

# Journal of the House

TWENTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 5, 2001, 10:30 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.  
The roll was called 121 with members present.  
Rep. Kauffman was excused on verified illness.  
Reps. Cox, Spangler and Wilson were excused on excused absence by the Speaker.  
Present later: Rep. Spangler

Prayer by Chaplain Svoboda-Barber:

Gracious and Loving God,  
be with us as we look forward to this week  
of meetings and decisions  
and interactions with many different people.  
Help us to listen with open ears  
to those who speak to us this week.  
Help us to understand  
the issues placed in front of us this week.  
And most of all,  
help us to act in such a way  
that at the end of the week  
we can look back and be proud of all we did this week.  
I ask these things in Your name. Amen.

The Pledge of Allegiance was led by Rep. Larkin

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2278.** An act concerning agriculture; relating to agricultural contracts; unfair and unlawful actions; prescribing penalties for violations thereof, by Representatives Larkin and Faber, Alldritt, Flora, Garner, Grant, Henry, McClure, McCreary, McKinney, Merrick, O'Brien, Ostmeyer, Phelps, Thimesch, D. Williams and Wilson.

**HB 2279.** An act concerning livestock; relating to ownership of such livestock, by Representatives Larkin and Faber, Alldritt, Flora, Grant, Henry, P. Long, McClure, McCreary, McKinney, O'Brien, Phelps, Thimesch and Wilson.

**HB 2280.** An act concerning agriculture; relating to agricultural contracts; good faith, by Representatives Larkin and Faber, Alldritt, Flora, Garner, Grant, Henry, McClure, McCreary, McKinney, Merrick, O'Brien, Ostmeyer, Phelps, Thimesch, D. Williams and Wilson.

**HB 2281.** An act concerning agriculture; relating to agricultural contracts; confidentiality provisions, by Representatives Larkin and Faber, Alldritt, Flora, Garner, Grant, Henry, McClure, McKinney, O'Brien, Ostmeyer, Phelps, Thimesch and Wilson.

**HB 2282.** An act relating to sales taxation; concerning refunds of sales tax paid on food; amending K.S.A. 2000 Supp. 79-3633 and 79-3635 and repealing the existing sections, by Representative Larkin (By request).

## HOUSE CONCURRENT RESOLUTION No. 5012—

By Committee on Utilities

A CONCURRENT RESOLUTION urging cities and counties to use certain revenues from natural gas utility franchise fees to pay for insulation of certain buildings.

WHEREAS, The price of natural gas has risen dramatically in recent months; and

WHEREAS, Many cities and counties impose natural gas utility franchise fees based on a percentage of utilities' gross receipts derived from sales of natural gas; and

WHEREAS, Such cities and counties are receiving windfall revenues from such franchise fees due to the high price of natural gas; and

WHEREAS, Current natural gas utility bills create a financial burden for consumers, both private and public; and

WHEREAS, Additional building insulation would lower those consumers' bills while conserving a valuable energy resource: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature of the State of Kansas urges cities and counties, after paying their increased natural gas costs, to use windfall revenues received from natural gas utility franchise fees to pay for insulation of attics in residences, commercial buildings and government buildings, including schools, at an R-49 rating; and

*Be it further resolved:* That the Legislature requests cities and counties to report, and the League of Kansas Municipalities and the Kansas Association of Counties to compile and submit to the Legislature, information regarding the use of any such windfall; and

*Be it further resolved:* That the Legislature directs the Secretary of State to send an enrolled copy of this concurrent resolution to the President and the Executive Director of the League of Kansas Municipalities and the President and the Executive Director of the Kansas Association of Counties.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Insurance: **SB 19, SB 29.**

Judiciary: **SB 20.**

Taxation: **HB 2276; SB 1, SB 44.**

Transportation: **HB 2277.**

**CONSENT CALENDAR**

No objection was made to **HB 2149** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2149.** An act relating to the state bank commissioner; providing for the sharing of certain information with agencies; amending K.S.A. 2000 Supp. 9-1303 and repealing the existing section, was considered on final action.

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

Yeas: Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glascock, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: None.

Present but not voting: Aday, Hermes.

Absent or not voting: Cox, DiVita, Kauffman, Klein, T. Powell, Spangler, Wilson.

The bill passed.

**HB 2010.** An act concerning property taxation; relating to certain exemptions; amending K.S.A. 2000 Supp. 79-201 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Cox, DiVita, Kauffman, Klein, Spangler, Wilson.

The bill passed, as amended.

**HB 2029.** An act relating to sales taxation; exempting certain sales to Parkinson's disease support associations; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Vickrey.

Present but not voting: None.

Absent or not voting: Cox, DiVita, Kauffman, Klein, Spangler, Wilson.

The bill passed.

**HB 2065.** An act relating to sales taxation; exempting grain storage facility construction materials and services; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 7; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aday, Alldritt, Ballard, Ballou, Barnes, Beggs, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane,

Larkin, Levinson, Light, Lightner, Lloyd, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Benlon, Loganbill, Pottorff, Ray, Reardon, Storm, Tomlinson.

Present but not voting: Aurand.

Absent or not voting: Cox, Kauffman, Klein, Spangler, Wilson.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: Admittedly the one cent sales tax for education as provided in the Howell amendment on **HB 2065** made no sense for want of identifying any educational program to fund or goal to achieve. But nothing is as it first appears. And when I voted yes I said: I am committed to public education, and the need to adequately compensate our beleaguered teachers; I recognized we can use sales tax in the mix for education finance; and, this is the vehicle by which I can either lower or eliminate the state-wide property tax for my constituents. Wish you'all had said yes too. I vote yes on **HB 2065**.—WARD LOYD

MR. SPEAKER: I voted in favor of **HB 2065**, but against the Howell amendment increasing sales tax by 1% for education. There will be considerations of tax increases which are specifically earmarked for K-12. The Howell amendment contained no such commitment. When the committee process and safeguards are established to fund the Blue Valley and Shawnee Mission schools, I will vote for my constituents and support such an increase.—DOUG PATTERSON

**HB 2099**, An act concerning telecommunications; amending K.S.A. 2000 Supp. 50-6,103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Crow.

