

# Journal of the Senate

FIFTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 28, 2007—10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

President Morris introduced as guest chaplain, Monsignor Mike Mullen, Pastor of St. Patrick's Catholic Church, Kansas City, Kansas, who delivered the invocation:

Father in Heaven, we offer you this day. You created us in your image and likeness, and you sent your Son, Jesus, to be our redeemer. Soon we celebrate Easter. We see Jesus' dying and rising as our hope. With God's grace we die in life to self-centeredness and rise with God to generosity, wisdom, reconciliation, and peace.

Lord, bless today the men and women of this Senate. They give of themselves to serve the common good of the people of Kansas. Reward them for their selfless commitment to their brothers and sisters. Renew within their hearts a deep respect for all human life from conception to natural death. Help them to be mindful of family life, of the poor, and of those most in need among us as they decide how our resources should be spent. Give them courage, Lord, to affirm honest labor, to free people from addictions, and to be leaders pursuing peace in a world torn by discord.

May the dedication our Senators bring to their work inspire our youth to seek public service and to devote their talents to the benefit of others. Bless the Seventh Grade Students of St. Patrick's School, Kansas City, Kansas and all youth here today. May this experience help them appreciate our State Government that provides us so many services. May it show them new ways in which the Kingdom of God's justice, compassion and love can flourish in our midst under the guidance of the Holy Spirit. This prayer we offer to the Father, in Christ our Lord. Amen

## GUESTS

Senator Gilstrap rose on a Point of Personal Privilege to introduce seventh grade students and teachers from the St. Patrick's Catholic School in Kansas City, Kansas.

Senator Ostmeyer rose on a Point of Personal Privilege to introduce Arnold Prather, a veteran of the Korean War and recent recipient of the Purple Heart. Mr. Prather, who was accompanied by his wife, Opal, was honored by the senators with a standing ovation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Committee of the Whole: **SCR 1612.**

Federal and State Affairs: **SCR 1613.**

Transportation: **Sub HB 2559.**

Ways and Means: **SB 391; HB 2531, HB 2578, HB 2587.**

**CHANGE OF REFERENCE**

The President withdrew **HB 2457** from the Committees on Assessment and Taxation and Ways and Means (separately), and rereferred the bill to the Committee on Ways and Means.

**COMMUNICATIONS FROM STATE OFFICERS**

## NETWORK KANSAS

March 27, 2007

Steve Radley, Director, NetWork Kansas, submitted the annual report for fiscal year 2006.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Brownlee and Apple introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1854—

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 Senate 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 Secretary of the Senate 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.

On emergency motion of Senator Brownlee **SR 1854** was adopted unanimously.

Senator Brownlee introduced her guests, Spring Hill Mayor Mark Squire, Janet McRae and Glenda Gerrity.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1855—

A RESOLUTION congratulating and commending the Highland Park High School boys basketball team and Coach Ken Darting for winning the 2007 boys Class 5A State Basketball Championship and for an undefeated 25-0 season.

WHEREAS, The Highland Park High School boys basketball team won the 2007 Kansas State High School Activities Association Class 5A State Basketball Championship with a 76-59 victory over McPherson High School in the state championship game at Topeka on March 10, 2007; and

WHEREAS, To get to the championship game, the Highland Park Scots defeated Seaman 65-41 in the quarterfinal game and Bishop Miege 45-40 in the semifinal game. The

five point margin of victory in the Miego game was the team's closest game of the year and only the second time an opponent came within single digits of the Scots; and

WHEREAS, The Highland Park High School Scots basketball team finished the season with a perfect record of 25 wins and 0 losses for the first time in school history, only the second time in Topeka high school basketball history, and only the fourth team to win a Class 5A state championship with an unbeaten record; and

WHEREAS, For the 2006-07 season, the team set and accomplished the following team goals: Leavenworth Invitational Tournament Champions; Topeka Invitational Tournament Champions; Centennial League Champions; 5A Sub-State Tournament Champions; and 5A State Champions; and

WHEREAS, Lamont Austin and Kyle Weems were named to the 2007 All-State, Class 5A, Centennial League and All-City first teams, and Austin was named to the All-State, Class 5A, Centennial League and All-City first teams and was Centennial League and All-City Player of the Year for the second year in a row; Adrian Herrera was named Class 5A second team, Centennial League second team and All-City first team; Ty Modupe was named Class 5A third team, Centennial League third team and All-City second team; and Rico Richardson was named Centennial League honorable mention, All-City third team and City Newcomer of the Year, all as honored by the Topeka Capital-Journal; and

WHEREAS, In six seasons at Highland Park, Coach Ken Darting has led the Scots to five state tournament appearances and four state championship games, placing runner-up two times and winning the state championship two times, and was named All-State Coach of the Year for 2004 and 2007, Centennial League Coach of the Year for 2002, 2004, 2006 and 2007, and All-City Coach of the Year for 2004, 2006 and 2007 by the Topeka Capital-Journal; and

WHEREAS, The members of this championship team were Lamont Austin, Michael Copeland, Canon Fields, DaVonte Grant, Adrian Herrera, Patrick Inyard, Ty Modupe, Tyson Parker, Willie Ramsdell, Antoine Ray, Rico Richardson, and Kyle Weems. The head coach was Ken Darting; the assistant coaches were Jim Bauersfield, Mike Calhoun, Raphael Posey and Aaron Terry; and the team managers were Justin Burkhardt, Kelli Carter, Tasean Lockett, Cyril Neverland and Shasha Williams; and

WHEREAS, The members of this outstanding basketball team were ranked 13th in the nation by the Max Prep National High School Basketball rankings; and

WHEREAS, The team also received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was due to their excellent teamwork, competitive spirit, dogged defense and strong will to win. The team also had the enthusiastic support of the school's administrators, teachers and staff, fellow students, parents and the entire "It's Great to be a Scot" Highland Park community: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Highland Park High School boys basketball team and Coach Darting be congratulated and commended for winning the 2007 Kansas High School Activities Association Class 5A State Basketball Championship and for finishing the season with a perfect record of 25-0.

