

# Journal of the House

FIFTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, March 29, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 122 members present.  
Rep. Kiegerl was excused on verified illness.  
Reps. Faust-Goudeau and Grange were excused on excused absence by the Speaker.  
Present later: Reps. Grange and Kiegerl.

Prayer by guest chaplain, the Rev. Dr. William M. Smutz, pastor, Rolling Hills Presbyterian Church, Overland Park, and guest of Rep. Yoder:

As we begin this new day, gratitude is what fills our hearts and minds. We are grateful for our lives in your good creation. We are grateful for the abundance which we know by your hand. We are grateful for the blessing of your unexpected and overwhelming generosity.

As we gather this day to provide leadership, help us to keep covenant with you and those who elected us by practicing tolerance toward one another and those we govern; by keeping a sense of humor with one another, and to avoid taking ourselves so seriously; by having courage to see and reach for the bigger picture and the greater good, rather than using blinders that only permit vision which reaches to the next election.

In a world flattened by technology and innovation, we pray for the people of Kansas — that they may have access to education, training and technology, and the boldness to be productive global citizens.

We ask for rain in good measure for our farmers and safety for all in the face of spring storms.

We ask that we might reflect your glory today and always, in our every thought, our every word, our every action. Amen!!

The Pledge of Allegiance was led by Rep. Aurand.

On motion of Rep. Aurand, the House recessed until 11:00 a.m.

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## LATE MORNING SESSION

The House met pursuant to recess with Speaker Mays in the chair.

### INTRODUCTION OF GUESTS

Rep. Mast introduced Brenda Holmes from the Lyon County RSVP (Retired Senior Volunteer Program) which received national recognition for several of its programs including the “2006 Acts of Caring” award presented by the National Association of Counties (NaCo). Rep. Mast presented Ms. Holmes with a certificate who addressed a few remarks to the members of the House.

Rep. Hill introduced Betty J. Rothke and Virginia Graham who are volunteers with the program and accompanied Ms. Holmes to the House.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Governmental Organization and Elections: **SB 545**.

Higher Education: **SB 588**.

**MESSAGE FROM THE GOVERNOR**

March 20, 2006

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

Enclosed herewith is Executive Order No. 2006-04 for your information.

EXECUTIVE ORDER No. 2006-04

Declaration of Drought Warning or Drought Watch

KATHLEEN SEBELIUS  
Governor

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

**MESSAGES FROM THE GOVERNOR**

**HB 2611, HB 2835** approved on March 27, 2006.

Also, **HB 2595, HB 2610, HB 2645, HB 2663, HB 2756** approved on March 28, 2006.

**COMMUNICATIONS FROM STATE OFFICERS**

From Howard Schwartz, Judicial Administrator, in accordance with K.S.A. 1998 Supp. 5-506, 2005 Annual Dispute Resolution Report.

From Chancellor Robert E. Hemenway, The University of Kansas 2005 Annual Report.

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

**CHANGE OF CONFEREES**

Speaker Mays announced the appointment of Reps. O'Neal, Kinzer and Pauls as members of the conference committee on **HB 2122** to replace Reps. Hayzlett, Faber and Long.

Also, the appointment of Reps. Landwehr, Pottorff and Sawyer as members of the conference committee on **H. Sub. for SB 475** to replace Reps. Neufeld, Landwehr and Feuerborn.

In accordance with House Rule 1507, Speaker Mays declared **SB 448** is stricken from the Calendar.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Schwab in the chair.

**COMMITTEE OF THE WHOLE**

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

Recommended that on motion of Rep. McLeland, **SB 297** be amended on page 7, following line 18, by inserting:

"New Sec. 3. (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed in this or any other state to manufacture wine and obtains a wine direct shipper license as provided in this section may ship wine directly to a resident of this state who is at least 21 years of age for such resident's personal use and not for resale.

(b) Before shipping any wine to a resident of this state pursuant to this section, a person shall first:

(1) File an application for a wine direct shipper license with the division of alcoholic beverage control;

(2) pay to the division a \$100 license fee;

(3) provide to the division a true copy of the person's current alcoholic beverage license issued in this or any other state; and

(4) obtain from the division a wine direct shipper license.

(c) A wine direct shipper licensee shall:

(1) Not ship to any address in an area identified by the division as an area where the sale at retail of alcoholic liquor in the original package is not allowed pursuant to the Kansas liquor control act.