Present but not voting: None.

Absent or not voting: Cox, Kauffman, Klein, Spangler, Wilson.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2038** be adopted; also, roll call was demanded on motion of Rep. Rehorn to amend on page 1, in line 20, by striking "2008" and inserting "2003";

On roll call, the vote was: Yeas 48; Nays 73; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alldritt, Ballard, Barnes, Burroughs, Crow, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, P. Long, McClure, McKinney, Minor, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Spangler, Storm, Thimesch, Toelkes, Toplikar, Wells, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Dahl, DeCastro, DiVita, Dreher, Edmonds, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kline, Krehbiel, Landwehr, Lane, Light, Lloyd, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Schwartz, Sloan, Stone, Swenson, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, Welshimer, Wilk, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Cox, Kauffman, Lightner, Wilson.

The motion of Rep. Rehorn did not prevail.

Also, on motion of Rep. McKinney **HB 2038** be amended on page 1, by striking all in line 23 and inserting:

"Sec. 2. K.S.A. 74-8702 is hereby amended to read as follows: 74-8702. As used in this act, unless the context otherwise requires:

- (a) "Commission" means the Kansas lottery commission.
- (b) "Executive director" means the executive director of the Kansas lottery.
- (c) "Gaming equipment" means any electric, electronic or mechanical device or other equipment unique to the Kansas lottery used directly in the operation of any lottery and in the determination of winners pursuant to this act.
- (d) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.
- (e) "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.
- (f) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.
- (g) "Major procurement" means any gaming product or service, including but not limited to facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.
- (h) "Person" means any natural person, association, corporation or partnership.
- (i) "Prize" means any prize paid directly by the Kansas lottery pursuant to its rules and regulations.
- (j) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game.
- (k) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game.
- (l) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.
- (m) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.
- (n) "Video lottery machine" or "*lottery machine*" means:
  - (1) Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including but not limited to bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash;

(2) any machine or device that allows a player to insert cash or other form of consideration, and may deliver, as the result of an element of chance, regardless of the skill required by the player, a prize or evidence of a prize, including, but not limited to, an interactive lottery machine or device or a noninteractive lottery machine or device;

(3) any interactive lottery machine or device in which the prize is determined by both chance and player or players' skill and in which the player or players can influence the prize through one-on-one interaction with the machine or device, including, but not limited to, a machine or device on which lottery games, such as poker and blackjack, are played; or

(4) any noninteractive lottery machine or device in which the prize is determined only by chance, including, but not limited to, any slot machine, bingo, keno ticket dispenser, lottery ticket dispenser, pull-tab dispenser and instant bingo dispenser.

Sec. 3. K.S.A. 2000 Supp. 74-8710 is hereby amended to read as follows: 74-8710. (a) The commission, upon the recommendation of the executive director, shall adopt rules and regulations governing the establishment and operation of a state lottery as necessary to carry out the purposes of this act. Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent rules and regulations may include but shall not be limited to:

(1) Subject to the provisions of subsection (b), the types of lottery games to be conducted, including but not limited to instant lottery, on-line and traditional games, but not including games on video lottery machines or lottery machines.

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

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

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

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

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

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

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

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

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

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

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

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

~~(b)~~ (c) No new lottery game shall commence operation after the effective date of this act unless first approved by the governor or, in the governor's absence or disability, the lieutenant governor. *The provisions of this subsection shall not be construed to authorize the approval of games on video lottery machines or lottery machines.*

Sec. 4. K.S.A. 2000 Supp. 74-8718 is hereby amended to read as follows: 74-8718. (a) It is unlawful for:

(1) Any person to sell a lottery ticket or share at a price other than that fixed by rules and regulations adopted pursuant to this act;

(2) any person other than a lottery retailer authorized by the Kansas lottery to sell or resell any lottery ticket or share; ~~or~~

(3) any person to sell a lottery ticket or share to any person, knowing such person to be under 18 years of age; or

(4) any person to sell a lottery ticket or share by electronic mail, the internet or telephone.

(b) No lottery retailer shall accept payment for a lottery ticket or share in the form of a credit card.

~~(b)~~ (c) (1) Violation of this section is a class A nonperson misdemeanor upon conviction for a first offense; and

(2) violation of this section is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

Sec. 5. K.S.A. 74-8722 is hereby amended to read as follows: 74-8722. (a) The Kansas lottery shall not recruit for employment or as a volunteer any person under 18 years of age for the purpose of appearing, being heard or being quoted in any advertising or promotion of any lottery in any electronic or print media.

(b) *The Kansas lottery shall not advertise or promote any lottery by electronic mail, the internet or telephone.*

(c) *All advertising and marketing practices of the Kansas lottery shall meet or exceed the standards of the North American association of state and provincial lotteries (NASPL) which are in effect on July 1, 2001, or any later version as adopted by the commission in rules and regulations.*

Sec. 6. K.S.A. 2000 Supp. 74-9802 is hereby amended to read as follows: 74-9802. As used in the tribal gaming oversight act:

(a) "Class III gaming" means all tribal gaming activities defined as class III gaming by the Indian gaming regulatory act (25 U.S.C. 2701 *et seq.*), as in effect on the effective date of this act.

(b) "Executive director" means the executive director of the state gaming agency.

(c) "Tribal gaming" means any class III gaming conducted pursuant to a tribal-state gaming compact. "Tribal gaming" does not include games on video lottery machines or lottery machines, as defined by K.S.A. 74-8702, and amendments thereto, that the Kansas lottery is prohibited from conducting under K.S.A. 74-8704, and amendments thereto.

(d) "Tribal gaming commission" means a commission created by a native American tribe in accordance with a tribal-state gaming compact.

(e) "Tribal gaming facility" means a facility where tribal gaming is conducted or operated.

(f) "Tribal-state gaming compact" means a compact entered into between the state of Kansas and the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, the Prairie Band Potawatomi Nation in Kansas or the Sac and Fox Nation of Missouri in Kansas and Nebraska with respect to the tribe's authority to engage in class III gaming on the tribe's reservation property in the state of Kansas.

