. (*Congressional Hearing. The National Impact of Casino Gambling Proliferation: Washington, D.C.*)

The real-dollar costs of legalized gambling (increased crime, poverty, broken homes, bankruptcies, job losses, etc.) are borne by taxpayers. It takes three dollars or more spent in other state services to offset every dollar legalized gambling "contributes" in taxes. (*Florida Governor's Office of Planning and Budgeting*)

A study by the Wisconsin Policy Research Institute estimated that problem gamblers (and their financially-strapped families) cost taxpayers in that state around \$10,000 per gambler per year or \$307 million annually. During the same time, Wisconsin revenue from gambling was about \$63 million.

Pathological gamblers represent only four to seven percent of the population, but they constitute 30 to 50 percent of casino profits. Like predators, casino employees identify and target problem gamblers.

Casinos depend on impulse gambling, which is why they need ATMs and cash advance loans to be accessible to their customers.

As Representative Anthony Brown, R-Eudora told us from the House floor, his deceased father-in-law's gambling addiction left him broke and broken. His family couldn't find him

in the main gambling venues. He'd been ushered into a special room set aside for problematic and pathological gamblers where slot machines take \$100-a-token swipes from credit/debit cards. The ultimate in customer service!

With the advent of legalized gambling one can expect the rich to get richer, the poor to get poorer, and the middle class taxpayer asked to foot the bill.

As seasoned gamblers know, the odds are always with the House, but I believe that with the passage of **SB 66**, Kansas' residents and all those who are sworn to protect them will prove to be the biggest losers.— MARC RHOADES

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Myers to concur in Senate amendments to **HB 2140**, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 54; Nays 66; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Crum, Dahl, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Patton, Peck, Powell, Powers, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Wilk, Worley, Yoder.

Nays: Ballard, Bowers, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Metsker, Moxley, Neighbor, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Colyer, Crow, Goico, McCray-Miller, B. Wolf.

On motion of Rep. C. Holmes, the House nonconcurrred in Senate amendments to **HB 2033** and asked for a conference.

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

On motion of Rep. C. Holmes, the House nonconcurrred in Senate amendments to **HB 2038** and asked for a conference.

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

On motion of Rep. Shultz, the House nonconcurrred in Senate amendments to **HB 2113** and asked for a conference.

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

On motion of Rep. Faber, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2145** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. C. Holmes, Faber and Svaty as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrred in Senate amendments to **HB 2283** and asked for a conference.

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

On motion of Rep. Brunk, the House nonconcurrred in Senate amendments to **HB 2316** and asked for a conference.

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 179** be passed.

Sub. HB 2562; SB 203 be passed over and retain a place on the calendar.

Committee report to **SB 146** be adopted; and the bill be passed as amended.

Committee report to **SB 67** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2559** be adopted; and the substitute bill be passed.

Committee report to **HB 2578** be adopted; and the bill be passed as amended.

Committee report to **SB 321** be adopted; and the bill be passed as amended.

Committee report to **SB 8** be adopted; and the bill be passed as amended.

Committee report to **SB 9** be adopted; and the bill be passed as amended.

Committee report to **SB 198** be adopted; also, on motion of Rep. Will be amended on page 8, after line 25, by inserting the following:

"Sec. 10. K.S.A. 2006 Supp. 72-6431 is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district's general fund budget which is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school year ~~2005-2006 and school year 2006-2007~~ 2007-2008 and school year 2008-2009.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 6 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 11. K.S.A. 2006 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2005 and 2006~~ 2007 and 2008, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.;

And by renumbering the remaining sections accordingly;

Also on page 8, in line 27, before "79-4502" by inserting "72-6431, 79-201x,;"

On page 1, in the title, in line 12, before "amending" by inserting "school finance, tax revenue, exemption therefrom;"; in line 13, before "79-4502" by inserting "72-6431, 79-201x,;" and **SB 198** be passed as amended.

Committee report to **SB 324** be adopted; also, roll call was demanded on motion of Rep. Brunk to amend on page 2, after line 13, by inserting:

"New Sec. 4. (a) This section shall be known and may be cited as Alexa's law.

