

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 13, 2009, 10:30 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 118 members present.
Reps. Aurand, Ballard, Jack, Kelley, Svaty, Winn and Yoder were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
Today as we finish another week
yet still have much to accomplish, grant us clear analysis, and creative response
to the needs we address.
Guide our minds into great collaboration and move hearts toward true solutions
that bring us a greater unity
with each other and with You. As we break over the weekend,
help us to step back and
free our minds of the minute details.
Help us to relax the thought processes,
and renew us with Your strength and energy
for the demands of the coming week.
Please be with the family of Raney Gilliland whose father passed away.
Bring peace, comfort and strength in these days
as they experience the loss of a loved one.
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Brookens.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Flaharty are spread upon the journal:

Good morning. I wish to share my joy in welcoming a new Kansan. The chocolate bars on your desks are in honor of Emma Marie Flaharty born yesterday afternoon to Loren and Kara Flaharty of Derby, Kansas. Emma Marie is also my first great-grandchild. This new life reminds me that our purpose here is to provide the best possible Kansas for each of our citizens.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2382, An act relating to transportation; providing for a transportation program; amending K.S.A. 68-416, 68-2319, 68-2320 and 68-2321 and K.S.A. 2008 Supp. 68-2315 and 68-2331 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Taxation.

HB 2383, An act concerning fines and penalties; amending K.S.A. 65-3024 and 65-34,146 and K.S.A. 2008 Supp. 65-3424g, 65-34,114 and 82a-952 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **SB 212, SB 213.**

Health and Human Services: **SB 262.**

Judiciary: **HB 2381, SB 223.**

COMMUNICATIONS FROM STATE OFFICERS

From Mark S. Beck, Director, Division of Property Valuation, Kansas Department of Revenue, in accordance with K.S.A. 79-1490, 2008 Preliminary Ratio Study.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 204, SB 254, SB 257.**

Announcing passage of **HB 2004, HB 2092.**

Announcing passage of **HB 2158**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 204, SB 254, SB 257.

CONSENT CALENDAR

Objection was made to **SB 122** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 131** appearing on the Consent Calendar for the first day.

No objection was made to **SB 123, SB 137** appearing on the Consent Calendar for the second day.

No objection was made to **SB 40, SB 86** 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 40, An act repealing K.S.A. 2008 Supp. 72-9910 and 72-9911; relating to the at-risk education council, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Haylett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed.

SB 86, An act concerning the secretary of state; relating to letters of good standing; amending K.S.A. 17-7506 and repealing the existing section, was considered on final action.

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

Yeas: Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Landwehr, O'Brien, Vickrey.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed.

HB 2319, An act concerning property taxation; relating to fair market value of certain rental property; amending K.S.A. 2008 Supp. 79-503a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.

The bill passed, as amended.

HB 2354, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 55; Present but not voting: 0; Absent or not voting: 7.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Faber, Fund, Furtado, George, Goico, Gordon, Goyle, Grange, Hayzlett, Henderson, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Long, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Swanson, Swenson, Tafanelli, Watkins, B. Wolf.

Nays: Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henry, Hill, Huntington, Johnson, Kuether, Light, Loganbill, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Spalding, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, K. Wolf, Worley.

Present but not voting: None.
 Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.
 The bill passed, as amended.

SB 5, An act designating part of United States highway 160 as the 1011th Quartermaster Co. U.S. Army Reserve memorial highway, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.
 Absent or not voting: Aurand, Ballard, Jack, Kelley, Svaty, Winn, Yoder.
 The bill passed.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Gordon in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Gordon, Committee of the Whole report, as follows, was adopted:
 Recommended that **HB 2343**, **HB 2084** be passed.
 Committee report to **SB 84** be adopted; and the bill be passed as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Huebert, the House nonconcurrent in Senate amendments to **HB 2158** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Huebert, Schwab and Sawyer as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long Term Care** recommends **SB 148** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Agriculture and Natural Resources** recommends **HB 2295** be amended on page 1, in line 32, by striking "immediately"; in line 33, by striking "exactly the same" and inserting "a similar"; in line 42, by striking "shall be deemed false and misleading. Such statements"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 64** be amended on page 3, in line 38, after "(g)" by inserting "sworn statement or"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 3** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 3," as follows:

"HOUSE Substitute for SENATE BILL No. 3

By Committee on Elections

"AN ACT concerning elections; amending K.S.A. 2008 Supp. 25-1122, 25-1123, 25-2908 and 25-3002 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 3** was thereupon introduced and read by title.)