Sec. 7. K.S.A. 2000 Supp. 79-4701 is hereby amended to read as follows: 79-4701. As used in this act:

(a) "Act" means the bingo act.

(b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2000 Supp. 79-4717, and amendments thereto.

(c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.

*"Bingo" or "games of bingo" shall not include games played on a video lottery machine or lottery machine.*

(d) "Bingo card" or "card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free". No two cards in the same game shall be identical.

(e) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free". No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(f) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

"Call bingo" shall include any regular, special, mini and progressive game of bingo.

"Call bingo" shall not include any game utilizing an electronic or computerized card system.

(g) "Department" means the department of revenue.

(h) "Director" means the director of taxation.

(i) "Distributor" means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.

(j) "Instant bingo" means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) which is conducted by a licensee under this act; (5) the conduct of which must be in the presence of the players; and (6) which does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines. Winners of instant bingo shall be determined either (1) by a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets or (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session.

"Instant bingo" shall not include any game utilizing electronically generated or computer-generated tickets.

(k) "Lessor" means the owner, coowner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo, whether or not a written lease has been entered into and submitted to the administrator as required in subsection (c) of K.S.A. 79-4703, and amendments thereto, and includes all political subdivisions and other public agencies.

(l) "Licensee" means any nonprofit organization holding a license to manage, operate or conduct games of bingo pursuant to K.S.A. 79-4701 *et seq.*, and amendments thereto.

(m) "Mini bingo" means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game, but not more than \$50.

(n) "Net proceeds" means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo and any admission fees or charges less amounts actually paid as prizes in games of bingo and any tax payable by the licensee.

(o) "Nonprofit religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

(p) "Nonprofit charitable organization" means any organization which is organized and operated for:



(1) The relief of poverty, distress, or other condition of public concern within this state; or

(2) for financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) for conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

(q) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

(r) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

(s) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge, or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

(t) "Person" means any natural person, corporation, partnership, trust or association.

(u) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

(v) "Progressive bingo" means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player's opportunity to win shall increase as the prize amount increases.

(w) "Regular game of bingo" means any game of bingo which is subject to the 25 game limit, \$50 prize limit and the \$1 charge limit imposed under subsections (g), (h) and (j) of K.S.A. 79-4706, and amendments thereto.

(x) "Secretary" means the secretary of revenue or the secretary's designee.

(y) "Session" means a day on which a licensee conducts games of bingo.

(z) "Video lottery machine" or "lottery machine" shall have the meaning ascribed thereto by K.S.A. 74-8702, and amendments thereto.

Sec. 8. K.S.A. 74-8702 and 74-8722 and K.S.A. 2000 Supp. 74-8710, 74-8718, 74-8723, 74-9802 and 79-4701 are hereby repealed.”;

By renumbering sections accordingly;

In the title, by striking all in lines 10, 11 and 12 and inserting:

“AN ACT concerning the Kansas lottery; amending K.S.A. 74-8702 and 74-8722 and K.S.A. 2000 Supp. 74-8710, 74-8718, 74-8723, 74-9802 and 79-4701 and repealing the existing sections.”;

Also, on motion of Rep. Alldritt to amend **HB 2038**, Rep. Mays requested a ruling on the amendment being germane to the bill. Rep. Alldritt subsequently withdrew his amendment.

Also, on motion of Rep. Toplikar to amend **HB 2038**, the motion did not prevail. Also, on motion of Rep. Benlon to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Mayans to amend **HB 2038** on page 1, preceding line 23, by inserting new material to read as follows:

“New Sec. 2. (a) The secretary of commerce and housing shall establish and implement a financial incentive program which shall be known as the airport services improvement program. The airport services improvement program shall provide grants and other financial incentive for development and improvement of airline services from existing airports to reduce the costs of commercial air carriers in providing air transportation services to individuals, businesses and public agencies so that the costs of such services to individuals, businesses and public agencies are stabilized and reduced. The secretary of commerce and housing shall make grants and provide other financial incentives in accordance with the airport services improvement program.

(b) There is hereby created in the state treasury the airport services improvement fund which shall be administered by the secretary of commerce and housing. All expenditures from the airport services improvement fund shall be to provide financial incentives for development and improvement of airline service from existing airports under the airport services improvement program in accordance with this section. All expenditures from the airport services improvement fund shall be made on warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce and housing or the secretary's designee.

(c) On July 1 of each year and after the transfer of moneys pursuant to K.S.A. 2000 Supp. 79-4806 and amendments thereto, or as soon thereafter as sufficient moneys are available, \$5,000,000 credited to the state gaming revenues fund shall be transferred and credited to the airport services improvement fund.

Sec. 3. K.S.A. 79-4801 is hereby amended to read as follows: 79-4801. There is hereby created the state gaming revenues fund in the state treasury. All moneys credited to such fund shall be expended or transferred only for the purposes and in the manner provided by this act and all expenditures from the state gaming revenues fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be allocated and credited monthly to the funds and in the amounts specified by this act except that the total of the amounts credited to such funds in any one fiscal year pursuant to this act shall not exceed ~~\$50,000,000~~ \$55,000,000. All amounts credited to such fund in any one fiscal year which are in excess of ~~\$50,000,000~~ \$55,000,000 shall be transferred and credited to the state general fund on July 15, 1996, and June 25, 1997, and each year thereafter on June 25 of each year.”;

By renumbering the remaining sections accordingly;

Also on page 1, in line 23, preceding “K.S.A.”, by inserting “K.S.A. 79-4801 and”; also in line 23, by striking “is” and inserting “are”;

In the title, on page 1, in line 10, following the first “concerning” by inserting “economic development; relating to state gaming revenues; revenues and operations of”; also in line 10, by striking all following the semicolon; in line 11, by striking “tor thereof” and inserting “creating the airport services improvement fund”; also in line 11, preceding “2000”, by inserting “79-4801 and K.S.A.”; in line 12, by striking “section” and inserting “sections”;

On roll call, the vote was: Yeas 52; Nays 70; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alldritt, Barnes, Boston, DeCastro, Dillmore, DiVita, Flaharty, Flora, Garner, Gilbert, Grant, Henderson, Henry, Huebert, Huy, Kirk, Klein, Krehbiel, Kuether, Landwehr, Loganbill, P. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, McLeland, Judy Morrison, Myers, Nichols, Novascone, O'Brien, Palmer, Pauls, Phelps, Pottorff, T. Powell, Powers, Rehorn, Ruff, Sharp, Shriver, Spangler, Swenson, Thimesch, Tomlinson, Toplikar, Wells, Welshimer, Winn.

