

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 9, 2012, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

It occurred to me recently that the Senate has in place a way to clear up every problem we have encountered. Time and again have heard a Senator address the chair and say, "I move that an emergency be declared, the rules suspended..." and what ever is before the body is immediately passed unanimously!

Lord, I move that an emergency be declared, the rules suspended and
All disagreements be ended
All Senators be befriended
All hard feelings be mended
No bills will be amended
That both parties be commended
That all strange motions be defended
No more will Sine Die be extended
No longer will a Senator be offended
All bills will be comprehended
No late sessions will be recommended
That all committee meetings will be suspended.

Lord, once again I appeal to Your sense of humor which I have relied on all these thirty-one years, I thank You for you patience.
And I am still praying in the Name of Your Son, Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HUMAN RIGHTS COMMISSION

May 8, 2012

In compliance with KSA 44-1004(13), William V. Minner, Executive Director,

submitted the Annual Report for the Fiscal Year 2011, July 1, 2010 – June 30, 2011.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **Senate Substitute for HB 2117**, and has appointed Representatives Carlson, KleeB and Dillmore as second conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2729**, requests a conference and has appointed Representative Powell, Kerschen and Williams as conferees on the part of the House.

The House adopts the Conference Committee report on **Senate Substitute for Substitute HB 2004**.

The House adopts the Conference Committee report on **HB 2684**.

The House concurs in Senate Amendments to **HB 2534** and requests return of the bill.

The House adopts the Conference Committee report on **SB 83**.

Announcing passage of **Substitute HB 2768**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2768 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris, Reitz, Abrams, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, Love, Marshall, Owens, V. Schmidt, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1876—

A RESOLUTION congratulating and commending
Coach Bill Snyder for being named the 2011
Associated Press Big 12 Coach of the Year.

WHEREAS, Kansas State University head coach Bill Snyder was named the 2011 Associated Press Big 12 Coach of the Year after leading the Wildcats to a 10-2 record in the regular season and a number 8 ranking in the final regular season BCS standings, and helping the Wildcats earn their first Cotton Bowl invitation since 2001; and

WHEREAS, Coach Snyder was selected on 16 of the 17 ballots turned in by media members who regularly cover the league; and

WHEREAS, For his efforts in 2011, Coach Snyder was named the Woody Hayes National Coach of the Year, as well as picking up national coaching honors from Sporting News, Rivals.com and CBSSports.com, and the Big 12 Coach of the Year by the Associated Press and Big 12 Coaches; and

WHEREAS, Coach Snyder is currently the 11th-winningest active coach among

Football Bowl Subdivision (FBS) schools; and

WHEREAS, Coach Snyder was named the 32nd head football coach at Kansas State University on November 30, 1988, and again as the 34th coach on November 24, 2008. He has amassed a 159-82-1 record during his 20-year tenure with the Wildcats, including an 89-64-1 mark in Big 8 and Big 12 games, and currently ranks fourth among active coaches with 150 or more wins at FBS schools since 1990; and

WHEREAS, As a two-time national Coach of the Year selection and three-time Big 12 Coach of the Year pick, Coach Snyder's 159 victories are more than triple the second place coach on K-State's all-time coaching victories list. He has led the program to 13 bowl games, including 11 straight from 1993-2003 and back-to-back appearances in 2010 and 2011: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Coach Bill Snyder for being named the 2011 Associated Press Big 12 Coach of the Year. We thank him for his hard work and dedication to Kansas State University, and we extend our best wishes for his continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Morris.

On emergency motion of Senator Reitz **SR 1876** was adopted unanimously.

Senator Reitz introduced and congratulated Coach Bill Snyder for being named the 2011 Associated Press Big 12 Coach of the Year. Also in attendance was Coach Bill Snyder's wife, Sharon. The Senate acknowledged his achievement with a standing ovation.

Senators Kultala and Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. **1877**—

A RESOLUTION congratulating and commending the
Leavenworth High School Girls' Powerlifting Team.

WHEREAS, For the second year in a row, the Leavenworth High School Girls' Powerlifting Team claimed the Natural Athlete Strength Association High School Powerlifting 2012 National Championship. All members of the team performed with the highest level of excellence throughout the 2012 season and each Leavenworth High School Pioneer on the team deserves recognition for her vital contribution to the winning effort; and

WHEREAS, The squad took home national titles in Unequipped Powerlifting (a competition comprised of squat, bench press and deadlift), Junior/Senior Unequipped Powerlifting, and Power Press (made of a total of power clean and bench press). The Freshman/Sophomore girls' team also took home a runner-up award in their division; and

WHEREAS, The Leavenworth High School Girls' Powerlifting Team showed their dominance of the meet by having 13 girls compete, with 12 of the team's lifters achieving second place or higher in all events entered; and

WHEREAS, In the 114-pound weight class, freshman Hannah Overbey won a

national championship in Unequipped Powerlifting for the Freshman/Sophomore division, an Overall Best Lifter award and 2nd place in Power Press. Teammate Maggie Lee repeated as national champion in both the Power Clean/Bench Press and Unequipped Powerlifting events. Maggie Lee was also deemed the Overall Best Lifter in Power Press; and

WHEREAS, In the 123-pound weight class, senior Lauren Patelli led the way in Power Press, an event contested by all high school weight classes for females, recording an American record 65 kg (143 lb) clean and 45 kg (99 lb) bench press. Patelli also took 2nd place in Junior/Senior Powerlifting. Tabitha Larkin took 1st place in Junior/Senior Powerlifting and 3rd place in Power Press. Larkin also posted an American record squat with a 97.5 kg (214.5 lb) effort; and