(2) Ensure that all containers of wine shipped directly to a resident in this state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

(3) If located outside this state, report annually to the division the total amount of wine shipped into the state during the preceding calendar year.

(4) If located outside this state, annually pay to the department of revenue all gallonage taxes and excise taxes due on sales to residents of this state during the preceding calendar year, the amount of such taxes to be calculated as if wine were manufactured and the sale were made in this state.

(5) If located within this state, provide to the division any additional information the division deems necessary beyond that already required for the license held by the person to ensure compliance with this section.

(6) Permit the division or the department of revenue to perform an audit of the wine direct shipper licensee's records upon request.

(7) Be deemed to have consented to the jurisdiction of the division, the department of revenue, any other state agency and the Kansas courts concerning enforcement of this section and any related laws and rules and regulations.

(d) A wine direct shipper licensee annually may renew its license with the division by paying a \$50 renewal fee and providing the division a true copy of its current alcoholic beverage license issued in this or another state.

(e) After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act and upon a finding that the licensee has violated the provisions of this section or rules and regulations adopted hereunder, the director may suspend or revoke a wine direct shipper license or may impose a civil penalty as provided in K.S.A. 41-328, and amendments thereto.

(f) (1) Except as provided in paragraph (2), shipment of wine directly to a consumer in this state by a person who does not hold a current wine direct shipper license issued by the division is a crime. Any person who knowingly makes, participates in, transports, imports or receives such a shipment is guilty of a class B misdemeanor.

(2) The provisions of this subsection shall not apply to a resident of this state who ships wine manufactured outside the state to the resident's self or to another person.

(g) The secretary may adopt rules and regulations to effectuate the purposes of this section.

(h) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 4. K.S.A. 2005 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; ~~and~~

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; *and*

(6) *the sale and shipping, in the original unopened container, of wine manufactured by the licensee to consumers outside the state, provided that the licensee complies with all relevant laws and rules and regulations of the jurisdiction into which the wine is shipped.*

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee; and

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery having a capacity of 100,000 gallons per year or more which sells wine to any distributor shall be required to comply with all provisions of article 4 of chapter 41 of the Kansas Statutes Annotated and of K.S.A. 41-701 through 41-705 and 41-709, and amendments thereto, in the same manner and subject to the same penalties as a manufacturer.

(e) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (f) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (f) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(f) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(g) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(h) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(i) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture

of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(j) This section shall be part of and supplemental to the Kansas liquor control act.”;

By renumbering sections accordingly;

Also on page 7, in line 19, after “Supp.”, by inserting “41-308a.”;

In the title, in line 13, after “Supp.”, by inserting “41-308a.”

Also, on motion of Rep. Kirk, **SB 297** be amended on page 7, following line 18, by inserting:

“New Sec. 3. (a) A Kansas historic tourism limited farm winery license shall be granted by the division to an applicant to promote any and all Kansas farm wineries, historic places of Kansas and tourism for the state of Kansas.

(b) A Kansas historic tourism limited farm winery license shall be granted by the division to an applicant which certifies that it will sell only vinous liquors of any and all Kansas wine manufacture within Kansas. The license fee for such license shall be \$125 per year.

(c) A Kansas historic tourism limited farm winery licensee is authorized to:

(1) Sell any and all wines manufactured within this state at retail to consumers;

(2) conduct tastings and sell any and all wines manufactured within this state; and

(3) serve and sell food, general merchandise and nonalcoholic beverages for consumption on the licensed premises or to be removed from the licensed premises by the consumer.

(d) A Kansas historic tourism limited farm winery license:

(1) Shall relate to a location and building that is eligible for listing in the state register of historic places as determined by the Kansas state historical society;

(2) may relate to a location and building used for social engagements and business engagements if such location and building are eligible for listing in the register of historic places;

(3) shall allow any individual or married couple to hold only one such license; and

(4) shall not relate to a building on the state register of historic places that is a residential living quarters or a living quarters of any kind.

(e) A Kansas historic tourism limited farm winery license shall not allow for the:

(1) Manufacture of wine on the premises, except for such manufacture as a demonstration of historic practices, and not for public consumption; or

(2) ship any wine to any person or persons within the state or outside of the state.

(f) This section shall be part of and supplemental to the Kansas liquor control act.”;

By renumbering remaining sections accordingly;

Also, on motion of Rep. Pauls to amend **SB 297**, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Aurand, the House recessed until 2:30 p.m.