*Be it further resolved:* That the Secretary of the Senate provide 25 enrolled copies of this resolution to Dale Cushinberry, Principal, Highland Park High School, 2424 SE California Avenue, Topeka, KS 66605-1797.

On emergency motion of Senator Hensley **SR 1855** was adopted unanimously.

Senator Hensley introduced and congratulated the team members Lamont Austin, Michael Copeland, Canon Fields, DaVonte Grant, Adrian Herrera, Patrick Inyard, Ty Modupe, Tyson Parker, Willie Ramsdell, Antoine Ray, Rico Richardson and Kyle Weems; head coach Ken Darting; assistant coaches Jim Bauersfeld, Mike Calhoun, Raphael Posey and Aaron Terry; team managers Justin Burkhardt, Kelli Carter, Tasean Lockett, Cyril Neverland and Shasha Williams. Accompanying the members were the school principal, Dale Cushinberry; Ron Harbaugh, 501 Communications Director; Carolyn Campbell, President of the 501 School Board and Barbara Hollingsworth.

Senators D. Schmidt, Allen, Apple, Barnett, Barone, Brownlee, Francisco, Gilstrap, Haley, Hensley, Jordan, Kelly, Lynn, Pine, Pyle, Reitz, V. Schmidt, Steineger, Taddiken, Umbarger, Vratil and Wilson introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1857—

A RESOLUTION recognizing the Freedom's Frontier National Heritage Area.

WHEREAS, On May 30, 1854, with President Franklin Pierce's signature on the Kansas-Nebraska Act, the inhabitants of the newly formed territories were obliged to vote themselves into the Union as either slave or free. The Kansas-Nebraska Act nullified the Missouri Compromise of 1820 which allowed Missouri to enter the Union as a slave state but provided that all land east of the Rockies located north of the southern border of Missouri would be organized as free territories; and

WHEREAS, Threatened by the prospect of isolation, diminished congressional representation and the loss of labor that sustained the wealth and power of the minority planter class, southern politics flooded the territory with a determined interest to carry the "peculiar institution" into Kansas and beyond, hoping that "popular sovereignty" would carry their cause all the way across the continent to the Pacific Ocean; and

WHEREAS, Northern settlers were equally determined to bring their own beliefs and ideals west, and sought to bring Kansas into the Union as a Free State with free labor. The majority believed a free Kansas was about economic freedom and thus, the equality of Black Americans, which required constitutional amendments, was not at the heart of the debate; and

WHEREAS, As the whole world watched, "Bleeding Kansas" became the battleground for the soul of a Nation. Three months after Kansas was admitted into the union as a Free State in 1861, the Civil War began; and

WHEREAS, In January 2002, members of the Lawrence, Kansas City Commission and the Douglas County Commission appointed the Bleeding Kansas Heritage Area Committee to investigate the possibility of Lawrence and Douglas County applying for national heritage area designation to recognize our Free State heritage. On September 10, 2002, the committee recommended that the city and county proceed to seek such designation; and

WHEREAS, Recognizing the broad reach of the heritage area concept, members of the Douglas County Committee helped organize a Heritage Summit on January 30 and 31, 2003, in Lawrence, Kansas. Approximately 75 representatives from 20 Kansas and Missouri communities participated in the Summit which generated significant and unifying themes that could be used to organize the resources of a proposed National Heritage Area; and

WHEREAS, On February 13, 2003, a regional planning committee began holding regular monthly meetings consulting with the National Park Service, Midwest Regional Office. Two qualified historians were interviewed in August of 2003 and a National Heritage Area feasibility study was commissioned in September 2003 based on the theme of Bleeding Kansas and the Enduring Struggle for Freedom in eastern Kansas. A National Heritage Area is a place designated by the U.S. Congress where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. Development of National Heritage areas involves a strategy where citizens, government agencies, non-profit groups and private partners collaboratively plan and implement programs and projects to recognize, preserve, commemorate and celebrate America's defining landscapes as a whole. The feasibility study was completed in January of 2004; and

WHEREAS, On October 12, 2006, after four years of local work and with the full support from the Kansas/Missouri Congressional Delegation, the Freedom's Frontier National Heritage Area was created; and

WHEREAS, The Freedom's Frontier National Heritage Area is presently comprised of a total of 41 counties in eastern and southeastern Kansas and western Missouri. The 29 counties located in eastern and southeastern Kansas include: Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Miami, Montgomery, Neosho, Osage, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson and Wyandotte. In western Missouri, the Heritage Area includes the counties of Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton and St. Clair; and

WHEREAS, The Freedom's Frontier National Heritage Area seeks to raise local, regional, national and international awareness of our shared heritage with support from and

in partnership with the National Park Service. Its goals include: Strengthening partnerships to preserve, promote and educate; providing access to new resources for stewardship of our culture; enhancing and developing historic sites and landscapes; and utilizing heritage to stimulate economic development opportunity: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Freedom's Frontier National Heritage Area reflects traditions, customs, beliefs and folk life that are a valuable part of the heritage of the United States and that the Freedom's Frontier National Heritage Area provides outstanding opportunities to conserve natural, cultural and historic features; and

*Be it further resolved:* That we urge the United States Congress to work towards recognizing the Bleeding Kansas National Heritage Area; and

*Be it further resolved:* That the Secretary of the Senate provide 50 enrolled copies of this resolution to Senator Derek Schmidt.

On emergency motion of Senator D. Schmidt **SR 1857** was adopted unanimously.

Senator D. Schmidt introduced Eileen Robertson, Sheila Lampe and Alisha Lampe and expressed thanks to the women for their work in helping to create the Freedom's Frontier National Heritage Area.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **SB 66**, as amended.

Adoption of **HCR 5023**.

Also, adoption of **SCR 1606**.