WHEREAS, Sophomore Laura Payne took 2nd place in Power Press to fill the medal stand with Pioneer blue in that event, and also took 1st place in Freshman/Sophomore Unequipped Powerlifting. In the 132-pound weight class, senior Janay Johnson finished her Leavenworth powerlifting career by repeating as national champion in both events, hoisting for American records in every lift and earning Overall Best Lifter for Power Press and Outstanding Lifter for all classes. The two awards make for a total of seven Best Lifter trophies earned by Johnson during the 2012 calendar year, a feat that would be difficult to match by any competitive lifter of any age; and

WHEREAS, In the 148-pound weight class, junior Lacie Thornton repeated as national champion in both events, followed by sophomore Amelia Cribb in Power Press, who also took 2nd place in Freshman/Sophomore Powerlifting. Thornton also broke an American record in Power Press on the strength of her personal record of 65 kg (143 lb) clean and 52.5 kg (115.5 lb) bench press. The 165-pound weight class saw Alyssa Rivera return to Oklahoma City after missing out on the medal stand in 2011 to turn in a 2nd place performance in Unequipped Powerlifting; and

WHEREAS, In the 181-pound weight class, Hunter Anne Postier came in 2nd place for Unequipped Powerlifting and Overall Best Lifter in powerlifting. Postier also posted American records in Power Press, in clean 80 kg (176 lb) and bench press 62.5 kg (137.5 lb); and

WHEREAS, Freshman Jasmine Swanagan took 4th in Power Press, followed by senior Maddy Minchew to once again saturate the medal stand in Leavenworth's royal blue. Swanagan also took 2nd place in Freshman/Sophomore Powerlifting, while Minchew took a Junior/Senior 4th place. Emily Ruble competed for the Pioneers in the 198-pound weight class, taking home national championships in both events once again; and

WHEREAS, The Leavenworth High School Girls' Powerlifting Team has brought great pride to their school, school district, community, friends and families in demonstrating self-discipline, efficiency and tenacity throughout the 2012 season; and

WHEREAS, The amazing accomplishments of the Leavenworth High School Girls' Powerlifting Team could not have been achieved without the guidance and skills of Coach Daniel Capps: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby congratulate and commend the Leavenworth High School Girls' Powerlifting Team upon winning the 2012 Natural Athlete Strength Association High School Powerlifting National Championship and extend best wishes to the squad, coaches and everyone involved with the fine powerlifting program as they celebrate their exceptional season and

prepare for continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Kultala.

On emergency motion of Senator Kultala **SR 1877** was adopted unanimously.

Senator Kultala introduced and congratulated the Leavenworth High School Girls' Powerlifting Team for being named the Natural Athlete Strength Association High School Powerlifting 2012 National Championship. The Powerlifting team is as follows: Hannah Overbey, Maggie Lee, Lauren Patelli, Tabitha Larkin, Janay Johnson, Lacie Thornton, Hunter Anne Postier and Emily Ruble. Also in attendance were Daniel Capps, Coach and Shawn Terry, Athletic Director. The Senate acknowledged their achievement with a standing ovation.

ORIGINAL MOTION

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 83; H Sub for SB 341; Sub HB 2689.**

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Kelsey moved the Senate concur in House amendments to **H Sub for SB 341.**

H Sub for SB 341, AN ACT concerning governmental organization; relating to consolidation; amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904, 12-3909 and 19-205 and repealing the existing sections.

On roll call, the vote was: Yeas 15; Nays 18; Present and Passing 7; Absent or Not Voting 0.

Yeas: Abrams, Apple, Donovan, Haley, Hensley, Kelsey, Masterson, Merrick, Olson, Ostmeier, Petersen, Pyle, A. Schmidt, Taddiken, Umbarger.

Nays: Bruce, Brungardt, Emler, Faust-Goudeau, Huntington, Kelly, Kultala, Longbine, Lynn, Marshall, McGinn, Morris, Owens, Pilcher-Cook, Reitz, V. Schmidt, Vratil, Wagle.

Present and Passing: Francisco, Holland, King, Love, Schodorf, Steineger, Teichman.

The motion to concur failed and **H Sub for SB 341** remains in conference.

EXPLANATION OF VOTE

MR. PRESIDENT: Local control of cities, counties and other political subdivisions is always the best alternative to the State control. However, it is uncertain how this legislation got to the Senate Floor for a vote in the final hours without proper vetting. In addition questions were not answered during short floor debate regarding the effect passage would have on current law. For those reasons, I vote NAY. – JULIA LYNN

Senator Schodorf requests the record to show she concurs with the “Explanation of Vote” offered by Senator Lynn on **H Sub for SB 341.**

On motion of Senator Emler, the Senate recessed until 11:10 a.m..

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking lines 9 through 33;

By striking all on pages 2 through 5 and inserting:

"Section 1. K.S.A. 60-3306 is hereby amended to read as follows: 60-3306. (a) A product seller shall not be subject to liability in a product liability claim arising from an alleged defect in a product, if the product seller establishes that: ~~(a)(1)~~ Such seller had no knowledge of the defect;

—~~(b)(2)~~ such seller in the performance of any duties the seller performed, or was required to perform, could not have discovered the defect while exercising reasonable care;

—~~(e)~~ the (3) such seller was not a manufacturer of the defective product or product component;

—~~(d)(4)~~ the manufacturer of the defective product or product component is subject to service of process either under the laws of the state of Kansas or the domicile of the person making the product liability claim; and

—~~(e)(5)~~ any judgment against the manufacturer obtained by the person making the product liability claim would be reasonably certain of being satisfied.

(b) A product seller that is a retail seller of used products shall not be subject to liability claim arising from an alleged defect in a used product sold by the retail seller, if the retail seller establishes that:

(1) Such seller is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986;

(2) the product liability claim is for strict liability in tort; or

(3)(A) Such seller resold the product after the product was used by a consumer or other product user;

(B) the product was sold in substantially the same condition as it was when it was acquired for resale;

(C) the manufacturer of the defective product or product component is subject to service of process either under the laws of the state of Kansas or the domicile of the person making the product liability claim; and

(D) any judgment against the manufacturer obtained by the person making the product liability claim would be reasonably certain of being satisfied.

