

# Senator Jay Emler

## Kansas Senate District 35



### From the Desk of Jay Scott Emler

Week of March 15, 2010

#### Senate Bill 167 - Hospitals

SB 167 increases the enforceable limit of a hospital lien from \$5,000 to \$10,000 for payment to a patient injured as the result of an accident not covered by workers compensation if the injured party asserts a claim for damages because of the accident. **SB 167 passed 38 to 2** on Thursday, March 18.

#### SB 385 - New School Building Approval

SB 385 removes the requirement that the State Board of Education review and approve new school building plans. School districts must still comply with requirements of the State Fire Marshal and plans must be certified by an architect or professional engineer.

During the Senate debate an amendment by Senator Vratil was added to the bill to add the terms “reconstruction” and “renovation” to clarify their inclusion in the bill. **SB 385 passed 40 to 0** on Thursday, March 18.

#### SB 447 - Supervision of Children in Child Care Facilities

SB 447 creates new law and amends existing law concerning the supervision, licensing and inspection requirements for child care facilities by defining “competent supervision” for children in child care homes or day care homes as regulated by the Kansas Department of Health and Environment (KDHE). The bill eliminates the category of registered “family day care home” and replaces it with licensed “family child care home” which also requires inspections. The measure defines competent supervision which requires that children be within the line of sight and hearing of the child care provider with several exceptions listed in the bill.

The bill requires the creation of an online public information dissemination system that provides the names of licensees, applicants and the history of citations and complaints. Also, the measure changes the frequency of child care facility inspections from 12 months to once every 15 months.

During the Senate debate two amendments were added to the bill. The first, by Senator Colyer, names the measure Lexie’s Law after 13-month-old Lexie Engelman who suffered fatal injuries in 2004 while at a home day care and the second, by Senator Faust-Goudeau, would require day care homes to have a fire extinguisher that is in good condition and easily accessible. **SB 447 passed 26 to 13** on Wednesday, March 17.

#### SB 506 - Crematory Operations Licensure

SB 506 licenses crematory operators and requires six hours of approved cremation training by the Board of Mortuary Arts within a year of licensure. Licenses are rewarded on a biennial basis and require continuing education. A maximum fee of \$200 could be issued for licensure. **SB 506 passed 37 to 3** on Wednesday, March 17.

### **SB 566 - Kansas Commission on Veterans Affairs**

SB 566 amends current law to reduce the number of meetings held by the Kansas Commission on Veterans Affairs from monthly to bimonthly. **SB 566 passed 40 to 0** on Wednesday, March 17.

### **SB 568 - KPERS**

SB 568 suspends all employer contributions to the Kansas Public Employees Retirement System (KPERS) Death and Disability fund for a three month period, beginning April 1, 2010, and ending on June 30, 2010. The bill was introduced as a part of the Governor's plan to balance the FY 2010 budget and the fund has a sufficient balance to allow for the temporary suspension of payments without affecting employee benefits. The balance of the fund after the three-month moratorium is anticipated to be \$5.1 million.

The bill would take effect upon publication in the Kansas Register. **SB 568 passed 40 to 0** on Thursday, March 18.

### **SCR 1623 - Tallgrass Prairie Exemption from EPA Smoke Management Plans**

SCR 1623 urges the U.S. Congress to require the EPA to exclude certain air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations when the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, and to treat the data related to burning as exceptional events under 40 CFR Section 50.14. The resolution also speaks to the necessity to manage the tallgrass prairie ecosystem by burning and how it should be considered a best management practice. **SCR 1623 passed 40 to 0** on Thursday, March 18.

### **HB 2160 - Insurance Coverage for Autism**

HB 2160 requires the Kansas State Employees Health Care Commission, who administers the State health care benefit program for state employees and other qualified entities, to provide coverage of services for the diagnosis and treatment of autism in any covered individual under 19 years old. The bill requires the services covered for diagnosing and treating autism to be recognized as providing medical benefit to patients based on their particular autism disorder. Benefits for any covered person who has been diagnosed with autism are limited in the bill to \$36,000 a year for those who are between birth and under age seven and \$27,000 a year for persons who are between the ages of seven and 19.

