

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 4, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, it was just after 6 p.m., on this day, April 4, 1968, that Dr. Martin Luther King Jr. was assassinated.

He said he had a dream. He dreamed of a society, that would overcome bigotry. A society where people would be judged based upon the Godliness of their character. Lord, You said in John 10:10, that the enemy of our souls is a dream killer. But Lord, I want to thank You that even though they killed the man, they couldn't kill the plan.

The dream is still alive. I pray Lord that You do us, like You did the Apostle Peter, who belonging to one nation and culture thought it beneath him to reach out to Cornelius, of a different nation and culture. But in chapter 10, in the book of Acts, You gave him a dream which led him to change the way he looked at people.

In view of having that dream, he freely and openly proclaimed his new perspective. In verses 34 and 35, He said, "Now I can see. Now I understand that God's concern is not about our skin, it's about our sin." He said that Your criteria for accepting us is based on our accepting You. That if we love, revere and obey You we'll be welcomed by You.

So, Lord, let the dream of love for one another live and thrive, and let unGodly prejudice die. I pray, in the Name of Jesus. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege and submitted the following comments:

Martin Luther King, Jr., (January 15, 1929-April 4, 1968) was born Michael Luther King, Jr., but later had his name changed to Martin. Martin Luther attended segregated public schools in Georgia, graduating from high school at the age of fifteen; he received a B. A. degree in 1948 from Morehouse College, a distinguished Negro institution of Atlanta from which both his father and grandfather graduated. After three years of theological study at Crozer Theological Seminary in Pennsylvania where he was elected president of a pre-dominantly white senior class, he was awarded the B.D. in 1951. With a fellowship won at Crozer, he enrolled in graduate studies at Boston University, completing his residence for the doctorate in 1953 and receiving the degree in 1955. In

Boston he met and married Coretta Scott, a young woman of uncommon intellectual and artistic attainments. Two sons and two daughters were born into the family.

In 1954, Martin Luther King accepted the pastorate of the Dexter Avenue Baptist Church in Montgomery, Alabama. Always a strong worker for civil rights, King was, by this time, a member of the executive committee of the National Association for the Advancement of Colored People, the leading organization of its kind in the nation. He was ready, then, early in December 1955, to accept the leadership of the first great Negro nonviolent demonstration of contemporary times in the United States, the bus boycott. The boycott lasted 382 days. On December 21, 1956, after the Supreme Court of the United States had declared unconstitutional the laws requiring segregation on buses, Blacks and whites rode the buses as equals. During these days of boycott, King was arrested, his home was bombed, he was subjected to personal abuse, but at the same time he emerged as a Black leader of the first rank.

In 1957 he was elected president of the Southern Christian Leadership Conference, an organization formed to provide new leadership for the now burgeoning civil rights movement. The ideals for this organization he took from Christianity; its operational techniques from Gandhi. In the eleven-year period between 1957 and 1968, King traveled over six million miles and spoke over twenty-five hundred times, appearing wherever there was injustice, protest, and action; and meanwhile he wrote five books as well as numerous articles. In these years, he led a massive protest in Birmingham, Alabama, that caught the attention of the entire world, providing what he called a coalition of conscience. and inspiring his "Letter from a Birmingham Jail", a manifesto of the Negro revolution; he planned the drives in Alabama for the registration of African Americans as voters; he directed the peaceful march on Washington, D.C., of 250,000 people to whom he delivered his address, "I Have a Dream," he conferred with President John F. Kennedy and campaigned for President Lyndon B. Johnson; he was arrested upwards of twenty times and assaulted at least four times; he was awarded five honorary degrees; was named Man of the Year by Time magazine in 1963; and became not only the symbolic leader of American blacks but also a world figure.

At the age of thirty-five, Martin Luther King, Jr., was the youngest man to have received the Nobel Peace Prize. When notified of his selection, he announced that he would turn over the prize money of \$54,123 to the furtherance of the civil rights movement.

On the evening of April 4, 1968, 50 years ago today, while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead a protest march in sympathy with striking garbage workers of that city, he was assassinated.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege and submitted the following comments:

A half century this very evening (or fifty years ago today exactly), a single rifle shot emanated from a depraved and racist would-be assassin. Now the bullet struck and took the mortal life of Martin Luther King, Jr. as he stood with several of his associates on a balcony at the Lorraine Hotel in Memphis, Tennessee. Do you remember where you were this day 50 years ago, Mme. President? Where you were...what you were doing... what did you feel, if anything at all Mme. President...when you heard that King had been shot?