Sec. 2. K.S.A. 60-3306 is hereby repealed.

Sec. 3. The act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, by striking all in lines 1 through 6 and inserting:

"AN ACT concerning the Kansas product liability act; relating to a product liability claim arising from an alleged defect in a used product; amending K.S.A. 60-3306 and repealing the existing section.";

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

LANCE KINZER

JOE PATTON

JANICE L. PAULS

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **SB 83**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2689** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, in line 4, by striking ", which may include all premises which are in close proximity"; in line 5, by striking "and are under the control of the applicant or licensee"; following line 7, by inserting:

"(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.";

On page 3, following line 37, by inserting:

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

On page 4, by striking all in lines 19 through 23;

And by redesignating paragraphs accordingly;

Also on page 4, following line 34, by inserting:

"(c) The provisions of this section shall take effect and be in force from and after July 1, 2012."; in line 35, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 7, in line 28, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 34, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 8, in line 12, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 9, in line 3, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 10, in line 2, before "K.S.A." by inserting "From and after July 1, 2012,";-in line 42, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 11, by striking all in lines 39 through 43;

By striking all on pages 12 and 13;

On page 14, by striking all in lines 1 through 25 and inserting the following:

"Sec. 11. K.S.A. 2011 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

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

(5) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 *et seq.*, and amendments thereto, and no drinking establishment license shall be required to make such sales;

~~(5)~~ (6) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

~~(6)~~ (7) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

~~(7)~~ (8) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

~~(8)~~ (9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2011 Supp. 41-350, and amendments thereto.

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

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

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

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

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

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

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

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

(g) No farm winery or winery outlet shall:

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

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

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

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

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

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

Sec. 12. From and after July 1, 2012, K.S.A. 2011 Supp. 41-308a, as amended by section 11 of this act, is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

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

(5) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 *et seq.*, and amendments thereto, and no drinking establishment license shall be required to make such sales;

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

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

(8) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2011 Supp. 41-350, and amendments thereto.

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

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

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

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than ~~60%~~ 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. ~~The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.~~

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

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

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

(g) No farm winery or winery outlet shall:

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

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

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

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

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that

purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.";
Also on page 14, in line 26, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 16, in line 24, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 18, in line 33, by striking "other than citizenship and residence requirements, provided, that"; by striking all in line 34; in line 35, by striking "citizenship and residence requirements";

On page 19, in line 32, after "license" by inserting ", microdistillery license";

On page 20, following line 39, by inserting:

"Sec. 15. From and after July 1, 2012, K.S.A. 2011 Supp. 41-313 is hereby amended to read as follows: 41-313. (a) No corporation, either organized under the laws of this state, any other state or a foreign country, shall be issued a manufacturer's, distributor's, microbrewery, microdistillery or farm winery license unless the corporation has first procured a certificate of authority from the secretary of state to do business in this state as provided by law, appointed a citizen of the United States, and resident of Kansas, as its agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority of the corporation and full authority, control and responsibility for the conduct of all business and transactions of the corporation within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director with respect to the agent's character. The agent shall at all times be maintained by the corporation.

In addition, any corporation organized under the laws of any other state or foreign country, as a condition precedent to the issuance to it of any license, shall file with the secretary of state of the state of Kansas, a duly authorized and executed power of attorney, authorizing the secretary of state to accept service of process from the director and the courts of this state and to accept service of any notice or order provided for in this act, and all such acts by the secretary of state shall be fully binding upon the corporation.

(b) Every nonresident applicant on applying for a license or permit under this act, and as a condition precedent to obtaining such license or permit, shall file with the secretary of state of this state its written consent, irrevocable, that any action or garnishment proceeding may be commenced against such applicant in the proper court of any county in this state in which the cause of action shall arise or in which the plaintiff may reside by the service of process on the resident agent specified in subsection (a), and stipulating and agreeing that such service shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant. The written consent shall state that the courts of this state have jurisdiction over the person of such applicant and are the proper and convenient forum for such action and shall waive the right to request a change of jurisdiction or venue to a court outside this state and that all actions arising under this act and commenced by the applicant shall be brought in this state's courts as the proper and convenient forum. Such consent shall be executed by the applicant and if a corporation, by the president and secretary of the corporate applicant, and shall be accompanied by a duly certified copy of the order or

resolution of the board of directors, trustees or managers authorizing the president and secretary to execute the same.";

Also on page 20, in line 40, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 21, in line 3, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 22, in line 23, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 23, in line 2, before "K.S.A." by inserting "From and after July 1, 2012,"; following line 20, by inserting:

"Sec. 20. From and after July 1, 2012, K.S.A. 2011 Supp. 41-501 is hereby amended to read as follows: 41-501. (a) As used in this section and K.S.A. 41-501a, and amendments thereto:

(1) "Gallon" means wine gallon.

(2) "Federal area" means any lands or premises which are located within the exterior boundaries of this state and which are held or acquired by or for the use of the United States or any department, establishment or agency of the United States.

(3) "Malt product" means malt syrup, malt extract, liquid malt or wort.

(b) (1) For the purpose of raising revenue a tax is imposed upon the manufacturing, using, selling, storing or purchasing alcoholic liquor, cereal malt beverage or malt products in this state or a federal area at a rate of \$.18 per gallon on beer and cereal malt beverage; \$.20 per gallon on all wort or liquid malt; \$.10 per pound on all malt syrup or malt extract; \$.30 per gallon on wine containing 14% or less alcohol by volume; \$.75 per gallon on wine containing more than 14% alcohol by volume; and \$2.50 per gallon on alcohol and spirits.

