

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 8, 2001, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Flaharty was excused on verified illness.

Reps. Pottorff and Shultz were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Holy God,

You have given humans the power

To speak and to learn,

To love and to heal,

To reason and to understand.

Help us always to be mindful

of the gifts that we have

so that we may use them

to create a better state.

In Your name we pray. Amen.

The Pledge of Allegiance was led by Rep. O'Brien.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2557**.

Federal and State Affairs: **HB 2558**.

Taxation: **HB 2560**.

Transportation: **HB 2559**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Glasscock announced **HB 2561**, appearing on the Calendar as "To Be Referred," was referred to Committee on Agriculture.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2177** from Committee on Judiciary and referral to Committee on Local Government.

MESSAGE FROM THE GOVERNOR

March 6, 2001

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 01-307 for your information.

EXECUTIVE DIRECTIVE No. 01-307

Authorizing Certain Personnel Transactions

BILL GRAVES

Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2038** and has appointed Senators Harrington, Brungardt and Gooch as third conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Mayans moved, pursuant to House Rule 2303, that the House reconsider its action in not adopting the conference committee report to **HB 2038** and that a new conference committee be appointed (see House Journal, pp. 338-340). The motion was subsequently withdrawn.

CONSENT CALENDAR

No objection was made to **SB 9** appearing on the Consent Calendar for the first day.

No objection was made to **SB 59, SB 162, SB 196** appearing on the Consent Calendar for the second day.

No objection was made to **SB 87, SB 148** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 87, An act concerning furharvesting; amending K.S.A. 32-912 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 7; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, 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, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, 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, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Alldritt, Gatewood, Kline, Nichols, L. Powell, Spangler, Vickrey.

Present but not voting: None.

Absent or not voting: Flaharty, Pottorff, Shultz.

The bill passed.

SB 148, An act concerning fishing licenses; amending K.S.A. 32-906 and 32-988 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: 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, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafa-

nelli, 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, Pottorff, Shultz.

The bill passed.

HB 2406. An act concerning plats; relating to the review thereof; amending K.S.A. 2000 Supp. 58-2005 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 23; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dillmore, DiVita, Dreher, Edmonds, Faber, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Brien, Osborne, Ostmeyer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Wilk, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Cook, Dahl, DeCastro, Feuerborn, Glasscock, Gordon, Howell, Huebert, Huy, Kauffman, Landwehr, P. Long, Miller, Neufeld, O'Neal, Palmer, Schwartz, Tanner, Vickrey, Welshimer, D. Williams.

Present but not voting: None.

Absent or not voting: Flaharty, Pottorff, Shultz.

The bill passed.

SB 86. An act concerning wildlife and parks; relating to certain late payment fees; amending K.S.A. 32-1001 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 20; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Burroughs, Cook, Cox, Garner, Gordon, Henderson, Hermes, Howell, Hutchins, Kirk, Lane, Mays, Merrick, Miller, Nichols, Pyle, Spangler, Weber, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Flaharty, Pottorff, Shultz.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2296** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2490** be adopted; also, on motion of Rep. T. Powell be amended on page 1, in line 22, by striking "and" and inserting

a comma; in line 23, following "reimbursements" by inserting ", retirement benefits and methods or formulas used to determine retirement benefits"; following line 38, by inserting a new paragraph:

"Any vacancy on the commission shall be filled by the appointing authority.";

On page 10, following line 41, by inserting:

"New Sec. 7. The legislative and executive officer compensation commission may provide for retirement benefits, methods or formulas used to determine retirement benefits, eligibility requirements, participation and waiting period requirements and other retirement benefit related issues which may be alternative or supplemental to any laws relating thereto.";

By renumbering sections accordingly;

Also, on motion of Rep. E. Peterson to amend **Sub. HB 2490**, the motion did not prevail, and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 31** be amended on page 1, in line 32, by striking all after "house"; in line 33, by striking all before the comma and inserting "of representatives"; in line 36, by striking all after "senate" where it appears the second time; in line 37, by striking all before the comma; in line 38, by striking "and" where it appears for the second time; in line 43, before the period, by inserting the following:

"; and

(6) members shall be appointed so that at least four members who are members of the house of representatives are also members of the committee on appropriations and at least four members who are members of the senate are also members of the committee on ways and means";

On page 4, before line 23, by inserting the following:

"Sec. 3. K.S.A. 46-3001 is hereby amended to read as follows: 46-3001. (a) There is hereby created the joint committee on children's issues which shall be within the legislative branch of state government and which shall be composed of 10 members. Five members shall be members of the house of representatives and five members shall be members of the senate. Three of the members who are representatives shall be appointed by the speaker of the house of representatives, three members who are senators shall be appointed by the president of the senate, two members who are representatives shall be appointed by the minority leader of the house of representatives and two members who are senators shall be appointed by the minority leader of the senate. *Prior to January 13, 2003*, at least one member of the committee from the house of representatives shall be a member of the committee on insurance, one member shall be a member of the committee on health and human services and one member shall be a member of the committee on appropriations. *Prior to January 13, 2003*, at least one member of the committee from the senate shall be a member of the committee on financial institutions and insurance, one member shall be a member of the committee on public health and welfare and one member shall be a member of the committee on ways and means. *After January 12, 2003, members of the committee shall be appointed so that at least three members who are representatives are also members of the committee on appropriations and at least three members who are senators are also members of the committee on ways and means.*

(b) All members of the joint committee on children's issues shall serve for terms of two years ending on the first day of the regular session of the legislature commencing in the first odd-numbered year after the year of appointment, ~~except that the first members shall be appointed on the effective date of this act and shall serve for terms ending on the first day of the regular session of the legislature commencing in 1999.~~ If a vacancy occurs in the office of any member of the joint committee on children's issues, a successor shall be appointed in the same manner as the original appointment for the remainder of the term. The chairperson shall be appointed for a term of one year which ends on the first day of the next occurring regular session of the legislature. The speaker of the house of representatives shall appoint the first chairperson on the effective date of this act and shall appoint the chairperson for the term commencing on the first day of the regular session of the legislature commencing in 1999 for a one-year term to end on the first day of the regular session of

the legislature commencing in the year 2000. The president of the senate shall appoint the next chairperson on the first day of the regular session of the legislature commencing in the year 2000 for a one-year term which ends on the first day of the next occurring regular session of the legislature. Thereafter the appointment of the chairperson shall continue to alternate between the speaker of the house of representatives and the president of the senate with each subsequent chairperson being appointed for a one-year term ending on the first day of the regular session of the legislature in the next occurring regular session of the legislature after the year of appointment. If a vacancy occurs in the office of the chairperson, a member of the joint committee who is a member of the same house of the legislature as the member who vacated the office shall be appointed by the speaker of the house or president of the senate, depending on the house membership of the vacating member, to fill such vacancy.

(c) A quorum of the joint committee on children's issues shall be six. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on children's issues shall have the authority to meet at any time and at any place within the state on the call of the chairperson.

(e) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on children's issues to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(f) Members of the committee shall receive compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212 and amendments thereto when attending meetings of the committee.

(g) The joint committee on children's issues shall have the services of the legislative research department, the office of revisor of statutes and other central legislative staff service agencies.

(h) The joint committee on children's issues shall oversee the implementation and operation of the children's health insurance plans created under the provisions of this act, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001 and amendments thereto and other children's issues as the committee deems necessary.

(i) *The joint committee on children's issues may introduce legislation.*;

And by renumbering sections accordingly;

Also on page 4, in line 23, before "and" by inserting ",46-3001";

On page 1, in the title, in line 10, after "concerning", by inserting "joint committees of the legislature; redesignating"; also in line 10, by striking all after "committee"; in line 11, by striking all before "as"; also in line 11, after the semicolon, by inserting "prescribing the composition of certain joint committees;"; in line 12, after "46-2701", by inserting ",46-3001"; and the bill be passed as amended.

The Committee on **Appropriations** recommends **SB 32** be amended on page 4, in line 25, by striking all after "(b)"; by striking all of lines 26 and 27; in line 28, by striking all before "The";

On page 1, in the title, in line 10, before the semicolon, by inserting "and qualifications for certain offices"; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **SB 75** be passed.

The Committee on **Federal and State Affairs** recommends **SB 178** be amended on page 1, by striking all in lines 13 through 30; following line 30, by inserting:

"Section 1. K.S.A. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of this act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least $\frac{3}{4}$ of the period for which the license is to be issued; ~~or~~

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license; *or*

(13) who does not provide any data or information specified in section 2, and amendments thereto, which the director deems necessary to process the application.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages;

(4) a person who has beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least 10 years immediately preceding the date of application, except that:

(A) A wholesaler of cereal malt beverages properly licensed on September 1, 1948, shall be eligible for a beer distributor's license; and

(B) a person who has been a resident of the state for at least one year immediately preceding the date of application shall be eligible for a beer distributor's license.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery;

(4) person, copartnership or association which has beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (d)(4), (f)(1) and (f)(2) shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

New Sec. 2. (a) If the director determines that the following data or information is necessary to process an application for licensure:

(1) The individual applicant, or the individual officers, directors, stockholders, copartners, grantors, beneficiary or trustees, in the case of an applicant that is a corporation, partnership or trust, shall submit to a national criminal history record check and provides the director with two legible sets of fingerprints;

(2) the applicant shall disclose to the director any substantial financial interest the applicant owns in any entity that receives proceeds from the sale of alcoholic beverages; and

(3) the applicant shall submit a release allowing the director to have access to and review of the applicant's financial records to verify ownership and to ensure applicant is not an agent of another person. This release shall remain in effect after the license has been issued until the license is canceled or revoked.