The measure allows for reimbursement of services provided by a licensed, trained and qualified provider, autism specialist or intensive individual service and gives any insurer or entity who administers claims for autism treatment to review the utilization of services and to deny any claim based upon medical need or determination the individual has reached their maximum medical improvement for their autism.

The bill requires the Health Care Commission to submit on or before March 1, 2012, a report to the Senate President and the Speaker of the House that includes information regarding the mandated autism benefit coverage provided during plan year 2011. The information must include the impact the mandated coverage had on the State health care benefit program, data on the utilization of coverage for autism by covered individuals and the cost of the coverage and a recommendation on whether the mandated coverage should continue for the State health care benefits program. In the following session after the receipt of the report, the Legislature may consider mandating autism coverage in any individual or group health insurance policy, medical service plan, HMO or other contract that provides for health services and which is delivered, issued for delivery, amended or renewed on or after July 1, 2013.

During the Senate debate an amendment by Senator Wagle was added to the bill which includes the contents of SB 195 this passed the Senate earlier this session and requires insurance companies, beginning July 2012, to have parity in coverage with intravenous and oral cancer drugs. **HB 2160 passed 40 to 0** on Thursday, March 18.

### **HB 2412 - Persons in Custody of the Secretary of Corrections**

HB 2412 removes a person sentenced to imprisonment for an off-grid offense from eligibility for early release under functional incapacitation release procedures and clarifies that nothing in the functional incapacitation release procedure applies to terminally ill release procedures.

The bill also creates a new procedure for the release of an inmate deemed by a physician to have a terminal medical illness as diagnosed by a Kansas Medical doctor with less than 30 days to live. The Kansas Parole Board may grant the release after examining the case and determining the inmate has a terminal medical diagnosis. The decision of the Board would be final and not subject to review by any administrative agency or court. Inmates sentenced to imprisonment for off-grid offenses would not be eligible for this release. The bill states the offender's release may be revoked if the illness or condition significantly improves or if the person does not pass within 30 days. *HB 2412 passed 39 to 1* on Wednesday, March 17.

### **HB 2432 - Justified Threat or Use of Force**

HB 2432 amends current law to add "threat of force" as an action individuals may use, when justified, to defend themselves, others or property and adds a rebuttable presumption the person had a reasonable believe that such force or threat of force was necessary to prevent or stop an attack. When deadly force is at hand, the bill provides a rebuttable provision if there is a reasonable belief that deadly force or the threat of deadly force was necessary to prevent death or great bodily harm to the individual or another.

The bill provisions apply retroactively. *HB 2432 passed 40 to 0* on Wednesday, March 17.

### **HB 2440 - Notification of Family and Victims**

HB 2440 requires the Kansas Department of Corrections (DOC) to notify crime victims or their family members of the death, release or escape of committed offenders who are in SRS custody. Notification is required for offenders convicted of crimes under Articles 33 (Anticipatory Crimes), 34 (Crimes Against Persons), 35 (Sex Crimes), or 36 (Crimes Affecting Family Relationships and Children) of the Kansas Criminal Code.

The bill has no negative impact to the State General Fund. *HB 2440 passed 40 to 0* on Wednesday, March 17.

### **HB 2448 - Pharmacy Act of the State of Kansas**

HB 2448 allows pharmacists, pharmacy students or interns working under the direct supervision and control of a pharmacist to administer the influenza vaccine to a person six years of age or older. The bill has no negative impact to the State General Fund. *HB 2448 passed 40 to 0* on Thursday, March 18.