(2) The tax imposed by this section shall be paid only once and shall be paid by the person in this state or federal area who first manufactures, uses, sells, stores, purchases or receives the alcoholic liquor or cereal malt beverage. The tax shall be collected and paid to the director as provided in this act. If the alcoholic liquor or cereal malt beverage is manufactured and sold in this state or a federal area, the tax shall be paid by the manufacturer, microbrewery, microdistillery or farm winery producing it. If the alcoholic liquor or cereal malt beverage is imported into this state by a distributor for the purpose of sale at wholesale in this state or a federal area, the tax shall be paid by the distributor, and in no event shall such tax be paid by the manufacturer unless the alcoholic liquor or cereal malt beverage is manufactured in this state. If not to exceed one gallon, or metric equivalent, per person of alcoholic liquor has been purchased by a private citizen outside the borders of the United States and is brought into this state by the private citizen in such person's personal possession for such person's own personal use and not for sale or resale, such import is lawful and no tax payment shall be due thereon.

(c) Manufacturers, microbreweries, microdistilleries, farm wineries or distributors at wholesale of alcoholic liquor or cereal malt beverage shall be exempt from the payment of the gallonage tax imposed on alcoholic liquor and cereal malt beverage, upon satisfactory proof, including bills of lading furnished to the director by affidavit or otherwise as the director requires, that the liquor or cereal malt beverage was manufactured in this state but was shipped out of the state for sale and consumption outside the state.

(d) Wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided for by this section.

(e) The tax provided for by this section is not imposed upon:

(1) Any alcohol or wine, whether manufactured in or imported into this state, when sold to a nonbeverage user licensed by the state, for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial and chemical products; or scientific, chemical, experimental or mechanical purposes; or

(2) the privilege of engaging in any business of interstate commerce or otherwise, which business may not be made the subject of taxation by this state under the constitution and statutes of the United States.

(f) The tax imposed by this section shall be in addition to all other taxes imposed by the state of Kansas or by any municipal corporation or political subdivision thereof.

(g) Retail sales of alcoholic liquor, sales of beer to consumers by microbreweries and sales of wine to consumers by farm wineries shall not be subject to the tax imposed by the Kansas retailers' sales tax act but shall be subject to the enforcement tax provided for in this act.

(h) Notwithstanding any ordinance to the contrary, no city shall impose an occupation or privilege tax on the business of any person, firm or corporation licensed as a manufacturer, distributor, microbrewery, microdistillery, farm winery, retailer or nonbeverage user under this act and doing business within the boundaries of the city except as specifically authorized by K.S.A. 41-310, and amendments thereto.

(i) The director shall collect the taxes imposed by this section and shall account for and remit all moneys collected from the tax 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 and the state treasurer shall credit $\frac{1}{10}$ of the moneys collected from taxes imposed upon alcohol and spirits under subsection (b)(1) to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and shall credit the balance of the moneys collected to the state general fund.

(j) If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon the manufacturer or distributor shall be reduced by the amount of the taxes which have been paid under this section as to the alcoholic liquor so used.

(k) The tax provided for by this section is not imposed upon alcohol or wine used by any school or college for scientific, chemical, experimental or mechanical purposes or by hospitals, sanatoria or other institutions caring for the sick. Any school, college, hospital, sanatorium or other institution caring for the sick may import alcohol or wine for scientific, chemical, experimental, mechanical or medicinal purposes by making application to the director for a permit to import it and receiving such a permit. Application for the permit shall be on a form prescribed and furnished by the director, and a separate permit shall be required for each purchase of alcohol or wine. A fee of \$2 shall accompany each application. All permits shall be issued in triplicate to the applicant and shall be under the seal of the office of the director. Two copies of the permit shall be forwarded by the applicant to the microbrewery, microdistillery, farm winery, manufacturer or distributor from which the alcohol or wine is purchased, and the microbrewery, microdistillery, farm winery, manufacturer or distributor shall return

to the office of the director one copy of the permit with its shipping affidavit and invoice. Within 10 days after receipt of any alcohol or wine, the school, college, hospital or sanatorium ordering it shall file a report in the office of the director upon forms furnished by the director, showing the amount of alcohol or wine received, the place where it is to be stored, from whom it was received, the purpose for which it is to be used and such other information as required by the director. Any school, college, hospital, sanatorium or institution caring for the sick, which complies with the provisions of this subsection, shall not be required to have any other license to purchase alcohol or wine from a microbrewery, microdistillery, farm winery, manufacturer or distributor.

Sec. 21. From and after July 1, 2012, K.S.A. 41-601 is hereby amended to read as follows: 41-601. Every manufacturer, distributor, microbrewery which sells any beer to a beer distributor at wholesale, microdistillery which sells any spirits to a spirits distributor at wholesale and farm winery which sells any wine to a distributor at wholesale shall between the 1st and 15th day of each calendar month, make return under oath to the director of all alcoholic liquor manufactured and sold by the manufacturer, distributor, microbrewery, microdistillery or farm winery in the course of business during the preceding calendar month. In the case of a distributor, the return shall also show: (a) The total amount of liquor purchased by the distributor during the preceding calendar month, the names of the distillers or distributors from whom purchased, the quantity of each brand and the price paid therefor; and (b) the names and locations of the retailers to whom alcoholic liquor was sold by the distributor during the preceding calendar month, the quantity of each brand and the price charged therefor. The return shall be made upon forms prescribed and furnished by the director and shall contain such other information as the director reasonably requires.

