

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 20, 2013, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Osterman was excused on verified illness.

Rep. Sawyer was excused on excused absence by the Speaker.

Rep. Seiwert was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord, God,
A basketball coach once said,
“my responsibility is getting all my players playing
for the name on the front of the jersey,
not the one on the back.”
A basketball player once said,
“sometimes a player’s greatest challenge
is coming to grips with his role on the team.”
Lord, these leaders are a team—
help each one to understand his/her role on the team,
and to fulfill that role to the best of their ability.
And always remind them that they make decisions
for all the people of this great state.
In Christ’s name I pray, Amen.

The Pledge of Allegiance was led by Rep. Macheers.

PERSONAL PRIVILEGE

Rep. Concannon recognized the 15 students in the gallery who make up the entire high school of Tipton Catholic High School. It is the smallest high school in Kansas.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Pauls are spread upon the Journal:

I, along with the other Reno County Legislators, Representatives Joe Seiwert, Steven Becker, and Jack Thimesch, would like to have the House join us in welcoming the

Reno County Youth Leadership Group. We are pleased to have them with us today, on such a busy day. Earlier, they were prevented from joining us due to the snow.

Again, welcome to the Capitol.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: **HB 2406; HCR 5016; HR 6020.**

Taxation: **HB 2405, HB 2407.**

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2289** from Committee on Appropriations and rereferral to Committee on Education.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 27**, requests a conference and has appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 128**, requests a conference and has appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 168**, requests a conference and has appointed Senators Love, Kerschen and Francisco 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 2022** and has appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2081** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **SB 27**.

Speaker Merrick thereupon appointed Reps. Goico, Gonzalez and Meier as conferees on the part of the House.

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **SB 128**.

Speaker Merrick thereupon appointed Reps. Kelley, Cassidy and Trimmer as conferees on the part of the House.

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **SB 168**.

Speaker Merrick thereupon appointed Reps. Schwartz, Hoffman and Victors as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6021**—

By Representative Ryckman Sr.

A RESOLUTION designating the month of April as "Parkinson's Awareness Month."

WHEREAS, Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease; and

WHEREAS, Even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States; and

WHEREAS, Although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown; and

WHEREAS, There is no objective test for Parkinson's disease and the rate of misdiagnosis can be high; and

WHEREAS, Symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems and sleep disruptions; and

WHEREAS, Medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side-effects; and

WHEREAS, Ultimately the medications and treatments lose their effectiveness, generally after four to eight years, leaving the person unable to move, speak or swallow; and

WHEREAS, There is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

WHEREAS, Increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease; and

WHEREAS, The federal government, through the National Institutes of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Centers, and other agencies, supports vital work to better understand Parkinson's disease and to find new treatments: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate the month of April as "Parkinson's Awareness Month." We will continue to support research to find better treatments, and eventually, a cure for Parkinson's disease; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide 15 copies of this resolution to Representative Ryckman Sr.

On emergency motion of Rep. Carlin, **HR 6022**, as follows, by Reps. Moxley, Meier, Carlin, Carlson and Finney, was introduced and adopted.

HOUSE RESOLUTION No. **HR 6022**—

A RESOLUTION recognizing the many contributions made by citizens of the Republic of Azerbaijan and that it is in the best interest of the State of Kansas to promote relationships with the Azerbaijani people.

WHEREAS, The Republic of Azerbaijan and the United States of America are long-standing allies, both dearly cherishing the universal values of freedom, democracy and human rights; and

WHEREAS, The State of Kansas and the Republic of Azerbaijan enjoy a strong, vibrant and mutually beneficial economic relationship with the prospect of further growth; and

WHEREAS, It is the custom of the State of Kansas to welcome all who come to our state, especially those who come in the interest of friendship and commerce; and

WHEREAS, It is the policy of the Kansas House of Representatives to recognize the contributions of our allies and the value of maintaining beneficial relationships with the allies of the United States of America, including the contributions made by the Republic of Azerbaijan and the value of our positive relationship with this ally: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize the many contributions made by the citizens of the Republic of Azerbaijan and that it is in the best interest of the State of Kansas to promote relationships with Azerbaijan.

