

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 12, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.

The roll was called with 121 members present.

Reps. Flaharty and Kline were excused on verified illness.

Rep. Howell was excused on legislative business.

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

Prayer by Chaplain Svoboda-Barber:

Holy God,

you are kind

and patient

and love all that you have created.

Help us to remember

that we are created in your image,

and help us

to live into

all that we were called to be;

kind, patient and loving legislators.

May our work this week reflect all that we are. Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Glasscock announced the following bills, appearing on the Calendar as "To Be Referred," were referred to committees as indicated:

Appropriations: **HB 2565; SB 96, SB 170, SB 294, SB 309.**

Education: **SB 134, SB 313.**

Federal and State Affairs: **HB 2564.**

Judiciary: **SB 128, SB 205 .**

COMMUNICATIONS FROM STATE OFFICERS

From Janet Schalansky, Secretary, Department of Social and Rehabilitation Services, as required by **H. Sub. for SB 326**, Child in Need of Care Definitions.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

Announcing passage of **SB 8, SB 14, SB 118, SB 291, SB 332.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 8, SB 14, SB 118, SB 291, SB 332.

CONSENT CALENDAR

No objection was made to **SB 101** appearing on the Consent Calendar for the first day.

No objection was made to **SB 54, SB 139, SB 155** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 10; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Alldritt, Burroughs, Garner, Klein, McKinney, Pauls, Rehorn, Sharp, Spangler, Wilson.

Present but not voting: None.

Absent or not voting: DiVita, Flaharty, Gordon, Howell, Kline.

The bill passed, as amended.

Sub. HB 2490, An act concerning state officers and employees; concerning compensation of state officers and employees; concerning governmental ethics; amending K.S.A. 46-137a, 46-229, 46-237, 46-269 and 46-271 and repealing the existing sections; also repealing K.S.A. 46-237a and 46-3101, was considered on final action.

On roll call, the vote was: Yeas 46; Nays 75; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alldritt, Aurand, Beggs, Bethell, Campbell, Compton, Cox, Feuerborn, Freeborn, Garner, Gilbert, Grant, Henderson, Henry, Horst, Huff, Humerickhouse, Kauffman, Klein, Landwehr, Lightner, Lloyd, Loyd, Mason, Mayans, McClure, McCreary, McKinney, Novascone, O'Neal, Patterson, T. Powell, Powers, Ray, Reardon, Rehorn, Schwartz, Shriver, Stone, Storm, Tanner, Thimesch, Tomlinson, Vickrey, Weber, D. Williams.

Nays: Aday, Ballard, Ballou, Barnes, Benlon, Boston, Burroughs, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Findley, Flora, Gatewood, Glasscock, Hayzlett, Hermes, Holmes, Huebert, Hutchins, Huy, Johnson, Kirk, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, P. Long, Mays, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, O'Brien, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Pyle, Ruff, Sharp, Showalter, Shultz, Sloan, Spangler, Swenson, Tafanelli, Toelkes, Toplikar, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

The substitute bill did not pass.

EXPLANATIONS OF VOTE

MR. SPEAKER: I believe the time has come, as they say to "stand up and be counted." We have wrestled with the issue of legislative pay for years. What is suitable compensation for being a legislator? For all the personal and professional sacrifices this full-time job demands, I believe any fair-minded Kansan would conclude we are not adequately compensated for the amount of time required of us.

I do recognize that state revenues are tight, however, this will not take effect until next year when revenues, I hope, will be in better shape. Nonetheless, it is time to put up or shut up so I'm putting up and voting YES on **Sub. HB 2490**.—BOB GRANT

MR. SPEAKER: We are not paying our teachers adequately. We are not paying law enforcement personnel adequately. We are not paying prison guards adequately. We are not paying university faculty adequately. We are not supporting many Kansans' needs adequately. But it appears that the Legislature wants to feather its own nest very handsomely, indeed. Not me. I vote no on **Sub. HB 2490**.—CARL C. KREHBIEL

MR. SPEAKER: With hesitancy, I vote Yes on **Sub HB 2490**.

While I support the creation of a legislative and executive pay commission, I am very troubled by the change in our ethics reporting law which are attached to this bill. I would prefer to jettison these provisions.

We need to address the issue of pay for public servants. However, any effort to provide for a legitimate pay increase for legislators should be accompanied by a ban on meals and gifts from lobbyists.

That is why I supported Representative Ethel Peterson's amendment and regret that it did not prevail.—JIM. D. GARNER, SUE STORM.

