

# Journal of the House

## FORTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 14, 2013, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Grosserode and Seiwert were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Danny Payne, pastor, Vista Baptist Church, Olathe, and guest of Rep. Dove:

(A prayer by Ken Gire)

Lord,

I want to be smart, popular, and respected. I want to be good-looking, athletically built, and stylishly dressed. I want life to be good, work to be fulfilling, and relationships to be fun. I want to be happy and healthy and rich. I want to have those things now. And I want to hold on to them forever. Amen.

Those are my beatitudes, Lord, if I'm being honest with you.

But if I'm being honest with myself, I know that none of those things will make me happy. Not for long anyway. And certainly not forever.

When I put all those qualities together, I get a composite of someone in the movies or on the cover of a magazine. I get a celebrity. I don't get Christ. But Christ is what I want. In my heart of hearts, he is what I really want to be like. His thoughts are what I want to think. His emotions are what I want to feel. His life is what I want to live. I want to be strong like him, wise like him, compassionate like him.

I want Jesus to be the person I model my life after.

Thank you, Father, that you want that too. That being conformed to his image is the glory you have predestined me for. It is glory of a great work of art. Help me to settle for nothing less. No matter how painful the process of crafting his character into my life, no matter how loudly I object to your workmanship, or how often, keep working, Lord. Keep working...

The Pledge of Allegiance was led by Rep. Ballard.

**SPECIAL PRESENTATION**

In recognition of St. Patrick's Day this coming Sunday, former Senator Richard Gannon played a combination of *My Home* and *The Mist Covered Mountains* on the bagpipes.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2402**.

Elections: **HB 2401**.

**CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **SB 117** from Committee on Appropriations and referral to Committee on Pensions and Benefits.

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 45**.

Also, announcing passage of **HB 2006**, **HB 2013**, **HB 2019**, **HB 2066**.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bill was thereupon introduced and read by title:

**SB 45**.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Davis, **HR 6018**, by Reps. Merrick and Davis, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6018**—

A RESOLUTION congratulating and commending Mary Ann Torrence, Revisor of Statutes, on her retirement.

WHEREAS, After 39 years of service to the Kansas legislature, Mary Ann Torrence is retiring from the Office of Revisor of Statutes on March 16, 2013; and

WHEREAS, Mary was born on January 3, 1948 in Topeka, Kansas to Elon and Lois "Polly" Torrence; and

WHEREAS, Mary grew up in Topeka and graduated from Topeka High School in 1966; and

WHEREAS, Mary attended the University of Kansas and majored in political science and American studies. She graduated with her bachelor of science degree in 1971; and

WHEREAS, Mary earned her juris doctor degree from the University of Kansas school of law in 1974; and

WHEREAS, Mary began her legal career in 1974 as an assistant revisor in the Office of Revisor of Statutes; and

WHEREAS, In 2006, after 32 years working in the Office of Revisor of Statutes, Mary was appointed to serve as the Revisor of Statutes by the legislative coordinating council. She is the eighth person, first woman and first KU graduate to serve as Revisor

in the history of the office; and

WHEREAS, Mary married Steve Tallen on November 24, 1983. They have two children, Aaron Tallen and Holly Rohleder. They also have four grandchildren, Kamryn, Preston, Paige and Alex; and

WHEREAS, Mary is a great champion of the mentor program in the Office of Revisor of Statutes. The program has provided new attorneys a source of experience and institutional knowledge to learn the ins and outs of the unique nature of being a revisor; and

WHEREAS, Mary is known as a thoughtful and compassionate person with a big heart. She is always willing to put aside her own work to help a colleague in need. She is also quick to sit in on any committee regardless of the subject matter; and

WHEREAS, Mary is full of life. She loves to eat, drink and travel, especially in the good company of her dogs, her family and her friends: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate, commend and thank Mary Ann Torrence for her long, successful career serving the legislature in the Office of Revisor of Statutes. We wish her all the best in her retirement; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send one enrolled copy of this resolution to 4112 SW Lincolnshire Road, Topeka, Kansas 66610 and one enrolled copy to the Office of Revisor of Statutes.

Rep. Davis recognized Mary Torrence and the House members honored her with a standing ovation.

