

The following bills become effective on April 10, 2008, upon publication in the Kansas Register:

Kansas Funeral Privacy Act (House Substitute for SB 226)  
Motor Carrier Fees (SB 462)

These bills can be found on pages 465-467 of the Kansas Register which can be found at: [http://www.kssos.org/pubs/register/2008/Vol\\_27\\_No\\_15\\_April\\_10\\_2008\\_p\\_451-474.pdf](http://www.kssos.org/pubs/register/2008/Vol_27_No_15_April_10_2008_p_451-474.pdf) or in the attached document.

### **Kansas Funeral Privacy Act (House Substitute for SB 226)**

The Kansas Funeral Privacy Act is designed to address protests and picketing at funerals. The new bill is a fix to the law passed last year which contained a provision delaying any prosecution for violations until after the courts ruled on the constitutionality of the restrictions contained in the statute. Instead, the court ruled that such a "trigger" for a statute is unconstitutional. So this bill really doesn't change the applicable restrictions on protests or picketing at funerals contained in the law passed last year. But we can now enforce the provisions of the law.

The new law can be found at: <http://www.kslegislature.org/bills/2008/226.pdf>  
The Supplemental Note describing the contents of the bill can be found at: <http://www.kslegislature.org/supplemental/2008/SN0226.pdf>

I strongly recommend having your legal department review this law and provide guidance to you on the application of the law BEFORE you have one of these events. Some key questions in my mind are:

- The importance of applying the law to everyone, including counter-protesters.
- How does this apply to the noise producing tactics of counter-protesters?
- What notice has to be provided in regards to the start and end times of the funeral? (There is case law from a prior church picketing law that the start and end times of church services have to be published or posted. I don't recall if this was a city ordinance or state statute appeal, nor do I recall if this was a published case or what level of court made the ruling. It was very possibly a Topeka city ordinance case and a district court ruling.)
- If the end time doesn't need to be posted or published, what act marks the "completion of a funeral" to start the two hour window.
- Does funeral, as used in this act, include a memorial service for a person whose body has not been recovered and therefore there is no "burial or cremation?"
- The question of taking the person violating the law into custody versus issuing a summons.
  - When the violation is viewed by an officer.
  - When the violation is reported to an officer but not viewed by an officer.

### **Motor Carrier Fees (SB 462)**

The Motor Carrier Fees bill really has no direct law enforcement application. However, it might be of "nice to know" interest to law enforcement officers dealing with motor carriers on a regular basis.

All it does is change a federal law reference from a now repealed federal law (covering the Single State Registration System) to a current federal law (covering the Unified Carrier Registration System). It all relates to registration fees collected from interstate motor carriers which must be divided with other states.

The new law can be found at: <http://www.kslegislature.org/bills/2008/462.pdf>

The Supplemental Note describing the contents of the bill can be found at: <http://www.kslegislature.org/supplemental/2008/SN0462.pdf>

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**DISCLAIMER: I am not an attorney and this document is not intended as legal advice. Check with your supervisors, agency staff, legal staff, and/or prosecutors regarding the interpretation and application of these new laws. Always follow the directives from your agency regarding the application of these and all laws.**

## State of Kansas

## Secretary of State

## Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register April 10, 2008.)

## HOUSE Substitute for SENATE BILL No. 226

AN ACT concerning funerals; relating to the Kansas funeral privacy act; repealing K.S.A. 21-4015, as amended by section 1 of chapter 111 of the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) This section shall be known and may be cited as the Kansas funeral privacy act.

(b) The legislature finds that:

(1) Family members have a personal stake in honoring and mourning their dead and objecting to unwarranted public exploitation that, by intruding upon their own grief, tends to degrade the rites and respect they seek to accord to the deceased person who was once their own.

(2) The state has a substantial interest in protecting the legitimacy of funerals and ensuring freedom from disturbance.

(3) Due to the nature of funerals, the funeral attendees constitute a captive audience.