My dad was a member of the Kansas Senate that fateful day. A classmate of Dr. King's just twenty years before at Morehouse College in Atlanta, Georgia, Senator George Haley had just co-hosted events with Dr. King, Jr. at Kansas State University and in Kansas City a few months before. (As a classmate of Martin Luther King, III at Morehouse College and as now, of course, a Kansas Senator, I was humbled to attend a 50th revisitation of Dr. King, Jr. and my father's visit to KSU with his son at KSU on January 25th this year). Anyway, as a boy of nine or so, it only frightened me to see the shock and to hear the quavering fear in my mother's voice as she stood at the kitchen phone, on that long-landline telephone cord, pacing, agitated; talking in low, shocked tones, with dad there in our house in Kansas City. What of it...momma...why are you upset...what do it mean...he isn't a relative...or even a friend...why...tell me, please why are you so sad?

My mother couldn't explain the incredible loss that she and countless millions of people were feeling at that moment. Even today, at this hour forty years later, living in an America that has made great strides to move ever closer to the realism of his dream...I still, now as a grown man, can feel the echo...the sting...the immeasurable loss of that day.

So, Thank God, Madame President, Thank God!

The dream didn't completely die with the dreamer. The movement for civil rights and for personal dignity to be heir to every American regardless of social or economic station...regardless of race, or of religion or of class or of gender...the dream has made great strides in fifty years, and a martyr at only 39, Dr. King's legacy has lived a decade longer than he did and it holds significant truths...evident at so many levels. In this fiftieth anniversary year, for example, America in some ways has grown tolerant enough, big enough, mature enough to allow for public accommodation for all and for integrated neighborhoods and even, often, equal access to academic opportunities and to seriously elect to any and every office persons based on the content of their character and their ability and not on their gender or on their age or on their race. But I believe that Dr. King and so MANY other diverse advocates who joined him in those struggles; marches, protests, incarcerations, sit-ins...would look at America today and say that there is SO much left undone. "Equal" rights in America today are YET eluded from equal treatment under the law and violence; often deadly force, is yet the first recourse to peaceful, non-violent, certainly non-lethal existence in our world today. Whether by law enforcement or by sadly their own clan, the taking of black (and brown) lives do NOT matter as an equal consequence to our governments, our media or our justice systems, Madame President. Equal work for equal pay is grossly, almost predictably, prejudicial both in gender and in race and many neighborhoods and communities of color bear the intergenerational sting and stench of social and government neglect; and we yet study the longest ever of foreign wars, both obvious (as in battle casualties) and subtle (such as technological, even democratic elections) conflicts while our burgeoning domestic infrastructural needs grow more apparent...Madame President. I yield to a continued apolitical message; to keep this plea of a more reflective commemoration and to implore of you and for our gentle colleagues, public servant-based stewards of civility and inclusion of this Senate to spread this greeting and call to action in every District. But, what WOULD Martin Luther King, Jr. do today...?

Every year that I've been in this legislature, I have commemorated the greatness of Dr. King and of his message; the message that human rights and equality are the (birth)

right of every human being...a message which he, and so many others have lived, died and continue to work towards...around the world. Ten years this day (April 4, 2008) from this very position, Senator Donald Betts (D-29th-Wichita) and I recognized the fortieth anniversary of Dr. King's assassination. (Senate Journal, Pp.1834-1835, 2008) A Wonderful songwriter wrote: "We pledge allegiance all our lives, to the magic colors, red, blue and white. But we all must be given the liberty that we defend for without justice to all men (and women), history will repeat again...it's time we truly learned (and showed), this world was made for ALL men (and women)."

In closing, Madame President, Dr. King's remembrance from the moment that we heard that the fatal shot had been fired until this very moment should be an inspiration to us all to participate in the equality that comes of justice and the commitment to uplift all humanity through understanding our differences are not as divisive as our similarities.

May God continue to bless the remembrance of true patriots of equity and inclusion who gave their time, often their reputations, their physical and personal well-beings, even indeed, like Dr. King sadly did fifty years ago today, their very LIVES in defense of the creeds to justice and to liberties spoken to in our Constitutions in our beloved America.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2753**.

Education: **SB 458**.

