

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 15, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Sykes was excused.

Vice President Longbine introduced Reverend Shirley Heermance, St. Mark's A.M.E. Church in Topeka, to deliver the invocation:

Almighty God, Maker of all things, Judge of all people: I stand before You and this body in a spirit of gratitude for this opportunity. Giving thanks, to You for each vision and determination, born out of this chamber for the betterment of State and Country. And, I pray Your blessings to fall afresh over each seated.

As February is recognized as Black History Month, we take this opportunity to thank You for Your presence and Your power, exhibited and registered in the chronicles of our human saga. Thank You, God, for the diversity of our humanity. Thank You for the countless numbers of people (both recorded into the pages of history and those names never reported) who, regardless of their gender, age, color, creed or social status, gave to ensure the freedoms of today. Thank You for the commitment and courage, put to action, by people who understood that You created all humankind in the magnitude of Your likeness. Thank You for the struggles won to break the shackles of slavery. Thank You for all who labored through the toils of the Civil Rights movement. Thank You for the honesty and morality of people, gone before us, who fought to redress long standing harms born from discrimination of all kind. And, thank You that today we can say, "we've come a long way" even in our knowing that we have a long way to go.

To this cause, I ask Lord, for Your continued guidance, that we the people who have come to the shores of this great country called America, the home of the brave and the land of the free, will one day truly value one another and live in the unity of humanity. Still see us today, God, in our uniqueness, as we occupy this space together. Then empower us, emancipate us and cause us to be unfettered from any burdens that produce discord. Bless the President and all those who are in position, nationally and otherwise, to lead us and cause them never a desire to lord over us. Help us to value always the precepts of our democracy, so to ensure that the history we make from today forward will one day lead to the reality of liberty and justice for all. Then, bless this day and these people with Your presence and Your power. I pray in the Precious Name of Him who is the Liberator and Reconciler of all. Amen

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize Christopher Tyson and his parents, Roger and Rhonda Tyson. Christopher was visiting the Statehouse as part of the 23rd Annual Kansas All-State Academic Team, an achievement reached while he bravely battled Leukemia. The senate honored Christopher's extraordinary courage and commitment to academics with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 421, AN ACT concerning labor; relating to licensing of professional occupations; concerning applications of persons with certain criminal records; amending K.S.A. 74-120 and repealing the existing section, by Committee on Federal and State Affairs.

SB 422, AN ACT concerning education; relating to the financing thereof; relating to the Kansas school equity and enhancement act; relating to local option budgets; amending K.S.A. 2017 Supp. 72-5143 and 72-5145 and repealing the existing sections, by Committee on Ways and Means.

SB 423, AN ACT concerning education; relating to the financing thereof; relating to the Kansas school equity and enhancement act; at-risk weighting; capital outlay; amending K.S.A. 2017 Supp. 72-5151, 72-53,113 and 72-53,116 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **HB 2444**.

Judiciary: **HB 2455**, **HB 2456**.

Transportation: **HB 2436**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2476**, **HB 2505**, **HB 2506**.

Announcing passage of **SB 283**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2476, **HB 2505**, **HB 2506** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1769—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc. is a private, not-for-profit organization whose purpose is to provide assistance and support through established programs in

local communities throughout the world. The organization is a sisterhood of predominantly black, college-educated women; and

WHEREAS, On January 13, 2018, Delta Sigma Theta Sorority, Inc. celebrated 105 years of thoughtful service to and conscientious leadership in communities throughout the United States and the world in diverse fields relating to public service and the organization's five-point programmatic thrust: Economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement; and

WHEREAS, On January 13, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive C. Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphy, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc. participated in the Women's Suffrage March in the District of Columbia, the sorority's first public act; and

WHEREAS, Since its founding, more than 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc. has eight chapters in Kansas and 1,000 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South Korea; and

WHEREAS, Delta Sigma Theta Sorority, Inc. is represented in Kansas by Kansas State Coordinator Sue E. Wilson, Kansas State Facilitator Adriannte Etheridge, Kansas City Kansas Alumnae Chapter President Jill Hall, Leavenworth Alumnae Chapter President Natalie Bynum, Topeka Alumnae Chapter President Tami Farr-Smith, Geary Riley Saline Alumnae Chapter President Dr. Pat Dozier, Wichita Alumnae Chapter President Emile McGill, Wichita Alumnae Chapter Social Action Chairperson Trudy Baker, Psi (Kansas University) Chapter President Jonnette Oakes, Eta Gamma (Kansas State University) Chapter President Shaneka Cabe, and Zeta Beta (Wichita State University) Chapter President Raven Hodges: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service during this annual Delta Day at the Capitol; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Sue E. Wilson, Adriannte Etheridge, Jill Hall, Natalie Bynum, Tami Farr-Smith, Dr. Pat Dozier, Emile McGill, Trudy Baker, Jonnette Oakes, Shaneka Cabe, Raven Hodges, Senator Faust-Goudeau and Senator Haley.