#### **MOTIONS AND RESOLUTION OFFERED ON A PREVIOUS DAY**

The motion of Rep. Ward, in accordance with subsection (b) of House Rule 1309, that **HR 6006** be withdrawn from Committee on Corrections and Juvenile Justice and be placed on the calendar under the first order of business General Orders, was considered.

Roll call was demanded.

On roll call, the vote was: Yeas 35; Nays 86; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Ballard, Bridges, Burroughs, Carlin, Davis, Dillmore, Doll, Finney, Frownfelter, Grant, Henderson, Henry, Houston, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Peterson, Ruiz, Sawyer, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeyes, Clayton, Concannon, Corbet, Crum, DeGraaf, Dierks, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Hawkins, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Osterman, Peck, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Waymaster, Weber.

Present but not voting: None.

Absent or not voting: Bruchman, Grosserode, Jennings, Seiwert.

Not having received the required 70 votes, the motion did not prevail.

### CONSENT CALENDAR

No objection was made to **SB 62** appearing on the Consent Calendar for the first day.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2052**, AN ACT concerning firearms; creating the crime of unlawful discharge of a firearm, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Clayton, Rooker.

Present but not voting: None.

Absent or not voting: Grosserode, Seiwert.

The bill passed, as amended.

**HB 2055**, AN ACT concerning the personal and family protection act; amending K.S.A. 2012 Supp. 21-6309, 75-7c05, 75-7c10 and 75-7c17 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Boldra, Bradford, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, DeGraaf, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Hawkins, Hedke, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kinzer, Kleeb, Lane, Lunn, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, O'Brien, Osterman, Pauls, Peck, Petty, J. Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schwab, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber, Weigel, Whipple.

Nays: Ballard, Barker, Becker, Bideau, Bollier, Bridges, Carlin, Clayton, Crum, Davis, Dierks, Dillmore, Doll, Finney, Henderson, Hill, Hineman, Houston, Kelly,

Kuether, Lusk, Moxley, Perry, Peterson, Phillips, Rooker, Ruiz, Schwartz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Grosserode, Schroeder, Seiwert.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I am a life member of NRA, a hunter safety instructor, shotgun merit badge counselor and have held a Federal Firearm license. This is a good bill in concept, but failure to exempt our District Court facility in Chanute and amendments to allow concealed carry in the Statehouse are severe problems. I am voting no on **HB 2055** because of these problems. I hope they are addressed in the Senate so that I can support it in a conference committee report. – ED BIDEAU

MR. SPEAKER: Most legislators get mad when the federal government coerces and makes costly mandates upon the taxpayers of Kansas. This bill is sold as a second amendment bill. But it is not about guns, it is about unfunded mandates, the erosion of local control and the state acting like the federal government and imposing its will on local governments. That is what the state is proposing to do with this bill. As many of you, I live by the mantra that the best government is that which is closest to the people. **HB 2055** violates that principle so I vote no. – TOM MOXLEY, DON HINEMAN

MR. SPEAKER: In voting this legislation we face a difficult choice between freedom and safety. The same choice was faced when our current concealed carry law was passed in 2006. Some proponents of this will only be satisfied when we allow lawful individuals to carry anywhere all of the time, others fear federal government is coming after our guns. Let us take a deep breath and use some common sense. Current law works well and strikes a responsible balance. It has appropriate limits in the interest of safety as determined by local leaders. I support current statute and vote no on **HB 2055**. – DON HILL, STEPHANIE CLAYTON, MELISSA ROOKER

MR. SPEAKER: I vote No on **HB 2055**. As one who voted for the original Personal and Family Protection Act bill, I support the right of responsible, trained citizens to carry concealed weapons for personal protection. The original statute permits property owners to determine whether concealed weapons are permitted on their premises. **HB 2055** abolishes this local control over public buildings, substituting the desire of the legislative majority for the will of locally elected and locally responsible officials. This is the same heavy handed “we know best” action many legislators claim is used by the federal government through the passage of “Obamacare.” – TOM SLOAN

MR. SPEAKER: I am a strong supporter of firearm rights and this is a good bill in concept but failure to exempt court facilities outside of the courthouse itself and the amendment which will allow concealed carry in the Statehouse are severe problems. I am voting no on **HB 2055** because of these problems and I hope that they will be corrected so that I can support it in the future. – JOHN BARKER

**HB 2199**, AN ACT enacting the second amendment protection act, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 29; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Barker, Bideau, Boldra, Bradford, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Frownfelter, Garber, Goico, Gonzalez, Hawkins, Hedke, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lane, Lunn, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Wamaster, Weber, Whipple.