Senate Select Committee on Education Finance: **HB 2445**.

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member – 3, State Corporation Commission:

Dwight Keen, effective upon the date of confirmation by the Senate, to serve a term to expire March 15, 2022.

Committee on Utilities

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Fitzgerald, Alley, Berger, Bowers, Denning, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hilderbrand, Kerschen, Lynn, Masterson, Petersen, Pettey, Pilcher-Cook, Suellentrop, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1785—

A RESOLUTION requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.

WHEREAS, Former Kansas Congressional Representative Mike Pompeo has been nominated to serve as Secretary of State of the United States by President of the United States Donald J. Trump; and

WHEREAS, Mr. Pompeo honorably served his nation abroad as an officer in the United States Army; and

WHEREAS, Mr. Pompeo was a highly successful Kansas businessman; and

WHEREAS, Mr. Pompeo is a friend to the American farmer; and

WHEREAS, Mr. Pompeo is a national security expert who will ensure America's safety; and

WHEREAS, Mr. Pompeo has honorably served the people of Kansas in various state public offices, and most recently as a congressional representative of the citizens of Kansas; and

WHEREAS, Mr. Pompeo has honorably served as the Director of the Central Intelligence Agency; and

WHEREAS, Mr. Pompeo has dedicated his life to be an honorable and wise public servant of the citizens of Kansas and the citizens of the United States: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Mr. Pompeo for his nomination and thank him for his public service; and

Be it further resolved: That we respectfully request that the United States Senate confirm Mr. Pompeo to the office of Secretary of State of the United States; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to United States Senators Pat Roberts, Jerry Moran and Bob Corker.

On emergency motion of Senator Fitzgerald **SR 1785** was adopted unanimously.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Petersen moved the Senate concur in House amendments to **SB 394**.

SB 394, AN ACT concerning state and judicial government contracts and other actions; relating to transparency; amending K.S.A. 46-225, 46-237, 46-269 and 46-271 and K.S.A. 2017 Supp. 46-222, 46-237a and 46-265 and repealing the existing sections.

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

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

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to HB 2470 submits the following report:

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

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2017 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means any candy or other confectionary product with an alcohol content greater than 0.5% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(j) "Domestic beer" means beer which contains not more than ~~10%~~ 15% alcohol by weight and which is manufactured in this state.

(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm

winery.

~~(q)~~(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(r)~~(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(s)~~(t) "Minor" means any person under 21 years of age.

~~(t)~~(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(u)~~(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(v)~~(w) "Person" means any natural person, corporation, partnership, trust or association.

~~(w)~~(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(x)~~(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(y)~~(z) (1) "Retailer" means a person who sells at retail, (1) or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(z)~~(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(aa)~~(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(cc)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. On and after April 1, 2019 K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means any candy or other confectionary product with an alcohol content greater than 0.5% alcohol by volume.

~~(c)~~ "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed ~~as a beverage~~ by a human being, but shall not include any cereal malt beverage.

~~(e)~~(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

~~(f)~~(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(g)~~(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

~~(h)~~(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(i)~~(h) "Director" means the director of alcoholic beverage control of the department of revenue.

~~(j)~~(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

~~(k)~~(j) "Domestic beer" means beer which contains not more than ~~10%~~ 15% alcohol by weight and which is manufactured in this state.

~~(l)~~(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(~~k~~)(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(~~h~~)(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(~~m~~)(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(~~n~~)(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(~~o~~)(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(~~p~~)(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(~~q~~)(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

(~~r~~)(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(~~s~~)(t) "Minor" means any person under 21 years of age.

(~~t~~)(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(~~u~~)(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(~~v~~)(w) "Person" means any natural person, corporation, partnership, trust or association.

(~~w~~)(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

(~~x~~)(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(~~y~~)(z) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(z)~~(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(aa)~~(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(ee)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 3. 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;

(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.";

Also on page 1, in line 21, after "(5)" by inserting "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) ";

On page 3, in line 5, by striking "except"; in line 6, by striking all before the fifth period;

And by redesignating subsections, paragraphs, subparagraphs and clauses

accordingly;

Also on page 3, by striking all in lines 41 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 26; and inserting:

"Sec. 5. 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.

Sec. 6. K.S.A. 2017 Supp. 41-2614 is hereby amended to read as follows: 41-2614.

