

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 31, 2018, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Kessinger and Proehl were excused on verified illness.

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

Prayer by Chaplain Brubaker:

Dear God, the Great I Am,
We have this beautiful day because You are;
we are here because You are.
As our leaders work together
on the various issues at hand,
help them to work together and not be like the
two men who rode a tandem bike up a hill.
After much effort, they finally made it.
As the front rider proclaimed,
“that was a tough ride,”
the second rider responded with,
“sure was, and if I hadn’t kept the brake on
we might have slipped backwards.”
It may seem at times that when one is pushing ahead,
the other is holding the brake down.
Give them a spirit of unity, cooperation and working together today.
Lord, I understand an accident just occurred
with a train carrying U.S. Representatives.
Please be there in that situation,
guiding first responders in the rescue
and being near to those injured.
In Your Son’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Hawkins.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2586, AN ACT concerning workplace bullying; creating requirements for policies adopted by state agencies, by Committee on Commerce, Labor and Economic Development.

HB 2587, AN ACT concerning children and minors; relating to children with problem sexual behavior; department for children and families, by Committee on Federal and State Affairs.

HB 2588, AN ACT concerning appearance bonds; relating to forfeiture of bond; requiring set aside of forfeiture in certain cases; amending K.S.A. 2017 Supp. 22-2807 and repealing the existing section, by Committee on Judiciary.

HB 2589, AN ACT concerning the independent practice of midwifery act; providing for administration by the state board of nursing; establishing a nurse-midwives advisory council; amending K.S.A. 2017 Supp. 65-28b02, 65-28b03, 65-28b04, 65-28b05, 65-28b06, 65-28b07, 65-28b08 and 65-28b09 and repealing the existing sections, by Committee on Health and Human Services.

HB 2590, AN ACT concerning the state long-term care ombudsman; review by secretary for aging and disability services of the state long-term care ombudsman program; access to certain records; amending K.S.A. 2017 Supp. 75-7302, 75-7303, 75-7304, 75-7306, 75-7309 and 75-7310 and repealing the existing sections, by Committee on Health and Human Services.

HB 2591, AN ACT concerning the Kansas medical assistance program; relating to the administration and provision of state medicaid services, by Committee on Health and Human Services.

HB 2592, AN ACT concerning the client assessment, referral and evaluation program; relating to powers, duties and functions of the secretary for aging and disability services; authority to contract for a period of time; amending K.S.A. 2017 Supp. 39-968 and repealing the existing section by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2583**.

Appropriations: **HB 2582**

Commerce, Labor and Economic Development: **HB 2572**

Corrections and Juvenile Justice: **HB 2581**

Education: **HB 2578**

Health and Human Services: **HB 2573, HB 2574, HB 2575**

Judiciary: **HB 2571, HB 2579, HB 2580**

Taxation: **HB 2584, HB 2585**.

Water and Environment: **HB 2576, HB 2577**

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2040** from Committee of the Whole and re-referral to the Committee on Transportation.

MESSAGES FROM THE GOVERNOR

From Sam Brownback, Governor of the State of Kansas, Executive Order No. 18-03; Rescinding Certain Executive Orders.

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

MESSAGES FROM THE SENATE

Announcing passage of **SB 255, SB 261, SB 262, SB 267, and SB 275.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:
SB 255, SB 261, SB 262, SB 267, SB 275.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2502** be passed.

Committee on **Federal and State Affairs** recommends **HB 2438** be passed.

Committee on **Federal and State Affairs** recommends **HB 2476** be amended on page 2, in line 5, by striking "10%" and inserting "15%";

On page 5, in line 12, by striking "10%" and inserting "15%";

On page 7, following line 30, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 41-308b is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 60,000 barrels of domestic beer during the calendar year and the storage thereof, if, however, the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, then the aggregate number of barrels of domestic beer manufactured by all such licensees with such common ownership shall not exceed the 60,000 barrel limit;

(2) the manufacture in the aggregate of not more than 100,000 gallons of hard cider during the calendar year and the storage thereof;

(3) the sale to beer distributors of beer and the sale to wine distributors of hard cider, manufactured by the licensee;

(4) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer and hard cider manufactured by the licensee;

(5) the sale, on the licensed premises in refillable and sealable containers to consumers for consumption off the licensed premises, of beer manufactured by the licensee, subject to the following conditions:

(A) Containers described in this paragraph shall contain not less than 32 fluid ounces and not more than 64 fluid ounces of beer; and

(B) the licensee shall affix a label to all containers sold pursuant to this paragraph clearly indicating the licensee's name and the name and type of beer contained in such container;

(6) 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 beer and hard cider manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

~~(6)~~(7) if the premises is also licensed as a club or drinking establishment, the sale and transfer of domestic beer to such club or drinking establishment and the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

~~(7)~~(8) if the premises is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act; and

~~(8)~~(9) if the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, the domestic beer may be manufactured and transferred for sale or storage among such microbrewery licensees with such common ownership.

(b) Not less than 30% of the products utilized in the manufacture of hard cider by a microbrewery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic hard cider.

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

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

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of any microbrewery of such licensee, of beer manufactured by the licensee;

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler; and

(4) the removal from the licensed premises of the microbrewery packaging and warehousing facility of hard cider manufactured by the licensee for the purpose of delivery to a licensed wine distributor.

(d) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer 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.

(e) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold.

Such beer 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 beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(f) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No microbrewery shall:

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

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

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

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

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

Also on page 7, in line 31, by striking "is" and inserting "and 41-308b are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to microbreweries; authorizing the on-premises sale of certain large containers of beer for off-premises consumption, labeling requirements thereof;"; in line 5, after "41-102" by inserting "and 41-308b"; and the bill be passed as amended.

The Committee on **Veterans and Military** recommends **HB 2147** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2147," as follows:

"Substitute for HOUSE BILL NO. 2147

By Committee on Veterans and Military

"AN ACT concerning income taxation; relating to refunds; certain Native American veterans."; and the substitute bill be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2593, AN ACT concerning sales taxation; relating to exemptions; friends of JCDS, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2594, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation and membership of certain local corrections employees, by Committee on Financial Institutions and Pensions.

HB 2595, AN ACT relating to the welfare of children and individuals with an impairment of the mind; updating references to individuals with an intellectual or developmental disability or a mental illness; eliminating the crime of unlawfully placing or receiving a child from another state; amending K.S.A. 24-612, 58-2255, 68-105 and 79-303 and repealing the existing sections; also repealing K.S.A. 38-315, by Representatives Hodge and Schroeder.

HB 2596, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Gadsden flag license plate, by Representatives Carpenter, Alford, Amberger, Bergquist, Brim, Burris, Burroughs, Claeys, Delperdang, Dove, Elliott, Ellis, Eplee, Garber, Good, Hibbard, Highland, Hoffman, Huebert, Humphries, Jacobs, Mason, Osterman, Resman, Seiwert, A. Smith, E. Smith., Stogsdill, Sutton, Thimesch, Trimmer, Vickrey, Waymaster, Weber, Whitmer and Williams.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Thursday, February 1, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