Committee on **Elections** recommends **SB 80** be amended on page 2, in line 6, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Elections** recommends **SB 171** be amended on page 2, in line 4, after “(c)” by inserting “(1)”; after line 6, by inserting the following:

“(2) If a majority of the qualified electors voting on the resolution submitted to the voters pursuant to this section who reside within the corporate limits of the city of Goodland, Kansas, and a majority of the qualified electors voting on such resolution who reside outside of the corporate limits of the city of Goodland, Kansas, vote in favor thereof, the resolution shall be implemented in the manner provided by the resolution. If a majority of the electors who reside within the corporate limits of the city of Goodland, Kansas or a majority of the qualified electors who reside outside of the corporate limits of the city of Goodland, Kansas, vote against such resolution, the proposed resolution shall not be implemented.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2180** be amended on page 2, in line 18, after the period by inserting “Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer.”; after line 19, by inserting the following:

“Sec. 2. K.S.A. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person’s family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) *A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.*

Sec. 3. K.S.A. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person’s family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

- (1) Be screened by the club for good moral character;
- (2) pay an annual membership fee of not less than \$10; and
- (3) wait for a period of 10 days after completion of the application form and payment of the membership fee.

(d) Notwithstanding the membership fee and waiting period requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the waiting period or fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if (A) the hotel or RV resort is located in the same county as the club, (B) there is no class B club located on the premises of the hotel or RV resort and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 4. K.S.A. 2008 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) ~~No~~ (1) *Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.*

(2) Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

(3) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(4) *No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.*

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(j) *For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.*

Sec. 5. K.S.A. 2008 Supp. 41-2645 is hereby amended to read as follows: 41-2645. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

(b) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(c) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought unless the director waives such requirement for good cause. Each application shall state the purposes for which the proceeds of the event will be used. The application shall be upon a form prescribed and furnished by the director and shall be filed with the director in duplicate. Each application shall be accompanied by a permit fee of \$25 for each day for which the permit is issued, which fee shall be paid by a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount thereof. All permit fees collected by the director pursuant to this section 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 state general fund.

(d) Temporary permits shall specify the premises for which they are issued and shall be issued only for premises where the city, county or township zoning code allows use for which the permit is issued. No temporary permit shall be issued for premises which are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the proposition amending section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or (B) have approved a proposition to allow the sale of liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(e) (1) *A temporary permit may be issued for the consumption of alcoholic liquor on a city, county or township street, alley, road, sidewalk or highway for a special event; provided, that such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the*

governing body of such city, county or township for such special event, a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body and the special event is approved by the governing body of such city, county or township by ordinance or resolution. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event.

(3) Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

(4) For the purposes of this section, "special event" shall have the same meaning given that term in K.S.A. 41-719, and amendments thereto.

~~(f)~~ (f) A temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit, except that the director may issue one temporary permit, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of only wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose. Not more than four temporary permits may be issued to any one applicant in a calendar year.

~~(g)~~ (g) All proceeds from an event for which a temporary permit is issued shall be used only for the purposes stated in the application for such permit.

~~(h)~~ (h) A temporary permit shall not be transferable or assignable.

~~(i)~~ (i) The director may refuse to issue a temporary permit to any person or organization which has violated any provision of the Kansas liquor control act, the drinking establishment act or K.S.A. 79-41a01 et seq., and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 20, by striking “41-2642 is” and inserting “41-2637, 41-2641 and 41-2642 and K.S.A. 2008 Supp. 41-719 and 41-2645 are”;

In the title, in line 9, by striking “relating to drinking establish-”; in line 10, by striking “ment license.”; also in line 10, by striking “41-2642 and” and inserting “41-2637, 41-2641 and 41-2642 and K.S.A. 2008 Supp. 41-719 and 41-2645 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 19** be amended on page 4, in line 35, by striking all after “attorney” where it appears for the second time; in line 36, by striking all before the semicolon; in line 38, by striking “and while actually engaged in the duties of their employment”; in line 39, by striking “and”; in line 40, by striking all before the semicolon; in line 43, by striking “and while actually engaged in the duties of their employment”;