### **HB 2454 - Unlawful Use of Ballistic Resistant Material**

HB 2454 creates a special sentencing rule to add 30 months imprisonment to the sentence of any defendant convicted of a felony when it is found, beyond a reasonable doubt, the defendant possessed, wore or used ballistic resistant material during the commission of, attempt to commit or flight from such felony. Under the bill, the sentence would be presumptive prison with the requirement to serve the sentence consecutively with any other imposed sentences. *HB 2454 passed 40 to 0* on Wednesday, March 17.

### **HB 2455 - Uniform Principal and Income Act**

HB 2455 amends the Uniform Principal and Income Act on how income and distributions are handled in the administration of trusts and estates. The bill involves the estate marital deduction which currently does not allow a transfer to a trust benefiting the surviving spouse.

The bill has no negative impact to the State General Fund. *HB 2455 passed 40 to 0* on Wednesday, March 17.

### **HB 2469 - Sentencing**

HB 2469 amends current law by deleting statutory language regarding applicable penalties so there is no ambiguity that prior convictions can be counted in determining the criminal history category of a defendant. The bill would become effective upon publication in the Kansas Register. **HB 2469 passed 40 to 0** on Wednesday, March 17.

### **HB 2472 - Kansas Uniform Common Interest Owners Bill of Rights Act**

HB 2472 establishes the Kansas Uniform Common Interest Owners Bill of Rights Act to establish uniform rules to clarify the rights and duties of unit owners and associations in common interest communities, provide for the effective operation of common interest communities and to address current and potential areas of conflict between unit owners and associations, board and managers in a balanced manner. The bill limits the Act's application to communities that contain 12 or more residential units and establishes a number of powers and duties of unit owners associations. In addition, the measure establishes the authority and responsibilities of unit owners association board of directors including bylaw, meeting and open record requirements. The bill also establishes voting, budget and quorum requirements for unit owner associations in addition to procedures for removing a board member and bringing court and legal action.

During the Senate debate an amendment by Senator Petersen was added to the bill that would prevent municipalities from requiring sprinklers in residential homes. **HB 2472 passed 40 to 0** on Thursday, March 18.

### **HB 2482 - Drivers' Licenses Expiration and Renewal**

HB 2482 requires the Division of Vehicles to mail notices of license expiration at least 30 days before the expiration of a person's license and to include a notice that additional information can be found on the agency's website. Current law requires the Division of Vehicles to include an eyesight examination form, driver's examination form, Kansas driver's manual, information explaining the right to anatomical gift donations, information on the organ donation registry program and notice for driver's license renewal.

During the Senate debate two amendments were added to the bill. The first, by Senator Umbarger, makes two technical changes to clarify the tests required and forms dispersed by the Division. The second, by Senator Francisco, requires the Division to include with the notice of renewal, a copy of the written examination form and a copy of the driver's manual and requires passage of the written test before the renewed license can be issued. **HB 2482 passed 40 to 0** on Wednesday, March 17.

### **HB 2485 - Carrier Compliance**

HB 2485 increases, from 12 to 18 months, the time the Kansas Corporation Commission (KCC) has to verify a carrier is in compliance with all applicable requirements after the carrier has been first authorized to operate in Kansas.

The bill has no negative impact to the State General Fund. **HB 2485 passed 40 to 0** on Wednesday, March 17.

### **HB 2486 - School Buses**

HB 2486 exempts any school bus that is at least 20 years old and still operating from meeting certain equipment requirements until July 1, 2012. Current law allows buses to be exempt for 20 years and the measure would increase the exemption to 22 years. The bill would take effect upon publication in the Kansas Register. **HB 2485 passed 40 to 0** on Thursday, March 18.

### **HB 2503 - Parole Service Operations and Facilities**

HB 2503 gives the Secretary of Corrections responsibility and authority over the management of parole services operations and facilities. The bill has no negative impact to the State General Fund. **HB 2503**

*passed 40 to 0* on Thursday, March 18.