The House nonconcur in Senate amendments to **HB 2033**, requests a conference and has appointed representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2038**, requests a conference and has appointed representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2113**, requests a conference and has appointed representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2145**, requests a conference and has appointed representatives C. Holmes, Faber and Svaty as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2283**, requests a conference and has appointed representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2316**, requests a conference and has appointed representatives Brunk, Kiegerl and Ruiz as conferees on the part of the House.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5023** was thereupon introduced and read by title.

#### **ORIGINAL MOTION**

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **HB 2033**.

The President appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **HB 2038**.

The President appointed Senators Allen, Apple and Lee as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2113**.

The President appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **S Sub for HB 2145**.

The President appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2283**.

The President appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2316**.

The President appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Vratil moved the Senate concur in house amendments to **SB 66**.

Senator Brungardt offered a substitute motion to nonconcur and a conference committee be appointed.

On roll call, the vote was: Yeas 22, Nays 18, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Morris, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.

Nays: Apple, Barnett, Brownlee, Donovan, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Taddiken, Wagle, Wilson.

The substitute motion was adopted.

President Morris appointed Senators Brungardt, Vratil and Gilstrap as a conference committee on the part of the senate on **SB 66**.

Senator Barnett moved the senate concur in house amendments to **SB 66**.

Senator Wagle offered a substitute motion to stand at ease for 30 seconds.

Senator Wagle withdrew her motion, and yielded to Senator Barnett.

Senator Barnett withdrew his motion to concur.

Senator Wagle offered a motion to stand at ease for 30 seconds.

Senator Barnett offered a substitute motion to concur on **SB 66**.

A twelve hour debate on **SB 66** ensued.

Senator Barnett renewed his substitute motion to concur on **SB 66**.

**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.

On roll call, a call of the Senate was requested by five senators, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Morris, Schmidt D, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.

Nays: Apple, Barnett, Brownlee, Donovan, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt V, Taddiken, Wagle, Wilson.

Senator Barnett moved to withdraw his motion to concur.

The chair ruled the motion was not in order.

On motion of Senator Journey the call of the Senate was lifted.

The Senate concurred.

Having voted on the prevailing side, Senator Hensley moved the Senate reconsider its action on **SB 66**.

Senator Huelskamp offered a substitute motion to postpone consideration of Senator Hensley's motion until completion on voting of the remainder of items on General Orders.

The chair ruled the motion was not in order.

Senator Huelskamp offered a substitute motion to postpone indefinitely consideration of the motion made by Senator Hensley.

Senator Huelskamp withdrew the motion and moved to postpone until day certain, Monday, April 2, 2007.

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 18, Nays 22, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Donovan, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Taddiken, Wagle, Wilson.

Nays: Allen, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Morris, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.

The substitute motion was not adopted.

Senator Hensley renewed his motion to reconsider action on **SB 66**. The motion failed.

#### EXPLANATION OF VOTE

MR. PRESIDENT: It is with a solemn heart I vote no. This is one of the most important votes I will have cast in my 11 years of service in the Senate. We have heard a lot of talk that we cannot admit that gambling occurs in our state or what difference does it make if the gambling is in Kansas or Missouri. The difference is that crime will likely triple within three years; suicides will increase significantly. Pathological or problem gamblers will double with a casino within 50 miles. I do not want this to happen on my watch. This will forever change the face and culture of Kansas. There is no turning back. Mr. President, I vote no on **SB 66**.—KARIN BROWNLEE

Senator Pine requests the record to show he concurs with the "Explanation of Vote" offered by Senator Brownlee on **SB 66**.

MR. PRESIDENT: I voted "YES" on **SB 66**.

I discovered that it was easier for me to debate this bill than it was to vote on it.

I recognize that gaming can provide opportunities for the state and its citizens, but also that it comes with difficulties and responsibilities. Many of these difficulties are ones that we are already facing in Kansas. I sincerely hope that we adequately meet our responsibilities as this change is implemented.—MARCI FRANCISCO

Senator Goodwin requests the record to show she concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 66**.

MR. PRESIDENT: This is a truly equitable day for all Kansans who long ago expressed their support for gaming; first, in a 1986 statewide vote and establishing our state lottery, then through local votes for expanded gaming particularly in my home county of Wyandotte by supporting a non-binding referendum in 1997 by 82%, and through their patronage of out-of-state and tribal casinos.

The proposal which passed the House provides Kansans an opportunity to vote on whether they want a responsible expansion of gaming in their community. This is an opportunity for our state to generate out-of-state dollars from visitors to destination casinos, to reinvigorate the critical Kansas agribusinesses raising horses and greyhounds at the Woodlands and other Kansas pari-mutual, and maximize state revenue while maintaining regulatory oversight.

Kansas priorities, such as deferred maintenance at our universities, local property tax relief which was not afforded Wyandotte Countians at all through consolidation or the advent of the Speedway or Village West, and providing significant help for problem gambling can be supported by this additional revenue-without raising taxes.

I am proud that the Senate joins the House and approves this measure. I am proud to vote "AYE" on **SB 66**.—DAVID HALEY

MR. PRESIDENT: **SB 66**, in its original version went through the Federal and State Affairs Committee and passed the Kansas Senate on a vote of 34-6. It went to the House Federal

and State Affairs Committee, had hearings and was reported favorably without amendment to the Kansas House of Representatives.

From there, the orderly process came to an abrupt halt! The stealth slots/casino amendment of 98 pages was served up on the floor of the House without public hearings or public comment.