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the United States Speaker of the House of Representatives, the President of the United States Senate, the Secretary of State of the United States Department of State, the Kansas Congressional Delegation and Richard L. Morningstar, the United States Ambassador to the Republic of Azerbaijan.

There being no objection, the following remarks of Rep. Carlin are spread upon the Journal:

When the Soviet Union collapsed 21 years ago, Azerbaijan became an independent country and is an ally of the United States. Azerbaijan means “Land of Fire”—when they drill for water they get oil. You can see gas flaming out of the ground and pits of tar from the oil.

Two hundred legislators from all over the U.S. traveled to Baku and out into the countryside, some toward a very small, remote 350 year old village where we saw High School students being taught by Peace Corps volunteers from the United States. These business owners want to help Azerbaijan to build a stronger trade relationship with the United States and Western World, with an emphasis on non-oil sector development, improving the business climate, development of social infrastructure and human capital and the successful integration into the world economy.

CONSENT CALENDAR

No objection was made to **SB 51** appearing on the Consent Calendar for the first day.

No objection was made to **SB 28, SB 52, SB 113, SB 216** appearing on the Consent Calendar for the second day.

No objection was made to **SB 85** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 85, AN ACT concerning insurance; pertaining to proof of motor vehicle liability insurance; amending K.S.A. 2012 Supp. 8-173, 8-1604, 40-3104 and 40-3118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; 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, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, 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, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Osterman, Sawyer.

The bill passed.

HB 2037, AN ACT concerning public property; relating to historic and religious displays, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Bridges, Kuether, Lane.

Present but not voting: None.

Absent or not voting: Osterman, Sawyer.

The bill passed.

Sub HB 2231, 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, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 55; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Barker, Becker, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Claeys, Concannon, Corbet, Crum, DeGraaf, Dove, Edwards, Esau, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Merrick, Montgomery, O'Brien, Peck, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Weber.

Nays: Alcalá, Ballard, Bideau, Bollier, Bridges, Burroughs, Carlin, Christmann, Clayton, Davis, Dierks, Dillmore, Doll, Edmonds, Ewy, Finch, Finney, Frownfelter, Grant, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Jennings, Kuether, Lane, Lusk, Meier, Meigs, Menghini, Moxley, Pauls, Perry, Peterson, Petty, Phillips, Rooker, Ruiz, Schroeder, Schwartz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Osterman, Sawyer.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: Major employers in my district need KDOT projects and construction to keep people working. Taking funds promised to KDOT is not what voters in my district want. They want KDOT funds to stay put and promises to be kept. I cannot support cuts for community colleges in my district that help people get back to work with training and education, when so many need that help. I vote no and hope that the final budget will restore these cuts. I vote no on Sub HB 2231. — ED BIDEAU

MR. SPEAKER: The House budget plan funds core state services while reducing the overall tax burden on Kansas taxpayers. This was accomplished through several global amendments aimed at creating an efficient state government rather than relying upon across-the-board cuts. The plan brings approximately \$200 million in savings back into the state budget. The House budget allows the state sales tax to sunset and maintains enough flexibility within the upcoming tax pan to fund transportation projects. For that reason, I vote Yes on **Sub HB 2231**. — RANDY GARBER, WILLIE DOVE, JOHN E. BARKER, JOSH POWELL, SUE BOLDRÁ, WILL CARPENTER, KEVIN JONES, JACK THIMESCH, KYLE HOFFMAN, SUSAN L. CONCANNON, BILL SUTTON, MIKE HOUSER.

HB 2253, AN ACT concerning abortion; relating to the funding of abortion services; relating to prenatally and postnatally diagnosed conditions; relating to restrictions on late-term abortions; relating to the woman's-right-to-know act; amending K.S.A. 2012 Supp. 40-2246, 65-6701, 65-6703, 65-6709, 65-6710, 76-3308, 79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 31; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Ballard, Bollier, Bridges, Burroughs, Carlin, Clayton, Davis, Dillmore, Finney, Frownfelter, Henderson, Hill, Houston, Kuether, Lane, Lusk, Menghini, Perry, Rooker, Ruiz, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Osterman, Sawyer.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **H Sub for SB 83** be adopted; and the substitute bill be passed.