### **HB 2506 - Kansas Parole Board**

HB 2506 clarifies the sentencing guidelines used in computing proportionality as a parole suitability factor is the one most recently adopted for a particular crime and clarifies the proportionality factor is applicable only to crimes committed prior to July 1, 1993, and does not apply to off-grid offenses. The bill also clarifies the Kansas Parole Board (KPB) may impose other conditions of postrelease supervision on an offender in accordance with evidence based principles of offender case management. The measure authorizes the KPB to discharge an inmate, except those who commit certain sex crimes requiring lifetime parole, from parole or conditional release when the inmate has complied with the release obligations enough to satisfy the KPB. The bill clarifies the power of the Governor to grant a pardon or commute a sentence in any case would not be impaired. *HB 2506 passed 35 to 5* on Wednesday, March 17.

### **HB 2528 - Appearance Bonds**

HB 2528 amends current law on court procedures for forfeiting an appearance bond by adding a provision that establishes an appearance bond will be revoked with the execution of an arrest warrant for violating a bond condition. The bill gives the court discretion to set aside forfeiture before the judgment of default if the surety can provide the court a sworn affidavit proving the defendant is incarcerated in the United States. In addition, the measure prohibits a judgment from being entered against the obligor in an appearance bond until 60 days have passed after notice is served or against the obligor in an appearance bond until more than one year has passed since the defendant's failure to appear. *HB 2528 passed 40 to 0* on Thursday, March 18.

### **HB 2553 - Kansas Enterprise Zone Act**

HB 2553 updates references contained in the Kansas Enterprise Zone Act by changing citations from the Standard Industrial Classification Code to the North American Industry Classification System. *HB 2553 passed 40 to 0* on Thursday, March 18.

### **HB 2557 - Kansas Inheritance Tax**

HB 2557 provides limitations on the liability of estates under the Kansas inheritance tax which is scheduled to be eliminated in tax year 2010 and removes various references to the inheritance tax. *HB 2557 passed 40 to 0* on Thursday, March 18.

### **HB 2566 - Secretary of Agriculture**

HB 2566 changes all references to the Kansas Department of Health and Environment in the Kansas Food, Drug and Cosmetic Act to the Kansas Department of Agriculture as it relates to regulating over the counter drugs and cosmetics.

The bill also contains provisions of SB 395 which passed the Senate earlier in the session. The provisions make amendments to regulations regarding the dairy, milk and milk products industry in Kansas and adds new definitions for the terms bulk milk pick up tanker, milk plant, milk tank truck, milk tank truck cleaning facility, milk transport tank and milk transportation company and adds a requirement that milk tank truck cleaning facilities and milk tank trucks be licensed annually and pay the annual \$100 fee.

In addition, the measure increases the dairy manufacturing plant and milk distributor annual license fee from \$155 to \$200; increases the inspection fee for packaged Grade A pasteurized milk or milk products sold, Grade A raw milk for pasteurization and milk cream produced for manufacturing purposes from \$.01 to \$.02; increases the inspection fee for frozen dairy dessert or dessert mix from \$1.50 to \$2.00 per thousand gallons; and increases the license fee for operators or milk or cream transfer and receiving stations and for manufacturers of single service dairy containers and container closures from \$65 to \$100. All of the above fee increases would remain in effect until June 30, 2015. *HB 2566 passed 32 to 8* on Wednesday, March 17.

### **HB 2575 - Naturopathic Doctors**

HB 2575 changes the regulatory status with the Board of Healing Arts for naturopathic doctors from registrants to licensees. The bill expands the scope of practice for naturopathic doctors to allow naturopaths to prescribe, recommend or administer bio-identical hormones. The measure adds prescription testosterone to the list of naturopathic medicines approved for IV administration by a naturopathic doctor with the order, direction and supervision of a physician. The bill expands the scope of practice to allow naturopathic doctors to perform school health assessments for students up to the age of nine. **HB 2575 passed 38 to 2** on Wednesday, March 17.