This chamber and its members are now voting on **SB 66** as amended. I believe it is an unconstitutional bill whose economic impact is unknown. I cannot tolerate or support such a process—I vote NO.—NICK JORDAN

MR. PRESIDENT: I vote NO on **SB 66**. It is a bad deal for the state with less revenue that other states receive for the license fee, less money from the profits. While out of state developers will take their share of the profit to low tax states we will be left with an annual social cost of over 328 million. We could have done better. We could have created jobs when we will have a net loss in employment. While we should craft fiscal and legislative policies that will help families flourish we have sown the seeds of their destruction. We have sown the seeds for a tax increase as Kansas owned businesses see reduced income as entertainment dollars flow out of state. In a few years we will see who is right, and where the dollars flow.—PHIL JOURNEY

MR. PRESIDENT: I simply cannot ignore the incredible pain and personal destruction gambling has brought on individuals and families who have written to me over the past few weeks. Gambling is not simply something which can potentially only hurt the person playing the game. It is something that has proven to have the potential to destroy marriages and families, including most importantly, the lives of our children. I cannot on one hand vote for a state budget to fund programs which are meant to protect and lift up families and children, particularly those in financial need, then on the other hand vote to have state sponsored facilities which proponents even admit have the potential of hurting those very same families we are obligated to protect.—JULIA LYNN

MR. PRESIDENT: I vote no on **SB 66** because I am concerned with the amount of money that comes back to the local units of government to offset the negative effects that gambling brings to a community. I have been consistent in my concerns over the past two and a half years while debating this issue that we give more money to dogs and horses than we give to people. I represent more than one county, one adjacent to a county that will potentially have casinos and will not receive any money for problem gamblers. Many times I have had people ask me why the state does not receive any money from the Indian Casinos, I simply share, someone obviously was not thinking about the social costs, I believe, in the not too distant future, citizens from our State will ask, “why did our state give so much money to the gambling industry while, at the same time, ignore the social costs to our Kansas citizens.”—CAROLYN MCGINN

MR. PRESIDENT: I vote no on **SB 66** and glad I won't have to explain this to my family and grandchildren when this goes in Kansas History books.—RALPH OSTMEYER

MR. PRESIDENT: I vote No on **SB 66**.

Gambling is a stupid inefficient and disgraceful way for the State of Kansas to raise money. Many states are wising up and recognizing the fact that the get rich promise is a delusion. Gambling operators target the most vulnerable and poorest of citizens and these predators get richer. Governments are suppose to protect the citizens and prevent crime and corruption! It is outrageous when the Kansas Legislature encourages something that is so damaging.—PEGGY PALMER

MR. PRESIDENT: The bill is structured in such a manner that Sedgewick County could vote to reject a casino and by default still have one in its backyard. I believe it is a fundamental right of the citizens of the district I represent to know the vote they cast can make a difference.—MIKE PETERSEN

MR. PRESIDENT: According to a study by William N. Thompson, Ph.D. Professor of Public Administration University of Nevada, Las Vegas titled Economic Impacts of Expanded Gaming in Kansas “troubled gamblers cost societies money as they are prone to



miss work, incur debts without repaying the money, and to take property and money that does not belong to them. Moreover they also impose costs on society through criminal justice system and welfare activity." Tonight, those who want to grow government won, this bill will definitely do it! I vote No on **SB 66**.—DENNIS PYLE

MR. PRESIDENT: I vote yes on **SB 66** to concur. It is a very hard vote to cast. The people have asked to vote on this issue. I believe so strongly in the right to vote and now the people will have that right to vote. They may vote yea, they may vote nay—but the important point is that the people will have a choice and they will have a chance to vote as they have asked.—JEAN SCHODORF

Senators Betts, Gilstrap, Morris, Teichman and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Schodorf on **SB 66**.

MR. PRESIDENT: I respectfully vote no on **SB 66**. This bill will establish casinos in Kansas without providing the people of Kansas the opportunity to vote on this issue. I believe this is in direct contrast with the Kansas constitution which prohibits gambling with exceptions for the lottery, bingo, and pari-mutual wagering. The people of Kansas should be allowed to vote on the issue of expanded gambling.—MARK TADDIKEN

MR. PRESIDENT: I vote No on **SB 66**.

**SB 66** was never given a public hearing where the people of Kansas could comment on the bill. The 22% profit to the State is the lowest percentage negotiated in the past ten years. The State of Maine takes 61%, Rhode Island 60%, Pennsylvania 52%, and Florida 50%. The privilege fee of 25 million is not competitively bid. Any entity willing to pay more is turned away. We have given away the farm.—SUSAN WAGLE

#### PROTEST

Pursuant to Article 2, Section 10, of the Constitution of the State of Kansas, we hereby protest the passage of Senate Bill 66 as Amended by the House Committee of the Whole. The amendment by the House Committee of the Whole to allow what are truly privately owned and operated casinos in Kansas under the guise of "management contracts" is unconstitutional, bad public policy, and injurious to many Kansans.

This bill was developed by the special interests, not in the light of day, but behind the scenes with only a select group of legislators. This bill did not receive a public hearing at which we, as legislators, could hear and receive the testimony, input and advice from our fellow citizens who might question and further advise us of the impact of this bill on our communities. We had virtually no way to hear from our citizens in hearing the total ramifications without additional expert advice that was clearly not available to us.

The constitution of the state of Kansas states that our lottery games must be "state-owned and operated". This bill only requires that the state have operational oversight of the lottery machines; however, even its detailed provisions do not mesh with this policy statement. This was written into the bill to try to convince our judicial branch of government that we were following its prior decision. The Kansas lottery has no direct involvement in the operation of table games in this bill. The contract managers will decide how many slot machines are to be placed in each facility, how many slot machines are to be operational, what kind slot machines, what table games are open, in addition to numerous other decisions. Who is the operator? Not the state as required by the Constitution of the state of Kansas.

The slot machines in the casinos that are authorized by this bill will dispense the cash for the winnings. The "contract managers" will receive more than 70% of the receipts after the payouts to run their business and make their profit. These "contract managers" or more accurately called, casino operators, will receive profits of more than \$50,000,000 per year for each casino, an amount far greater than what the state of Kansas, the alleged "owner and operator" of the casino operation receives. This is not synonymous with a Kansas business owner/operator who is educated about their business and then proceeds to go out and negotiate a contract with another party that is beneficial to its business. At best, we the state of Kansas are only a silent partner without the authority to direct operations.