(4) Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than within one hour prior to, the scheduled commencement of a funeral, during a funeral, or within two hours following the completion of a funeral.

(c) The purposes of this section are to:

- (1) Protect the privacy of grieving families; and
  - (2) preserve the substantial privacy interest in funerals.
- (d) As used in this section:

(1) "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of a person.

(2) "Public demonstration" means:

- (A) Any picketing or similar conduct, or
- (B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral.

(e) It is unlawful for any person to:

(1) Engage in a public demonstration at any public location within 150 feet of any entrance to any cemetery, church, mortuary or other location where a funeral is held or conducted, within one hour prior to the scheduled commencement of a funeral, during a funeral or within two hours following the completion of a funeral;

(2) knowingly obstruct, hinder, impede or block another person's entry to or exit from a funeral; or

(3) knowingly impede vehicles which are part of a funeral procession.

(f) A violation of subsection (e) is a class B person misdemeanor. Each day on which a violation of subsection (e) occurs shall constitute a separate offense.

(g) If any provision of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section

which can be given effect without the invalid provisions or application. To this end the provisions of this section are severable.

Sec. 2. K.S.A. 21-4015, as amended by section 1 of chapter 111 of the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 10, 2008.)

## SENATE BILL No. 462

AN ACT relating to motor carriers; concerning the regulation thereof; amending K.S.A. 66-1,139a and K.S.A. 2007 Supp. 44-765, 66-1,115, 66-1,116, 66-1,128, 66-1,139 and 66-1a01 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2007 Supp. 44-765 is hereby amended to read as follows: 44-765. (a) As used in this section:

(1) "Driver" means an individual who operates a motor vehicle which is leased to a licensed motor carrier pursuant to a lease agreement.

(2) "Lease agreement" means a written contract by which an owner grants the use of one or more motor vehicles and agrees to furnish a driver for each such motor vehicle.

(3) "Licensed motor carrier" means any person that holds a certificate of convenience and necessity, a certificate of public service, private carrier permit or an interstate license as an interstate exempt carrier from the state corporation commission, or is required to register motor carrier equipment pursuant to 49 U.S.C. ~~§14504~~ 14504a.

(4) "Motor vehicle" means any automobile, truck-trailer, semitrailer, tractor or any other self-propelled or motor driven vehicle used upon any of the public highways of Kansas for the purpose of transporting property.

(5) "Owner" means a person to whom title to a motor vehicle has been issued.

(6) "Owner-operator" means any owner which leases one or more motor vehicles to a licensed motor carrier pursuant to a lease agreement.

(7) "Person" means any individual, partnership, corporation, limited liability company or any other business entity.

(b) For purposes of the employment security law, it is hereby declared to be the policy of this state that, consistent with requirements of 49 C.F.R. §376.12(c)(1), an independent contractor relationship between an owner-operator and a licensed motor carrier may exist when the licensed motor carrier complies with the applicable statutory and regulatory requirements governing a licensed motor carrier's use of leased vehicles in the transportation of property. To that end, in determining whether an employment relationship exists between a licensed motor carrier and a driver, the fact that the licensed motor carrier, pursuant to a lease agreement, requires the driver to comply with applicable provisions of the regulations of the state corporation commission, federal motor carrier safety administration or other federal agency having jurisdiction of motor carriers shall not be considered as the licensed motor carrier's exercise of control over the driver.

Sec. 2. K.S.A. 2007 Supp. 66-1,115 is hereby amended to read as follows: 66-1,115. It shall be unlawful for any private motor carrier to operate as a carrier of property or passengers within this state either in intrastate commerce or in interstate commerce without first having obtained from the commission a license or permit or *without being* registered pursuant to ~~49 U.S.C. 14504~~ federal statutes. An application shall be made to the

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commission in writing stating such information as the commission may request. Upon receipt of such information and on compliance with the rules and regulations and payment of fees, the commission shall issue a license or permit to such applicant.