### **HB 2577 - Addictions Counselor Licensure Act**

HB 2577 creates the Addiction Counselor Licensure Act. The bill increases the membership of the Behavioral Sciences Regulatory Board from 11 to 12 to account for the addition of the gubernatorial appointment of a licensed addiction counselor or licensed clinical addiction counselor. Effective August 1, 2011, any person licensed as an addiction counselor or substance abuse counselor is prohibited from practicing without being licensed under the Act and meeting the necessary requirements. However, the bill grandfathers in drug abuse counselors or alcohol and drug counselors who are registered by the Board or credentialed by SRS or the Kansas Association of Addiction Professionals upon the application and payment of fees and if need be, completion of continuing education.

The bill dictates circumstances where employees or professional associates of the licensee are required to disclose information acquired in rendering addiction counseling services and sets parameters where the Board may refuse licensure or where it may suspend, revoke, condition, limit, qualify or restrict licensure. In addition, the measure allows for a temporary license to be granted by the Board for a person waiting to take the licensure examination once fees are paid and predetermined requirements are met. Temporary licenses would expire after a license is issued or denied or 12 months after the date issuance and persons holding temporary licenses are limited to practice in Kansas 15 days a year. **HB 2577 passed 40 to 0** on Thursday, March 18.

### **HB 2581 - Correctional Supervision Fee**

HB 2581 changes the terms “probational or community correctional service fee” to “correctional supervision fee” and increases the correctional service fee offenders are required to pay, if convicted of a misdemeanor, from \$25 to \$60. Felony offenders are required to pay an increased fee of \$120. The bill creates a new fund called the Correctional Supervision Fund and requires additional fees collected from the payment to be deposited into the Fund. **HB 2581 passed 40 to 0** on Thursday, March 18.

### **HB 2588 - Limitation on Irrevocable Funds**

HB 2588 increases the maximum amount that can be placed in an irrevocable prefinanced funeral agreement from \$5,000 to \$7,000. The bill has no negative impact to the State General Fund. **HB 2588 passed 40 to 0** on Wednesday, March 17.

### **HB 2589 - Prearranged Funeral Agreements**

HB 2589 requires the disclosure of the following in a prearranged funeral agreement: names and addresses of the seller and purchaser; statement of the funeral goods and services purchased; whether the contract is or is not guaranteed, if guaranteed the goods and services included; whether the contract is revocable or irrevocable; plans for excess funds after the funeral goods and services have been paid for; name of the financial institution where the funeral funds are deposited; and notice that reasonable fees and expenses may be deducted from the trust. **HB 2589 passed 40 to 0** on Wednesday, March 17.

### **HB 2604 - Sentencing Court Assignments**

HB 2604 authorizes sentencing courts to assign defendants that require imprisonment in a county jail to a work release program if the defendant returns to confinement at the county jail at the end of the day after working in the release program. The bill clarifies the authority of a sentencing court to order a

defendant to a work release program does not include work release programs at state correctional facilities. **HB 2604 passed 40 to 0** on Thursday, March 18.

### **HB 2605 - Investigations by the Kansas Bureau of Investigation**

HB 2605 requires the court to order any adult convicted or diverted, or any juvenile adjudicated or diverted of a misdemeanor or felony to pay a separate court cost of \$400 for each individual offense if the forensic science or laboratory services or forensic computer examination services are provided in connection with the investigation by the KBI. The bill prohibits courts from authorizing a lesser fee or from waiving the fee unless it is determined the person is indigent as reflected in the court's order. Fees are required, in the bill, to be deposited to the designated fund of the agency providing the services.

The bill also requires persons convicted or adjudicated of certain offenses that require submission of a DNA sample to pay a separate court cost of \$100 to the KBI DNA database fee for each conviction even if the DNA sample is already on file with the KBI. The bill prohibits courts from authorizing a lesser fee or from waiving the fee unless it is determined the person is indigent as reflected in the court's order.

During the Senate debate and amendment by Senator D. Schmidt was added to the bill to clarify the two fees apply to municipal court cases where the aforementioned laboratory work is done. **HB 2605 passed 40 to 0** on Wednesday, March 17.

