

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 1, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with 40 senators present.
Invocation by Father Don Davidson:

Today dear Lord, our thoughts seem to go in two directions. For many Christians, we continue the walk toward Calvary with the destination of Easter. Today is also a day devoted to silliness and the oxymoron of practical joking. Help us Creator God, to not forget the serious nature of this Holy Week and yet remember that you want us to be happy and enjoy the fellowship we have with each other. One is a gift for the moment, the other the gift of eternal life. With your grace, may we experience both. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and O'Donnell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1729—

A RESOLUTION congratulating and commending Mayor Carl Brewer for his outstanding leadership and record of service to the city of Wichita.

WHEREAS, Mayor Carl Brewer is a native of Wichita, Kansas and has served the community as a member of the Wichita City Council, representing District 1 from 2001 to 2007. Carl won his first term as mayor in 2007, becoming the first African-American elected mayor for the City of Wichita, and was re-elected in 2011 to a second four-year term; and

WHEREAS, Mayor Brewer graduated from Wichita North High School in 1975 and attended Friends University. Carl was a Boeing/Spirit Operations Manager, Cessna Manufacturing Engineer and Kansas Army National Guard Captain; and

WHEREAS, In his final State of the City address, Mayor Brewer highlighted the recent revitalization of downtown Wichita, expressed his support for a more diversified economy, noted the willingness of city public safety officials to listen to the concerns of citizens and warned of the significant financial challenges that Wichita will soon need to face in the area of infrastructure: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and

commend Mayor Carl Brewer for his outstanding leadership and record of service to the city of Wichita; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Mayor Carl Brewer, Governor Sam Brownback, Senator Faust-Goudeau and Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1729** was adopted unanimously.

Senator Haley introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1730—

A RESOLUTION recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide and designating April 25, 2015, as Kansas Drug Take-Back Day.

WHEREAS, Drug abuse in the United States increasingly means the misuse and abuse of prescription drug medications. Drug overdose is now the second most common cause of accidental death in the nation; and

WHEREAS, Prescription drugs are a substantial factor in a growing number of American deaths considered to be drug induced. Emergency room visits and unintentional deaths from drug overdose involving prescription drugs have increased sharply; and

WHEREAS, National data show that as many as 16 million Americans age 12 or older have abused controlled prescription medications, including pain relievers, tranquilizers, sedatives and stimulants; and

WHEREAS, Barry R. Grissom, United States Attorney, District of Kansas, has declared that "prescription drugs are being used, misused and abused at an alarming rate" and that he is "seeing more cases of accidental poisoning, addiction and overdose deaths. It is not an overstatement to call this an epidemic in the truest sense of the word. It has become a major threat to public health and public safety"; and

WHEREAS, Unused prescription narcotics at home contribute to drug abuse and risks of accidental deaths of children and the elderly. The second leading source of abused prescription drugs is in the home medicine cabinet. The number one source is friends and relatives, who often get the prescription drugs from other people's medicine cabinets. This demonstrates the importance of disposing unused prescription medications rather than leaving them in a medicine cabinet at home; and

WHEREAS, Americans that participated in the U.S. Department of Justice Drug Enforcement Administration's ninth National Prescription Drug Take-Back Day on September 27, 2014, turned in more than 617,150 pounds, or 309 tons, of prescription drugs at 5,495 sites operated by the DEA and 4,076 state, local and tribal law enforcement partners. In Kansas, 7,452 pounds of unused prescription drugs were collected. In the last four years, the biannual initiative has collected a combined total of 4.8 million pounds of unneeded medications; and

WHEREAS, It must be recognized that a drug cabinet full of old or unused prescription medicine is a health hazard, increasing the risk of poison and abuse among adults, teenagers and children across the state and across the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide; and

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

On emergency motion of Senator Pettey **SR 1730** was adopted unanimously.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2135** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

RON RYCKMAN, JR.

SHARON SCHWARTZ

JERRY HENRY

Conferees on part of House

On motion of Senator Bruce the Senate adopted the conference committee report on **S Sub HB 2135**, and requested a new conference be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **S Sub HB 2135**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2149** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MARY PILCHER-COOK

MICHAEL O'DONNELL

LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS

SUSAN CONCANNON

Conferees on part of House

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **HB 2149**, and requested a new conference be appointed.

The Vice President appointed Senators Pilcher-Cook, O'Donnell and Kelly as a second Conference Committee on the part of the Senate on **HB 2149**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2042** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MARY PILCHER COOK

MICHAEL O'DONNELL

LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS

SUSAN CONCANNON

Conferees on part of House

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **S Sub HB 2042**, and requested a new conference be appointed.