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## AFTERNOON SESSION

The House met pursuant to recess with Speaker Mays in the chair.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 3020**, An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of certain gaming facilities, electronic gaming machines and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 60-2102, 74-8702, 74-8710, 74-8716, 74-8723, 74-8810, 74-8814, 74-8823, 74-8830, 74-8832 and 74-8838 and K.S.A. 2005 Supp. 12-4516, 19-101a, 21-4619, 74-8711 and 79-4805 and repealing the existing sections, by Committee on Federal and State Affairs.

**MESSAGES FROM THE SENATE**

The Senate adopts the conference committee report to agree to disagree on **HB 2576** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2105** and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2366** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2529** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2553** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2582** and has appointed Senators Huelskamp, O'Connor and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2583** and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2585** and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2727** and has appointed Senators Brungardt, Reitz and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2874** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2949** and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

Also, the Senate nonconcurrs in House amendments to **Sub. SB 323**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 431**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 522**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **Sub. SB 539**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 547**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **Sub. SB 323**.

Speaker Mays thereupon appointed Reps. Edmonds, Siegfried and Burroughs as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 431**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 522**.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **Sub. SB 539**.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 547**.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2576**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

CONFEREES ON PART OF SENATE  
MICHAEL R. O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal to adopt the conference committee report on **HB 2576**, the motion did not prevail, and the bill remains in conference.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. McLeland in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. McLeland, Committee of the Whole report, as follows, was adopted: Recommended that **HCR 5044** be adopted.

**HB 2093; H. Sub. for SB 340; H. Sub. for SB 317; SCR 1624** be passed over and retain a place on the calendar.

Committee report to **SB 549** be adopted; also, on motion of Rep. Ballard to amend, the motion was withdrawn.

Also, roll call was demanded on motion to recommend **SB 549** favorably for passage.

On roll call, the vote was: Yeas 104; Nays 12; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Lane, Loganbill, Long, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Williams, Wolf, Yoder.

Nays: Cox, Dillmore, Flaharty, Henderson, Huff, Kirk, Mah, Peterson, Sloan, Wilk, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Carter, Faust-Goudeau, Flora, Kuether, Light, Loyd, Jim Morrison, Roth, Weber.

The motion prevailed, and **SB 549** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 47** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 396** be adopted; and the substitute bill be passed.

Committee report to **SB 578** be adopted; also, on motion of Rep. Shultz be amended on page 6, in line 1, by striking all after "animal"; in line 5, by striking all after the period; by striking all in lines 6 through 13; in line 14, by striking all after "animal"; in line 17, by striking all after the period; by striking all in lines 18 through 20; and the bill be passed as amended.

Committee report to **HB 2894** be adopted; also, on motion of Rep. Lukert be amended on page 4, after line 22, by inserting the following:

"(h) The secretary shall issue a temporary hunting license for residents who are active-duty military personnel home on leave. The fee for such temporary hunting license shall not exceed \$10.