Sec. 22. From and after July 1, 2012, K.S.A. 41-602 is hereby amended to read as follows: 41-602. It is the duty of each manufacturer, distributor, microbrewery which sells any beer to a beer distributor, microdistillery which sells any spirits to a spirits distributor and farm winery which sells any wine to a distributor to keep complete and accurate records of all sales of liquor, wine or beer and complete and accurate records of all alcoholic liquors produced, manufactured, compounded or imported. The director, in the director's discretion, may prescribe reasonable and uniform methods for keeping records by manufacturers, distributors, microbreweries, microdistilleries and farm wineries as contemplated by K.S.A. 41-401 through 41-409, and amendments thereto.";

Also on page 23, in line 21, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 24, by striking all in lines 37 through 43;

By striking all on pages 25 and 26;

On page 27, by striking all in lines 1 through 32 and inserting the following:

"Sec. 24. From and after July 1, 2012, K.S.A. 2011 Supp. 41-710 is hereby amended to read as follows: 41-710. (a) No retailer's license shall be issued for premises unless such premises comply with all applicable zoning regulations.

(b) No microbrewery license, microdistillery license or farm winery license shall be issued for premises which are zoned for any purpose except agricultural, commercial or business purposes.

(c) No retailer's, microbrewery, microdistillery or farm winery license shall be issued for premises which:

(1) Are located within 200 feet of any public or parochial school or college or church, except that if any such school, college or church is established within 200 feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; or

(2) do not conform to all applicable building regulations.

Sec. 25. From and after July 1, 2012, K.S.A. 2011 Supp. 41-714 is hereby amended to read as follows: 41-714. (a) Any advertising of a farm winery, microdistillery or microbrewery shall be subject to approval by the director prior to its dissemination.

(b) The secretary of revenue may adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations necessary to regulate and control the advertising, in any form, and display of alcoholic liquor.

Sec. 26. From and after July 1, 2012, K.S.A. 41-717 is hereby amended to read as follows: 41-717. (a) (1) Except as provided by subsection (a)(2), no person shall sell or furnish at retail and no microbrewery, microdistillery or farm winery shall sell to any consumer any alcoholic liquor on credit; on a passbook; on order on a store; in exchange for any goods, wares or merchandise; or in payment for any services rendered. If any person extends credit in violation of this subsection, the debt attempted to be created shall not be recoverable at law.

(2) A licensed retailer may sell alcoholic liquor and nonalcoholic malt beverage to a consumer, a licensed microbrewery may sell domestic beer to a consumer, a licensed microdistillery may sell domestic spirits to a consumer and a licensed farm winery may sell domestic wine to a consumer on credit pursuant to a credit card which entitles the user to purchase goods or services from at least 100 persons not related to the issuer of the credit card.

(b) No microbrewery, microdistillery, farm winery or retailer of alcoholic liquor shall accept a check for payment for alcoholic liquors sold by the winery or retailer to a consumer, other than the personal check of the person making the purchase.

Sec. 27. From and after July 1, 2012, K.S.A. 41-718 is hereby amended to read as follows: 41-718. (a) No person except a manufacturer, distributor, microbrewery, microdistillery, farm winery or wholesaler shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor.

(b) No person shall have in the person's possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in original packages.

Sec. 28. From and after July 1, 2012, K.S.A. 2011 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 ~~or~~ 41-308b or section 2, and amendments thereto.

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

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

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

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

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

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

and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 29. From and after January 1, 2013, K.S.A. 2011 Supp. 41-719, as amended by section 28 of this act, 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 section 2, 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 property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

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

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

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

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

liquor may be consumed in accordance with policies adopted by such board.

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

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

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

Sec. 30. From and after July 1, 2012, K.S.A. 41-803 is hereby amended to read as follows: 41-803. (a) It shall be unlawful for any person to own, maintain, operate or conduct, either directly or indirectly, an open saloon.

(b) As used in this section, "open saloon" means any place, public or private, where alcoholic liquor is sold or offered or kept for sale by the drink or in any quantity of less than 100 milliliters (3.4 fluid ounces) or sold or offered or kept for sale for consumption on the premises where sold, but does not include any premises where the sale of liquor is authorized by the club and drinking establishment act or, on and after January 1, 1988, any manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a or K.S.A., 41-308b or section 2, and amendments thereto.

(c) Any violation of the provisions of this section is a misdemeanor punishable by a fine of not more than \$500 and by imprisonment for not more than 90 days.

Sec. 31. From and after July 1, 2012, K.S.A. 41-901 is hereby amended to read as follows: 41-901. (a) No person shall manufacture, import for distribution as a distributor at wholesale or distribute or sell alcoholic liquor or cereal malt beverage at any place within the state without having first obtained a valid license therefor under the provisions of this act or under K.S.A. 41-2702, and amendments thereto. No person shall obtain a license to carry on the business authorized by the license as agent for another, obtain a license by fraud or make any false statement or otherwise violate any of the provisions of this act in obtaining any license hereunder. No person having obtained a license hereunder shall violate any of the provisions of this act with respect to the manufacture, possession, distribution or sale of alcoholic liquor or cereal malt beverage; or with respect to the maintenance of the licensed premises.

(b) Violation of subsection (a) shall be punishable as follows, except where other penalties are specifically provided by law:

- (1) For a first offense, by a fine of not more than \$500; and
- (2) for a second or subsequent offense, by a fine of not more than \$1,000 or by imprisonment for not more than six months, or both.

(c) Each day any person engages in business as a manufacturer, distributor, microbrewery, microdistillery, farm winery or retailer in violation of the provisions of this act shall constitute a separate offense.

(d) Any license obtained to carry on the business as agent for another or any license obtained by fraud or by false statements shall be revoked by the director. When a license has been revoked for obtaining a license to carry on the business authorized by the license as agent for another, or obtained a license by fraud or by any false statement, all alcoholic liquor in the possession of the person who procured the license shall be

forfeited and sold and the proceeds of the sale shall be paid to the county treasurer of the county where the alcoholic liquor was located. During the pendency of any appeal from any order revoking a license, the director may obtain an order from the district court of the county where the alcoholic liquor is located, restraining the sale or disposal of the alcoholic liquor. When an order revoking any license is issued by the director, the director shall forthwith forward by registered mail a certified copy of the order revoking the license under the seal of the director to the county attorney of the county where the alcoholic liquor is located.