On page 5, in line 43, by striking “courthouse” and inserting “facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district”;

On page 6, following line 2, by inserting:

“(d) Notwithstanding the provisions of this section, any county may elect by passage of a resolution that the provisions of subsection (c) shall not apply to such county’s facilities; provided, that such facilities have adequate security measures to ensure that no weapons are permitted to be carried into such facilities and that a sign be conspicuously posted at each entryway into such facility stating that the provisions of subsection (c) do not apply to such facility. For the purposes of this section, “adequate security measures” means the use of electronic equipment and personnel to detect and restrict the carrying of any weapons into the facility, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes.”;

And by relettering remaining subsections accordingly;

Also on page 6, in line 9, by striking “at their own expense,”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 16** be passed.

Committee on **Insurance** recommends **Sub. SB 89** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 156** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2082** be amended on page 1, in line 15, after the period, by inserting “This act shall be part of and supplemental to the Kansas consumer protection act.”;

On page 2, in line 20, by striking “of not less than \$5,000 nor more than \$15,000 per violation” and inserting “as provided in subsection (a) of K.S.A. 50-636, and amendments thereto”; after line 23, by inserting the following:

“Sec. 5. It shall be an affirmative defense to a violation of this act if the person described in section 3, and amendments thereto, has a written contract with the performing or recording group, that states that:

(a) The performing group is an authorized registrant pursuant to subsection (a) of section 3, and amendments thereto; or

(b) at least one member of the performing group was a member of the recording group pursuant to subsection (b) of section 3, and amendments thereto.”;

And by renumbering the remaining section accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 85** be amended on page 2, in line 3, before the period by inserting “, where the instrument shall be recorded in an electronic medium”; in line 11, by striking “original”; in line 12, by striking “signed instrument” and inserting “electronically-recorded document”; in line 18, before “copy” by inserting “certified”;

On page 4, in line 32, before “copy” by inserting “certified”; in line 33, before “copy” by inserting “certified”;

On page 5, in line 8, before the period by inserting “, where the instrument shall be recorded in an electronic medium”; in line 17, by striking “original filing” and inserting “electronically-recorded document”; in line 20, after “medium” by inserting “and that electronic document shall become the original document”;

On page 6, in line 14, after “state” by inserting “, where the instrument shall be recorded in an electronic medium”; in line 22, by striking “original certificate” and inserting “electronically-recorded document” in line 25, after “medium” by inserting “and that electronic document shall become the original document” in line 26, before “copy” by inserting “certified”

On page 7, in line 4, after “after” by inserting “July 1, 2010, and”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 159** be amended on page 1, in line 37, after “(i)” by inserting “ “Resident agent” means a domestic corporation, a domestic limited partnership, a domestic limited liability company or a domestic business trust or a foreign corporation, a foreign limited partnership, a foreign limited liability company or a foreign business trust authorized to transact business in this state, and which is generally open during regular business hours to accept service of process on behalf of a non-participating manufacturer.

(j)”;

And by relettering the remaining subsections accordingly;

On page 2, in line 22, by striking “regis-”; in line 23, by striking “tered” and inserting “resident”;

On page 3, in line 14, by striking “registered” and inserting “resident”; in line 16, by striking “registered” and inserting “resident”; in line 18, by striking “registered” and inserting “resident”; after line 36, by inserting the following:

“(d) A resident agent may change the resident agent’s address when appointed to accept service of process on behalf of a non-participating manufacturer for which such agent is a

resident agent, to another address in this state by mailing a letter, via certified or registered mail, to the attorney general. The letter shall be on company letterhead and executed by the resident agent. The letter shall contain the following:

- (1) The names of all non-participating manufacturers represented by the resident agent;
- (2) the address at which the resident agent has maintained the resident agent's office for each manufacturer;
- (3) a certification of the new address to which the resident agent's address will be changed to on a given day; and
- (4) a certification at which the resident agent will thereafter maintain the resident agent's address for each of the non-participating manufacturers recited in the letter.