### **HB 2638 - Employees of the Horsethief Reservoir Benefit District**

HB 2638 requires the Horsethief Reservoir Benefit District governing board to employ a manager and staff to act as law enforcement officers and defines where the employees could exercise law enforcement authority. Management and staff are required to complete a course of instruction for law enforcement officers as approved by the Kansas Law Enforcement Training Center. **HB 2638 passed 40 to 0** on Wednesday, March 17.

### **HB 2656 - Civil Procedure Code**

HB 2656 amends the Kansas Code of Civil Procedure to come into compliance with the federal Rules of Civil Procedure. Currently, time frame compliance issues differ between federal rules and Kansas statutes and the changes revise Kansas law in various statutes to add a day or two for time frame compliance. **HB 2656 passed 40 to 0** on Wednesday, March 17.

### **HB 2668 - Crimes, Punishment, Criminal Procedure**

HB 2668 recodifies the Kansas Criminal Code to revise statutory language to add clarity, reorganize statutes to place them in a more user friendly order, reorder statutes to reduce their number and to repeal statutory language that is no longer in use.

The bill has no negative impact to the State General Fund. **HB 2668 passed 39 to 1** on Wednesday, March 17.

### **HCR 5012 - Missouri River Basin Study**

HCR 5012 asks the United States Congress and Army Corps of Engineers to undertake a study of the Missouri River Basin as it relates to the provisions of the 1944 Flood Control Act and to gather information and data necessary to determine if changes in federal law are warranted. The resolution calls for the study to focus on the contemporary need of citizens in states compromising the Missouri River Basin (Kansas, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Iowa and Missouri) and specifically the management and operation of various Corps projects. **HCR 5012 passed 40 to 0** on Thursday, March 18.

## **HCR 5013 - U.S. Assistant Secretary of the Army for Civil Works**

HCR 5013 calls upon the newly appointed Assistant Secretary of the Army for Civil Works to form a working relationship with the State of Kansas for extending the productive sustainability of the reservoir of the state and to continue work already in progress on those reservoirs. The resolution notes the reservoirs in Kansas were originally built with a projected lifespan of 100 years or less and many of the reservoirs are approaching or have passed the halfway point of the original design life. ***HCR 5013 passed 40 to 0*** on Thursday, March 18.

### **Agriculture**

The Senate Agriculture Committee, this week, favorably passed HB 2508 regarding the blending of motor fuels and HB 2566 concerning the Food, Drug and Cosmetic Act. HB 2508 is now up for consideration by the Senate and HB 2566 passed the Senate 32 to 8.

### **Assessment and Taxation**

The Senate Assessment and Taxation Committee, this week, held hearings on SB 516 on increasing the sales tax rate, SB 569 regarding an increase on the gallonage and liquor enforcement tax and SB 567 pertaining to the addition of a tax on sweetened beverages or concentrates.

### **Commerce**

This week the Senate Commerce Committee reviewed Post Audit Reports on Kansas Tax Revenues concerning tax credits and sales tax exemptions by Kathryn Osterhaus with the Legislative Division of Post Audit. The committee also voted to favorably pass HB 2551 pertaining to recovery zone bonds, HB 2553 concerning the Enterprise Zone Act, HB 2554 on the Economic Revitalization and Reinvestment Act and HB 2538 regarding the Kansas PEAK Act. All four bills are now up for consideration by the Senate.

### **Education**

The Senate Education Committee held a hearing on HB 2704 regarding school district consolidation. In addition, Dr. Bob Hull and Maj. Gen Tod M. Bunting appeared before the committee to present on the Kansas Center for Safe and Prepared Schools. The committee voted to favorably pass HB 2704 and HB 2595 pertaining to transportation out of committee. Both bills are now up for consideration by the Senate.

### **Ethics and Elections**

The Senate Elections and Elections Committee, this week, held a hearing on SB 576 concerning public service advertisements by candidates. The committee also voted to favorably pass SB 433 regarding campaign finance out of committee and it is now up for consideration by the Senate.