Nays: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Burroughs, Campbell, Compton, Cook, Crow, Dahl, Dreher, Edmonds, Faber, Feuerborn, Findley, Freeborn, Gatewood, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Kline, Lane, Larkin, Levinson, Light, Lightner, Lloyd, M. Long, Mays, Merrick, Miller, Minor, Jim Morrison, Neufeld, Newton, O'Neal, Osborne, Ostmeyer, Patterson, E. Peterson, J. Peterson, L. Powell, Pyle, Ray, Reardon, Schwartz, Showalter, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Toelkes, Vickrey, Weber, Wilk, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Cox, Kauffman, Wilson.

The motion of Rep. Mayans did not prevail.

Also, roll call was demanded on motion of Rep. Dillmore to amend **HB 2038** on page 1, following line 22, by inserting:

"Sec. 2. K.S.A. 2000 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2000 Supp. 79-4806, and amendments thereto, an amount equal to ~~85%~~ 75% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than 1/2 of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including but not limited to continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) In each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

New Sec. 3. (a) After the transfer of moneys pursuant to K.S.A. 2000 Supp. 79-4806, and amendments thereto, an amount equal to 10% of the balance of all moneys credited to the state gaming revenue fund shall be transferred and credited to the residential utility consumer assistance fund created by this section.

(b) There is hereby created the residential utility consumer assistance fund which shall be administered by the state corporation commission. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved in the manner prescribed by law.

(c) Moneys in such fund shall be used to defray the costs of increasing residential utility services including, but not limited to, gas and electric utility service.

(d) The state corporation commission shall adopt rules and regulations:

- (1) Establishing criteria for qualification to receive assistance pursuant to this section;
- (2) establishing procedures for application for assistance pursuant to this section; and
- (3) concerning any other matter deemed necessary by the secretary.

Sec. 4. K.S.A. 74-8723 and 79-4804 are hereby repealed.”;

By renumbering sections accordingly;

In the title, by striking all in lines 10, 11 and 12 and inserting:

“AN ACT concerning the lottery; concerning the use of revenue derived therefrom; amending K.S.A. 2000 Supp. 74-8723 and 79-4804 and repealing the existing sections.”;

On roll call, the vote was: Yeas 48; Nays 73; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alldritt, Ballard, Barnes, Burroughs, Crow, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Mayans, McClure, McKinney, Nichols, O'Brien, Pauls, E. Peterson, Phelps, T. Powell, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Swenson, Thimesch, Toelkes, Toplikar, Wells, Welshimer, J. Williams, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Campbell, Compton, Cook, Dahl, DeCastro, DiVita, Dreher, Edmonds, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Boston, Cox, Kauffman, Wilson.

The motion of Rep. Dillmore did not prevail.

Also, on motion of Rep. Garner to amend **HB 2038**, Rep. Mays requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The question then reverted back to the motion of Rep. Garner to amend on page 1, in line 15, by striking "Section 1." and inserting the following:

"Section 1. K.S.A. 74-8704 is hereby amended to read as follows: 74-8704. (a) The executive director shall have the power to:

(1) Supervise and administer the operation of the state lottery in accordance with the provisions of this act and such rules and regulations as adopted hereunder.

(2) Appoint, subject to the Kansas civil service act and within the limitations of appropriations therefor, all other employees of the Kansas lottery, which employees shall be in the classified service unless otherwise specifically provided by this act.

(3) Enter into contracts for advertising and promotional services, subject to the provisions of subsection (b); annuities or other methods deemed appropriate for the payment of prizes; data processing and other technical products, equipment and services; and facilities as needed to operate the Kansas lottery, including but not limited to gaming equipment, tickets and other services involved in major procurement contracts, in accordance with K.S.A. 74-8705 and amendments thereto.

(4) Enter into contracts with persons for the sale of lottery tickets or shares to the public, as provided by this act and rules and regulations adopted pursuant to this act, which contracts shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(5) Require lottery retailers to furnish proof of financial stability or furnish surety in an amount based upon the expected volume of sales of lottery tickets or shares.

(6) Examine, or cause to be examined by any agent or representative designated by the executive director, any books, papers, records or memoranda of any lottery retailer for the purpose of ascertaining compliance with the provisions of this act or rules and regulations adopted hereunder.

(7) Issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any lottery retailer, or to compel the appearance of any lottery retailer or employee of any lottery retailer, for the purpose of ascertaining compliance with the provisions of this act or rules and regulations adopted hereunder. Subpoenas issued under the provisions of this subsection may be served upon natural persons and corporations in the manner provided in K.S.A. 60-304 and amendments thereto for the service of process by any officer authorized to serve subpoenas in civil actions or by the executive director or an agent or representative designated by the executive director. In the case of the refusal of any person to comply with any such subpoena, the executive director may make application to the district court of any county where such books, papers, records, memoranda or person is located for an order to comply.

(8) Administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition were in aid of a civil action in the district court.

(9) Require fingerprinting of employees and such other persons who work in sensitive areas within the lottery as deemed appropriate by the director. The director may submit such fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such employees and persons and obtaining records of their criminal arrests and convictions.