Upon the filing of the letter with the attorney general and thereafter, or until further change of address, as authorized by law, the office address of the resident agent recited in the letter shall be located at the new address of the resident agent as provided in the letter.;

Also on page 3, in line 37, by striking all after "(1)"; by striking all in lines 38 through 43;

On page 4, by striking all in lines 1 and 2 and inserting "No later than 10 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent authorized to affix tax indicia to packages of cigarettes pursuant to K.S.A. 79-3311, and amendments thereto, shall submit such information as the attorney general or director requires. No later than 20 calendar days after the end of each calendar month, and more frequently if so directed by the attorney general or director, each stamping agent who is required to pay the tax on the privilege of selling or dealing in roll-your-own tobacco products pursuant to K.S.A. 79-3371, and amendments thereto, shall submit such information as the attorney general or director requires.;" in line 5, by striking "the attorney general or"; in line 6, by striking "the attorney general or"; in line 7, by striking the colon; by striking all in lines 8 through 10 and inserting "for a period of at least three years.;"

On page 5, in line 8, after "eral" by inserting "or director"; in line 9, after "tobacco" by inserting "product";

On page 6, in line 34, by striking "person" and inserting "wholesale dealer, as defined in K.S.A. 79-3301, and amendments thereto, or distributor, as defined in K.S.A. 79-3301, and amendments thereto, of cigarettes and roll-your-own tobacco products"; in line 35, by striking "as a stamping agent"; in line 36, by striking "person" and inserting "wholesale dealer or distributor"; also in line 36, by striking "attorney general" and inserting "director";

On page 8, in line 39, after "dealer" by inserting ", vending machine operator"; in line 40, after "dealer" by inserting "or vending machine operator";

On page 9, after line 5, by inserting the following:

"(c) If a court determines that a person has violated this act, the court shall order any profits, gains, gross receipts or other benefit from the violation be surrendered. Any profits, gains, gross receipts or other benefit surrendered from the violation shall be collected pursuant to this subsection and 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 cigarette and tobacco products regulation fund created pursuant to subsection (e) of K.S.A. 79-3391, and amendments thereto.

(d) Unless otherwise expressly provided, the remedies or penalties provided by this act are cumulative to each other and to the remedies or penalties under all other laws of this state.;"

Also on page 9, in line 12, after "of" where it appears the second time by inserting "non-participating manufacturers"; also in line 12, by striking "stamped"; in line 13, after "general" by inserting "or director"; in line 14, by striking "and" and inserting " These reports"; in line 15, by striking "stamped" and inserting "on which state taxes were paid";

On page 14, in line 6, by striking the colon; by striking all in lines 7 through 9; in line 10, by striking "(C) on or after January 1, 2012,;" and the bill be passed as amended.

Committee on **Local Government** recommends **SB 38** be passed.

Committee on **Local Government** recommends **SB 35** be amended on page 1, in line 43, by striking "2010, the provisions of sub-";

On page 2, in line 1, by striking all before the period and inserting “2011, the maximum stated rate of interest which may be fixed on fixed-rate or variable-rate bonds issued by a municipality or taxing subdivision of the state of Kansas shall be determined on the day the bonds are sold and shall not exceed the daily yield for the ten-year treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus (1) 10%, if the interest on the bonds is excluded from gross income for federal income tax purposes or (2) 13%, if the interest on the bonds is included in gross income for federal income tax purposes”; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 115** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 145** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No 145,” as follows:

“HOUSE Substitute for SENATE BILL No. 145

By Committee on Transportation

“AN ACT regulating traffic; concerning cotton modules; amending K.S.A. 2008 Supp. 8-1916 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 145** was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 67, by Representative Proehl, congratulating Bridgett Modesitt for being named to the 2008-2009 All-Kansas Academic Team for Labette Community College;

Request No. 68, by Representative Proehl, congratulating Jessica Mayberry for being named to the 2008-2009 All-Kansas Academic Team for Labette Community College;

Request No. 69, by Representative Colloton, commending Kevin P. Cokingtin in recognition of achieving the rank of Eagle Scout;

Request No. 70, by Representative Colloton, commending Brendan M. Cokingtin in recognition of achieving the rank of Eagle Scout;

Request No. 71, by Representative Bowers, commending Kelly Conwell on receiving the Student Chef of the Year at the American Culinary Federation Conference;

Request No. 72, by Representative Morrison, congratulating Lon Frahm on earning the “Top Agricultural Producer of the Year” award;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

REPORT ON ENGROSSED BILLS

HB 2319, **HB 2354** reported correctly engrossed March 12, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 16, 2009.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