On emergency motion of Senator Faust-Goudeau **SR 1769** was adopted unanimously.

Guests introduced were: Johnette Oakes, Sue Wilson, Adriannte Etheridge, Jill Hall, Natalie Bynum, Tami Farr-Smith, Shaneka Cabe, Raven Hodges, Emile McGill, Dr. Pat Dozier and Trudy Baker.

The senate honored the ladies with a standing ovation.

Senators Haley, Bowers, Denning, Faust-Goudeau, Francisco, Hawk, Hensley, Kelly, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1770—

A RESOLUTION honoring the life of Fred Hollomon and his service
as Chaplain of the Kansas Senate.

WHEREAS, Reverend Fred Hollomon served as the Chaplain of the Kansas Senate for 31 years, retiring in 2012; and

WHEREAS, Reverend Fred Hollomon, known affectionately by all in the statehouse as Reverend Fred, was born on May 25, 1925, near Dawson, Georgia; and

WHEREAS, Reverend Fred's family moved to Dothan, Alabama, in 1938, where he graduated from high school in 1942. He attended the University of Alabama for one year before joining the U.S. Navy; and

WHEREAS, Reverend Fred was in the Navy from 1943 to 1946, where he graduated from Midshipman's School at Notre Dame and Aerial Navigator's School in Clinton, Oklahoma; and

WHEREAS, Reverend Fred returned to the University of Alabama, where he received a Bachelor of Science degree in Business Administration in 1949. He worked in a bank for a year and a half, and then went to Southwestern Baptist Theological Seminary in Ft. Worth, Texas, where he graduated with a Master of Religious Education degree and a Master of Divinity degree in 1956. He was ordained in the gospel ministry while at the seminary; and

WHEREAS, Reverend Fred served as pastor for 50 years in eight different Southern Baptist churches. The last church was in Topeka, where he served as pastor for 14 years. He retired from the pastorate in 2002; and

WHEREAS, Reverend Fred worked as an administrative assistant in both the House and the Senate, which gave him a unique insider's perspective to the workings of the Legislature and the day-to-day challenges faced by those in public service; and

WHEREAS, Reverend Fred and his wife, Pat, were married for more than 45 years and had a large, blended family of nine children and many grandchildren and great-grandchildren; and

WHEREAS, Reverend Fred's prayers opened each day of the session by encouraging, uplifting and renewing us, often bringing a smile at the same time. As Chaplain, Reverend Fred offered inspiration and guidance to the men and women of the Senate through his pastoral presence and his spiritual invocations, often given in perfect rhyme; and

WHEREAS, Reverend Fred Hollomon passed away on Tuesday, February 13, 2018, in Lawrence, Kansas, at the age of 92. Services will be held on Saturday, February 17, 2018, at the Emmanuel Baptist Church in Topeka, Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we joyfully remember the life and spirit of Reverend Fred Hollomon and express our gratitude for his service as Chaplain of the Kansas Senate, and we further express our appreciation for his wonderful wife, Pat, for sharing him with this body. We benefited from the wisdom, kindness and down-home wit of the original prayers and prayer-poems delivered by Reverend Fred in this chamber. We deeply appreciate his devotion to serving God, our chamber and our people in his unique and prayerful way and celebrate his life; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Pat Hollomon and an enrolled copy to Senator Haley.

On emergency motion of Senator Haley **SR 1770** was adopted unanimously.

FINAL ACTION ON CONSENT CALENDAR

SB 294, HB 2437 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 294, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; renewal of licenses; amending K.S.A. 2017 Supp. 8-2404 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed.

HB 2437, AN ACT concerning days of commemoration; relating to the national day of the cowboy; amending K.S.A. 2017 Supp. 35-208 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 266, AN ACT concerning the crime victims compensation board; relating to definitions; collateral source; amending K.S.A. 2017 Supp. 74-7301 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed.