(b) The Kansas lottery shall not engage in on-site display advertising or promotion of the lottery at any amateur athletic or sporting event including, but not limited to, amateur athletic sporting events at institutions under the jurisdiction and control of the state board of regents. *For the fiscal year ending June 30, 2002, and for each fiscal year thereafter, the aggregate amount expended for advertising and promotional services shall not exceed \$2,000,000.*

Sec. 2. K.S.A. 2000 Supp. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) The executive director shall remit at least weekly to the state treasurer all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and credit it to the lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appro-

priations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

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

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

(2) the payment of compensation to lottery retailers;

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

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

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

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

(7) *transfers of moneys to the Kansas education students forgivable loan program fund of the state board of regents pursuant to subsection (e).*

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

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

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

*(e) Commencing on July 1, 2001, and on the first day of each month thereafter, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$100,000 from the lottery operating fund to the Kansas education students forgivable loan program fund of the state board of regents.*

Sec. 3.”;

Also on page 1, by striking all of line 23 and inserting the following:

“New Sec. 4. (a) There is hereby established the Kansas education students forgivable loan program which shall be developed, implemented and administered by the state board of regents in accordance with this section. The Kansas education students forgivable loan program shall provide teaching service-cancelable loans for eligible students at postsecondary educational institutions while in enrolled and actively engaged in an undergraduate program of teacher education leading to a degree, certification as a teacher and employment in full-time positions as teachers in the public elementary or secondary schools in Kansas. In developing, implementing and administering the Kansas education students forgivable loan program and in adopting policies therefor, the state board of regents may adopt policies and guidelines similar to those of the PROMISE teacher scholarship program of Georgia which are not in conflict with the provisions of this section.

(b) The Kansas education students forgivable loan program shall provide service-cancelable loans for eligible students to pay tuition, fees, and room and board charges and other direct or indirect education-related costs related to attending a postsecondary educational institution. Each service-cancelable loan may be in an amount that is less than or equal to \$1,500 for each semester during the junior or senior year. The aggregate of all amounts loaned under service-cancelable loans to one student shall not exceed \$6,000.

(c) A student entering into a service-cancelable loan agreement under this section shall agree (1) to obtain a teaching certificate issued by the state board of education and to engage

in teaching in a full-time position with a public elementary school or secondary school in Kansas within 12 months after receiving such degree and to continue for a period of time determined by the state board of regents on the basis of one school year of teaching for each semester for which a service-cancelable loan agreement was entered into, and to comply with such other terms and conditions that may be specified by the loan agreement, or (2) to repay all loan amounts plus an interest premium specified by the loan agreement at the annual rate applied to the aggregate of the amounts loaned and accruing from the date the loan agreement is entered into. The interest premium rate shall be established at a rate that is equal to or greater than the market rate determined by the director of investments under K.S.A. 75-4237 and amendments thereto, except that in no case shall the interest premium rate be greater than 10% per annum. The state board of regents may prescribe minimum repayment amounts and periods for repayment under service-cancelable loan agreements and such other terms and conditions as may be required or appropriate in order to effectuate the purposes of the program.

(d) Repayments under a service-cancelable loan agreement shall begin within six months after the date after the student graduates or otherwise withdraws from attendance at the postsecondary educational institution, unless the student (1) enrolls or re-enrolls at a postsecondary educational institution and becomes actively engaged in an undergraduate program of study leading to a degree from the postsecondary educational institution during such six-month period or (2) is otherwise permitted to postpone the repayment obligation under the program and policies adopted under this section.

(e) The state board of regents shall adopt policies to implement and administer the provisions of the Kansas education students forgivable loan program. Among other policies adopted, the state board of regents shall adopt policies providing for:

(1) Postponement of the repayment obligation under service-cancelable loan agreements during any period of temporary medical or other disability in which the person obligated is unable to satisfy the repayment obligation or under other appropriate circumstances; and

(2) discharge of the obligation to repay if the person obligated completes the teaching service obligation, dies, or becomes permanently physically or otherwise disabled and is unable to satisfy the teaching service obligation after making the best effort possible.

(f)(1) There is hereby established the Kansas education students forgivable loan program fund in the state treasury which shall be administered by the state board of regents. All moneys in the Kansas education students forgivable loan program fund shall be used for teaching service-cancelable loans under this section. All expenditures from the Kansas education students forgivable loan program fund shall be made on warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief executive officer of the state board of regents or by the officer's designee.

(2) The state board of regents shall remit to the state treasurer all repayments and other amounts received under service-cancelable loan agreements entered into under this section. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas education students forgivable loan program fund.

(g)(1) Except as otherwise specifically provided in this section, the words and phrases used in this section have the meanings respectively ascribed thereto in K.S.A. 2000 Supp. 74-3201b and amendments thereto;

(2) "eligible student" means a student (A) who is enrolled at a postsecondary educational institution in a program of teacher education leading to a degree that will enable the recipient to attain certification as a teacher by the state board of education and to teach in a public elementary or secondary school in Kansas, and (B) who has satisfactorily completed the equivalent of two years in a program of teacher education leading to such degree and is in the junior or senior year of such program of teacher education; and

(3) "postsecondary educational institution" means a postsecondary educational institution located in Kansas and includes Washburn university of Topeka.

Sec. 5. K.S.A. 74-8704 and K.S.A. 2000 Supp. 74-8711 and 74-8723 are hereby repealed.";

And by renumbering section 3 as section 6;

Also on page 1, in the title, in line 10, after "concerning", the first time it appears, by inserting "state gaming revenues; relating to the revenues and operations of"; also in line 10 by striking all after the semicolon; in line 11, by striking "tor thereof" and inserting "establishing the Kansas education students forgivable loan program"; also in line 11 by striking "K.S.A. 2000 Supp." and inserting "K.S.A. 74-8704 and K.S.A. 2000 Supp. 74-8711 and"; in line 12 by striking "section" and inserting "sections";

Roll call was demanded.

On roll call, the vote was: Yeas 53; Nays 66; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alldritt, Ballard, Barnes, Burroughs, Campbell, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Huebert, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Miller, Minor, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Stone, Storm, Swenson, Thimesch, Toelkes, Toplikar, Wells, Welshimer, J. Williams, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Compton, Cook, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Howell, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kline, Krehbiel, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Schwartz, Shultz, Sloan, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Cox, Horst, Kauffman, Mason, Mayans, Wilson.

The motion of Rep. Garner did not prevail.