### **Federal and State Affairs**

This week the Senate Federal and State Affairs Committee held hearings on HB 2560 concerning real estate salespersons and brokers, SB 578 regarding the Cigarette and tobacco products act and SB 579 on regulating sun screening devices. The committee voted to favorably pass SB 578, HB 2560 and SB 579 out of committee and are now up for consideration by the Senate.

### **Financial Institutions and Insurance**

The Senate Financial Institutions and Insurance Committee continued work on SB 554 regarding insurance coverage for autism and SB 167 concerning the enforceable limit of a hospital lien. The committee also held hearings on HB 2345 on authorizing the insurance commissioner to adopt rules and regulations regulating the formation of insurance companies and HB 2390 pertaining to the requirement of insurance companies to use credit scoring for determining rates for extraordinary life circumstances causing adverse credit scoring. SB 167 and SB 554, which was placed into HB 2160, both passed out of committee and were approved by the Senate 40 to 0. The committee voted to favorably pass HB 2345

and HB 2473 on prohibiting sellers, lessors and credit card issuers from imposing a surcharge. HB 2345 is now up for consideration by the Senate and HB 2473 was placed on the Senate consent calendar.

## **Judiciary**

This week the Senate Judiciary Committee held the following:

### ***Hearings***

- HB 2517 - Domestic violence offenses; special sentencing provision. Passed out of committee and now up for consideration by the Senate.
- HB 2667 - Recodification of certain domestic relations matters. Passed out of committee and now up for consideration by the Senate.
- HB 2454 - Enhanced criminal penalty for felonies committed while wearing or using ballistic resistant material. Passed out of committee. Passed the Senate 40 to 0.
- HB 2528 - Amending the court procedure for the forfeiture of an appearance bond. Passed out of committee. Passed the Senate 40 to 0.
- HB 2581 - Criminal procedure; correctional supervision fees; funding the use of a statewide, mandatory standardized risk assessment. Passed out of committee. Passed Senate 40 to 0.
- HB 2661 - Further amendments to the recodification of the criminal controlled substances provisions. Passed out of committee and placed on the Senate consent calendar.

### ***Final Action***

- SB 468 - Amending petition requirements for summoning a grand jury. The bill was tabled.
- SB 488 - Office of vital statistics; fingerprinting and criminal history records check required for new employees. Passed out of committee and now up for consideration by the Senate.
- SB 549 - Creating a private cause of action for victims of child pornography. The committee placed the contents of the bill into HB 2509.
- SB 211 - Providing journalists with privilege concerning the disclosure of certain information. The committee placed the contents of the bill into HB 2585. The committee passed the bill out of committee and it is now up for consideration by the Senate.
- SB 504 - Personal and Family Protection Act; amendments. The committee did not take action on the bill.
- SB 374 - Enacting the Kansas Adverse Medical Outcome Transparency Act. The committee did not take action on the bill.
- SCR 1626 - Constitutional amendment to preserve right to choose health care services and health insurance plan. The bill did not pass out of committee.
- HB 2509 - Private cause of action for victims of child pornography. Passed out of committee and now up for consideration by the Senate.
- HB 2039 - Removing the cap on the number of small claims allowed to be filed each year. The measure contains the contents of SB 360 as it passed the Senate. The committee passed the bill out of committee and it is now up for consideration by the Senate.

## **Local Government**

The Senate Local Government Committee held hearings on HB 2698 on the Secretary of State authorizing real property conveyance to the City of Ogden and SB 573 regarding the prohibition of municipalities requiring sprinkler systems in residences. The committee continued hearings on HB 2029 concerning annexation procedures and continued to discuss SB 561 pertaining to the rehabilitation of abandoned houses by nonprofit corporations. The committee voted to pass out HB 2698 and SB 561. HB 2698 was placed on the Senate consent calendar while SB 561 is up for consideration by the Senate.