SB 59, An act concerning milk, cream and dairy products; amending K.S.A. 50-502 and 65-679 and repealing the existing sections; also repealing K.S.A. 65-701, 65-702, 65-703, 65-704, 65-705, 65-706, 65-707, 65-715, 65-716, 65-718, 65-719, 65-720, 65-720a, 65-720b, 65-720c, 65-720d, 65-720h, 65-720i, 65-720j, 65-720k, 65-720l, 65-720m, 65-720n, 65-720o, 65-720p, 65-720q, 65-720r, 65-737, 65-737a, 65-738, 65-738a, 65-741, 65-742, 65-744, 65-746, 65-747, 65-748, 65-749, 65-751, 65-752, 65-753, 65-770 and 75-1401 and K.S.A. 2000 Supp. 65-708, 65-708a, 65-745 and 65-750, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

The bill passed.

SB 70, An act concerning mortgages on real property; relating to the entry of satisfaction thereof; amending K.S.A. 2000 Supp. 58-2309a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

The bill passed.

SB 130, An act concerning trust companies; relating to the powers thereof; amending K.S.A. 2000 Supp. 9-2103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 1; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: Hermes.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

The bill passed.

SB 142, An act concerning financial institutions; relating to the authority to issue special orders; amending K.S.A. 17-5601 and K.S.A. 2000 Supp. 9-1715 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 1; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: Hermes.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

The bill passed.

SB 162, An act concerning veterinarians; amending K.S.A. 47-816, 47-822 and 47-825 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, Tafaneli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Faber, Garner, Spangler, Vickrey.

Present but not voting: None.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

The bill passed.

SB 196. An act authorizing the state board of regents to sell and convey certain tracts of real estate located in Riley county and in Nemaha county, Kansas, for and on behalf of Kansas state university and prescribing the deposition of the proceeds thereof, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, Spangler, Stone, Storm, Swenson, Tafaneli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT AND MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2038**, submits the following report:

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

On page 1, in line 35, by striking "2004" and inserting "2008";

On page 14, in line 37, by striking "subsection (a)" and inserting "this section"; by striking all in lines 38 and 39 and inserting:

"Sec. 5. K.S.A. 74-8702 is hereby amended to read as follows: 74-8702. As used in ~~this~~ the Kansas lottery 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" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including but not limited to bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

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

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

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

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

(2) "Lottery machine" shall not mean:

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

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

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

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

Sec. 6. 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)~~ (c), 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) 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.

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

Sec. 7. 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) for 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) to sell a lottery ticket at retail by electronic mail, the internet or telephone.

(b) (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. 8. 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 unsolicited advertisement or promotion of any lottery by the Kansas lottery through electronic mail or telephone is prohibited.*

(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. 9. K.S.A. 74-8702, 74-8706 and 74-8722 and K.S.A. 2000 Supp. 74-8705, 74-8707, 74-8710, 74-8718 and 74-8723 are hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 25, by striking “74-8706” and inserting “74-8702, 74-8706 and 74-8722”; in line 26, by striking “and 74-8723” and inserting “74-8710, 74-8718 and 74-8723”;

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

NANCEY HARRINGTON
 PETE BRUNGARDT
 U.L. GOOCH
Conferees on part of Senate

DOUG MAYS
 BECKY HUTCHINS
Conferees on part of House

On motion of Rep. Mays, the conference committee report on **HB 2038** was adopted.

On roll call, the vote was: Yeas 93; Nays 28; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henry, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, Mayans, Mays, McCreary, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Palmer, Patterson, E. Peterson, J. Peterson, Phelps, Pottorff, T. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, Wilson.

Nays: Alldritt, Dahl, Faber, Flora, Freeborn, Garner, Henderson, Hermes, Holmes, Kauffman, Krehbiel, Lloyd, P. Long, Loyd, Mason, McClure, McKinney, Miller, Neufeld, Ostmeyer, Pauls, L. Powell, Powers, Pyle, Shultz, Thimesch, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Flaharty, Gordon, Howell, Kline.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Tanner, the House nonconcurred in Senate amendments to **HB 2050** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Tanner, Lloyd and Reardon as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 178** be adopted; also, on motion of Rep. Mays be amended on page 2, in line 42, by striking "specified in" and inserting "required by"; in line 43, by striking all following "thereto";

On page 3, in line 1, by striking all preceding the period;

On page 4, in line 26, after the semicolon, by inserting "or"; in line 30, by striking the semicolon; by striking all in lines 31 through 39; in line 40, by striking all before the period;

On page 6, by striking all in lines 11, 12 and 13 and inserting:

"New Sec. 2. (a) If an applicant for licensure is not a resident of the state of Kansas on the date of submission of such application or has not been a resident for at least one year prior to the date of submission of such application, the director shall require the individual applicant, or if the applicant is a corporation, partnership or trust, each individual officer, director, stockholder, copartner, grantor, beneficiary or trustee, to:

(1) Submit to a national criminal history record check and provide the director with a legible set of fingerprints;"

Also on page 6, in line 19, by striking "the applicant shall"; in line 22, by striking "the applicant shall"; by striking all in lines 27 through 42 and inserting:

"(b) The director shall submit the fingerprints provided under subsection (a) to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply

to enable the director to verify the identity of such applicant or such individuals specified in subsection (a) and whether such applicant or such individuals have been convicted of any crimes that would disqualify the applicant or such individuals from holding a license under the liquor control act. The director is authorized to use the information obtained from the national criminal history record check to determine such applicant's or individuals' eligibility to hold a license under the liquor control act.”;

On page 7, in line 14, by striking “for a license”; in line 15, following the second comma, by inserting “and if the applicant is not a resident of the state of Kansas on the date of submission of such application or has not been a resident for at least one year prior to the date of submission of such application”;

On page 9, by striking all after line 4 and inserting:

“Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.” and **SB 178** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Weber, pursuant to House Rule 2311, **SB 178** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 178. An act concerning intoxicating liquors; relating to licensees under the liquor control act and licensees under the club and drinking establishment act; amending K.S.A. 41-311, 41-319 and 41-2623 and repealing the existing sections, 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, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, 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, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty, Gordon, Howell, Kline, Mayans, Novascone.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2532** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2532,” as follows:

“Substitute for HOUSE BILL No. 2532

By Committee on Appropriations

“AN ACT concerning the state historical society; amending K.S.A. 75-2701, as amended by section 377 of 2001 Senate Bill No. 15, and repealing the existing section.”; and the substitute bill be passed.

(Sub. **HB 2532** was thereupon introduced and read by title.)

The Committee on **Appropriations** recommends **SB 57**, as amended by Senate Committee, be amended on page 6, in line 29, by striking “state general” and inserting “motor carrier tax refund”;

On page 7, in line 8, by striking “There is appropriated from” and inserting: “The department of administration is hereby authorized and directed to pay the following amount

from the department of administration operations account of"; in line 14, by striking "Sec. 11. (a)"; preceding line 21, by inserting the following:

"Sec. 11. (a) The department of corrections is hereby authorized and directed to pay the following amount from the local jail payments account of the state general fund for reimbursement of costs incurred for housing certain inmates beyond the statutory time period prescribed by K.S.A. 2000 Supp. 75-5220, and amendments thereto, to the following claimant:

Coffey County Sheriff Department, P.O. Box 226, Burlington, KS
66839 \$2,160.00";

And by relettering subsections accordingly;
and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2411** be amended on page 1, in line 19, following "schools" by inserting "and accredited nonpublic schools"; in line 22, by striking all after "observation"; in line 23, by striking "every school district";

In the title, in line 13, by striking "public"; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2408** be amended on page 1, in line 16, by striking "The" and inserting "Except as provided by subsection (b), the";

On page 2, after line 24, by inserting "Prior to adopting the budget pursuant to subsection (a), the Blue Valley recreation commission appointed by the Blue Valley unified school district No. 229 shall submit its proposed budget to the board of education of such school district. The school board either shall approve, or modify and approve, the proposed budget. The recreation commission shall adopt such budget as approved, or modified and approved, by the board."; in line 25, before "Any" by inserting "(c)";

On page 3, in line 3, by striking "(c)" and inserting "(d)"; in line 9, by striking "(d)" and inserting "(e)"; in line 13, by striking "(b)" and inserting "(c)"; in line 20, by striking "(b)" and inserting "(c)"; in line 26, by striking "(e)" and inserting "(f)";

On page 5, in line 8, after "purchased" by inserting "or leased, including any renewal thereof, for a term exceeding three years"; in line 11, by striking all after the first "and"; in line 12, by striking all before the period and inserting "providing publication notification thereof once each week for three consecutive weeks in one or more newspapers of general circulation in the Blue Valley recreation system area"; in line 27, by striking all after the period; by striking all in lines 28 through 30; in line 31, by striking all before "No"; in line 35, after the period by inserting "Any levy made pursuant to this section shall be subject to the maximum annual mill levy allowable for the general fund pursuant to K.S.A. 12-1927, and amendments thereto."; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2014** from Committee on Appropriations and referral to Committee on Higher Education.

MESSAGES FROM THE GOVERNOR

HB 2032 approved on March 9, 2001.

REPORT ON ENGROSSED BILLS

HB 2296; Sub. HB 2490 reported correctly engrossed March 8, 2001.

REPORT ON ENROLLED BILLS

HB 2001, HB 2036, HB 2045, HB 2049, HB 2052, HB 2053, HB 2184, HB 2190, HB 2217 reported correctly enrolled, properly signed and presented to the governor on March 12, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Tuesday, March 13, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