Within 15 days after the order of revocation becomes final, the county attorney shall institute, against the person who procured the license, a civil action under the code of civil procedure in the district court of the county in the name of the state of Kansas on the relation of the county attorney to forfeit all alcoholic liquor. Summons shall be served as provided by the code of civil procedure upon the person who procured the license. Upon the return day of the summons issued or as soon after as convenient to the court, an order shall be entered by the court forfeiting the alcoholic liquor to the state of Kansas and ordering it to be sold by the sheriff of the county in which the forfeiture occurred. The order shall fix the time and place of sale and the method and manner in which the sale shall be held, together with notice of the sale as the court directs. After payment of all costs of the action, including a reasonable fee for the county attorney, the balance remaining shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto.

Sec. 32. From and after July 1, 2012, K.S.A. 41-1101 is hereby amended to read as follows: 41-1101. (a) No distributor licensed under this act shall purchase any alcoholic liquor from any manufacturer, owner of alcoholic liquor at the time it becomes a marketable product, exclusive agent of such manufacturer or owner, microbrewery, microdistillery, farm winery or distributor of alcoholic liquor bottled in a foreign country either within or without this state, unless the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor files with the director a written statement sworn to by the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor or, in case of a corporation, one of its principal officers, agreeing to sell any of the brands or kinds of alcoholic liquor manufactured or distributed by the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor to any distributor licensed in this state and having a franchise to distribute the alcoholic liquor pursuant to K.S.A. 41-410, and amendments thereto, and to make such sales to all such licensed distributors in this state at the same current price and without discrimination. Each manufacturer, owner, exclusive agent, microbrewery, microdistillery or farm winery shall provide to each distributor written notice not less than 45 days before any change in the current price of any spirits or wine which such manufacturer, owner, exclusive agent, microbrewery, microdistillery or farm winery sells to such distributor. If any manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor making the agreement violates the agreement by refusing to sell such alcoholic liquor to any such franchised licensed distributor in this state or discriminates in current prices among such franchised licensed distributors making or attempting to make purchases of alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor, the director shall notify, by registered mail, each such franchised licensed distributor in this state of the violation. Thereupon, it

shall be unlawful for a franchised licensed distributor in this state to purchase any alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor. If thereafter such a franchised licensed distributor purchases any alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor, such franchised distributor's license shall be revoked by the director. If any manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor of alcoholic liquor bottled in a foreign country, making any agreement hereunder, does not have a sufficient supply of alcoholic liquor of any of the brands or kinds which the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor manufactures or distributes to supply the demands of all licensed distributors having a franchise to distribute such alcoholic liquor, the manufacturer, owner, exclusive agent, microbrewery, microdistillery, farm winery or distributor may ration such alcoholic liquor and apportion the available supply among such franchised licensed distributors purchasing or attempting to purchase it, in accordance with a plan which shall be subject to the approval of the director.

(b) No retailer licensed under this act shall purchase any alcoholic liquor from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of alcoholic liquor distributed by the distributor and to provide service in connection therewith to any licensed retailer whose licensed premises are located within the geographic territory of the distributor's franchise for the alcoholic liquor, unless written approval to do otherwise is obtained from the director, and to make such sales to all such licensed retailers at the same current bottle, sleeve and case price and without discrimination. For purposes of this subsection the "same current bottle, sleeve and case price" for spirits and wine means a price effective for a specified period as designated by the distributor on or before the first day of each month. If any distributor making the agreement violates the agreement by refusing to sell or provide service to any such licensed retailer in this state without written approval of the director or discriminates in current prices among such licensed retailers making or attempting to make purchases of alcoholic liquor from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of alcoholic liquor of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed retailers, the distributor may ration such alcoholic liquor and apportion the available supply among such licensed retailers purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

(c) No club or drinking establishment licensed in this state shall purchase any wine or beer from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of wine or beer distributed by the distributor to those clubs and drinking establishments to which the distributor is authorized to sell such wine or beer and to which the distributor desires to sell such wine or beer, unless written approval to do otherwise is obtained from the director and to make such sales to all such licensed clubs or drinking establishments at the same current bottle and case price and without discrimination. If any distributor

making the agreement violates the agreement by refusing to sell to any such licensed club or drinking establishment in this state without written approval of the director or discriminates in current prices among such licensed clubs or drinking establishments making or attempting to make purchases of wine or beer from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of wine or beer of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed clubs or drinking establishments, the distributor may ration such wine or beer and apportion the available supply among such licensed clubs or drinking establishments purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

For the purposes of this subsection, a delivery charge shall not be considered a part of the price of wine or beer sold by a distributor.

(d) No retailer licensed under K.S.A. 41-2701 *et seq.*, and amendments thereto, shall purchase any cereal malt beverage from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of cereal malt beverage distributed by the distributor to those retailers to which the distributor is authorized to sell such cereal malt beverage, unless written approval to do otherwise is obtained from the director, and to make such sales to all such licensed retailers at the same current price and without discrimination. If any distributor making the agreement violates the agreement by refusing to sell to any such licensed retailer in this state without written approval of the director or discriminates in current prices among such licensed retailers making or attempting to make purchases of cereal malt beverage from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of cereal malt beverage of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed retailers, the distributor may ration such cereal malt beverage and apportion the available supply among such licensed retailers purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

(e) No distributor shall sell alcoholic liquor or cereal malt beverage to a retailer licensed under the Kansas liquor control act, to a club, drinking establishment or caterer licensed under the club and drinking establishment act or to a retailer licensed under K.S.A. 41-2702, and amendments thereto, at a discount for multiple case lots.;

Also on page 27, in line 33, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 29, in line 42, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 30, by striking all in lines 8 through 37; in line 38, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 31, in line 1, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 17, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 30, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 32, in line 38, by striking "less"; in line 39, by striking "than \$200"; and inserting "more than \$1,000";

On page 33, following line 13, by inserting:

"Sec. 39. From and after July 1, 2012, K.S.A. 2011 Supp. 41-2623 is hereby

amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

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

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

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

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

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

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

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

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

(E) Any person who has a beneficial interest in a microbrewery, microdistillery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

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

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

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

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

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

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

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

beneficiary would be eligible for a license.