Sec. 3. K.S.A. 2005 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

Resident (other than elk permit): maximum \$100

Nonresident (other than elk permit): maximum \$400

Elk permit: maximum \$350

Resident big game tag: maximum \$20

Nonresident big game tag: maximum \$30

Nonresident applications: maximum \$25

Combination hunting and fishing licenses

Resident: maximum \$50

Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

Resident: maximum \$250

Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

Resident or nonresident with valid hunting license: maximum \$5

Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: maximum \$300

Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$75

Five-day nonresident: maximum \$25

Institutional group: maximum \$200

Special nonprofit group: maximum \$200

Twenty-four-hour: maximum \$10

Fur dealer licenses

Resident: maximum \$200

Nonresident: maximum \$400

Furharvester licenses

Resident: maximum \$25



Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75  
 Nonresident: maximum \$400  
 Game breeder permits: maximum \$15  
 Handicapped hunting and fishing permits: maximum \$5  
 Hound trainer-breeder running permits: maximum \$25  
 Hunting licenses  
   Resident: maximum \$25  
   *Resident active-duty military personnel: maximum \$10*  
   Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75  
   Nonresident 16 or more years of age: maximum \$125  
   Nonresident under 16 years of age: maximum \$75  
   Controlled shooting area: maximum \$25  
   Forty-eight-hour waterfowl permits: maximum \$25  
 Migratory waterfowl habitat stamps: maximum \$8  
 Mussel fishing licenses  
   Resident: maximum \$200  
   Nonresident: maximum \$1,500  
 Rabbit permits  
   Live trapping: maximum \$200  
   Shipping: maximum \$400  
 Raptor propagation permits: maximum \$100  
 Rehabilitation permits: maximum \$50  
 Scientific, educational or exhibition permits: maximum \$10  
 Wildlife damage control permits: maximum \$10  
 Wildlife importation permits: maximum \$10  
 Wild turkey permits  
   Resident: maximum \$100  
   Nonresident: maximum \$400  
   Resident turkey tag: maximum \$20  
   Nonresident turkey tag: maximum \$30  
 Special permits under K.S.A. 32-961: maximum \$100  
 Miscellaneous fees  
   Special events on department land or water: maximum \$200  
   Special departmental services, materials or supplies: no maximum  
   Other issues of department: no maximum  
   Vendor bond: no maximum  
 (b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to ½ the fee for a general resident big game or wild turkey hunting permit.  
 (c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to ½ the fee for a resident furharvester license.  
 (d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).";  
 And by renumbering the remaining sections accordingly;  
 Also on page 4, in line 23, after "32-906" by inserting "and 32-988";  
 In the title, in line 11, after "32-906" by inserting "and 32-988"; and **HB 2894** be passed as amended.  
 Committee report recommending a substitute bill to **H. Sub. for SB 51** be adopted; also, on motion of Rep. Hutchins be amended on page 1, following line 24, by inserting:  
 "Sec. 2. Any person found guilty of trafficking in counterfeit drugs in violation of section 1, and amendments thereto, of driving under the influence of alcohol or drugs in violation of K.S.A. 8-1567, and amendments thereto, or of domestic batter in violation of K.S.A. 2005 Supp. 21-3412a, and amendments thereto, and who is of unlawful immigration status shall be reported by the appropriate authorities to the United States immigration and naturalization service.";

And by renumber the remaining section accordingly;

In the title, in line 9, after "ACT", by inserting "concerning certain crimes."; in line 10, before the period, by inserting "; providing reporting certain persons with unlawful immigration status to the United States immigration and naturalization service"; and **H. Sub. for SB 51** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 243** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 577** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 85** be adopted; also, on motion of Rep. Feuerborn be amended on page 3, after line 22, by inserting the following:

"Sec. 11. On July 1, 2007, K.S.A. 76-719 is hereby amended to read as follows: 76-719.

(a) Subject to K.S.A. 76-742 *and amendments thereto*, the board of regents shall fix tuition, fees and charges to be collected by each state educational institution. If a state educational institution collects a student-activity fee, the funds so collected shall be set apart and used for the purpose of supporting appropriate student activities.

(b) *All moneys received by a state educational institution for tuition fixed by the state board of regents shall be deposited in the state treasury and credited to the general fees fund of the state educational institution. All moneys received for any student-activity fee or for any other fees or charges fixed by the state board of regents shall be deposited in the state treasury and credited to the appropriate account of the restricted fees fund of the state educational institution or to another appropriate special revenue fund of the state educational institution.*

(c) *On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the general fees fund of each state educational institution interest earnings based on:*

(1) *The average daily balance of moneys in the general fees fund of the state educational institution for the preceding month; and*

(2) *the net earnings rate of the pooled money investment portfolio for the preceding month.*

(d) *On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the restricted fees fund of each state educational institution interest earnings based on:*

(1) *The average daily balance of moneys in the restricted fees fund of the state educational institution for the preceding month; and*

(2) *the net earnings rate of the pooled money investment portfolio for the preceding month.*

Sec. 12. On July 1, 2007, K.S.A. 2005 Supp. 76-762 is hereby amended to read as follows: 76-762. (a) There is hereby created in the custody of the state treasurer the following funds at each state educational institution from which the housing system shall be operated:

(1) A housing system suspense fund;

(2) a housing system operations fund; and

(3) a housing system repairs, equipment and improvement fund.

