

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 15, 2004—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

A Kansas City reporter in the 1920's wrote, "I wonder sometimes if anybody except God understands Kansas, and sometimes I think Kansas has Him fooled."

The reason why Kansas is such an enigma is explained in one recent Kansas history book as the unique extremes throughout our state's history from which I obtained much of this information.^o

In 1896 William Allen White wrote, "Go east and you hear them laugh at Kansas; go west and they sneer at her; go south and they curse her; go north and they have forgotten her."

An early editor said that "Kansas is the hottest, coldest, driest, wettest, thickest, thinnest country in the world."

It was discovered early on
A surprising combination
Of idealism and pragmatism
Unusual in our nation.

The weather has always been extreme
From blazing heat to heavy snow,
One hundred and twenty in 1936
In 1905 it was forty below.

A Philadelphia paper in 1877
Said the best folks here are Puritanic.
Although they are disagreeable,
The rest are plain Satanic.

From the Flint Hills in the eastern half
To the wheat fields in the West;
We may be a state of some extremes,
But more interesting than the rest!

O God, help us Kansans to be extremely honest, extremely compassionate, extremely trustworthy, and extremely devoted to You.

I pray in Jesus' Name

AMEN

^o KANSAS, The History of the Sunflower State, by Craig Miner

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2675**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2675 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 512** be reported without recommendation.

Committee on **Judiciary** recommends **SB 528**; **HB 2617**, as amended by House Committee, be passed.

Also, **HB 2542** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2133, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2133," as follows:

"SENATE Substitute for HOUSE BILL NO. 2133

By Committee on Judiciary

"AN ACT relating to law enforcement; concerning special deputies; relating to multijurisdictional agreements; amending K.S.A. 2003 Supp. 19-805a, 19-805b and 19-828 and repealing the existing sections.;"

and the substitute bill be passed.

HB 2347, as amended by House Committee, be amended on page 5, in line 5, after "bank" by inserting a comma; also in line 5, before "or" by striking the comma;

On page 8, in line 5, by striking the comma where it appears the second time; in line 7, by striking the comma where it appears the first time; also in line 7, by striking the comma where it appears the second time;

On page 11, in line 11, by striking all after "(8)"; by striking all in lines 12 through 16 and inserting "any stock or other security evidencing membership or ownership in, evidencing the right to patronize, issued in lieu of a cash patronage dividend by, or representing a debt of a cooperative organized under K.S.A. 17-1601 et seq., and amendments thereto, but the administrator, by rule or order, may require the filing of a notice and place conditions upon the exemption for sales of securities to persons who are not members within the meaning of K.S.A. 17-1606, and amendments thereto; and";

On page 52, in line 20, after "(3)" by inserting "the offer under paragraph (1) discloses whether"; in line 21, by striking "under paragraph (1)"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2756**, as amended by House Committee, be passed.

Also, **Substitute for HB 2516** be amended on page 1, in line 17, by striking "5" and inserting "4"; in line 28, following "line" where it appears for the third time by inserting "with an operating voltage of 34.5 kilovolts or more"; in line 32, following "assist" by inserting "owners or"; in line 35, by striking "lines originate in this state and a"; in line 42, by striking "shall" and inserting "may";

On page 2, in line 1, following "years" by inserting ", unless recovery of capital expenditures for construction or upgrade of the transmission line or appurtenances is already provided for by tariffs and rates approved by the federal energy regulatory commission or its successors"; by striking all in lines 2 through 6;

By renumbering the remaining sections accordingly;

On page 3, in line 10, following "line" by inserting "with an operating voltage of 34.5 kilovolts or more"; in line 11, by striking "34.5 kilovolts or more of"; in line 30, preceding the period, by inserting ", provided such research and development expenditures or investments are intended to enhance reliability or efficiency of electric utility service";

On page 6, in line 14, following "transfer" by inserting "of electricity with an operating voltage"; and the substitute bill be passed as amended.

Committee on **Ways and Means** recommends **SB 459** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Wagle in the chair.

On motion of Senator Wagle the following report was adopted:

Recommended **SB 552** be passed.

SB 32, SB 320, SB 546, SB 551 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 407 be amended by motion of Senator Oleen on page 1, after line 12, by inserting:

“Section 1. K.S.A. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) *Except as provided by K.S.A. 2003 Supp. 74-8724, and amendments thereto*, the executive director shall remit all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

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

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

(2) the payment of compensation to lottery retailers;

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

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

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

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

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

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

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

Sec. 2. K.S.A. 2003 Supp. 74-8724 is hereby amended to read as follows: 74-8724. (a) ~~Notwithstanding any provision of law to the contrary, The Kansas lottery commission shall establish an instant lottery scratch-off game designated as the veterans benefit game, which shall be conducted by the Kansas lottery. Tickets for the veterans benefit game established by this section shall be offered for sale only between May 1 through November 30, 2003, and May 1 through November 30, 2004.~~

(b) The Kansas lottery commission shall adopt rules and regulations governing the establishment of the veterans benefit game pursuant to K.S.A. 74-8710, and amendments thereto,

except that subsection (b) of K.S.A. 74-8710, and amendments thereto, shall not apply to the veterans benefit game established by this section.

(c) ~~Notwithstanding the provisions of K.S.A. 79-4801 et seq., and K.S.A. 74-8711, and amendments thereto,~~ All net profits, received from the sale of veterans benefit game lottery tickets, materials and games, as prescribed by rules and regulations adopted pursuant to subsection (b) of this section, shall be deposited in the state treasury and credited, as follows: (1) An amount equal to 50% of such net profits to the national guard assistance account of the state general fund of the state board of regents to be used for Kansas national guard educational assistance act scholarships pursuant to K.S.A. 74-32,145 et seq., and amendments thereto, and (2) an amount equal to 50% of such net profits to the soldiers' home fee fund and the veterans' home fee fund in an amount or amounts determined by the executive director of the Kansas commission on veterans affairs to be used for operating expenditures and capital improvements for the Kansas veterans' home, the Kansas soldiers' home and the state veterans cemetery system.

(d) The Kansas lottery commission shall change the design or theme of the veterans benefit game regularly so that the game remains competitive with the other instant lottery scratch-off games offered by such commission. The tickets for the instant lottery game authorized by this section shall clearly state that the profits derived from the game shall be used to benefit veterans and veterans issues in this state.”;

Also on page 1, in line 13, by striking “Section 1.” and inserting “Sec. 3.”;

On page 2, by renumbering sections 2 and 3 accordingly; in line 9, by striking “74-8819 is” and inserting “74-8711 and 74-8819 and K.S.A. 2003 Supp. 74-8724 are”;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking all before the period and inserting “lotteries; relating to the veterans benefit lottery game; concerning the takeout in parimutuel wagering; amending K.S.A. 74-8711 and 74-8819 and K.S.A. 2003 Supp. 74-8724 and repealing the existing sections”, and **SB 407** be passed as amended.

SB 534 be passed over and retain a place on the calendar.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, March 16, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