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

(1) A person who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises which is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.

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

Also on page 33, in line 14, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 34, in line 20, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 35, in line 42, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 38, in line 11, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 39, following line 8, by inserting:

"Sec. 44. From and after July 1, 2012, K.S.A. 2011 Supp. 75-5133 is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106, and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to insure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of

any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 *et seq.*, and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-3606, and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as

defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2011 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department; and

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2011 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2011 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees.

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.";

Also on page 39, in line 9, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 13, after "retailers" by inserting ", microbreweries, microdistilleries"; in line 19, after "microbreweries" by inserting ", microdistilleries"; in line 23, after "microbreweries" by inserting ", microdistilleries"; in line 25, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 27, after "microbrewery" by inserting ", microdistillery"; in line 30, after the comma by inserting "microdistillery,"; in line 34, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 37, after the comma by inserting "every microdistillery selling spirits to consumers,";

On page 40, following line 7, by inserting:

"Sec. 48. From and after July 1, 2012, K.S.A. 79-4104 is hereby amended to read as follows: 79-4104. Whenever the director of alcoholic beverage control issues a retailer's, distributor's, microbrewery, microdistillery or farm winery license, the director of alcoholic beverage control shall promptly notify the director of taxation of its issuance. The notice shall include the name of the licensee and, in the case of a retailer, microbrewery, microdistillery or farm winery, the address of the licensed premises. Whenever the director of alcoholic beverage control revokes or suspends any retailer's, distributor's, microbrewery, microdistillery or farm winery license or whenever any retailer's, distributor's, microbrewery, microdistillery or farm winery license expires, the director of alcoholic beverage control shall likewise notify the director of taxation.";

Also on page 40, in line 8, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 22, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 39, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 42, in line 31, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 45, in line 36, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 46, in line 7, before "K.S.A." by inserting "From and after July 1, 2012,"; in line 29, before "K.S.A." by inserting "From and after July 1, 2012,";

On page 47, in line 3, after "41-719" by inserting ", as amended by section 28 of this act,"; by striking all in lines 4 through 11 and inserting the following:

"Sec. 57. From and after July 1, 2012, K.S.A. 41-304, 41-306, 41-306a, 41-307, 41-308, 41-316, 41-320, 41-333, 41-334, 41-335, 41-336, 41-337, 41-338, 41-339, 41-340, 41-341, 41-601, 41-602, 41-701, 41-717, 41-718, 41-803, 41-901, 41-1101, 41-2608, 41-2612, 41-2613, 41-2614, 41-2640, 41-2722, 79-4101, 79-4102, 79-4103, 79-4104, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2011 Supp. 41-102, 41-305, 41-308a, as amended by section 11 of this act, 41-310, 41-311, 41-313, 41-317, 41-319, 41-501, 41-710, 41-714, 41-719, 41-2601, 41-2622, 41-2623, 41-2629, 41-2645, 75-5133 and 79-41a03 are hereby repealed.

Sec. 58. K.S.A. 2011 Supp. 41-308a is hereby repealed.";

And by renumbering sections accordingly;

Also on page 47, in line 13, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking all after "amending"; by striking all in lines 2 through 7; in line 8, by striking and 79-41a03" and inserting "K.S.A. 41-304, 41-306, 41-306a, 41-307, 41-308, 41-316, 41-320, 41-601, 41-602, 41-701, 41-717, 41-718, 41-803, 41-901, 41-1101, 41-2608, 41-2612, 41-2613, 41-2614, 41-2640, 41-2722, 79-4101, 79-4102, 79-4103, 79-4104, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2011 Supp. 41-102, 41-305, 41-308a, 41-308a, as amended by section 11 of this act, 41-310, 41-311, 41-313, 41-317, 41-319, 41-501, 41-710, 41-714, 41-719, 41-719, as amended by section 28 of this act, 41-2601, 41-2622, 41-2623, 41-2629, 41-2645, 75-5133 and 79-41a03";

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

PETER BRUNGARDT
 ROGER REITZ
 OLETHA FAUST-GODEAU
Conferees on part of Senate

STEVEN R. BRUNK
 JOE PATTON
 JUDITH LOGANBILL
Conferees on part of House

Senator Brungardt moved the Senate adopt the Conference Committee Report on **Sub HB 2689**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee Report was adopted.

REPORT ON ENGROSSED BILLS

H Sub for SB 129 reported correctly engrossed May 9, 2012.

REPORT ON ENROLLED BILLS

SR 1872, SR 1873, SR 1874, SR 1875 reported correctly enrolled and properly signed on May 09, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2650**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2650," as follows:

"SENATE Substitute for HOUSE BILL NO. 2650
By Committee on Ways and Means

"AN ACT concerning geographic information, systems and services; establishing the Kansas geographic information systems policy board and the office of state geographic information systems officer.;"
and the substitute bill be passed.

On motion of Senator Emler, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

CHANGE OF REFERENCE

The President withdrew **Sub HB 2069, HB 2087, HB 2396** from the Committee on **Judiciary**, and referred the bills to the Committee on **Reapportionment**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2792, HB 2793**.