(b) As used in this section:

- (1) "Abortion" means an abortion as defined by K.S.A. 65-6701, and amendments thereto.
- (2) "Unborn child" means a living individual organism of the species homo sapiens, in utero, at any stage of gestation from fertilization to birth.
- (c) This section shall not apply to:
- (1) Any act committed by the mother of the unborn child;
 - (2) any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian; or
 - (3) the lawful dispensation or administration of lawfully prescribed medication.
- (d) As used in K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3405, 21-3412, 21-3414 and 21-3439, and amendments thereto, "person" and "human being" also mean an unborn child.
- (e) The provisions of this act shall be part of and supplemental to the Kansas criminal code.

New Sec. 5. The provisions of this act are declared to be severable and if any provision, word, phrase or clause of the act or the application thereof to any person shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this act.;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 87; Nays 25; Present but not voting: 0; Absent or not voting: 13.

Yeas: Aurand, Ballard, Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, Fund, George, Gordon, Goyle, Grange, Hayzlett, Henry, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Light, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rhoades, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Nays: Burroughs, Carlin, Colloton, Faust-Goudeau, Flaharty, Flora, Garcia, Henderson, Holland, Huntington, Kuether, Lane, Loganbill, Menghini, Peterson, Rardin, Roth, Ruiz, Sawyer, Sharp, Storm, Tietze, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Crow, Davis, Gatewood, Goico, Grant, Hawk, Kiegerl, Landwehr, McCray-Miller, Myers, Tafanelli, Ward.

The motion of Rep. Brunk prevailed and **SB 324** be passed as amended.

Committee report to **SB 55** be adopted; and the bill be passed as amended.

On motion of Rep. M. Holmes, **SB 166** be amended on page 2, after line 28, by inserting: "Sec. 2. K.S.A. 2006 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

- (1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;
- (2) impose the fine applicable to the offense;
- (3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;
- (4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502, and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809, and amendments thereto, or aggravated escape, as defined in K.S.A. 21-3810, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson under K.S.A. 21-3718 or 21-3719, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 2006 Supp. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 2006 Supp. 20-369, and amendments thereto;

(11) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10); or

(12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 21-4018, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502, and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2006 Supp. 38-2373, and amendments thereto, for an offense which if committed by an adult would constitute the commission of a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, a new sentence may be imposed to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2006 Supp. 21-4729, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2006 Supp. 21-4729, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of correc-

tions pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in gridblocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of K.S.A. 2006 Supp. 21-4729, and amendments thereto, and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) Except as provided by subsection (f) of K.S.A. 21-4705, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 65-4160 or 65-4162, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2006 Supp. 21-4729, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2006 Supp. 75-52,144, and amendments

thereto, including but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in K.S.A. 21-4705, and amendments thereto. For those offenders who are convicted on or after the effective date of this act, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of post-release supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.”;

And by renumbering sections accordingly;

On page 4, in line 36, after “21-3516” by inserting “, 21-4603d”;

In the title, in line 11, after “21-3516” by inserting “, 21-4603d”; and **SB 166** be passed as amended.

Committee report to **SB 284** be adopted; and the bill be passed as amended.

Committee report to **SB 104** be adopted; also, on motion of Rep. Bethell be amended on page 1, in line 16, by striking “seven” and inserting “six”; in line 18, by striking “two” and inserting “three”;

On page 2, in line 23, by striking “three” and inserting “two”; and **SB 104** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 68** be amended on page 5, in line 35, by striking all before “K.S.A.” and inserting “Sec. 2.”;

On page 6, after line 16, by inserting the following:

“Sec. 3. K.S.A. 72-1046b is hereby amended to read as follows: 72-1046b. (a) As used in this section:

(1) “School district” means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county, or Wyandotte county.

(2) “Receiving school district” means a school district of nonresidence of a pupil.

(3) “Sending school district” means a school district of residence of a pupil.