Nays: Ballard, Becker, Bollier, Bridges, Carlin, Clayton, Davis, Dillmore, Finney, Gandhi, Grant, Henderson, Houston, Kuether, Lusk, Perry, Peterson, Rooker, Ruiz, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Grosserode, Seiwert.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: Although I am a supporter of the Second Amendment, I cannot support **HB 2199**. As the Assistant Attorney General stated, we “should be mindful upon legal limits that restrict the ability of states to restrict the actions of the federal government and also upon potential financial risks that could arise in litigation.” The Supremacy Clause cannot be waived by state law, and any conflict between a valid federal law and state law will be resolved in favor of the federal enactment. Because of constitutionality concerns and potential for great financial cost to the state, I vote no on **HB 2199**. — EMILY PERRY, JOHN WILSON, KATHY WOLFE MOORE

MR. SPEAKER: I vote No on **HB 2199**. Supposedly strong on the 2<sup>nd</sup> amendment, but it's soft on crime. This bill is relevant only in a very bleak scenario. It is unconstitutional. The state will have expensive litigation for little purpose.

With the advent of 3-D printers, enabling any terrorist or criminal to make weapons at home from commonly available materials, why would we want to make all guns made in Kansas free from federal regulation?

Federal law enforcement is necessary to prevent criminals and terrorists from being able to print weapons of their choice in the numbers they desire, all within the privacy of their homes. — NANCY LUSK

MR. SPEAKER: I vote yes for **HB 2199** today to join with those who wish to make a strong statement about the importance of protecting Second Amendment freedoms and opposing needless federal intrusion. However, I have grave concerns about the content of the bill and the constitutional challenges it creates. I supported an attempt to amend the bill to address the greatest of these concerns, but that was not successful. As this is

the only bill available to demonstrate my commitment to the about principles, I vote yes. – BLAINE FINCH, J. RUSSELL JENNINGS

MR. SPEAKER: I vote No on **HB 2199**. As the owner and responsible user of firearms, I believe in the right of law abiding citizens to bear arms. Deliberately electing to pit state and federal law enforcement officers in a Constitutional “battle” does nothing to protect citizen rights. Instead it detracts from the legitimate discussion of public safety, personal responsibility, and the appropriate role of government. – TOM SLOAN

MR. SPEAKER: This bill, **HB 2199**, is not about protecting 2<sup>nd</sup> amendment rights. It is about the post card that will come forward in the next election. I still think (though I am not an attorney) that this bill is not constitutional. You can't trump federal law. Be that as it may, let the post cards come. I vote no on **HB 2199**. – ROBERT “BOB” GRANT

MR. SPEAKER: I vote yes on **HB 2199**. **HB 2199** expresses principles of federalism, especially anti-commandeering, well grounded in law, with which I agree. However, I caution my conservative friends that this and similar bills in other areas run the risk of breeding cynicism among a core constituency by over-promising and under-delivering on the likely legal effect of such legislation.

Respect for the rule of law is among the most precious gifts conveyed to us by prior generation. That respect is closely tied to confidence in the legitimacy of the democratic process. We should be circumspect in raising expectations, which when unmet, might undermine confidence in that process. – LANCE KINZER

MR. SPEAKER: The Second Amendment is alive and well. We see no need for **HB 2199**. Additionally, the Supremacy Clause cannot be waived by state law. Any conflict between a valid federal law and state law will be resolved in favor of the federal enactment. The Assistant Attorney General stated in testimony, we “should be mindful upon legal limits that restrict the ability of states to restrict the actions of the federal government and also upon potential financial risks that could arise in litigation.” Because of constitutionality concerns and potential for great financial cost to the state, we vote no on **HB 2199**. – MELISSA ROOKER, BARBARA BOLLIER, STEPHANIE CLAYTON

On motion of Rep. Vickrey, the House resolved into the Committee of the Whole, with Rep. Crum in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Crum, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2135**, **HB 2058**, **HB 2086** be passed.

Committee report to **HB 2042** be adopted; and the bill be passed as amended.