Sec. 3. K.S.A. 2007 Supp. 66-1,116 is hereby amended to read as follows: 66-1,116. (a) It shall be unlawful for a public motor carrier of property, of household goods or of passengers to operate in interstate commerce regulated by the relevant federal agency without registering its motor vehicles in its base state pursuant to ~~49 U.S.C. 14504~~ *federal statutes* in order to operate in Kansas.

(b) It shall be unlawful for a public motor carrier of property, of household goods or of passengers or a private motor carrier of property which is exempt from federal regulations, to operate in interstate commerce within this state, without having furnished the commission, in writing such information as the commission may request covering observance of state police regulations and the payments of the fees. This act shall apply to all persons and motor vehicles engaged in interstate commerce only to the extent permitted by the constitution and laws of the United States.

Sec. 4. K.S.A. 2007 Supp. 66-1,128 is hereby amended to read as follows: 66-1,128. (a) Except as provided in subsection (c) or pursuant to ~~49 U.S.C. 14504~~ *federal statutes*, no certificate, permit, or license shall be issued by the commission to any public motor carrier of property, household goods or passengers or private motor carrier of property, until the applicant has filed with the commission a liability insurance policy approved by the commission, in such reasonable amounts as the commission determines by rules and regulations is necessary to adequately protect the interest of the public with due regard to the number of persons and amount of property involved. Such amounts shall not be less than \$100,000 for personal injury or death to any one person in any one accident, \$300,000 for injury or death to two or more persons in any one accident and \$50,000 for loss to property of others in any one accident, which liability insurance shall bind the obligors to pay compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such carrier.

(b) The liability insurance policy required to be filed by any resident applicant shall be in an insurance company or association authorized to transact business in this state. Such policy of any nonresident applicant may be afforded by an insurance company not authorized to do business in this state which has given the commissioner of insurance of this state a power of attorney authorizing such commissioner to accept service on its behalf of notice or process in any action upon such policy. Such company not authorized to do business in this state shall have on file with such commissioner a form as prescribed by subsection (b) of K.S.A. 40-3106, and amendments thereto. A certificate of any insurance company or association, in a form approved by the commission certifying that there is in effect the liability insurance required by this section, may be filed in lieu of the insurance policy itself. In the event such certificate is filed, such company shall furnish to the commission upon its request a duplicate original of the insurance policy and all endorsements thereon. No other or additional bonds or licenses than those prescribed in this act shall be required of any motor carrier by any city or town or other agency of the state.

(c) Any public motor carrier of property, household goods or passengers or private motor carrier of property in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance from the commissioner of insurance. Upon application of any such carrier, the commissioner of insurance may issue a certificate of self-insurance, if the commissioner is satisfied that such carrier is possessed and will continue to be possessed of ability to pay

any judgment obtained against such carrier arising out of the ownership, operation, maintenance or use of any motor vehicle registered in such carrier's name.

(d) Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the commissioner of insurance may cancel a certificate of self-insurance upon reasonable grounds. Failure to pay any judgment against a self-insurer, arising out of the ownership, operation, maintenance or use of a motor vehicle registered in such self-insurer's name, within 30 days after such judgment shall have become final, shall constitute reasonable grounds for the cancellation of a certificate of self-insurance.

Sec. 5. K.S.A. 2007 Supp. 66-1,139 is hereby amended to read as follows: 66-1,139. (a) All interstate regulated public motor carriers of property, of household goods or of passengers who operate a motor vehicle in Kansas shall register their motor vehicles in their base state pursuant to ~~49 U.S.C. 14504~~ *federal statutes*, unless exempted under the provision of K.S.A. 66-1,109, and amendments thereto.