The Vice President appointed Senators Pilcher-Cook, O'Donnell and Kelly as a second Conference Committee on the part of the Senate on **S Sub HB 2042**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2104** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MITCH HOLMES

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

MARK KAHR

KEITH ESAU

TOM SAWYER

Conferees on part of House

On motion of Senator Bruce the Senate adopted the conference committee report on **HB 2104**, and requested a new conference be appointed.

The Vice President appointed Senators Holmes, Fitzgerald and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2104**.

ORIGINAL MOTION

On motion of Senator Powell, the Senate acceded to the request of the House for a conference on **S Sub HB 2177**.

The Vice President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

Senator Bruce moved the Senate recess until 2:00 p.m.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **HB 2104**, and has appointed Representatives Kahrs, Esau and Sawyer as Second conferees on the part of the House.

The House concurs in Senate amendment to **HB 2259**, and requests return of the bill.

The House concurs in Senate amendments to **HB 221**, and requests return of the bill.

The House announced the appointment of Representatives Brunk, Couture-Lovelady and Tietz to replace Representatives Goico, Osterman and Lane as conferees on **HB 2155**.

The House nonconcurrs in Senate amendments to **S Sub HB 2177**, requests a conference and has appointed Representative Schwartz, Bouldra and Victors as conferees on the part of the House.

The House adopts the Conference Committee report on **SB 127**.

The House adopts the Conference Committee report on **SB 228**.

COMMITTEE OF THE WHOLE

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

On motion of Senator Arpke the following report was adopted:

SB 274 be amended by motion of Senator Holland, on page 3, following line 9, by inserting:

"Sec. 5. K.S.A. 32-1139 is hereby amended to read as follows: 32-1139. (a) On and after January 1, 2001:

(1) No person born on or after January 1, 1989, shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person as provided by this act.

(2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either: (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by this act; or (B) is legally exempt from the requirements of subsection (a)(1).

(3) The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.

(4) The requirement in subsection (a)(1) shall not apply to a person operating a sailboat that does not have a motor and has an overall length of 16 feet, seven inches or less, while enrolled in an instructor-led class.

(b) The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by and under the direct and audible supervision of a person over 17 years of age who either: (1) Possesses a certificate of completion of an approved boater safety education course; or (2) is legally exempt from the requirements of subsection (a)(1).

(c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education

course of instruction lawfully issued to such person and valid at the time of such person's arrest.";

Also on page 3, in line 10, before "K.S.A." by inserting "K.S.A. 32-1139 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "motor vehicles" and inserting "education"; in line 2, after "fund," by inserting "boating safety education courses, exceptions therefrom, certain sailboats;"; also in line 2, after "amending" by inserting "K.S.A. 32-1139 and" and **SB 274** be passed as amended.

A motion by Senator Haley to amend **SB 274** was withdrawn.

The committee report on **HB 2258** recommending **S Sub HB 2258** be adopted, be amended by motion of Senator O'Donnell, on page 1, in the title, in line 2, after "assistance" by inserting a semicolon

S Sub HB 2258 be further amended by motion of Senator Tyson, on page 13, in line 38, by striking all before the second comma and inserting "\$25"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 23; Nays 14; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Pilcher-Cook, Powell, Pyle, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Schmidt, Wolf.

Absent or Not Voting: Olson, Petersen, Smith.

The motion was adopted.

S Sub HB 2258 be further amended by motion of Senator Schmidt, on page 12, in line 41, after "benefits" by inserting "or food assistance"

S Sub HB 2258 be further amended by motion of Senator Pettey, on page 10, in line 34, before the period by inserting "in one parent households where the youngest child is six years of age or older. Participation hours shall be 55 hours in two parent households (35 hours per week if child care is not used). The maximum assignment is 40 hours per week per individual. For two parent families to meet the federal work participation rate both parents must participate in a combined total of 55 hours per week, 50 hours of which must be in primary components, or one or both parents could be assigned a combined total of 35 hours per week (30 hours of which must be primary components) if department for children and families paid child care is not received by the family. Single parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component"

S Sub HB 2258 be amended by motion of Senator Tyson, on page 9, in line 17, after the period by inserting "On and after January 1, 2017, the department shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department." and **S Sub HB 2258** be passed as amended.