The gambling interests who wrote this bill will make millions of dollars in profits on the backs of Kansas citizens. The minimum payment to the state from these "operators" is only 22 percent of the receipts, after payouts. Much less than what other states receive like our

neighboring state of Missouri that receives 27 to 28 percent and is contemplating increasing its share, a prospect Kansas could not entertain once 15 year contracts are entered into under this bill. In a prior bill, House Bill 2055, that was acknowledged to be written by the gambling industry's lobbyist, Kansas was to receive 24 percent. Consequently, in less than a week Kansas' unknown negotiators gave away 4 percent of its revenue. What other business owner/operator would act in this way to its financial detriment?

The Governor appointed a special committee, the Governor's Gaming Committee, to study how gambling should be expanded in Kansas. This committee advised the Kansas legislature to first create only one destination casino in Wyandotte County and then to proceed in other areas of Kansas after conducting the appropriate feasibility studies. The Kansas Lottery contracted with Christiansen Capital Advisors, LLC for a study of gambling; however, that study did not do an economic impact assessment of the effect of gambling on Kansas communities as a whole. An interim legislative committee did a study in 1995, but the legislature did not follow up on its recommendations. To date, the Kansas legislature has not contracted with any experts to provide it with independent advice as to how Kansas should structure its law if it chooses to expand gambling. The Kansas legislature has not sought legal advice to determine if the privately operated casinos that would be authorized by Senate Bill 66 would in fact be constitutional in light of the Kansas Supreme Court's earlier ruling that required all gaming operations in Kansas to be "state-owned and operated."

Last year, the Kansas legislature received a study conducted by Dr. Bill Thompson, University of Nevada at Las Vegas, about how to expand gambling in Kansas. Most of his suggestions were ignored. Instead, a coalition of legislators appear to have entered into a pact with the casino industry to approve the bill the industry wrote which previous studies had warned against. The public policy issues raised when the amendment to Senate Bill 66 appeared on the House floor for the first time for public review were addressed with closed ears, as all amendments, regardless of merit were defeated, particularly those that sought to strike a fair allocation of the gambling profits. A few of the fairness amendments the House added were later removed by parliamentary maneuvers in order to lock in the gambling industry's position. The Senate was presented with a bill that could not be amended.

Kansas now becomes the only state in the nation to create the facade of owning and operating casinos. This bill does not fit the legal requirements of our constitution, that requires a "state-owned and operated lottery". Despite the arguments of gambling supporters that economic development would result, no studies were conducted to show that Kansas will be the beneficiary of any new economic development from at least two of the four proposed casino locations. Testimony presented on other proposed legislation indicated that economic development would not occur; however, the testimony was dismissed.

The proponents were quick to state that Kansas would receive income from gambling; however, the same proponents had no information about the revenue Kansas, its large and small businesses, and its citizens would suffer when millions are removed from our existing economy through gambling losses and profits taken to low tax states. The proponents also had no information about the state's costs associated with the expansion of gambling. It is well known that increased gambling does result in more bankruptcy, embezzlement, theft, insurance fraud, divorce, suicide, and criminal activity which increases our costs of governmental operations, not to mention what individuals and businesses must pay from their own pockets as a result of gambling and the loss of tax revenue from existing businesses that will lose income to casinos.

In conclusion, we protest the enactment of Senate Bill 66 because it lacks the honesty Kansans demand of their public officials. It was passed pursuant to a seriously flawed process that denied the public its right to know what was going on behind closed doors. It is inherently unconstitutional. While it may be in the best interest of the gambling proponents who wrote it, it truly is not in the best interests of the state of Kansas and our citizens.

Respectfully submitted,

Phillip B. Journey, Jim Barnett, Karin Brownlee, Julia Lynn, Peggy Palmer, Ralph Ostmeier, Mike Petersen, Susan Wagle and Dennis Wilson

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

Senator Brungardt moved the Senate concur in house amendments to **SB 67**.

**SB 67**, An act concerning libraries; creating the state library of Kansas board and providing for the powers and duties thereof; abolishing the state library advisory commission and the Kansas library network board; amending K.S.A. 75-2546, 75-2548, 75-2549, 75-2549b, 75-2550, 75-2550a, 75-2552, 75-2576 and 75-2577 and K.S.A. 2006 Supp. 75-2551, 75-2562 and repealing the existing sections; also repealing K.S.A. 75-2578, 75-2579, 75-2580, 75-2581, 75-2582, 75-2583, 75-2584 and 75-2586.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.  
The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **SB 104**.

**SB 104**, An act concerning the board of nursing; membership thereon; amending K.S.A. 74-1106 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.  
The Senate concurred.

Senator McGinn moved the Senate concur in house amendments to **SB 146**.

**SB 146**, An act relating to solid waste; concerning the waste tire management fund; amending K.S.A. 2006 Supp. 65-3424g and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.  
The Senate concurred.

Senator Brungardt moved the Senate concur in house amendments to **H Sub for SB 244**.

**H Sub for SB 244**, An act concerning the Kansas funeral privacy act; amending K.S.A. 21-4015 and 60-2102 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.  
The Senate concurred.

Senator Brungardt moved the Senate concur in house amendments to **SB 321**.

**SB 321**, An act enacting the Fort Scott/Bourbon county riverfront authority act; creating a riverfront authority and prescribing the powers and duties thereof.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.  
The Senate concurred.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 15**, An act concerning the state conservation commission; relating to dam safety; creating the Kansas dam rehabilitation program; amending K.S.A. 2006 Supp. 2-1915 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 148**, An act amending the KAN-ED act; relating to the Kansas department of corrections and the Kansas department of health and environment; amending K.S.A. 2006 Supp. 75-7222, 75-7223 and 75-7224 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Wagle, Wilson.

Nays: Betts, Brungardt, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Morris, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wysong.

The bill passed, as amended.