SB 324, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to improvements to facilities; performance measurements; recall repairs, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 2; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook, Pyle.

Present and Passing: Bowers, Longbine, Suellentrop.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

HB 2232, AN ACT concerning adult care homes; relating to electronic monitoring, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

SB 312 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 307 be amended by the adoption of the committee amendments; be further amended by motion of Senator Billinger, on page 6, by striking all in line 43;

On page 7, by striking all in lines 1 through 8;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly and **SB 307** be passed as further amended.

The committee report on **SB 323** recommending a **Sub SB 323** be adopted, be amended by motion of Senator Olson, on page 1, in line 20, by striking all before "public"; also in line 20, by striking all after "necessity"; by striking all in line 21; in line 22, by striking "rights"; also in line 22, by striking "consider" and inserting "apply"; in line 23, after "thereto" by inserting ", to a municipal energy agency to the same extent it does to a retail electric supplier, as defined in K.S.A. 66-1,170, and amendments thereto";

On page 2, in line 34, by striking "and that" and inserting "which";

On page 5, in line 3, by striking "and that" and inserting "which" and **Sub SB 323** be passed as amended.

HB 2256 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 307**, **SB 312** and **Sub SB 323** were advanced to Final Action and roll call.

SB 307, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; relating to home-owned amusement rides and agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 2; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Olson, Pyle.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

SB 312, AN ACT concerning the Kansas dental board; relating to the practice of dental therapy; the practice of dental hygiene; licensure of dental therapists; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1456, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

Sub SB 323, AN ACT concerning utilities; relating to the retail electric suppliers act; concerning termination of service territory; relating to the state corporation commission; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services; amending K.S.A. 12-8,111 and 66-1,176 and K.S.A. 2017 Supp. 66-104d and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 405** be passed.

Committee on **Assessment and Taxation** recommends **SB 303** be passed.

Committee on **Commerce** recommends **SB 185** be passed.

Also, **SB 334** be amended on page 5, in line 5, by striking "total amount of the tax credit is used" and inserting "25th taxable year succeeding the taxable year in which the credit initially was claimed"; in line 12, after the period by inserting "No credit carryforward shall be allowed after the 25th taxable year succeeding the taxable year in which the credit was initially claimed."; and the bill be passed as amended.

HB 2482 be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2017 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, 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. 2017 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, and 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 the sale;

(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 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 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.

Sec. 2. 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 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) 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) 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) 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.

Sec. 3. K.S.A. 2017 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

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

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

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

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

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

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

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

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

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

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

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday.~~ If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is

to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

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

(f) No microdistillery shall:

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

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

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

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

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

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

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

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

On page 3, in line 28, after "Supp." by inserting "41-308a, 41-308b, 41-354,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking the second "of"; in line 2, by striking all before the semicolon and inserting "; farm winery outlet sales for consumption"; also in line 2, after "Supp." by inserting "41-308a, 41-308b, 41-354,"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 394** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 348** be amended on page 1, in line 14, after "plan" by inserting "or nonprofit dental services corporation"; in line 18, after "plan" by inserting "or nonprofit dental services corporation"; in line 19, after "plan" by inserting "or nonprofit dental services corporation"; following line 36, by inserting:

"(d) "Nonprofit dental services corporation" means a nonprofit corporation organized pursuant to the nonprofit dental service corporation act, K.S.A. 40-19a01 et seq., and amendments thereto.;"

On page 5, in line 2, after "plan" by inserting "or nonprofit dental services corporation"; and the bill be passed as amended.

Also, **SB 351** be amended on page 1, by striking all in lines 9 through 13; following line 15, by inserting:

"(2) "Health carrier" means the same as defined in K.S.A. 2017 Supp. 40-2,195, and amendments thereto.";

Also on page 1, by striking all in lines 16 and 17; by striking all in lines 20 through 36;

On page 2, by striking all in lines 1 through 36 and inserting the following:

"(c) (1) Co-payments applied by a health carrier for a prescription drug may not exceed the total submitted charges by the network pharmacy.

(2) A pharmacy or pharmacist shall have the right to provide a covered person with information regarding the amount of the covered person's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or for selling a more affordable alternative to the covered person if such an alternative is available.";

Also on page 2, in line 40, by striking "July 1, 2018" and inserting "January 1, 2019";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 295**, **SB 329** be passed.