(4) “Pupil” means a person who is enrolled and in attendance at school in a receiving school district and who (A) lives 10 or more miles from the attendance center the pupil would attend in a sending school district and nearer to an appropriate attendance center in a receiving school district or (B) is a member of the family of a pupil meeting the condition prescribed in subpart (A).

(5) “Member of the family” means a brother or sister of the whole or half blood or by adoption, a stepbrother or sister, and a foster brother or sister.

(b) The parent or legal guardian of any pupil may apply to the board of education of a sending school district on or before July 15 of the current school year for authority for such pupil to be furnished or provided transportation to school from the pupil's residence and from school to the pupil's residence by the receiving school district. The application shall be made upon forms prescribed by the state board of education.

(c) Upon receiving any application under this section, the board of education of a sending school district shall inquire of the receiving school district whether it is willing to furnish or provide transportation for the pupil named in the application. If the board of education of the sending school district determines that the receiving school district is willing to furnish or provide transportation for the pupil and the board of education of the sending school district and the board of education of the receiving school district agree that the pupil is a pupil as defined in subsection (a)(4)(A) or (B), the board of the sending school district shall issue an order authorizing the furnishing or provision of transportation by the receiving school district for the affected pupil to school from the pupil's residence and to the pupil's residence from school.

(d) Pupils attending school in a receiving school district under the provisions of this section shall be counted as regularly enrolled in and attending school in the receiving school district for the purpose of computations, except computation of transportation weighting, under the school district finance and quality performance act and for the purposes of the statutory

provisions contained in article 83 of chapter 72 of Kansas Statutes Annotated. No such pupil shall be charged for the costs of attendance at school in a receiving school district.

New Sec. 4. (a) As used in this section:

(1) "Construction trade worker" means an asbestos worker; boiler maker; bricklayer; carpenter; electrical worker; elevator constructor; floor layer; graphic communication worker; heating, ventilation and air conditioning installer; glazier; iron worker; construction laborer; operating engineer; painter; plumber; pipe fitter; sprinkler fitter; roofer; sheet metal worker; and tile setter.

(2) "School" means any public school in Kansas.

(3) "State board" means the state board of education.

(4) "Community college", "technical college" and "vocational education school" have the meanings ascribed thereto by K.S.A. 74-3201b, and amendments thereto.

(b) The board of education of each school district may adopt an early high school graduation incentive program for pupils desiring to become a construction trade worker. The board of education of the district shall establish the requirements of the early graduation incentive program of the district.

(c) In order to provide financial support of students seeking post-secondary training as a construction trade worker, there is hereby established the early high school graduation bonus and scholarship program. The program shall be administered by the state board. Any pupil who graduates from high school at least one year earlier than the usual graduation time in accordance with the early graduation incentive program of a school district shall be eligible for an incentive bonus of \$1,000. Moneys received pursuant to this subsection shall be expended solely for the purchase of tools needed as a construction trade worker.

(d) Subject to the limitations of appropriations therefor, a pupil that receives an incentive bonus pursuant to subsection (c) also shall be eligible to receive a scholarship, not to exceed \$3,000, for completing a construction trade program at a community college, technical college or vocational education school. Any pupil who receives a scholarship under this subsection and who fails to complete the construction trade program shall reimburse the state board for the amount of the scholarship awarded. Any moneys received by the state board from a pupil who fails to complete the construction trade program as required by this section shall be remitted to the state treasurer who shall credit such moneys to the state general fund.

(e) The state board may adopt any rules and regulations deemed necessary to implement the provisions of this act.;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 17, before "K.S.A." by inserting "K.S.A. 72-1046b and";

On page 1, in the title, in line 10, after the second semicolon, by inserting "relating to early high school graduation incentive programs;" in line 11, before "K.S.A." by inserting "K.S.A. 72-1046b and"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2593, An act concerning the infrastructure needs of postsecondary educational institutions and the financing thereof; concerning tuition; making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012; amending K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 and K.S.A. 2006 Supp. 75-3717b, 75-4209 and 75-4237 and repealing the existing sections, by Committee on Appropriations.