A motion by Senator Hensley to amend **S Sub HB 2258** failed and the following amendment was rejected on page 1, by striking all in lines 11 through 36;

By striking all on pages 2 through 37;

On page 38, by striking all in lines 1 through 3 and inserting:

"Section 1. The governor's social services policy council shall direct and implement a study regarding the department for children and families programs and policies for temporary assistance to needy families, food assistance and other benefit programs provided by the department for children and families for which federal moneys are expended. The study shall consider the potential positive and negative impacts and consequences on Kansas children and families of the policies of the department for children and families and whether such policies should be enacted into law in the manner proposed by 2015 House Bill No. 2381, as introduced. The study shall also investigate whether the programs and policies of the department for children and families at issue in or as set forth in 2015 House Bill No. 2381, as introduced, further the goal of reducing child poverty and child hunger in Kansas and shall make recommendations regarding achievement of that goal. Accordingly, the study shall include, but not be limited to, department policies regarding eligibility for benefits, length of benefits, requirements for receiving benefits including work program or other requirements and exceptions thereto, policies pertaining to the manner and amount in which benefits are provided and statutory limitations on seeking or implementing federal waivers, programs or eligibility options. The study shall be conducted with resources available to the governor's social services policy council or otherwise provided by the governor and all expenses and costs of the study shall be paid for by the governor, the governor's social services policy council or the department for children and families without requesting additional funding for the study. The study shall be completed by January 1, 2016, with a report on the study's results and recommendations derived therefrom to be presented to the legislature and made available to all legislators on or before January 15, 2016.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to a study by the governor's social services policy council;"; in line 2, by striking all after "assistance"; by striking lines 3 through 7; in line 8, by striking all before the period

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 10; Nays 26; Present and Passing 0; Absent or Not Voting 4.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Donovan, Lynn, Petersen, Smith.

The motion failed.

A motion by Senator Kelly to amend **S Sub HB 2258** failed and the following amendment was rejected on page 15, by striking all in lines 7 through 16;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 10; Nays 25; Present and Passing 1; Absent or Not Voting 4.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner.

Absent or Not Voting: Bowers, Longbine, Masterson, Wolf.

The motion failed.

A motion by Senator Haley to amend **S Sub HB 2258** failed and the following amendment was rejected on page 12, in line 31, after "shall" by inserting "not"; in line 35, by striking "and" and inserting "but not"; in line 41, by striking "No" and inserting "Any"; in line 42, after "household" by inserting "who was not convicted of fraud or the crime of theft pursuant to K.S.A. 79-420 and K.S.A. 2014 Supp. 21-5801, and amendments thereto,"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 8; Nays 32; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The motion failed.

A motion by Senator Haley to amend **S Sub HB 2258** failed and the following amendment was rejected on page 12, in line 35, by striking "for their"; in line 36, by striking "lifetime"; also in line 36, after "TANF," by inserting "if confined, for 60 months after the date of parole, discharge or release, whichever date is most recent, if not confined, for 60 months from date of conviction";

On page 13, in line 4, by striking all after the period; in line 5, by striking all before "been" and inserting "If an individual has"; in line 7, after "analog" by inserting ", such individual shall be disqualified from receiving food assistance, if confined, for 60 months after the date of parole, discharge or release, whichever date is most recent, or, if not confined, for 60 months from the date of conviction"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 7; Nays 32; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Hensley.

The motion failed.

Motions by Senators Faust-Goudeau, Francisco, Haley, Hensley, Kelly and Petty to amend **S Sub HB 2258** failed.

A motion by Senator Tyson to amend **S Sub HB 2258** was withdrawn.

HB 2003 be amended by the adoption of the committee amendments, Senator LaTurner in accordance with Senate Rule 27 motioned to divide the question.

Part One adopts subsection (h) and all related provisions.

Part Two adopts the remainder of the bill.

Upon the showing of five hands a roll call vote was requested on Part 1.

On roll call, the vote was: Yeas 20; Nays 16; Present and Passing 3; Absent or Not Voting 1.

Yeas: Abrams, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Knox, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

Nays: Arpke, Bowers, Francisco, Haley, Hawk, Kerschen, King, LaTurner, Longbine, McGinn, O'Donnell, Pettey, Schmidt, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Holland, Kelly.

Absent or Not Voting: Hensley.

Part One was adopted.

Senator La Turner withdrew his motion to divide the question.

HB 2003 be passed as amended.

HB 2154 be amended by the adoption of the committee amendments, be further amended by motion of Senator Ostmeyer, on page 7, in line 31, by striking "(8)" and inserting "(7)"

HB 2154 be further amended by motion of Senator Francisco on page 5, in line 22, by striking all after "(2)"; by striking all in lines 23 through 33; in line 34, by striking "(3)" and **HB 2154** be passed as further amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2240**, as amended by House Committee, be passed.

Committee on **Federal and State Affairs** recommends **HB 2097**, as amended by House Committee of the Whole, be passed.