**SB 214**, An act concerning salaries of employees in certain state elected offices; amending K.S.A. 40-110 and 75-3111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 365**, An act enacting the primary care safety net clinic capital loan guarantee act; prescribing powers, duties and functions for the secretary of health and environment; establishing the primary care safety net clinic loan guarantee committee and fund, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 389**, An act concerning appointments to certain offices, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**HB 2005**, An act concerning economic development; relating to tax increment financing and sales tax and revenue bonds and the Kansas center for entrepreneurship; concerning the Kansas angel investor tax credit act; establishing the STAR bond financing act; enacting the Kansas investment credit act and the Kansas jobs credit act; relating to qualifications and procedures; eliminating certain existing credits related thereto; income tax credit, spouse of certain service personnel; amending K.S.A. 12-1770, 12-1776, 40-253a and 74-8945 and K.S.A. 2006 Supp. 12-1770a, 12-1771, 12-1771b, 12-1773, 12-1774, 12-1774a, 74-50,131, 74-50,132, 74-8132, 74-8133, 74-8134, 74-8135, 74-99c04, 74-99c08, 74-99c10, 79-32,111 and 79-32,117, 79-32,243 and 79-3606 and repealing the existing sections; also repealing K.S.A. 74-50,113, 74-50,116, 74-50,117, 74-50,118, 74-50,119, 74-50,135, 74-50,135a, 79-32,155, 79-32,156, 79-32,157, 79-32,158, 79-32,159, 79-32,159a, 79-32,159b, 79-32,159c, 79-32,160, 79-32,160b and 79-32,160c and K.S.A. 2006 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, 12-1771d, 12-1780b, 12-1780c, 12-1780d, 12-1780e, 12-1780f, 74-50,114, 74-50,115, 74-50,134, 79-3269 and 79-32,1171, 79-32,153, 79-32,154 and 79-32,160a, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 2, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Steineger.

Present and Passing: Francisco, Journey.

The bill passed, as amended.

**HB 2019**, An act concerning elections; relating to advance voting; pertaining to presentation of photographic identification at time of voting; pertaining to the operation of election boards; amending K.S.A. 25-2810 and K.S.A. 2006 Supp. 25-1122, 25-1123, 25-2309, 25-2908 and 25-3002 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Huelskamp, Jordan, Journey, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Allen, Betts, Francisco, Goodwin, Haley, Hensley, Kelly, Lee, Reitz, Schmidt V, Schodorf, Steineger, Vratil, Wysong.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: No citizen should have to pay money to vote. One would think this matter was settled decades ago. But **HB 2019** would slap countless voters with what amounts to a new kind of poll tax. The Kansas legislature should be concentrating on ways to ensure all Kansans that their ballots will be fully accounted for, and their votes will be accurately counted...we should not punish every Kansan, especially the elderly, the disable, or the poor, with expensive and overly burdensome requirements that address a so-called non-citizen voting straw "illegal", which do nothing to increase civic participation. This law will only turn back the clock and erect unnecessary barriers to voter participation and suppress voter turnout and combat the rights the Voter Rights Act has tried to protect. Mr. President, I oppose this bill on behalf of those who have fought to eliminate poll taxes similar to the resurrection of this 21st century poll tax in the form of **HB 2019**.—DONALD BETTS

Senators Haley, Hensley and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Betts on **HB 2019**.

MR. PRESIDENT: I vote no on **HB 2019**. Requiring even established Kansas residents to obtain a birth certificate to register or to re-register to vote is a travesty. Costing \$12, a birth certificate is now tantamount to a modern day "poll tax;" that is, having to pay a fee to "qualify" for the right to vote. America did away with these long ago.

Further, by requiring even long established voters in a precinct to present a photo (ID) identification *every* time the voter votes will create an unnecessary impediment to easy access to the ballot.

Poll workers complying with this law will have to require neighbors of long time affiliation to show a photo ID or vote “provisionally.”

It does not make sense and this entire bill is a hysterical “response” to the “problem” of voter fraud...which no one has reported, *state-wide*, even exists.—DAVID HALEY

MR. PRESIDENT: The provisions in **HB 2019** have been upheld by the U.S. Supreme Court and protect the integrity of our election system. Making absolutely certain that those who vote in our elections are citizens eligible to vote is absolutely critical to maintaining citizen trust in our electoral system.—TIM HUELSKAMP

**HB 2046**, An act concerning state parks; renaming state park no. 24; amending K.S.A. 2006 Supp. 32-837 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**HB 2062**, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 2006 Supp. 21-3219, 21-3731 and 21-4704 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Gilstrap, Huelskamp, Jordan, Journey, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Allen, Betts, Brungardt, Francisco, Goodwin, Haley, Hensley, Kelly, Lee, Reitz, Schmidt V, Steineger, Vratil, Wysong.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **HB 2062**. This bill recognizes the value of human life and confirms what we all know in our hearts, that an unborn child is a baby and deserves justice in a society governed by the rule of law.—KARIN BROWNLEE

MR. PRESIDENT: I vote No on **HB 2062**. I support a fetal homicide law that applies to the fetus. This bill goes beyond the fetus in its definition to include the fertilized egg—even before it is implanted in the uterine wall. Defining a fetus in this way is medically wrong with wide ranging consequences. Many people in this state want a fetal homicide law. I want a fetal homicide law. This is not it. This bill is not about fetal homicide. It is only about changing the definition of embryo to accommodate abortion opponents.

For every woman of childbearing age injured by any of these crimes, autopsies would be required to determine if the woman was one day, one week, or even three months pregnant. Although I agree with the intent of the bill to provide appropriate justice for these heinous crimes, through a long list of unintended consequences, this bill will prove to have time honored *scientific* definitions....DAVID HALEY

Senator Kelly requests the record to show she concurs with the “Explanation of Vote” offered by Senator Haley on **HB 2062**.