INTRODUCTION OF GUESTS

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

Thank you Mr. Speaker. I would like to introduced the Lady Eagles High School Basketball 4A State champions for 2007. They are from Colby and represent the FIRST Colby girl's team to win the State Championship. Their head coach is Derek Bissitt and assistant coaches are Jack Elliott and Mary Beth Flanagin. The Lady Eagles are: Rishonna Martin, Lindsey Wilson, Tasha Wagoner, Aubrette Stephens, Paige Stephens, Kiri Kendrick, April Gee, Ashley Barnes, April Weaver, Taylor Young, Lissa Mazanec and Alli Barton. In addition to the 4A Championship Lissa Mazanec was awarded first team ALL AREA by the Salina Journal, first team 4A by the Capital Journal and second team ALL CLASS by the Capital Journal. Ashley Barnes was awarded 4A HONORABLE MENTION by the Capital Journal. It is with great honor I present them with these certificates of congratulations from the Kansas House of Representatives. Please join with me in congratulating them.

INTRODUCTION OF GUESTS

Rep. Garcia introduced five women from Kenya who are members of a citizens exchange with the League of Women Voters. The program is sponsored by the U.S. Department of State.

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker Neufeld in the chair.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **SB 106**, **SB 105**, **SB 360** be passed.

HR 6009; **SCR 1611** be adopted.

Committee report recommending a substitute bill to **H. Sub. for SB 103** be adopted; also, on motion of Rep. Pauls be amended on page 4, in line 21, by striking all after "custody"; by striking all in lines 22 and 23; in line 24, by striking all before the period and inserting: "or the charges are otherwise dismissed, and the case is not appealed, the Kansas bureau of investigation, upon petition by such person, shall expunge both the DNA sample and the profile record of such person"; in line 25, by striking "charges" and inserting "a conviction"; in line 26, by striking "are dismissed, a conviction against such person";

Also, on motion of Rep. O'Neal, **H. Sub. for SB 103** be amended on page 6, in line 7, after "charges" by inserting a comma; also in line 7, by striking the comma and inserting "or"; also in line 7, by striking "or"; in line 8, by striking "statute of limitations expiration"; in line 43, after "database" by inserting "fee";

On page 7, in line 7, after "database" by inserting "fee"; and **H. Sub. for SB 103** be passed as amended.

Committee report to **HB 2531** be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 208** be adopted; and the bill be passed as amended.

Committee report to **SB 271** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 244** be adopted; also, on motion of Rep. Goyle be amended on page 2, in line 35, by striking "brought" and inserting "decided"; in line 39, by striking "brought" and inserting "decided"; in line 40, following "date" by inserting "of";

On page 3, in line 9, following the period by inserting the following "If the action authorized by this section is brought in a district court of this state, then the judgment of that district court shall be appealed directly to the Kansas supreme court as a matter of right."; in line 38, by striking all following "thereto"; by striking all in line 39; in line 40, by striking "constitution";

Also, on motion of Rep. Shultz to rerefer **H. Sub. for SB 244** to Committee on Federal and State Affairs, the motion did not prevail.

Also, on motion of Rep. Goyle, **H. Sub. for SB 244** be amended on page 1, in line 34, by striking all after the comma; in line 35, by striking all before the period and inserting "the scheduled commencement of a funeral, during a funeral, or within two hours following the completion of a funeral"; and the substitute bill be passed as amended.

Committee report to **SB 204** be adopted; also, roll call was demanded on motion of Rep. Kinzer to amend on page 12, in line 30, after the stricken material, by inserting "The provisions of this subsection shall apply to convictions prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006.";

On roll call, the vote was: Yeas 89; Nays 29; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, Fund, Gatewood, Goyle, Grange, Grant, Hawk, Hayzlett, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Loganbill, Long, Lukert, Mast, Masterson, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Powers, Rardin, Rhoades, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Svaty, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Nays: Faust-Goudeau, Flaharty, Flora, Garcia, George, Henderson, Henry, Hill, Hodge, Huntington, Kuether, Lane, Mah, Menghini, Owens, Pauls, Peterson, Proehl, Roth, Ruiz, Sharp, Sloan, Spalding, Storm, Swanson, Tietze, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Crow, Goico, Gordon, McCray-Miller, Swenson, Tafanelli.