Also, roll call was demanded on motion of Rep. Mayans to amend **HB 2038** on page 1, preceding line 23, by inserting new material to read as follows:

"New Sec. 2. (a) The secretary of commerce and housing shall establish and implement a financial incentive program which shall be known as the airport services improvement program. The airport services improvement program shall provide grants and other financial incentive for development and improvement of airline services from existing airports to reduce the costs of commercial air carriers in providing air transportation services to individuals, businesses and public agencies so that the costs of such services to individuals, businesses and public agencies are stabilized and reduced. The secretary of commerce and housing shall make grants and provide other financial incentives in accordance with the airport services improvement program.

(b) There is hereby created in the state treasury the airport services improvement fund which shall be administered by the secretary of commerce and housing. All expenditures from the airport services improvement fund shall be to provide financial incentives for development and improvement of airline service from existing airports under the airport services improvement program in accordance with this section. All expenditures from the airport services improvement fund shall be made on warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce and housing or the secretary's designee.

(c) On July 1 of each year and after the transfer of moneys pursuant to K.S.A. 2000 Supp. 79-4806 and amendments thereto, or as soon thereafter as sufficient moneys are available, \$5,000,000 credited to the state gaming revenues fund shall be transferred and credited to the airport services improvement fund.

Sec. 3. K.S.A. 79-4801 is hereby amended to read as follows: 79-4801. There is hereby created the state gaming revenues fund in the state treasury. All moneys credited to such fund shall be expended or transferred only for the purposes and in the manner provided by this act and all expenditures from the state gaming revenues fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be allocated and credited monthly to the funds and in the amounts specified by this act except that the total of the amounts credited to such funds in any one fiscal year pursuant to this act shall not exceed ~~\$50,000,000~~ \$54,000,000. All amounts credited to such fund in any one fiscal year which are in excess of ~~\$50,000,000~~ \$54,000,000 shall be transferred and credited to the state



general fund ~~on July 15, 1996, and June 25, 1997, and each year thereafter~~ on June 25 of each year.”;

By renumbering the remaining sections accordingly;

Also on page 1, in line 23, preceding “K.S.A.”, by inserting “K.S.A. 79-4801 and”; also in line 23, by striking “is” and inserting “are”;

In the title, on page 1, in line 10, following the first “concerning” by inserting “economic development; relating to state gaming revenues; revenues and operations of”; also in line 10, by striking all following the semicolon; in line 11, by striking “tor thereof” and inserting “creating the airport services improvement fund”; also in line 11, preceding “2000”, by inserting “79-4801 and K.S.A.”; in line 12, by striking “section” and inserting “sections”;

On roll call, the vote was: Yeas 63; Nays 59; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alldritt, Ballard, Ballou, Barnes, Boston, Burroughs, Crow, DeCastro, Dillmore, DiVita, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Huebert, Huy, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Loganbill, M. Long, P. Long, Mason, Mayans, McClure, McCreary, McKinney, McLeland, Judy Morrison, Myers, Nichols, Novascone, O'Brien, Palmer, Pauls, Phelps, Pottorff, T. Powell, Powers, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Swenson, Thimesch, Toelkes, Tomlinson, Toplikar, Wells, Welshimer, Winn.

Nays: Aday, Aurand, Beggs, Benlon, Bethell, Campbell, Compton, Cook, Dahl, Dreher, Edmonds, Faber, Feuerborn, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Kline, Lane, Light, Lightner, Lloyd, Loyd, Mays, Merrick, Miller, Minor, Jim Morrison, Neufeld, Newton, O'Neal, Osborne, Ostmeyer, Patterson, E. Peterson, J. Peterson, L. Powell, Pyle, Ray, Schwartz, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Vickrey, Weber, Wilk, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Cox, Kauffman, Wilson.

The motion of Rep. Mayans prevailed.

Also, on motion of Rep. Alldritt to amend **HB 2038**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Larkin to amend **HB 2038** on page 1, by striking all in line 23 and inserting:

“Sec. 2. K.S.A. 2000 Supp. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) The executive director shall remit at least weekly to the state treasurer all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and credit it to the lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

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

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

(2) the payment of compensation to lottery retailers;

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

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

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

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

(7) transfers of moneys pursuant to the city and county economic development fund pursuant to section 3, and amendments thereto.

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

(1) An amount equal to the moneys in the lottery operating fund in excess of those needed for the purposes described in subsections (c)(1) through (c)(4), (c)(6) and (c)(7); or

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

New Sec. 3. (a) There is hereby created in the state treasury the city and county economic development fund. All moneys transferred or credited to such fund pursuant to this section shall be allocated and distributed in the manner provided herein.

(b) The director of accounts and reports in each year on July 15 and December 10 shall make transfers in equal amounts which in the aggregate equal \$10,000,000 from the lottery operating fund to the county and city economic development fund.

(c) Moneys in the city and county economic development fund shall be allocated and distributed to cities and counties in the same manner provided for the allocation and distribution of moneys to cities and counties in the county and city revenue sharing fund.

(d) Moneys received by cities and counties pursuant to this section shall be used for economic development and tourism as determined by the governing bodies thereof.

Sec. 4. K.S.A. 2000 Supp. 74-8711 and 74-8723 are hereby repealed.”;

By renumbering sections accordingly;

In the title, by striking all in lines 10, 11 and 12 and inserting:

“AN ACT concerning the lottery; concerning the distribution of revenues derived therefrom; amending K.S.A. 2000 Supp. 74-8711 and 74-8723 and repealing the existing sections.”;

On roll call, the vote was: Yeas 39; Nays 81; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alldritt, Burroughs, Crow, Faber, Feuerborn, Flaharty, Flora, Garner, Gilbert, Grant, Henderson, Henry, Kirk, Kuether, Larkin, Levinson, Loganbill, M. Long, Mayans, McClure, McKinney, Minor, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Sharp, Spangler, Thimesch, Toelkes, Vickrey, Wells, Welshimer, J. Williams, Winn.