MR. PRESIDENT: It is incredible to think that as legislators we have the power, through the use of Kansas Statutes, to define things differently than they really are. As a woman and a mother who has carried two children to term, I know that the truth is the truth. The unborn baby is still a baby. It is what it is.

The unborn victim is still a victim. Kansas law cannot change this truth, it can only acknowledge it. By enacting Alexa’s law we will do so. Skeptics of this bill would attempt

to define some magical point of “viability” where Alexa’s law would apply. The notion of equating viability with value is offensive, for it is a moving target and the value of unborn human life can not be a moving target.

This bill protects all unborn victims of violence. It recognizes that when there is a crime against a pregnant women, there are two separate and distinct victims and that both deserve separate and distinct protection under our law. I vote yes on **HB 2062**.—JULIA LYNN

MR. PRESIDENT: I vote “no” on **HB 2062**. Yesterday, I was perplexed to see the subject of Alexa’s law and its importance amended into a bill dealing with the criminal use of explosives. When I offered my amendment to **HB 2062**, and voted for it, I was voting for the “true nature” of Alexa’s law. The definitions of embryo and fetus described in my proposed amendment went to the core of the issue. They were the appropriate definitions to place in the act.

Being a father of four children, I have a clear conscience that my recorded vote on the proposed amendment was important, appropriate, and above the abortion politics that seem to be prevalent in **HB 2062**.—JOHN VRATIL

Senators Allen, Betts, Francisco, Goodwin, Haley, Kelly, Lee, Reitz and Wysong request the record to show they concur with the “Explanation of Vote” offered by Senator Vratil on **HB 2062**.

**HB 2080**, An act concerning governmental ethics; relating to gifts provided to certain state officers and employees; amending K.S.A. 2006 Supp. 46-237a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**HB 2123**, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6448 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Huelskamp, Jordan, Journey, Kelly, Lynn, McGinn, Morris, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Donovan, Hensley, Lee, Ostmeyer, Schmidt D, Steineger.

The bill passed, as amended.

**HB 2128**, An act concerning petitions; amending K.S.A. 2006 Supp. 25-3601, 25-4308 and 25-4322 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**Sub HB 2129**, An act concerning elections; relating to corrupt political advertising; relating to advance voting; amending K.S.A. 25-1121, 25-2407 and 25-4156 and K.S.A. 2006 Supp. 25-1124 and 25-1128 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed, as amended.

**HB 2246**, An act concerning unclaimed property; amending K.S.A. 58-3934, 58-3935 and 58-3954 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**S Sub for HB 2264**, An act concerning Johnson county; creating the Johnson county education research triangle authority; public safety projects; amending K.S.A. 2006 Supp. 12-187, 12-189, 12-192 and 19-101a and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-187b, 12-189f, 19-101a, as amended by section 4 of chapter 192 of the 2006 Session Laws of Kansas, and 19-101i, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Gilstrap, Huelskamp, Pyle.

The substitute bill passed.

**HB 2318**, An act concerning crimes, criminal procedure and punishment; relating to the crime victims compensation board; allowing expenses for crime scene cleanup; amending K.S.A. 2006 Supp. 74-7301 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**HB 2332**, An act concerning elections; relating to primary elections; relating to campaign finance; relating to campaign treasurer's reports; relating to certain public officers and employees; relating to use of unexpended campaign funds; amending K.S.A. 25-4142, 25-4148, 25-4151 and 25-4157a and K.S.A. 2006 Supp. 25-213 and 25-4143 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Huelskamp, Jordan, Journey, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Steineger.

The bill passed, as amended.

**HB 2359**, An act concerning crimes and punishment; relating to controlled substances; drug paraphernalia; creating controlled substances monitoring task force; amending K.S.A. 65-4153 and K.S.A. 2006 Supp. 22-4902, 22-4904, 65-1643, 65-4113, 65-4150, 65-4151, 65-4152 and 65-7006 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,



Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**HB 2363**, An act concerning civil procedure; relating to summary judgment; terms of court; probate code; amending K.S.A. 19-812a, 19-812b, 22-3013, 24-602, 24-603, 24-654, 24-709, 28-139, 41-209, 43-107, 43-112a, 43-112b, 59-2222, 59-2247, 59-3086, 60-206, 60-253 and 60-256 and repealing the existing sections; also repealing K.S.A. 20-325, 20-1036 and 20-3111, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Haley.

The bill passed, as amended.

**HB 2483**, An act concerning health care; relating to physical therapy and department of health and environment; amending K.S.A. 2006 Supp. 65-180, 65-2901 and 65-2912 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**S Sub HB 2504**, An act concerning matters pertaining to borrowings for the state and state agencies, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, McGinn, Morris, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Vratil, Wagle, Wilson, Wysong.

Nays: Barnett, Donovan, Huelskamp, Journey, Kelly, Lee, Lynn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Umbarger.

The substitute bill passed.

**HB 2526**, An act concerning monitoring and analysis of mercury deposition in Kansas, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Ostmeyer, Pyle.

The bill passed, as amended.

#### MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2133; HB 2144, HB 2341, HB 2412, HB 2421, HB 2434, HB 2464, HB 2529, HB 2548; Substitute HB 2562; HB 2590.**

Passage of **SB 109, SB 262, SB 302; Substitute SB 325, Substitute SB 334; SB 355.**

Also, passage of **SB 31, as amended by House Substitute for SB 31; SB 34, as amended, SB 68, as amended, SB 112, as amended, SB 115, as amended, SB 129, as amended, SB 138, as amended, SB 144, as amended by House Substitute for SB 144; SB 201, as amended, SB 333, as amended, SB 351, as amended, SB 368, as amended.**

The House nonconcur in Senate amendments to **HB 2073**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2393**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2437**, requests a conference and has appointed Representatives Faber, Knox and Svaty as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2476**, requests a conference and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2539**.

The House concurs in Senate amendments to **HB 2561**.

The House concurs in Senate amendments to **HCR 5018**.

The House adopts the conference committee report on **Senate Substitute for HB 2295**.