Also, **SB 12** be amended on page 1, in line 7, by striking "2016" and inserting "2017";

On page 2, in line 13, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

SB 281 be amended on page 2, following line 6, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 60-3104 is hereby amended to read as follows: 60-3104. (a) An intimate partner or household member may seek relief under the protection from abuse act by filing a verified petition with any district judge or with the clerk of the court alleging abuse by another intimate partner or household member.

(b) ~~A parent of or an adult residing with a minor child~~ The following persons may seek relief under the protection from abuse act on behalf of ~~the a~~ minor child by filing a verified petition with any district judge or with the clerk of the court alleging abuse by another intimate partner or household member: (1) A parent of the minor child; (2) an adult residing with the minor child; or (3) the child's court-appointed legal custodian or court-appointed legal guardian.

(c) The clerk of the court shall supply the forms for the petition and orders, which shall be prescribed by the judicial council.

(d) Service of process served under this section shall be by personal service and not by certified mail return receipt requested. No docket fee shall be required for proceedings under the protection from abuse act.

(e) If the court finds that the plaintiff's address or telephone number, or both, needs to remain confidential for the protection of the plaintiff, plaintiff's minor children or minor children residing with the plaintiff, such information shall not be disclosed to the public, but only to authorized court or law enforcement personnel and to the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.";

On page 3, in line 30, by striking "A parent of or an adult residing with a minor child" and inserting "The following persons"; in line 32, by striking the first "the" and

inserting "a"; in line 34, after "occurred" by inserting ": (1) A parent of the minor child; (2) an adult residing with the minor child; or (3) the child's court-appointed legal custodian or court-appointed legal guardian"; in line 41, after "(3)" by inserting "the child's court-appointed legal custodian or court-appointed legal guardian; (4)"; also in line 41, by striking "(4)" and inserting "(5)";

On page 7, in line 2, after the first comma by inserting "60-3104,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, after the semicolon by inserting "relating to the protection from abuse act; the"; in line 3, after the first comma by inserting "60-3104,"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 386**, **SB 398** be passed.

Committee on **Transportation** recommends **SB 272** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 272," as follows:

"Substitute for SENATE BILL NO. 272

By Committee on Transportation

"AN ACT regulating traffic; concerning passing on streets and highways; waste collectors; amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 353** be passed.

Also, **SB 247** be amended on page 1, in line 9, by striking "2017" and inserting "2018"; in line 11, by striking "2018" and inserting "2019"; in line 13, by striking all after "(c)"; by striking all in lines 14 through 25; in line 26, by striking all before the period and inserting "On and after March 1, 2022, the Hillside cemetery district shall not receive any property tax revenues generated from property located within the territory of the city of Valley Center"; and the bill be passed as amended.

SB 300 be amended on page 1, in line 13, after "different" by inserting ", except as provided in subsection (e)."; in line 15, by striking "2017" and inserting "2018"; in line 21, by striking "studies" and inserting "services"; in line 32, by striking "the renewal of"; also in line 32, by striking "in effect on January 1, 2017" and inserting "that comply with this section, including altering the request for proposal identified by the department of administration as bid event 0005464, opened on October 27, 2017, and closed on January 5, 2018, limited to persons that have submitted a bid in response to bid event 0005464"; in line 35, by striking "renewal"; in line 36, by striking "one year" and inserting "three years";

On page 2, in line 1, by striking "such"; also in line 1, after "contracts" by inserting "for the administration and provision of state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system"; also in line 1, by striking all after the first comma; in line 2, by striking all before the second comma and inserting "2018"; in line 4, by striking "2017" and inserting "2018"; in line 8, by striking "one year" and inserting "three years"; also in line 8, by striking "2017" and inserting "2018"; in line 10, after "system" by inserting "in accordance with this section";

Also on page 2, following line 10, by inserting:

"(e) The department of health and environment may modify the manner in which state medicaid services are provided on January 1, 2018, by implementing:

(1) Any provision of K.S.A. 2017 Supp. 39-709h or 39-709i, and amendments thereto;

(2) any policy that expands access to behavioral health services or services delivered through telehealth technology services, provided that the policy does not impose any new eligibility requirements or limitations to receive state medicaid services that are not in effect on January 1, 2018; and

(3) any other action approved by express prior authorization by an act or appropriation act of the legislature.

(f) This section shall expire on June 30, 2021."; and the bill be passed as amended.

On motion of Senator Denning, the senate adjourned pro forma until 8:00 a.m. February 16, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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