Also, **HB 2331**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 9 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 5;

On page 4, by striking all in line 7; in line 10, after "thereto" by inserting "; or

(6) on private property where possession and consumption of alcoholic liquor is allowed pursuant to the issuance of a valid art studio permit";

On page 7, in line 3, before "A" by inserting "Except as otherwise provided herein,"; in line 12, after the period by inserting "Notification shall not be required for weddings, funerals, events sponsored by religious institutions, or for business, industry or trade sponsored meetings, including, but not limited to, awards presentations and retirement celebrations.";

On page 9, in line 19, after "(2)" by inserting "On and after July 1, 2016,"; also in line 19, after "a" by inserting "sufficient number of"; also in line 19, by striking "permit" and inserting "permits as required by the state fair board"; in line 21, by striking "or beer, or both,"; in line 25, after "purpose" by inserting "subject to the conditions imposed by the state board"; in line 27, after "fairgrounds" by inserting "consistent with the requirements of the state board";

On page 10, following line 3, by inserting:

"Sec. 5. K.S.A. 2014 Supp. 41-351 is hereby amended to read as follows: 41-351.

(a) Notwithstanding any other provisions of the Kansas liquor control act, the club and

drinking establishment act or the Kansas cereal malt beverage act, any person who is licensed to sell wine pursuant to K.S.A. 41-308a, and amendments thereto, may apply to the director for an annual ~~bona fide farmers' market sales permit~~. Such permit shall authorize the licensee, a member of the licensee's family or an employee of the licensee to sell wine in the original unopened container produced and bottled by the licensee at ~~a bona fide farmers' market located at a site approved by the director~~ markets.

(b) An application submitted pursuant to this section shall be accompanied by an application fee of \$25. Permits issued under this section shall be valid for one year from the date of issuance. ~~A licensee shall not hold more than one bona fide farmers' market sales permit at any one time.~~

(c) ~~The licensee may only sell wine at a single bona fide farmers' market on one day of the week.~~ The location locations ~~of the bona fide farmers' market~~ markets at which wine shall be sold shall be specified in the application submitted to the director. If the licensee elects to sell wine at a farmers' market, the location of which was not reported to the director in the application, such licensee shall notify the director of the location before any wine may be sold at that location. The director shall notify the city, county and applicable law enforcement agency where ~~the bona fide farmers' market is~~ markets are to be held and of the issuance of a permit under this section for the sale of wine at such ~~bona fide farmers' market~~ markets.

(d) For the purposes of this section, ~~"bona fide farmers' market"~~ "bona fide farmers' market" means any ~~location held out to be a farmers' market that is subject to inspection by the department of agriculture~~ common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats and other farm products directly to consumers.

(e) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

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

Sec. 6. K.S.A. 2014 Supp. 41-350 is hereby amended to read as follows: 41-350.

(a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" have the meaning ascribed to these terms in K.S.A. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date the license is issued by the director and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to

any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control, or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(3) Notwithstanding the definition set forth in K.S.A. 41-102, and amendments thereto, of "to sell," a winery holding a special order shipping license may market its wines and receive orders through any means of communication, including, but not limited to, the internet, written correspondence, telephonically or through orders transmitted from registered agents hosting private, in state, wine tastings in accordance with the trade practice regulations promulgated by the secretary. A licensee shall provide electronic notification to the director at least 48 hours prior to any event at which the licensee will host a wine tasting.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall remit such taxes annually in a manner prescribed by the secretary and shall accompany such remittance with such reports, documentation and other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director

and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

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

New Sec. 7. (a) Any business engaged in the practice of teaching or allowing its patrons to produce artwork may apply to the director for an annual art studio permit.

(b) An art studio permit shall authorize the possession and consumption of alcoholic liquor on private property owned or leased by the permit holder. Such alcoholic liquor shall be in the personal possession of the patrons of the permit holder's business, and shall not be sold, offered for sale or given away by the permit holder.

(c) Any alcoholic liquor not consumed by a patron shall be disposed of by the permit holder or, prior to its removal from the property, securely resealed and placed in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

(d) Permits issued under this section shall be valid for one year from the date of issuance.

(e) The annual fee for an art studio permit shall be \$25.

(f) For the purposes of this section:

(1) "Artwork" means tangible products paid for and created by a patron of a business, including, but not limited to, painting, drawing, sculpting or jewelry-making; and

(2) "patron" means a customer participating in a program offered by the permit holder involving the production of artwork.

(g) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

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

Also on page 10, in line 4, by striking "41-104," and inserting "41-350, 41-351,";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 3; in line 4, by striking all before "amending"; in line 5, by striking "41-104," and inserting "41-350, 41-351,"; and the bill be passed as amended.

CHANGE OF CONFERENCE

Vice President King announced the appointment of Senator Pettey as a member of the Conference Committee on **HB 2170** to replace Senator Hensley.

MESSAGE FROM THE GOVERNOR

SB 21, SB 47, SB 73, SB 109, SB 150 approved April 1, 2015.

REPORT ON ENROLLED BILLS

SR 1728 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 1, 2015.

On motion of Senator Bruce, the Senate adjourned until 2:00 p.m., Thursday, April

APRIL 1, 2015

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2, 2015.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