The House adopts the conference committee report on **HB 2314**.

Announcing a veto message from the Governor on **House Bill 2293**, An act concerning licensure, examination and registration of certified public accountants; relating to the board of accountancy; amending K.S.A. 1-302b, 1-308, 1-310, 1-311, 1-312, 1-316, 1-318, 1-319, 1-321 and 1-501 and K.S.A. 2006 Supp. 1-304 and repealing the existing sections, was received on March 21, 2007 and read on March 21, 2007.

My office has determined that **HB 2293** contains a significant drafting error which would inadvertently revoke the right of some accountants to practice in Kansas. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **House Bill 2293**. I support the intent of the bill and encourage the Legislature to pass a corrected version this year so I can sign it into law.

KATHLEEN SEBELIUS  
*Governor*

March 21, 2007

There being no motion to reconsider **House Bill 2293**, the veto was sustained.

The House accedes in Senate amendments to **SB 66**, requests a conference and has appointed Representatives Siegfried, Huebert and Peterson as conferees on the part of the House.

Announcing, the House nonconcur in Senate amendments to **HB 2058**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2081**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2267**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

Rejection of **SB 203**.

Announcing the House announces the appointment of Representative Mah to replace Representative Peterson as a conferee on **HB 2202**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**Substitute HB 2133; HB 2144, HB 2341, HB 2412, HB 2421, HB 2434, HB 2464, HB 2529, HB 2548; Substitute HB 2562; HB 2590** were thereupon introduced and read by title.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 8** and requested a conference committee be appointed.

The President appointed Senators Donovan, Wilson and Gilstrap as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 9** and requested a conference committee be appointed.

The President appointed Senators Donovan, Wilson and Gilstrap as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **H Sub for SB 14** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate. On motion of Senator Vratil the Senate nonconcurred in the House amendments to **H Sub for SB 31** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 34** and requested a conference committee be appointed.

The President appointed Senators Allen, D. Schmidt and Lee as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 55** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 68** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Lee as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 88** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **H Sub for SB 103** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 112** and requested a conference committee be appointed.

The President appointed Senators Teichman, Wysong and Steineger as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 114** and requested a conference committee be appointed.

The President appointed Senators Teichman, Wysong and Steineger as a conference committee on the part of the Senate.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 115** and requested a conference committee be appointed.

The President appointed Senators Allen, D. Schmidt and Lee and as a conference committee on the part of the Senate.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **H Sub for SB 144** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Gilstrap as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 166** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **SB 178** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator McGinn the Senate nonconcurred in the House amendments to **SB 188** and requested a conference committee be appointed.

The President appointed Senators McGinn, Ostmeyer and Lee as a conference committee on the part of the Senate.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 198** and requested a conference committee be appointed.

The President appointed Senators Allen, D. Schmidt and Lee as a conference committee on the part of the Senate.

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **SB 201** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Haley, and as a conference committee on the part of the Senate.

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **SB 202** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 204** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **Sub SB 208** and requested a conference committee be appointed.

The President appointed Senators Teichman, Wysong and Steineger as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 239** and requested a conference committee be appointed.

The President appointed Senators Teichman, Wysong and Steineger as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 271** and requested a conference committee be appointed.

The President appointed Senators Teichman, Wysong and Steineger as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 324** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Brownlee the Senate nonconcurred in the House amendments to **SB 333** and requested a conference committee be appointed.

The President appointed Senators Brownlee, Jordan and Barone as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 351** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **SB 362** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Emler and Hensley as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SCR 1603** and requested a conference committee be appointed.

The President appointed Senators Teichman, Wysong and Steineger as a conference committee on the part of the Senate.

#### **ORIGINAL MOTION**

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2058**.

The President appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2073**.

The President appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2081**.

The President appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The President appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2267**.

The President appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2393**.

The President appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **S Sub for HB 2437**.

The President appointed Senators McGinn, Ostmeier and Lee as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **S Sub for HB 2476**.

The President appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

#### REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 387** be passed.

Also, **SB 391** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 391," as follows:

"Substitute for SENATE BILL No. 391

By Committee on Ways and Means

AN ACT creating the Kansas criminal code recodification commission; relating to the powers and duties thereof; making and concerning appropriations for the fiscal year ending June 30, 2008."

and the substitute bill be passed.

**Substitute for HB 2457** be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute for HOUSE BILL No. 2457," as follows:

"SENATE Substitute for Substitute for HOUSE BILL No. 2457

By Committee on Ways and Means

"AN ACT concerning the Kansas public employees retirement system and systems thereunder; investment standards, prohibited investments and divestment, conditions and procedures; purchase of participating service credit; exemption from taxation of benefits; disability benefits for certain members; amending K.S.A. 74-4923 and 74-4960 and repealing the existing sections.";

and the substitute bill be passed.

**HB 2531**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2531," as follows:

"SENATE Substitute for HOUSE BILL No. 2531

By Committee on Ways and Means

"AN ACT concerning the pharmacy act of the state of Kansas; amending K.S.A. 40-2123, 65-1627 and 65-1655 and K.S.A. 2006 Supp. 60-4403, 65-1626 and 65-1643 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 65-1626c.";

and the substitute bill be passed.

**HB 2556**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2556," as follows:

“SENATE Substitute for HOUSE BILL No. 2556

By Committee on Ways and Means

“AN ACT concerning technical education; establishing the postsecondary technical education authority; relating to the powers and duties thereof.”;  
and the substitute bill be passed.

**REPORT ON ENGROSSED BILLS**

**SB 338, SB 366** reported correctly engrossed March 23, 2007.

**SB 32, SB 346, SB 384, SB 385** reported correctly engrossed March 27, 2007.

**CHANGE OF REFERENCE**

The President withdrew **HB 2014, HB 2093; S Sub for HB 2127** from the Calendar under the heading of General Orders, and referred the bills to the Committee on Ways and Means

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Monday, April 2, 2007.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