(b) The director shall submit the fingerprints provided under this section to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such applicant or individuals, and obtaining records of criminal arrests and convictions. The director may receive from the Kansas bureau of investigation or other criminal justice agencies, including but not limited to the federal bureau of investigation and the federal internal revenue service, such criminal history record information, including arrest and nonconviction data, criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of licensees and applicants for licensure. Upon the written request of the director, the director may receive from the district courts such information relating to juvenile proceedings as necessary for the purpose of determining qualifications of licensees and of applicants for licensure.

(c) All costs incurred pursuant to this section to ensure that the applicant is qualified for licensure shall be paid by the applicant.

Sec. 3. K.S.A. 41-319 is hereby amended to read as follows: 41-319. (a) *Except as provided by subsection (b)*, within 30 days after an application is filed for a retailer's, microbrewery or farm winery license and within 20 days after an application is filed for a manufacturer's, distributor's or nonbeverage user's license, the director shall enter an order either refusing or granting the license. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been refused. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

(b) In order to complete any national criminal history record check of an applicant for a license who submitted any application after January 31, 2001, the director shall enter an order either refusing or granting the license within 90 days after such application is filed. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been refused. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

Sec. 4. K.S.A. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9) ~~or (12)~~, (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) On and after January 1, 1988, a license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto, shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 5. K.S.A. 41-311, 41-319 and 41-2623 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.”;

Also on page 1, in the title, by striking all in lines 9 and 10; following line 10, by inserting: “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.”; and the bill be passed as amended.

The Committee on **Higher Education** recommends **SB 11** be amended on page 1, by striking all of lines 33 through 43;

On page 2, by striking all of lines 1 through 43;

On page 3, by striking all of lines 1 through 43;

On page 4, by striking all of line 1; following line 1, by inserting a new section as follows:

“Sec. 2. K.S.A. 2000 Supp. 72-4412, as amended by section 2 of 2001 House Bill No. 2001, is hereby amended to read as follows: 72-4412. As used in this act:

(a) “Board” means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.

(b) “Area vocational school” means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words “area vocational-technical school.” Until this provision is amended by or repealed from law, the state board shall not approve the establishment or operation of any area vocational school which has not been approved for establishment or officially designated as an area vocational school prior to the effective date of this act, except that a community college which is consolidated with an area vocational school or area vocational-technical school under the provisions of K.S.A. 71-1701 through 71-1706, and amendments thereto, may be designated as an area vocational school.

(c) “Area vocational-technical school” means any vocational education school which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The school to which this definition applies is the Southeast Kansas area vocational-technical school.

The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agreement of the boards participating therein. Members of the board of control shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties. The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection. Nothing in this act shall be deemed to prevent any board from entering into an agreement for participation in the operation of any area vocational-technical school; nor shall any board which is now or hereafter a participant in the operation of an area vocational-technical school be prevented by the provisions of this act from withdrawing therefrom in the absence of a written agreement to the contrary.

(d) “School district” means any school district organized under the laws of this state.

(e) “Community college” means any community college organized and operating under the laws of this state.

(f) “Municipal university” means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

(g) “State educational institution” means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university,

Pittsburg state university, Fort Hays state university, and Kansas state university—Salina, college of technology.

(h) “Technical college” means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.

(i) “State board” means, *for the 2001-02 through 2003-04 school years*, the state board of education; *and for the 2004-05 school year and school years thereafter, the state board of regents.*

(j) “School year” means the twelve-month period ending on June 30.

(k) “Vocational education” means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual’s academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term vocational education also includes technology education.

(l) “Technology education” means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

(m) “State plan” means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins vocational and technical education act of 1998, and acts amendatory thereof or supplemental thereto.

(n) “Associate of applied science degree program” means a program that is offered and maintained by a technical college, composed of vocational, technology, and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, a credit hour shall consist of 15 clock hours of instruction in general education courses or 30 clock hours of instruction in vocational or technology education courses.”;

Also on page 4, in line 2, after “72-4412”, by inserting “, as amended by section 2 of 2001 House Bill No. 2001.”;

In the title, in line 11, after “72-4412”, by inserting “, as amended by section 2 of 2001 House Bill No. 2001.”; and the bill be passed as amended.