Announcing passage of **SB 356**.

Also, passage of **SB 313, as amended by House Substitute for SB 313; SB 314**, as amended.

The House concurs in Senate amendments to **Senate Substitute for Senate Substitute for HB 2249**.

The House concurs in Senate amendments to **HB 2562**, and requests return of the bill.

The House adopts the Conference Committee report on **H Sub SB 79**.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Morris determined **SB 313**, as amended by the House to be materially changed.

President Morris referred the bill to the Committee on **Federal and State Affairs**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2792, HB 2793 were thereupon introduced and read by title.

ORIGINAL MOTIONS

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub for HB 2117**.

CONFERENCE COMMITTEE REPORT

Senator Donovan opened discussion on the conference committee report on **S Sub for HB 2117**.

Senator Vratil called for point of order.

Pursuant to Rule 17, the Chair ruled Senator King out of order.

Senator King challenged the ruling of the chair.

On roll call, the vote was: Yeas 23; Nays 15; Present and Passing 0; Absent or Not Voting 2.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, McGinn, Morris, Owens, Reitz, A. Schmidt, V. Schmidt, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Donovan, Love, Lynn, Marshall, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Absent or Not Voting: Masterson, Petersen.

The ruling of the chair was sustained.

The House of Representatives concurred on **S Sub for HB 2117**.

Pursuant to Joint Rule 3(b), no further action was taken by the senate.

EXPLANATION OF VOTE

MR. PRESIDENT: The practice of the Kansas Senate has always been to make a motion to adopt a conference committee report after debate on said report has concluded. For the first time I can recall, a Senator was held to be out of order for debating a bill without a motion being made.

I consider this ruling to be an insult against the Senate in general and the Senator in question, specifically. I vote no, because this ruling was wrong and violated the well established rules of the Kansas Senate. – TERRY BRUCE

Senators Abrams, Apple, Donovan, Lynn, Masterson, Merrick, Olson, Pilcher-Cook, Pyle and Wagle request the record to show they concur with the “Explanation of Vote” offered by Senator Bruce on **S Sub for HB 2117**.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote aye to uphold the decision of the chair during the discussion of the conference committee report on **S Sub for HB 2117**.

According to Rule 17 of the *Rules of the Kansas Senate*, which governs all Senate procedures, “a question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined

whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member.”

No motion had been made to adopt the conference committee report, and debate requires an order of business.

For this reason, I felt it was appropriate and timely for the presiding officer to call the Senator from Montgomery out of order. To ensure decorum and fairness, we must adhere to the rules that govern our body. – MARCI FRANCISCO

Senators Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Owens, Reitz, A. Schmidt, Schodorf, Teichman and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **S Sub for HB 2117**.

EXPLANATION OF VOTE

MR. PRESIDENT: There's an old saying about rules and that they are made to be broken. Today I witnessed this as we debated in the Kansas Senate. Breaking rules can be about manipulation, about moving an agenda, stopping an opponent or simply getting what you want. Today the tradition of decorum in the Kansas Senate has been stained with an unprecedented motion by the Chair to violate rule 15 and shut down debate. This action closed the people's ears to the opportunity to learn about the biggest tax cut in our history. Our constituents deserve better. What happened today in this hallowed chamber is a permanent scar on the sanctity of the Kansas Senate. – JULIA LYNN

Senator Merrick requests the record to show he concurs with the “Explanation of Vote” offered by Senator Lynn on **S Sub for HB 2117**.

EXPLANATION OF VOTE

MR. PRESIDENT: I was looking forward to a debate on tax cuts – income, sales and property tax cuts – that would help every resident in Kansas. But this motion has shut us down. Since 2001, the Kansas Legislature has increased taxes time and time again. We kept digging a hole that the Legislature would then insist on more tax increases. Kansas has the highest income tax rate in the region. This bill would have changed that. This bill would have given us a new start to grow businesses, produce jobs, help individuals, including senior citizens to live in their homes. This is a great disappointment. The Senate leadership has purposefully interrupted normal procedures and shut down debate on the Senate floor for no credible reason. – MARY PILCHER-COOK

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on the ruling of the President cutting off debate on the Conference Committee Report on **S Sub for HB 2117**.

The President cited Senate rule 17 in his determination to stop the Senator from Montgomery in the explanation of the conference report.

However, the President ignored Senate rule 15 which states no senator shall be interrupted except for a question. Since no question was asked it was improper to interrupt the Senator from Montgomery. – MARK TADDIKEN

Senators Abrams, Apple, Bruce, Love, Lynn, Marshall, Merrick, Olson and Ostmeyer

request the record to show they concur with the "Explanation of Vote" offered by Senator Senator Taddiken on **S Sub for HB 2117**.

EXPLANATION OF VOTE

MR. PRESIDENT: I have served the people of Kansas as an elected official for 22 years. I am proud of the fact that during my tenure the legislature has been governed by elected leaders who believe it is the right of every citizen to be heard. More important, they believe the legislative process should be an open process where debate is unlimited. The leaders I have served with have chosen to allow a thorough vetting of every issue. Each chamber has adopted rules of order based on either Mason's or Robert's Rules of Order to maintain decorum and fairness.

Today, debate was interrupted and shut down on one of the most important pro-growth tax packages we have ever considered. The Senate Rules by which we operate were violated. Elected State Senators were forced into silence.

This is a sad day for Kansas and for the legislative process. – SUSAN WAGLE

Senators Lynn and Merrick request the record to show they concur with the "Explanation of Vote" offered by Senator Wagle on **S Sub for HB 2117**.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Kansas Bioscience Authority: K.S.A. 74-99b04

Dale A. Rodman, to fill a term expiring on March 15, 2016

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Thursday, May 10, 2012.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