(b) All intrastate public motor carriers of property, household goods or passengers private motor carriers of property shall register with the commission all trucks or truck tractors as defined by K.S.A. 8-126, and amendments thereto, and all other passenger vehicles used to transport persons for hire, used in the operation of their business as such, except those used in operations exempted under the provisions of K.S.A. 66-1,109, and amendments thereto.

(c) Interstate motor carriers which have been granted authority by the commission to transport commodities exempt from the jurisdiction of the relevant federal authority and who operate for hire or who operate as private motor carriers shall register all trucks or truck tractors as defined by K.S.A. 8-126, and amendments thereto, and all other passenger vehicles used to transport persons for hire, used in the operation of their business as such, except those used in operations exempted under the provisions of K.S.A. 66-1,109, and amendments thereto. For the purpose of assisting in paying the cost of supervision and regulation of motor carriers, every such carrier shall annually pay to the commission for each calendar year a regulatory fee of \$10 for each truck, truck tractor or passenger vehicle registered with the commission. No fee shall be charged for a trailer or semitrailer. Interstate motor carriers that are already registered pursuant to subsection (a), shall not be required to register under this subsection.

(d) All applications for registration shall be made on forms furnished by the commission. Applications for registration of interstate common or contract motor carriers shall include on the application the quantity of trucks, truck tractors or passenger vehicles used by the motor carriers on which a fee is required to be paid. Applications for registration of intrastate common motor carriers, private motor carriers, and interstate exempt motor carriers shall include the complete vehicle identification numbers and the year and make of all trucks, truck tractors or passenger vehicles used by the motor carrier, on which a fee is required to be paid, and the application shall be accompanied by the required fee. The fees shall be due January 1 and shall be paid not later than January 15. Upon receipt of the application and fee, the commission shall issue to the carrier appropriate credentials for each vehicle registered.

(e) The commission shall remit all moneys received by it or for it in payment of fees imposed under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the motor carrier license fees fund.

Sec. 6. K.S.A. 66-1,139a is hereby amended to read as follows: 66-1,139a. All amounts collected under K.S.A. 66-1,139,

and amendments thereto, for the purpose of registration of motor vehicles, pursuant to ~~49 U.S.C. 14504~~ federal statutes, shall be remitted by the state corporation commission to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the ~~base state unified carrier~~ registration clearing fund which is hereby created. ~~Payments due and owing to participating states pursuant to 49 U.S.C. 14504 and refunds for overpayment shall be made from such fund.~~ The state corporation commission shall reconcile such clearing fund monthly with balances remitted in accordance with this section.

Sec. 7. K.S.A. 2007 Supp. 66-1a01 is hereby amended to read as follows: 66-1a01. (a) The state corporation commission shall charge and collect fees for the purposes and in the amounts as prescribed in this section. Such fees shall be paid to the state corporation commission at the time of filing the original papers or application in the case.

(b) (1) For the purposes of certificates issued under K.S.A. 66-125, and amendments thereto, to authorize the issuance of stock, bonds or other evidences of indebtedness, except as otherwise provided in this paragraph (1), the commission shall charge and collect an application fee of \$10 to accompany each application and processing fees which shall be set by rules and regulations adopted by the commission and shall reflect the costs incurred by the commission to process such application.

Notwithstanding the foregoing provisions of this paragraph (1), whenever an application is made for a certificate to authorize the issuance of stocks, bonds or other evidences of indebtedness and the relevant federal authority has authorized the issuance of the same issue of such stocks, bonds or other evidences of indebtedness, the commission shall charge and collect an application fee of \$10 to accompany each application and a processing fee of \$25 which shall be paid on or before issuance of such certificate.

(2) Whenever an application is made for a certificate of convenience and authority to provide interexchange telecommunications services or competitive local exchange carrier services, the commission shall charge and collect an application fee of \$250 which shall accompany the application.