Committee report to **HB 2091** be adopted; also, on motion of Rep. Ballard to amend, the motion did not prevail; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 21** be passed.

Committee on **Federal and State Affairs** recommends **Substitute for SB 36** be amended on page 8, following line 38, by inserting:

"Sec. 6. K.S.A. 2012 Supp. 41-308d is hereby amended to read as follows: 41-

308d. (a) Notwithstanding any other provisions of the Kansas liquor control act to the contrary, any person or entity who is licensed to sell alcoholic liquor in the original package at retail may conduct wine, beer and distilled spirit tastings on the licensed premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retail licensee's premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the retailer on whose premises the tasting is held. The retailer may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

(3) No charge of any sort may be made for a sample serving.

(4) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.

(5) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

(c) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(d) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

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

Sec. 7. K.S.A. 41-713 is hereby amended to read as follows: 41-713. (a) It shall be unlawful for a retailer of alcoholic liquor:

(1) To permit any person to mix drinks in or on the licensed premises, except as provided in subsection (b);

(2) to employ any person under the age of ~~twenty-one (21)~~ 21 years in connection with the operation of such retail establishment; or

(3) to employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony.

(b) The provisions of subsection (a)(1) shall not apply to the preparation or mixing of samples for the purposes of conducting wine, beer, or distilled spirit tastings, or any combination thereof, as authorized by K.S.A. 2012 Supp. 41-308d, and amendments.



thereto.

Sec. 8. K.S.A. 2012 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits 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 spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

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

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits 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 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits 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.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits 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 spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the

conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility 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.

(f) No microdistillery 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-premises 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.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

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

Sec. 9. K.S.A. 2012 Supp. 41-2655 is hereby amended to read as follows: 41-2655.

(a) A license for a public venue shall allow the licensee to:

(1) Offer for sale, sell and serve alcoholic liquor by the individual drink for consumption on the licensed premises;

(2) offer for sale, sell and serve unlimited drinks for a fixed price in designated areas of the licensed premises;

(3) offer for sale and sell all inclusive packages which include unlimited drinks in designated areas of the licensed premises;

(4) offer for sale, sell and serve alcoholic liquor in the original container for consumption on the licensed premises in private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier;

(5) store, in each private suite, which ~~are~~ is enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier, alcoholic liquor sold in the original container to a customer in that private suite; and

(6) with the approval of the retailer or distributor, return for a full refund of the original purchase price unopened containers of alcoholic liquor to the retailer or distributor from whom such items were purchased upon the conclusion of an event if the next scheduled event for that premises is more than 90 days from the date of the concluded event.

(b) An applicant or public venue licensee shall specify in the application for a license, or renewal of a license, the premises to be licensed. No public venue licensee

may offer for sale, sell or serve any alcoholic liquor in any area not included in the licensed premises.

(c) The term "designated areas" for purposes of this section shall mean an area identified in the license application, which may include suites, that has controlled access and is separated from the general admission by a barrier.

(d) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(e) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(f) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 10. K.S.A. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor.

(b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.

(c) Employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or mixing of drinks containing alcoholic liquor who has been adjudged guilty of a violation of any intoxicating liquor law of this or any other state, or of the United States, during the two-year period immediately following such adjudging. Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks, containing alcoholic liquor, who has been adjudged guilty of two or more violations of K.S.A. 2012 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or a similar law of any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.

(d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

(e) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.

(f) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or permit holder, or an employee who is 21 years of age or over.

(g) Employ any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.";

And by renumbering sections accordingly;

On page 10, in line 2, after "9." by inserting "K.S.A. 41-713 and 41-2610 and"; also

in line 2, after "Supp." by inserting "41-308d, 41-354,"; in line 3, after "2642" by inserting ", 41-2655";

On page 1, in the title, in line 1, by striking "clubs and drinking"; in line 2, by striking "establishments; permitting"; in line 2, after "amending" by inserting "K.S.A. 41-713 and 41-2610 and"; in line 3, after "Supp." by inserting "41-308d, 41-354,"; also in line 3, after "41-2642" by inserting ", 41-2655"; and the bill be passed as amended.