Committee report to **HB 2047** be adopted; also, on motion of Rep. Brunk be amended on page 1, in line 8, by striking "taxing subdivision" and inserting "municipality"; in line 35, by striking "taxing subdivision" and inserting "municipality";

Also, on motion of Rep. Campbell, **HB 2047** be amended on page 1, in line 20, after "municipality." by inserting "Notwithstanding the requirements of this subsection, nothing herein shall prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the increase with a majority vote of the governing body and publishes such vote as provided in subsection (c).";

Also, on motion of Rep. Menghini to amend **HB 2047**, the motion did not prevail.

Also, on further motion of Rep. Menghini, **HB 2047** be amended on page 2, in line 12, after the period by inserting ""Municipality" shall not include any such political subdivision or taxing district which receives \$1,000 or less in revenue from property

taxes in the current year.";

Also, roll call was demanded on motion of Rep. Ward to amend **HB 2047** on page 2, following line 12, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and ~~acts amendatory thereof and supplemental amendments~~ thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: ~~(1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2009, 2010, 2011, 2012, and 2013, and (2) the amount of the transfer on each such date shall be \$13,500,000 during fiscal year 2014; \$20,250,000 during fiscal year 2015, and \$27,000,000 during fiscal year 2016 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year 2014 shall be considered to be revenue transfers from the state general fund.~~

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.";

And renumbering sections accordingly;

Also on page 2, in line 13, by striking "is" and inserting "and 79-2959 are"

On page 1, in the title, in line 2, after "publication;" by inserting "local ad valorem tax reduction fund;"; in line 3, after "79-2925b" by inserting and "79-2959"; also in line 3, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 48; Nays 73; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Christmann, Clayton, Corbet, Davis, Dierks, Dillmore, Doll, Finch, Finney, Frownfelter, Gonzalez, Grant, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Huebert, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Rooker, Ruiz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Becker, Bideau, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Claeyes, Concannon, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Ewy, Gandhi, Garber, Goico, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Hoffman, Houser, Howell, Hutton, Jennings, Johnson, Jones, Kahrs, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson,

Meigs, Merrick, Montgomery, O'Brien, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Present but not voting: None.

Absent or not voting: Kelley, Osterman, Peterson, Sawyer.

The motion of Rep. Ward did not prevail.

Also, on motion of Rep. Hineman, **HB 2047** be amended on page 1, in line 13, before the period by inserting ", adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year"; in line 15, after "property" by inserting "and such increase exceeds changes in the consumer price index"; in line 17, after "year" by inserting ", adjusted to reflect changes in the consumer price index"; in line 33, after "year" by inserting "as provided in subsection (a)";

Also, roll call was demanded on motion to recommend **HB 2047** favorably for passage.

On roll call, the vote was: Yeas 63; Nays 58; Present but not voting: 0; Absent or not voting: 4.

Yeas: Barker, Bideau, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Claeys, Corbet, Crum, DeGraaf, Dierks, Dove, Edmonds, Edwards, Esau, Gandhi, Garber, Goico, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Peck, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Todd, Vickrey, Victors, Ward, Whipple.

Nays: Alcalá, Alford, Ballard, Becker, Boldra, Bollier, Bradford, Bridges, Burroughs, Campbell, Carlin, Cassidy, Christmann, Clayton, Concannon, Davis, Dillmore, Doll, Ewy, Finch, Finney, Gonzalez, Grant, Henderson, Henry, Hibbard, Hill, Hineman, Hoffman, Houston, Jennings, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Petty, Phillips, Rooker, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Sloan, Sloop, Swanson, Thimesch, Tietze, Trimmer, Waymaster, Weber, Weigel, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Frownfelter, Osterman, Peterson, Sawyer.

The motion prevailed, and **HB 2047** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 135** be passed.

Committee on **Federal and State Affairs** recommends **HB 2002** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2002," as follows:

"Substitute for HOUSE BILL NO. 2002

By Committee on Federal and State Affairs

"AN ACT concerning the division of post audit; relating to certain financial and security audits; amending K.S.A. 2012 Supp. 46-1106, 46-1118 and 74-4921 and repealing the existing sections; also repealing K.S.A. 74-8707."; and the substitute bill be passed.