Nays: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Cook, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Findley, Freeborn, Gatewood, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Klein, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Tomlinson, Toplikar, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Compton, Cox, Kauffman, Powers, Wilson.

The motion of Rep. Larkin did not prevail.

Also, on motion of Rep. Garner to amend **HB 2038**, the motion did not prevail. Also, on motion of Rep. Reardon to amend, the motion did not prevail. Also, on motion of Rep. Alldritt to amend, the motion did not prevail.

Also, on motion of Rep. Gatewood to refer **HB 2038** to Committee on Appropriations, the motion did not prevail, and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

The Committee on **Taxation** recommends **HB 2006** be passed.

The Committee on **Transportation** recommends **HB 2045** be amended on page 1, in line 15, before "county" by inserting "public highway,,"; in line 17, by striking "or" and inserting a comma; also in line 17, after "road" by inserting "or street"; in line 31, by striking "The design"; by striking all in lines 32, 33 and 34; in line 35, by striking all before the period and inserting: "The vertical profile or alignment of the centerline of the highway, road or street through the crossing shall comply with the American association of state highway and transportation officials (AASHTO) design manual titled, "a policy on geometric design of highways and streets" as published and in effect on January 1, 2001"; and the bill be passed as amended.

The Committee on **Transportation** recommends **HB 2144** be amended on page 1, in line 26, after "cranes" by inserting: "where the crane operator on a job site works from a housing or module on the crane and is not standing beside the rig and the crane is not constructed for the transportation of property, except the property that is required for the crane itself"; in line 31, by striking all after "vehicles"; by striking all in lines 32 and 33; in line 34, by striking "bus day"; in line 42, after the period, by inserting: "The provisions of this subsection shall not apply to ready-mix concrete trucks."; 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 bills were thereupon introduced and read by title:

**HB 2283.** An act concerning the board of adult care home administrators; amending K.S.A. 65-3506 and repealing the existing section, by Committee on Appropriations.

**HB 2284.** An act concerning school districts; authorizing boards of education to adopt policies relating to the use of credit or debit cards, by Committee on Appropriations.

**HB 2285.** An act concerning optometry; amending and supplementing the optometry law; amending K.S.A. 65-1504b, 65-1513 and 65-1523 and K.S.A. 2000 Supp. 65-1501a and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2286.** An act concerning economic development; creating the airport services improvement fund; providing for financial incentives for development and improvement of airline service from existing airports; prescribing certain powers, duties and functions for the secretary of commerce and housing; amending K.S.A. 79-4801 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2287.** An act concerning livestock; enacting the competitive livestock markets act; prohibiting certain acts and prescribing certain penalties, by Committee on Federal and State Affairs.

**HB 2288.** An act concerning teachers; providing for initial licensure upon completion of an alternate teacher preparation program, by Representative Tanner.

**HB 2289.** An act concerning school safety; providing for suspension of the driver's license or privilege to drive of pupils for the commission of certain acts at school, on school property or at school-supervised activities; amending K.S.A. 2000 Supp. 72-89c01 and 72-89c02 and repealing the existing sections, by Committee on Education.

**HB 2290.** An act relating to motor carriers; concerning the regulation thereof; exemptions; amending K.S.A. 66-1,108 and 66-1,129 and K.S.A. 2000 Supp. 66-1,109 and repealing the existing sections, by Committee on Transportation.

**HB 2291.** An act relating to motor carriers; concerning the regulation thereof; amending K.S.A. 66-137, 66-1,110 and 66-1314 and K.S.A. 2000 Supp. 66-143, 66-1,112, 66-1,115, 66-1,116, 66-1,128, 66-1,129b, 66-1,139, 66-1,139a and 66-1a01 and repealing the existing sections, by Committee on Transportation.

**HB 2292.** An act relating to sales taxation; exempting certain isolated sales of motor vehicles; amending K.S.A. 2000 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

**HB 2293**, An act relating to sales taxation; exempting sales of car washing services rendered through coin-operated devices; amending K.S.A. 2000 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

**HB 2294**, An act concerning certain electric transmission lines; amending K.S.A. 66-1,177 and K.S.A. 2000 Supp. 66-1,178 and 66-1,182 and repealing the existing sections, by Committee on Taxation.

**HB 2295**, An act relating to income taxation; providing for a credit therefrom for certain expenses incurred by a small business, by Committee on Taxation.

**HB 2296**, An act concerning forgery; amending K.S.A. 21-3710 and K.S.A. 2000 Supp. 21-4704 and 60-4104 and repealing the existing sections, by Committee on Judiciary.

**HB 2297**, An act concerning courts; relating to the court of appeals; amending K.S.A. 20-3002, 20-3005 and 20-3006 and repealing the existing sections; also repealing K.S.A. 20-3003, by Committee on Judiciary.

**HB 2298**, An act concerning district magistrate judges; relating to the election or retention thereof; amending K.S.A. 20-336 and 20-2908 and repealing the existing sections, by Committee on Judiciary.

**HB 2299**, An act concerning certain advisory committees; concerning the open meetings law, by Representative Pottorff.

**HB 2300**, An act concerning the advisory committee on Hispanic affairs; appointments of members; amending K.S.A. 74-6502 and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2301**, An act concerning the workers compensation act; amending K.S.A. 44-508, 44-510i, 44-511, 44-551 and 44-556 and repealing the existing sections, by Committee on Business, Commerce and Labor.

**HB 2302**, An act concerning the commission on disability concerns; relating to the composition thereof; amending K.S.A. 2000 Supp. 74-6703 and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2303**, An act concerning the employment security law; relating to the classification of employers thereunder; amending K.S.A. 44-710a and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2304**, An act concerning the wage payment act; relating to the enforcement thereof; amending K.S.A. 44-324 and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2305**, An act concerning salaries and compensation for state officers and employees; providing for modification of pay plan; amending K.S.A. 75-2938 and repealing the existing section, by Representatives Kirk, Findley, Flora, Gordon, Hermes, Kuether, Mays, Nichols and Toelkes.