(a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and ~~9:00~~ 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 7. K.S.A. 2017 Supp. 41-2640 is hereby amended to read as follows: 41-2640.

(a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual

drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes;

(5) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (5).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes;

(6) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(7) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (6).

(c) A public venue, club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day;

(4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(e) (1) A public venue, club or drinking establishment may offer customer self-service of wine from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such wine from the automated

devices.

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

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

(g) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(h) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

(i) For purposes of this section, the term "day" means from 6:00 a.m. until 2:00 a.m. the following calendar day.;

Also on page 5, in line 27, by striking "41-104 and" and inserting "41-102, 41-308a,"; also in line 27, before "are" by inserting ", 41-354, 41-2614 and 41-2640"; following line 28, by inserting:

"Sec. 9. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first semicolon; in line 2, by striking all before "amending" and inserting "defining alcoholic candy; confectionary products containing alcohol; expanding hours of sales; authorizing sale of refillable and sealable containers by microbreweries;"; also in line 2, after "amending" by inserting "K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and"; also in line 2, by striking "41-104 and" and inserting "41-102, 41-308a,"; in line 3, after "41-308b" by inserting ", 41-354, 41-2614 and 41-2640"; also in line 3, after "sections" by inserting "; also repealing K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act";

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

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER

RON HIGHLAND

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2470**.

On roll call, the vote was: Yeas 27; Nays 10; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Hardy, Hilderbrand, Lynn, Masterson, Pilcher-Cook, Sykes, Taylor, Tyson.

Present and Passing: Francisco, Pyle, Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to HB 2606 submits the following report:

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

On page 2, in line 13, before "are" by inserting "or the motorcycle safety foundation"; in line 14, after the period by inserting "An applicant seeking exemption from the written and driving tests pursuant to this paragraph shall provide a copy of the motorcycle safety foundation completion form to the division prior to receiving a class M license."; in line 16, by striking "administered by the division"; in line 20, by striking "administered by the division"; in line 22, after the period by inserting "The driving examination required by this paragraph shall be administered by the division, by the department of defense or as part of a curriculum recognized by the motorcycle safety foundation.";

On page 6, following line 4, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 8-247 is hereby amended to read as follows: 8-247. (a)

(1) All original licenses issued on and after July 1, 2018, shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the ~~fourth~~ fifth anniversary of the date of birth of the licensee which is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee's ~~twenty-first~~ 21st birthday.

(2) All renewals under: (A) Paragraph (1) (A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1) (B) ~~and (C)~~ shall

expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1) (C) shall expire on every fifth anniversary of the date of birth of the licensee; (D) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and ~~(D)~~ (E) paragraph (1) (E), if a renewal license is issued, shall expire on the licensee's twenty-first 21st birthday. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and such person is on active duty in the armed forces of the United States, or is the spouse or a person who is residing with and is a dependent of such person on active duty, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after residence within the state is reestablished, whichever time is sooner. If the driver's license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division's records. A driver's license renewed under the provisions of this subsection shall be renewed by mail only once.

(c) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice a written explanation of substantial changes to traffic regulations enacted by the legislature.

(d) (1) Except as provided in paragraph (2), every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of ~~subsection (b) of K.S.A. 8-240(b)~~, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under ~~subsection (b) of K.S.A. 8-240(b)~~, and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver's license expires on their ~~twenty-first~~ 21st birthday, shall have 45 days from the date of expiration of such license to make application to renew such licensee's license. Such license shall continue to be valid for such 45 days or until such license is renewed, whichever occurs sooner. A licensee who renews under the provisions of this paragraph shall not be required by the division to take an examination of ability to exercise ordinary and reasonable control in the operation of a

motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight. Such examination shall be equivalent to the test required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examination without charge and shall report the results of the examination on a form provided by the division.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished by the division to the applicant.

(3) The division shall determine whether the results of the eyesight examination or report is sufficient for renewal of the license and, if the results of the eyesight examination or report is insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license.

(5) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (6) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by ~~subsection (b) of~~ K.S.A. 8-255b(b), and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by ~~subsection (e) of~~ K.S.A. 8-255(c), and amendments thereto.

(6) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such

report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. This subsection (f) shall not apply to temporary drivers' licenses issued pursuant to ~~subsection (b)(3)~~ of K.S.A. 8-240(b)(3), and amendments thereto.