The Committee on **Tourism** recommends **SB 280** be passed.

The Committee on **Tourism** recommends **SB 139**, **SB 155** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Transportation** recommends **SB 54** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Transportation** recommends **SB 53** be amended on page 1, following line 12, by inserting the following:

“Section 1. K.S.A. 2000 Supp. 8-1,100 is hereby amended to read as follows: 8-1,100. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein: (a) The words “vehicle,” “motor vehicle,” “truck,” “truck tractor,” “trailer,” “semitrailer,” “pole trailer,” “specially constructed vehicle” and “passenger vehicle” shall have the meanings respectively ascribed to them by K.S.A. 8-126, and amendments thereto;

(b) “division” means the division of vehicles of the department of revenue;

(c) "director" means the director of vehicles of the division of vehicles within the department of revenue;

(d) "commercial vehicle" means any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer or pole trailer drawn by such motor vehicle, which vehicle is designed, used and maintained for the transportation of persons or property for hire, compensation, profit, or in the furtherance of a commercial enterprise;

(e) "fleet" means one or more commercial vehicles, at least one of which is a motor vehicle;

(f) "jurisdiction" means the states and territories of the United States, the District of Columbia, the provinces of Canada, the states and territories of the Federal District of Mexico, and the states, provinces and territories of any foreign country;

(g) "person" means an individual, firm, partnership, association, corporation, estate or trust;

(h) "owner" means any person who is lawfully entitled to possession of a commercial vehicle and who has the right to control the operation of such vehicle, and in the event more than one person has the right to possession or control, the person in whose behalf such vehicle is being operated at a particular time shall be deemed the owner at that time. *In the event a commercial vehicle is the subject of a lease without a driver, the lessor shall be deemed the owner.* In the event a commercial vehicle is the subject of a lease *with a driver*, the lessee and operator of such vehicle, and not the holder of the legal title shall be deemed the owner;

(i) "preceding year" means a period of 12 consecutive months authorized by any bilateral or multijurisdictional agreement lawfully entered into by the director of vehicles, which 12 consecutive months shall end on a date of the year immediately preceding the commencement of the registration or license year for which apportioned registration is sought. In the absence of an agreement, such 12 consecutive months shall coincide with the definition for preceding year as provided by any multijurisdictional agreement to which this state is a member jurisdiction and such multijurisdictional agreement has the greater number of member jurisdictions;

(j) "based, base point and base jurisdiction" means the jurisdiction where an owner has an established place of business where operational records of the owner's fleet are maintained or can be made available, and where mileage is accrued by such fleet, and the vehicles of such fleet are most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled;

(k) "place of business" means the place or location where an owner has a terminal, warehouse, office, garage or some permanent bona fide address at which one or more employees report and perform regular and continuing service for the owner;

(l) "base plate" means a registration or license plate issued by this state to a commercial vehicle based in and registered on an apportioned basis in this state;

(m) "total fleet miles" means the total number of miles operated during the preceding year in this state and in each and all other jurisdictions by the motor vehicles of a fleet, which motor vehicles were registered on an apportioned basis in this state during such preceding year by the owner operating such motor vehicles such total number of miles. Total fleet miles shall include miles operated upon a toll road;

(n) "in-state miles" means the total number of miles operated in this state during the preceding year by motor vehicles of a fleet which were registered on an apportioned basis in this state during such preceding year by the owner operating such total number of miles in this state. In the case of a fleet based in this state, in-state miles operated in jurisdictions other than Kansas shall be considered as Kansas in-state miles when such jurisdictions, by virtue of law or an agreement made with this state extends interstate reciprocity to the vehicles of such fleet; and

(o) "utility trailer" means any trailer of a rental fleet of 250 or more trailers, each having an empty weight of 2,000 pounds or less and a gross weight of not more than 8,000 pounds.";

Also on page 1, by striking all in line 13 and inserting the following:

"Sec. 2. K.S.A. 2000 Supp. 8-1,100 and 8-1,112 are hereby repealed.";

By renumbering section 2 as section 3;

In the title, in line 9, by striking "repealing K.S.A. 2000 Supp. 8-1,112;"; in line 10, following "permits" by inserting "; amending K.S.A. 2000 Supp. 8-1,100 and repealing the existing section; also repealing K.S.A. 2000 Supp. 8-1,112"; 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 2562. An act relating to property taxation; reauthorizing the statewide education mill levy and the exemption therefrom; amending K.S.A. 2000 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Taxation.

HB 2563. An act concerning securities; relating to investor education; establishing the investor education fund; amending K.S.A. 17-1271 and repealing the existing section, by Committee on Appropriations.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Friday, March 9, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