**HB 2306**, An act relating to insurance companies; relating to viatical settlements; repealing K.S.A. 40-2,171, 40-2,172, 40-2,173, 40-2,174, 40-2,175, 40-2,176, 40-2,177, 40-2,178, 40-2,179, 40-2,180, 40-2,181, 40-2,182 and 40-2,183, by Committee on Insurance.

**HB 2307**, An act concerning public utilities; relating to mergers; concerning standards for approval by the state corporation commission, by Committee on Utilities.

**HB 2308**, An act requiring utility rates of certain public entities to be the lowest charged any customer of the utility, by Committee on Utilities.

**HB 2309**, An act concerning public utilities; relating to certain employee compensation; prohibiting inclusion in rates, by Committee on Utilities.

**HB 2310**, An act concerning the mineral severance tax; removing such tax from severance and production of natural gas; amending K.S.A. 79-4216, 79-4218, 79-4219, 79-4220, 79-4221, 79-4222, 79-4223, 79-4224, 79-4226, 79-4227 and 79-4230 and K.S.A. 2000 Supp. 79-4217 and repealing the existing sections, by Committee on Utilities.

**HB 2311**, An act concerning victims of sexual assault; relating to emergency contraception; information given and care received, by Committee on Health and Human Resources.

**HB 2312**, An act enacting the dental hygienists student loan act; authorizing loans for certain dental hygiene students; providing for administration by the state board of regents, by Committee on Health and Human Services.

**HB 2313**, An act concerning the board of nursing; amending K.S.A. 2000 Supp. 65-1115, 65-1116, 65-1118a, 65-1119, 65-1122, 65-1133, 65-1136, 65-1152, 65-1153, 65-1163, 65-

4203 and 74-1106 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2314.** An act concerning cosmetology; relating to licensure, reciprocity and student instructor's permits; amending K.S.A. 65-1927 and K.S.A. 2000 Supp. 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1908 and 65-1909 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2315.** An act concerning occupational therapists; licensure thereof; amending K.S.A. 65-5402, 65-5405, 65-5406, 65-5407, 65-5410, 65-5412 and 65-5414 and K.S.A. 2000 Supp. 65-1501, 65-2891, 65-4915, 65-4921, 65-5408 and 65-5409 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2316.** An act concerning water; providing civil penalties for certain violations of laws and orders, terms, conditions and limitations relating thereto, by Committee on Environment.

**HB 2317.** An act concerning oil and gas; relating to pollution from certain lease facilities and conditions; amending K.S.A. 55-178 and K.S.A. 2000 Supp. 55-179, 55-191 and 55-192 and repealing the existing sections, by Committee on Environment.

**HB 2318.** An act concerning utilities; relating to certain notices of nonpayment, by Representative Swenson (By request).

**HB 2319.** An act concerning school districts; providing grants of state moneys for pupils residing at child care facilities; amending K.S.A. 2000 Supp. 72-6407, 72-6430 and 72-8187 and repealing the existing sections, by Representative Horst.

**HB 2320.** An act concerning crimes and punishment; relating to worthless checks; amending K.S.A. 2000 Supp. 21-3707 and repealing the existing section, by Representative Vickrey.

**HB 2321.** An act concerning unified school district No. 512, Johnson county, Kansas; relating to elections on closure of school buildings; amending K.S.A. 72-8136e and repealing the existing section, by Committee on Education.

**HB 2322.** An act relating to accident and health insurance; providing coverage for autism; amending K.S.A. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative Swenson.

**HB 2323.** An act concerning sales taxation; exempting sales of certain appliances; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Utilities.

**HB 2324.** An act concerning dental hygienists; concerning the providing of certain dental hygiene preventive services and reimbursement therefor, by Committee on Health and Human Services.

**HB 2325.** An act concerning the state board of education; relating to licensure of industrial arts teachers, by Representative McCreary.

**HB 2326.** An act concerning the Kansas forest service; providing for master fire protection planning in Kansas and the development and implementation of county-wide master fire protection plans; amending K.S.A. 76-425d and repealing the existing section, by Representative Hutchins.

**HB 2327.** An act concerning civil procedure; relating to limitations on damages; amending K.S.A. 60-19a02 and repealing the existing section, by Representative Swenson.

**HB 2328.** An act concerning crimes and punishment; relating to abusing toxic vapors, by Committee on Judiciary.

**HB 2329.** An act concerning the division of vehicles; relating to records; amending K.S.A. 2000 Supp. 74-2012 and repealing the existing section, by Committee on Judiciary.

**HB 2330.** An act concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 41-102, 41-103, 41-104, 41-208, 41-209, 41-210, 41-211, 41-307, 41-308, 41-308b, 41-312, 41-501, 41-601, 41-602, 41-701, 41-708, 41-712, 41-717, 41-718, 41-724, 41-725, 41-726, 41-729, 41-801, 41-805, 41-806, 41-901, 41-905, 41-1001, 41-1002, 41-1004, 41-1101, 41-1102, 41-1122, 41-1123, 41-1125, 41-2604, 41-2610, 41-2611, 41-2614, 41-2632, 41-2637, 41-2641, 41-2642, 41-2643, 41-2645, 41-2701, 41-2702, 41-2703, 41-2704, 41-2705, 41-2707, 41-2708, 41-2709, 41-2722, 79-4101, 79-4102 and 79-4103 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2331.** An act concerning fences; relating to fence viewers; amending K.S.A. 29-201 and repealing the existing section, by Representative Loyd.

**HB 2332.** An act concerning crimes and punishment; relating to sexually violent offenders, by Representative Henry.

**HB 2333.** An act concerning dispute resolution; amending K.S.A. 2000 Supp. 5-501, 5-502 and 5-509 and repealing the existing sections, by Committee on Judiciary.

**HB 2334.** An act concerning municipal judges; relating to the election thereof; amending K.S.A. 12-1036g, 12-4105, 12-4107, 13-527, 13-628a, 14-201, 14-205, 14-1501, 14-1502, 14-1503, 15-204, 15-209, 15-1601, 15-1602 and 15-1603 and repealing the existing sections; also repealing K.S.A. 13-6281, by Committee on Ethics and Elections.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Tuesday, February 6, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