(g) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (c). The division shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto;

(2) information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally appears at an examining station; and

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry, the division shall within 10 days forward the applicant's name, gender, date of birth and most recent address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and

forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a) (1)(D) who held a valid driver's license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver's license shall expire and the offender shall be subject to the provisions of this section.

(i) The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver's license, including any cost savings to the division.

Sec. 3. K.S.A. 2017 Supp. 8-2,135 is hereby amended to read as follows: 8-2,135.

(a) The commercial driver's license shall be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamper proof. It shall include, but not be limited to, the following information:

- (1) The requirements set out in K.S.A. 8-243, and amendments thereto;
- (2) a number or identifier deemed appropriate by the state licensing authority;
- (3) the class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restriction;
- (4) the name of this state; and
- (5) the dates between which the license is valid.

(b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b, and amendments thereto, may be issued with the following endorsements or restrictions; and the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles, except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license;

- (1) "H"—authorizes the driver to drive a vehicle transporting hazardous materials;
- (2) "L"—restricts the driver to vehicles not equipped with airbrakes;
- (3) "T"—authorizes driving double and triple trailers;
- (4) "P"—authorizes driving vehicles carrying passengers;
- (5) "N"—authorizes driving tank vehicles;
- (6) "X"—represents a combination of hazardous materials and tank vehicle endorsements;
- (7) "S"—authorizes driving school buses;
- (8) "E"—no manual transmission in CMV;
- (9) "O"—no tractor-trailer;
- (10) "M"—no class A passenger vehicle;
- (11) "N"—no class A or B passenger vehicle;
- (12) "Z"—no full air brake in CMV;
- (13) "K"—for intrastate only; or
- (14) "V"—for medical variance.

(c) Before issuing a commercial driver's license, the division must obtain driving record information through the commercial driver license information system, the national driver register and from each state in which the person has been licensed.

(d) Within 10 days after issuing a commercial driver's license, the division shall notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

(e) All original licenses issued on and after April 1, 1992-July 1, 2018, shall expire on the ~~fourth~~ fifth anniversary of the date of birth of the licensee which is nearest the date of application. All renewals thereof shall expire on every ~~fourth~~ fifth anniversary of the date of birth of the licensee. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every ~~fourth~~ fifth anniversary of the date of birth of the applicant. At least 30 days prior to the expiration of a person's license, the division shall mail a notice of expiration or renewal application to such person at the address shown on the license.

(f) When applying for renewal of a commercial driver's license, the applicant must complete the test required in K.S.A. 8-247(e), and amendments thereto, and the application form required by K.S.A. 8-2,134(b), and amendments thereto, providing updated information and required certifications and if the applicant wishes to retain a hazardous materials endorsement, the applicant must take and pass the test for such endorsement.";

Also on page 6, in line 5, by striking "is" and inserting ", 8-247 and 8-2,135 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the third semicolon by inserting "approved safety training curriculum for motorcycle licenses; renewal period for commercial driver's licenses;"; in line 3, after "8-240" by inserting ", 8-247 and 8-2,135"; also in line 3, by striking "section" and inserting "sections";

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

MIKE PETERSEN

DAN GODDARD

PAT PETTY

Conferees on part of Senate

RICHARD PROEHL

SHANNON FRANCIS

ADAM J. LUSKER, SR.

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2606**.

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

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

Nays: McGinn, V. Schmidt.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 427** be amended on page 15, in line 11, by striking all after "(a)"; in line 12, by striking "(1)"; in line 19, by striking "(2)" and inserting "(b)"; in line 34, by striking "(3)" and inserting "(c)"; in line 42, by striking "(4)" and inserting "(d)";

On page 16, by striking all in lines 10 through 20; and the bill be passed as amended.

The **Select Committee on Education Finance** recommends **SB 423** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 423," as follows:

"Substitute for SENATE BILL NO. 423
By Select Committee on Education Finance

"AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; BASE aid amount; enrollment weighting; preschool-aged at-risk students; consolidated school district total foundation aid; local option budget alternative calculation; funding reports; performance audits; bond authority; making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, for the department of education; making and concerning appropriations for the fiscal year ending June 30, 2019, for the state board of regents; amending K.S.A. 2017 Supp. 72-5132, 72-5141, 72-5144, 72-5149, 72-5155, 72-5171, 72-5173 and 72-5461 and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, April 5, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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