Committee on **General Government Budget** recommends **SB 102** be amended on page 1, following line 17, by inserting:

"Sec. 2. K.S.A. 75-3727a is hereby amended to read as follows: 75-3727a. (a) There is hereby established within and as a part of the department of administration, a division of accounts and reports, the head of which shall be the director of accounts and reports. Under the supervision of the secretary of administration, the director of accounts and reports shall administer the division of accounts and reports. The director of accounts and reports shall be in the unclassified service under the Kansas civil service act and shall be appointed by the secretary of administration.

(b) On and after July 1, 2013, whenever the division of accounts and reports, or words of like effect, are referred to or designated by any statute, rule and regulation, contract or any other document, such reference or designation shall be deemed to apply to the department of administration.

(c) On and after July 1, 2013, whenever the director of accounts and reports, or words of like effect, are referred to or designated by any statute, rule and regulation, contract or any other document, such reference or designation shall be deemed to apply to the secretary of administration or the secretary's designee."

In line 18, after "K.S.A." by inserting "75-3727a and K.S.A."; also in line 18 by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "K.S.A." by inserting "75-3727a and K.S.A."; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 85** 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 **Taxation** recommends **HB 2103** be passed.

## REPORT OF STANDING COMMITTEE

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

**Request No. 59**, by Representative Howell, congratulating Jeremy Cunningham on achieving the rank of Eagle Scout;

**Request No. 60**, by Representative Howell, congratulating Ian Morris on achieving the rank of Eagle Scout;

**Request No. 61**, by Representative Howell, congratulating Christian Williams on achieving the rank of Eagle Scout;

**Request No. 62**, by Representative Howell, congratulating Joshua Lund on achieving the rank of Eagle Scout;

**Request No. 63**, by Representative Howell, congratulating Dustin McNickle on

achieving the rank of Eagle Scout;

**Request No. 64**, by Representative Howell, congratulating Christian Tully on achieving the rank of Eagle Scout;

**Request No. 65**, by Representative Howell, congratulating Alexander Meek on achieving the rank of Eagle Scout;

**Request No. 66**, by Representative Howell, congratulating Devin Schminke on achieving the rank of Eagle Scout;

**Request No. 67**, by Representative Alford, congratulating Bill and Sue Tucker on celebrating 55 years of marriage;

**Request No. 68**, by Representative Mast, congratulating Braxton Butler as a finalist in the 2<sup>nd</sup> Annual YES for Liberty Constitution Bee;

**Request No. 69**, by Representative Mast, congratulating Jacob Nicolet as a finalist in the 2<sup>nd</sup> Annual YES for Liberty Constitution Bee;

**Request No. 70**, by Representative Sutton, congratulating James David Michael Reddy on achieving the rank of Eagle Scout;

**Request No. 71**, by Representative Christmann, commending Annie Lackey for her volunteerism with the Multiple Sclerosis Society as a top fundraiser and heading support groups;

**Request No. 72**, by Representative Highland, commending St. George Elementary Honor Choir and the director, Janet Arnstead, on excellence in music performances and accomplishments;

**Request No. 73**, by Representative Carlson, congratulating Holton High School Wrestling Team on the Class 4A Tournament Championship for 2012-2013;

**Request No. 74**, by Representative Carlson, congratulating Holton High School undefeated football team on being the Class 4-A State Champions for 2012-2013;

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. Vickrey, the committee report was adopted

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker Merrick announced the appointment of Rep. Mast to replace Rep. Grosserode as a member of Committee on Education for March 14.

Also, the appointment of Rep. Tietze for Rep. Houston as a member of Committee on Education for March 15.

On motion of Rep. Vickrey, the House recessed until 4:00 p.m.

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#### AFTERNOON SESSION

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

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Appropriations** recommends **HB 2231** be amended by substituting a

new bill to be designated as “Substitute for HOUSE BILL NO. 2231,” as follows:

“Substitute for HOUSE BILL NO. 2231

By Committee on Appropriations

“AN ACT making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4227, 79-4804 and 82a-953a and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2231** was thereupon introduced and read by title.)

#### COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Hoffman to replace Rep. Grosserode on Committee on Education for March 15.

#### REPORT ON ENGROSSED BILLS

**HB 2052, HB 2055, HB 2199** reported correctly engrossed March 13, 2013.

On motion of Rep. Vickrey, the House adjourned pro forma until 8:00 a.m., Friday, March 15, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