(Sub **HB 2002** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2223** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2223," as follows:

"Substitute for HOUSE BILL NO. 2223

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; relating to homemade fermented beverages; amending K.S.A. 2012 Supp. 41-102 and 41-104 and repealing the existing sections."; and the substitute bill be passed.

(Sub **HB 2223** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2408, AN ACT concerning sales taxation; relating to exemptions; food; amending K.S.A. 2012 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

On motion of Rep. Vickrey, the House recessed until 1:45 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Vickrey, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing designated members to speak more than once on **H Sub for SB 84**. Those members are Reps. Schwab and Menghini.

Committee report recommending a substitute bill to **H Sub for SB 84** be adopted; also, on motion of Rep. Carlson be amended on page 6, in line 31, before "the" by inserting "and thereafter,"; in line 32 by striking "11.233%" and inserting "15.00%"; by striking all in lines 36 through 40;

On page 9, in line 11, before "the" by inserting "and thereafter,"; in line 12, by striking "11.233%" and inserting "15.00%"; by striking all in lines 16 through 20;

Also, on motion of Rep. Schroeder to amend **H Sub for SB 84**, the motion did not prevail. Also, on motion of Rep. Wilson to amend, the motion did not prevail.

Also, on motion of Rep. Carlson, **H Sub for SB 84** be amended on page 5, by striking all in lines 16 through 43; by striking all on pages 6 through 9; on page 10, by

striking all in lines 1 through 25;

And by renumbering sections accordingly;

Also on page 10, in line 26, by striking the first comma and inserting "and"; by striking all following "79-32,120"; in line 27, by striking "3710";

On page 1, in the title, in line 2, by striking "distribution of"; in line 3, by striking "sales tax revenues;"; also in line 3, by striking the first comma and inserting "and"; by striking all following "79-32,120"; in line 4, by striking "79-3620 and 79-3710";

Also, roll call was demanded on motion of Rep. Dillmore to amend **H Sub for SB 84** on page 4, by striking all in lines 23 through 43;

On page 5, by striking all in lines 1 through 15;

And by renumbering sections accordingly;

On page 10, in line 26, by striking "79-32,120,";

On page 1, in the title, in line 2, by striking "income tax deductions;"; in line 3, by striking "79-32,120,";

On roll call, the vote was: Yeas 38; Nays 79; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcala, Ballard, Bollier, Bridges, Bruchman, Burroughs, Campbell, Carlin, Davis, Dierks, Dillmore, Edmonds, Finney, Grant, Henderson, Henry, Hibbard, Hill, Houston, Kuether, Lane, Lusk, Meier, Menghini, Pauls, Perry, Ruiz, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

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

Present but not voting: None.

Absent or not voting: Frownfelter, Kleeb, Osterman, Peterson, Rubin, Sawyer, Seiwert, Shultz.

The motion of Rep. Dillmore did not prevail.

Also, on motion of Rep. Hineman to amend **H Sub for SB 84**, the motion was withdrawn. Also, on further motion of Rep. Hineman to amend, the motion did not prevail.

Also, on motion of Rep. Peck to amend **H Sub for SB 84**, Rep Grant requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The question reverted back to the motion of Rep. Peck to amend, as amended on motion of Representative Carlson in amendment designated as: fa_2013_sb84_h_1672 on page 10, following line 25, by inserting:

"Sec. 6. K.S.A. 2012 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act 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, less

amounts withheld as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds including refunds authorized under the provisions of K.S.A. 79-3635, and amendments thereto. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ all of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.7%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to ~~subsection~~ subsections (d) and (e), in the state

highway general fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3710, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 7. K.S.A. 2012 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director under the provisions of this act 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the

credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ all of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.7%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to ~~subsection~~ subsections (d) and (e), in the state highway general fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund

created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3620, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.";

And by renumbering sections accordingly;

Also on page 10, in line 27, before "are" by inserting "79-3620 and 79-3710";

On page 1, in the title, in line 3, before "amending" by inserting "distribution of sales tax revenues;" ; in line 4, before "and repealing" by inserting "79-3620 and 79-3710";

Roll call was demanded.

On roll call, the vote was: Yeas 24; Nays 93; Present but not voting: 0; Absent or not voting: 8.