The motion of Rep. Kinzer prevailed, and **SB 204** be passed as amended.

Committee report to **SCR 1603** be adopted; also, on motion of Rep. Garcia to amend, Rep. Brown requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Garcia which did not prevail, and the resolution be adopted as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 14** be adopted; and the substitute bill be passed.

Committee report to **SB 203** be adopted; also, on motion of Rep. O'Neal be amended on page 2, in line 40, by striking all following "fee"; in line 41, by striking all preceding the period; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2144** be amended on page 1, in line 18, by striking all after the period and inserting "For fiscal year 2008, the information from cost reports for calendar years 2003, 2004 and 2005 shall be averaged together to be used to calculate the base year. For fiscal year 2009 and each fiscal year thereafter, the"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2594, An act concerning social and rehabilitation services; creating the joint committee on social and rehabilitation services oversight, by Committee on Appropriations.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2214** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2240** 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 **S. Sub. for HB 2405** and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6018—

By Committee on Federal and State Affairs

A RESOLUTION requiring the attorney general to re-file criminal misdemeanor charges originally filed on December 21, 2006 in Sedgwick County District Court, in which probable cause was found to believe that Dr. George Tiller engaged in criminal activity; and to pursue such charges through their final resolution with the Kansas Supreme Court.

WHEREAS, The constitution of the State of Kansas places the responsibility of prosecuting criminal conduct on the attorney general of the State of Kansas and district attorneys and county attorneys; and

WHEREAS, The constitution protects citizens from overzealous prosecution or persecution by government agencies by requiring a judicial finding based on evidence presented of probable cause to believe that crimes have been committed before a warrant for the arrest or a summons to appear may be issued to a criminal defendant; and

WHEREAS, Two independent district court judges have reviewed evidence presented by the former attorney general and both judges have found probable cause to believe that crimes have been committed; and

WHEREAS, District Court Judge Eric Yost of Sedgwick County swore under oath that after reviewing evidence presented that he found probable cause to believe that crimes have been committed and that Dr. George Tiller committed those crimes; and

WHEREAS, A summons was duly issued for Dr. George Tiller to duly appear to answer said charges; and

WHEREAS, Kansas statute provides the attorney general of the State of Kansas the responsibility and authority pursuant to K.S.A. 22-3103 and 65-445 to investigate and file such charges; and

WHEREAS, A finding of probable cause substantially and properly demonstrates that a prosecution should proceed and is appropriate; and

WHEREAS, The failure to prosecute charges in which a court has found probable cause to believe that crimes have been committed seriously undermine public confidence in the rule of law in the State of Kansas; and

WHEREAS, Procedural maneuvers by those charged with prosecuting criminal conduct should not be utilized to prevent such prosecution; and

WHEREAS, The State has an obligation to ensure that no one is held above the law and that all citizens are subject to the law equally: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That in accordance with K.S.A. 75-702, the attorney general of the State of Kansas is hereby required to file and seek final resolution before the Kansas Supreme Court and such other courts as may be warranted by the criminal charges reflected in the attorney general's filing of December 21, 2006 against Dr. George Tiller, in such timing and manner consistent with the oath of that office to ensure that charges in which probable cause has been found are heard by a jury so that the interests of justice may be served.

REPORT ON ENGROSSED BILLS

HB 2034; Sub. HB 2108 reported correctly engrossed March 23, 2007.

Also, **HB 2048, HB 2578** reported correctly engrossed March 26, 2007.

HB 2036, HB 2068 reported correctly re-engrossed March 26, 2007.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5022, HCR 5023 reported correctly engrossed March 26, 2007.

REPORT ON ENROLLED RESOLUTIONS

HR 6016 reported correctly enrolled and properly signed on March 26, 2007.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Tuesday, March 27, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

