

From The Desk Of...

Jay Scott Emler

Kansas Senate 35th District



~Week of February 19 - February 23, 2007~

I apologize for the delay in sending this. I had the flu, etc., and spent the weekend recovering.

- **SB 244 ~ Funeral Picketing**

SB 244 creates the Kansas Funeral Picketing Act by prohibiting any group or individual from engaging in picketing or directing a protest within 300 yards of a cemetery, church, mortuary, or other location where funerals are conducted. The prohibition will be in effect within one hour before, during, and two hours after the funeral. Picketers will be prohibited from blocking public access while picketing or protesting. The bill additionally allows defamation lawsuits by the estate on behalf of the person or any living relative of the deceased person. Previously, the law would not allow defamation lawsuits when an individual had passed away. Maybe the most important aspect of the bill is it will not be effective until after the Kansas Supreme Court or a federal court upholds the constitutionality of the bill's provisions. The Attorney General will be required to seek judicial determination of the constitutionality of the bill. This provision causes the bill to "hold muster" before going into effect eliminating the possibility of a group or individual suing the state for attorney fees because their First Amendment Rights have been violated. SB 244 passed the Senate 40 to 0.

- **SB 159 & 169 ~ Voting**

The Senate adopted two measures aimed at ensuring the integrity of our election system. SB 169 requires first-time voters to show a photo identification to prove who they are (people over age 65 are exempt). It also requires when individuals first register to vote to produce proof of U.S. citizenship. SB 159 creates tighter procedures for ensuring that advance voting ballots are

actually delivered to the county election officer to be counted. Both measures are aimed at reducing fraud in our elections. SB 169 passed 28-12 and SB 159 passed 40-0.

- **SB 320 ~ Presidential Primary**

SB 320 put Kansas in a position to be among the first to have a say on who the next presidential candidates will be. By eliminating the “default” date of the first Tuesday in April 2008 and changing to any day a minimum of three states are holding a presidential preference primary election on the same day; and by changing the candidate filing date for the presidential primary from February 12 to seven weeks prior to the date of the presidential primary the Secretary of State has the latitude to choose a day that can be one of the first primary elections in the 2008 presidential race. SB 320 passed the Senate 40 to 0.

- **SB 77 ~ Child Left Unattended in Car**

SB 77 makes it unlawful to leave unattended any child or children of the age of 5 years or under, in a vehicle for more than 5 minutes. The first offense is an unclassified misdemeanor with a \$25.00 fine. Second and subsequent convictions will result in a Class C misdemeanor conviction and a \$250.00 to \$500.00 fine. SB 77 passed 21 to 19.

- **SB 211 ~ Safety Belts for Ages 14-18**

SB 211 amends existing law requiring a person 18 years of age or older sitting in the front seat of a passenger car to wear a safety belt at all times when the car is in motion. The bill also requires occupants of a passenger car manufactured with safety belts who are 14 to 17 years of age, to wear a safety belt at all times when the vehicle is in motion. The current fine of \$10 would not change. SB 211 passed 30 to 10.

- **SB 294 ~ Driver’s License Requirements**

SB 294 enacts a graduated driver’s license system. The bill modifies the various permits and driver’s licenses as follows:

Instruction Permit

Establishes the minimum age of 15 years of age in which a person may apply for an Instruction Permit (current law specifies 14 years of age)

Requires the supervising driver to be in the front seat (same as existing law)

Prohibits the permit holder from operating a wireless communications device while driving a car (existing law has no provision).

Farm Instructional Permit--The bill creates a Farm Instructional Permit for 14-year-olds to prepare them to take the driving test for a farm permit. (same as existing law)

Restricted Driver's License--Under these provisions, the bill allows the Division of Vehicles to issue a restricted Class C or M driver's license to a person who:

Is at least 16 years of age (currently the minimum age is 15)

Has held an instruction permit for one year (current requirement is for at least 6 months)

Has completed a course in driver training (current law is the same)

Submits an affidavit from a parent or guardian that the applicant has completed 50 hours of adult supervised driving and at least 10 of those shall be at night (current law is the same)

Has not been convicted of a moving violation, violated seat belt restrictions, or violated the wireless communication device restriction as proposed in the bill (current law does not have such provisions).

A restricted license would entitle the licensee to operate a motorcycle. For the first six months the licensee could operate the vehicle:

From 5:00 a.m. to 9:00 p.m. except when going directly home following a school or church sponsored event (current law does not specify hours)

While going to or from or in connection with any job or employment (same as current law)

When the licensee is accompanied by an adult who is at least 21 years of age, who holds a valid commercial driver's license, Class A,B, C license, who has at least one year of driving experience and who is actually occupying a seat beside the driver (current law is the same)

When the licensee operates a motorcycle, at any time when accompanied by an adult who is at least 21 years old, who holds a Class M license, who has one year of driving experience and who is operating a motorcycle in the general proximity of the licensee (current law is the same)

Provide that when driving without a supervising driver, no more than one passenger under age 21 will be allowed unless they are family members (this is a new provision)

Require an applicant before receiving a restricted license to provide an affidavit showing at least 50 hours of adult supervised driving, with 10 of those hours being at night (this is not new).

Non-Restricted Driver's License--The bill prohibits the issuance of a non-restricted driver's license to any person who (a) is at least 16 years of age but less than 18 years of age and (b) is at least 18 years of age and who is applying for a driver's license for the first time since reaching 18 years and who three times has been adjudged a traffic offender under the Kansas Juvenile Code or a Juvenile Offender under the revised Kansas Juvenile Justice Code. These persons could not receive a non-restricted driver's license until the age of 19 years (This provision is new). SB 294 passed 23 to 17.

- **TOLL FREE LEGISLATIVE HOTLINE**

The State Library will continue its practice of operating the toll free hotline for Kansans to call their legislators and leave brief messages. The hotline number is 1-800-432-3924. If you are receiving this newsletter and really would like to be taken off my list, just let me know. My legislative district includes: Barton, Dickinson, Ellsworth, Lincoln, Marion, McPherson and Rice counties. If you know of others who would like to receive this newsletter, have them contact me and I will add them to my list. I prefer to send this letter by e-mail since the cost is essentially free, but I do have a limited legislative postage allowance, which is largely reserved for distributing this letter.

Senator, 35th District
State Capitol Building, Room 449-N
Topeka, Kansas 66612
(785) 296-7354
emler@senate.state.ks.us

NOTE: I receive many emails and I need to make certain I am responding to my constituents and not to somebody in another part of the state. I want to be responsive to you, so please include your street address so that I know I am being responsive to my constituents.