(3) With regard to the regulation of motor carriers, the commission shall charge and collect fees in accordance with the following schedule:

For application for motor common carrier certificate, license or authority .....	not to exceed \$250
For application for intrastate private and interstate exempt motor carrier registration .....	100
For application for extension, rerouting, removal of restrictions or transfer of motor common carrier certificate and motor common carrier license .....	100
<del>For single state registration of motor carrier vehicles for motor carriers, and renewals of those registrations, with the state of Kansas as their base state ..</del>	<del>40 per vehicle</del>
Annual renewal fees for all certificates and registrations, due by December 31 of each year .....	10 per vehicle
If increases proposed in rates, fares or charges when hearing is required .....	25
Late fee for failure to timely complete renewals.....	cost of initial application

(4) The commission shall charge a fee for copies, other than mimeographed or printed copies, of applications, orders, certificates, schedules and duplicate motor-carrier equipment identification cards and a fee for copies of passenger, household goods or property motor common carrier lists, both fees in amounts approved by the director of accounts and reports under K.S.A. 45-219, and amendments thereto.

(c) There is hereby created in the state treasury the public service regulation fund. The commission shall remit all moneys received by or for it in payment of the fees imposed for certifi-

cates authorizing the issuance of stock, bonds or other evidences of indebtedness under paragraph (1) of subsection (b) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon the receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the public service regulation fund. All expenditures from the public service regulation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by such chairperson.

(d) There is hereby created in the state treasury the motor carrier license fees fund. The commission shall remit all moneys received by or for it in payment of the fees imposed for regulation of motor carriers under paragraphs (2) and (3) of subsection (b) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon the receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the motor carrier license fees fund. All expenditures from the motor carrier license fees fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by such chairperson.

Sec. 8. K.S.A. 66-1,139a and K.S.A. 2007 Supp. 44-765, 66-1,115, 66-1,116, 66-1,128, 66-1,139 and 66-1a01 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 10, 2008.)

SENATE BILL No. 475

AN ACT concerning wildlife and parks; relating to Kansas hunters feeding the hungry, inc.; amending K.S.A. 2007 Supp. 32-970, 32-980 and 32-995 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2007 Supp. 32-970 is hereby amended to read as follows: 32-970. (a) The commission may authorize commission permits to take big game. Such permits shall be made available only to local chapters of nonprofit organizations based or operating in Kansas that actively promote wildlife conservation and the hunting and fishing heritage. Organizations that oppose hunting and fishing shall not be eligible for award of a commission permit.

(b) The issuance of commission permits shall be subject to the following limitations:

(1) Not more than one permit allowing the taking of an antelope shall be issued in a calendar year;

(2) not more than one permit allowing the taking of an elk shall be issued in a calendar year;

(3) any deer permits may comprise the entire allotment or the balance of the total quota if permits for other species are issued;

(4) a total of not more than seven commission permits shall be available in one calendar year; and

(5) commission permits shall not be included in nor reduce any limited quota permit allotments set by other rules and regulations of the secretary.

(c) Not more than one commission permit may be issued to an organization, but this limitation shall not preclude individual chapters of the same organization from being issued permits.

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(d) Organizations receiving commission permits shall market the permit to the public in order to receive the maximum financial benefit available for the organization and the department.

(e) Application requests by qualified organizations shall be submitted to any member of the commission and shall be provided to the commission as a whole.

(f) The commission shall conduct a random drawing from the pool of eligible qualified organizations to award commission permits, subject to the approval of the secretary.

(g) Organizations shall not be eligible to receive a commission permit more than once in a three-year period.

(h) Organizations awarded commission permits shall pay to the department the price established by rules and regulations for the highest value for the type of permit awarded. No other compensation shall be provided to the commission or the department with regard to issuance of a commission permit. The balance of the sale price for the permit shall be retained by the organization. If the organization is Kansas ~~farmers and~~ hunters feeding the hungry, *inc.*, not less than 15% of the amount retained by the organization shall be used to supplement department sponsored or approved projects. For any other organization, not less than 85% shall be used to supplement department sponsored or approved projects.