Yeas: Brunk, Carpenter, DeGraaf, Esau, Gandhi, Garber, Grosserode, Hildabrand, Houser, Howell, Huebert, Jones, Kahrs, Kelley, Kinzer, McPherson, Montgomery, Peck, Powell, Read, Rhoades, Siegfried, Sutton, Vickrey.

Nays: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Burroughs, Couture-Lovelady, Campbell, Carlson, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Dillmore, Doll,

Dove, Edmonds, Edwards, Ewy, Finch, Finney, Goico, Gonzalez, Grant, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Houston, Hutton, Jennings, Johnson, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Pauls, Perry, Petty, Phillips, Proehl, Rooker, Rothlisberg, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Shultz, Sloan, Sloop, Swanson, Thimesch, Tietze, Todd, Trimmer, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Carlin, Frownfelter, Osterman, Peterson, Rubin, Sawyer, Seiwert, Suellentrop.

The motion of Rep. Peck did not prevail.

Also, roll call was demanded on motion to recommend **H Sub for SB 84** favorably for passage.

On roll call, the vote was: Yeas 82; Nays 37; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Alcala, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Clayton, Davis, Dillmore, Edmonds, Finney, Grant, Henderson, Henry, Houston, Kuether, Lane, Lusk, Meier, Menghini, Pauls, Perry, Rooker, Ruiz, Schwartz, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Frownfelter, Osterman, Peterson, Sawyer, Seiwert, Suellentrop.

The motion prevailed and **H Sub for SB 84** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 74, SB 75** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **SB 7** be amended on page 5, following line 41, by inserting:

"Sec. 7. K.S.A. 2012 Supp. 41-719 is hereby amended to read as follows: 41-719.
(a) (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 manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or K.S.A. 2012 Supp. 41-354, 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 the premises of any land or waters owned or managed by the department of wildlife, parks and tourism, except as otherwise prohibited by rules and regulations of the department adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto.

(12) On the premises of the state capitol building or on its surrounding premises during an official state function that has been approved by the legislative coordinating council.

(13) 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.";

Also on page 5, in line 42, after "41-354" by inserting ", 41-719";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "penalties;" by inserting "relating to consumption of alcoholic beverages;"; in line 3, after "41-354" by inserting ", 41-719"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2387** be passed.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6023**—

By Representative Schwartz

A RESOLUTION congratulating the U.S. 36 Highway Association on its 100th anniversary.

WHEREAS, March 21 marks the 100th anniversary of the U.S. 36 Highway Association; and

WHEREAS, U.S. 36 Highway Association is an organization of over 500 members in cities along the U.S. 36 corridor. This organization seeks general improvement of the highway, promotion of the economic well-being of the communities and enterprises along its route; and

WHEREAS, U.S. 36 Highway Association's vision for the highway is for a four-lane freeway or expressway from Indianapolis, Indiana, to Belleville, Kansas; a high-standard two-lane highway west through Kansas and Colorado to Denver; and a freeway or expressway to Boulder and Estes Park; and

WHEREAS, U.S. 36 Highway stretches all across the northern part of the State of Kansas passing through Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, and Doniphan counties; and

WHEREAS, In 2006, the Annual Treasure Hunt for Phillipsburg was launched with a mission to increase tourism, use of the highway and commerce benefiting all 13 counties that U.S. 36 Highway passes through. This event is promoted state-wide; and

WHEREAS, In promotion of better roads, the Association has as its prime objectives the advancement of business, agriculture, tourism and commercial interests of cities and counties along U.S. 36. Because of its Midway U.S.A. location, U.S. 36 can provide one of the nation's finest highways and become the central point of progress for our communities; and

WHEREAS, The U.S. 36 Highway Association has a strong history in Kansas due to its members' hard work to promote the history and well-being of this highway, and its success should be celebrated throughout the state: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we

congratulate the U.S. 36 Highway Association on its 100th anniversary. We appreciate the great work its members do for the promotion of the highway itself and the cities along the highway; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide five copies of this resolution to Representative Schwartz.

REPORT ON ENGROSSED BILLS

S Sub for HB 2022; HB 2047; Sub HB 2231 reported correctly engrossed March 20, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6018 reported correctly enrolled and properly signed on March 20, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, March 21, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