(b) Payments received for rents and boarding fees and other charges in connection with the operation of the housing system shall be remitted 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 housing system suspense fund.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the housing system suspense fund of *each state educational institution* interest earnings based on:

(1) *The aggregate of (A) the average daily balance of moneys in each the housing system suspense fund (B) the average daily balance of moneys in the housing system operations fund, and (C) the average daily balance of moneys in the housing system repairs, equipment and improvement fund of the state educational institutions institution for the preceding month; and*

(2) *the net earnings rate for the pooled money investment portfolio for the preceding month.*

(d) The housing system operations fund shall be used to pay the expenses of operation of the housing systems and for the operation and maintenance of the system. The state educational institution shall transfer from the housing system suspense fund to the operations fund amounts needed for the operation and maintenance of the system. Each state educational institution shall establish such accounts within the housing system operations fund as are required for the efficient management of the system. ~~Funds in the housing system operations fund not needed for immediate use may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254, and amendments thereto.~~

(e) The housing system repairs, improvements and equipment fund shall be used for repairs, equipment, improvements and expansion of the housing system that cannot be financed from the housing system operations fund. Transfers may be made to this fund from the housing system suspense fund or the housing system operations fund as determined by the state educational institution. ~~All or a portion of the moneys in such fund may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254, and amendments thereto.~~ Expenditures from this fund may be made for projects that have been approved by the state board of regents.

Sec. 13. On July 1, 2007, K.S.A. 76-719 and K.S.A. 2005 Supp. 76-762 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 11, after “concerning” by inserting “postsecondary education; relating to certain”; in line 14, before the period, by inserting “; relating to interest earnings on certain special revenue funds of state educational institutions under the control and supervision of the state board of regents; amending K.S.A. 76-719 and K.S.A. 2005 Supp. 76-762 and repealing the existing sections”;

Also, on motion of Rep. Landwehr to amend **H. Sub. for Sub. SB 85**, the motion did not prevail.

Also, on motion of Rep. Sloan to amend **H. Sub. for SB 85**, the motion did not prevail, and the substitute bill be passed as amended.

Committee report to **HCR 5042** be adopted; and the resolution be adopted as amended.

Committee report to **SB 421** be adopted; and the bill be passed as amended.

On motion of Rep. Shultz, **SCR 1619** be amended on page 2, in line 8, by striking “foreign mutual” and inserting “automobile”; in line 9, by striking “submit-”; in line 10, by striking “ted by the National Association of Independent Insurers” and inserting “of the top six automobile insurance premium writers in Kansas”; in line 12, by striking “Alliance of”; in line 13, by striking “American Insurers” and inserting “Property Casualty Insurers Association of America”; and the resolution be adopted as amended.

Committee report to **SCR 1618** be adopted; and the resolution be adopted as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2955** be amended on page 1, following line 33, by inserting:

“Sec. 2. K.S.A. 41-2701 is hereby amended to read as follows: 41-2701. As used in this act unless the context otherwise requires:

(a) “Cereal malt beverage” means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute *or any flavored malt beverage, as defined in section 1, and amendments thereto*, but does not include any such liquor which is more than 3.2% alcohol by weight.

(b) “Director” means the director of alcoholic beverage control of the department of revenue.

(c) “Manufacturer” means a manufacturer as defined by K.S.A. 41-102 and amendments thereto.

(d) “Person” means any individual, firm, partnership, corporation or association.

(e) “Retailer” means any person who sells or offers for sale any cereal malt beverage for use or consumption and not for resale in any form.

(f) “Place of business” means any place at which cereal malt beverages are sold.

(g) "Distributor" means a beer distributor licensed pursuant to the Kansas liquor control act.

(h) "Legal age for consumption of cereal malt beverage" means 21 years of age, except that "legal age for consumption of cereal malt beverage" shall mean 18 years of age if at any time the provisions of P.L. 98-363 penalizing states for permitting persons under 21 years of age to consume cereal malt beverage are repealed or otherwise invalidated or nullified.

Sec. 3. K.S.A. 41-2701 is hereby repealed.;

By renumbering section 2 as section 4;

In the title, in line 10, after "labeling", by inserting "; amending K.S.A. 41-2701 and repealing the existing section"; and the bill be passed as amended.

#### CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **H. Sub. for SB 422** from Committee on Appropriations and referral to Committee of the Whole.

Also, the withdrawal of **SB 512** from Committee on Appropriations and referral to Committee of the Whole.

Also, the withdrawal of **SB 528** from Committee on Appropriations and referral to Committee of the Whole.

Also, the withdrawal of **SB 546** from Committee on Governmental Organization and Elections and referral to Committee on Appropriations.

#### REPORT ON ENGROSSED BILLS

**Sub. HB 2023; HB 2662; Sub. for Sub. HB 2689; HB 2761, HB 2792; Sub. HB 2986** reported correctly engrossed March 27, 2006.

**HB 2836** reported correctly re-engrossed March 27, 2006.

On motion of Rep. Aurand, the House adjourned until 9:45 a.m., Thursday, March 30, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