(i) Limitations established by law or by rules and regulations adopted by the secretary pursuant to K.S.A. 32-807, and amendments thereto, relating to the ability to receive a same species permit in the future shall apply to the final recipient of the commission permit.

(j) Commission permits shall only be issued in the name of the final recipient. Once a commission permit is issued in the name of the final recipient, it shall not be transferred to any other individual.

(k) Any commission permit shall be subject to the restrictions of the season, sex, equipment type or hunt units as issued on the permit by the department.

(l) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement the provisions of this section.

Sec. 2. K.S.A. 2007 Supp. 32-980 is hereby amended to read as follows: 32-980. (a) The secretary shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations prescribing:

(1) Procedures for, the form and content of and the requirements for applications for licenses, permits, stamps and other issues of the department, and duplicates thereof; and

(2) procedures for issuance of and the form and content of licenses, permits, stamps and other issues of the department, and duplicates thereof.

(b) The secretary shall provide for both resident and non-resident licenses, permits, stamps and other issues of the department, and duplicates thereof, except that:

(1) A nonresident who is on active duty with any branch or department of the armed forces of the United States while stationed within this state may purchase licenses, permits, stamps and other issues of the department, except a lifetime fishing, hunting or furharvester or combination hunting and fishing license as provided in K.S.A. 32-930, and amendments thereto, and may engage in any activity authorized by such license, permit, stamp or other issue under the same conditions as a resident of this state. Such person shall carry in the person's possession when fishing, hunting or furharvesting such license,

permit, stamp or other issue and a card or other evidence identifying such person as being on active duty in the armed forces of the United States.

(2) A person who is on active duty with any branch or department of the armed forces of the United States and who was a resident of this state immediately prior to entry into the armed forces, and any member of the immediate family of such person who is domiciled with such person, may purchase licenses, permits, stamps and other issues of the department and may engage in any activity authorized by such license, permit, stamp or other issue under the same conditions as a resident of this state.

(3) A nonresident who is a registered full time student in residence of a public or private secondary, postsecondary or vocational school located in this state may purchase licenses, permits, stamps and other issues of the department, except a lifetime fishing, hunting or furharvester or combination hunting and fishing license as provided in K.S.A. 32-930, and amendments thereto, and may engage in any activity authorized by such license, permit, stamp or other issue under the same conditions as a resident of this state. Such person shall carry in the person's possession when fishing, hunting or furharvesting such license, permit, stamp or other issue and a card or other evidence identifying such person as a full time student.

(c) The forms adopted pursuant to this section for hunting licenses shall include a provision for the applicant to make a voluntary contribution of \$2 or more to support the activities of Kansas ~~Farmers and Hunters Feeding the Hungry~~ *hunters feeding the hungry, inc.*

Sec. 3. K.S.A. 2007 Supp. 32-995 is hereby amended to read as follows: 32-995. (a) The feed the hungry fund is hereby established in the state treasury. The secretary, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, shall remit to the state treasurer all moneys received by the secretary from contributions pursuant to subsection (c) of K.S.A. 32-980, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the fund.

(b) Moneys in the feed the hungry fund shall be disbursed quarterly to Kansas ~~Farmers and Hunters Feeding the Hungry~~ *hunters feeding the hungry, inc.*, to support its programs.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the feed the hungry fund interest earnings based on:

(1) The average daily balance of moneys in the feed the hungry fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) All expenditures from the feed the hungry fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for the purposes set forth in this section.

(e) The secretary shall report annually, beginning on February 1, 2006, to the house committee on tourism and parks and the senate committee on natural resources on the state of contributions to the feed the hungry fund and the disbursements to Kansas ~~Farmers and Hunters Feeding the Hungry~~ *hunters feeding the hungry, inc.*

Sec. 4. K.S.A. 2007 Supp. 32-970, 32-980 and 32-995 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.