## **Natural Resources**

The Senate Natural Resources Committee held hearings on HCR 5012 concerning the Pick-Sloan Act, HCR 5013 regarding the preservation and extension of the productive lives of reservoirs in Kansas and HB 2548 on drainage district No. 2 of Finney County. The committee voted to favorably pass HB 2638 pertaining to the Horsethief Reservoir Benefit District out of committee where it later passed the Senate 40 to 0. Also voted out of committee were HCR 5012, HCR 5013, SR 1809 on opposing the United States Environmental Protection Agency's greenhouse gas regulation by rulemaking and SCR 1623 concerning the exemption of the Flint Hills from EPA smoke management plans. All are now up for consideration by the Senate.

## **Public Health and Welfare**

This week the Senate Public Health and Welfare Committee held hearings on HB 2588 regarding prepaid funeral plans, HB 2589 concerning prepaid funeral arrangement disclosures, HB 2577 pertaining to the Addictions Counselor Licensure Act, HB 2575 on establishing a program for drug screening for cash assistance recipients and HB 2448 regarding pharmacists administering vaccines. In addition, Chad Austin with the Kansas Hospital Association and Corrie Edwards with the Kansas Health Consumer Coalition appeared before the committee to provide an update on SB 525 the Fair Hospital Charges Act. Discussions were also held on state and federal issues for menu labeling.

The committee voted to favorably pass HB 2588, HB 2589, HB 2577 and HB 2448 out of committee and all were approved 40 to 0 by the Senate. In addition SB 506 regarding crematory operators, licensure and fees passed out of committee and was approved by the Senate 37 to 3.

## **Transportation**

The Senate Transportation Committee continued hearings on SB 498 regarding the financing for the Transportation Works for Kansas Program and SB 515 concerning sales taxes on motor vehicle fuels for the Transportation Works for Kansas program. Hearings were also held on HB 2678 pertaining to the designation of part of U.S. Highway 59 as the Vern Chesbro Memorial Highway and SB 577 on the requirement of titling vessels. The committee voted to favorably pass out HB 2678, SB 577, HB 2561 concerning the operation of transit busses on certain right shoulders and HB 2486 pertaining to school busses.

## **Utilities**

The Senate Utilities Committee favorably passed out SB 48 and HB 2585 concerning emergency communication service and both are now up for consideration by the Senate. HB 2605 passed 40 to 0 on Wednesday, March 17.

## **Senate Ways and Means Committee Update**

On Monday, March 15, no legislation was introduced. The Committee held a hearing on SB 476. The bill concerns the imposition of sales tax on certain goods and services, and the elimination of certain sales tax exemptions. The bill is estimated to generate \$150 million in revenue for the state. Revenue Secretary Joan Wagnon, Chairperson of Kansas Advisory Council on Intergovernmental Relations (KACIR), testified in favor of the bill. She testified that the bill creates a broader tax base and creates equality among taxpayers. Three other proponents testified on the equality that the bill creates and the need for increased revenue for the state. Several representatives of various charities, public services, and businesses testified in opposition to the bill. Opponents testified that they are doing a service to lower income citizen and that they cannot pass on a tax to their patrons because their patrons cannot afford these taxes. Some testified that they have earned an exemption because of the service that they provide. The hearing will be continued March 16, 2010.

On Tuesday, March 16, two bills were introduced. SB 579 (Sen. Umbarger, R-Thayer) concerns acts to regulate traffic concerning sun screening on police vehicles. SB 581 (Sen. Umbarger) transfers the Dillon House to the Kansas Arts Commission. The Committee held a hearing on SB 568. The bill concerns a moratorium on employer contributions to the Kansas Public Employee Retirement System (KPERs) Death and Disability Fund for the fourth quarter of FY 2010. Secretary of Administration Duane Goossen,

testified in favor of the bill. The legislation is part of the Governor's budget balancing plan for FY 2010 and would save the state \$12.8 million and local governments \$3.5 million. The Secretary also testified that the fund would remain solvent for the fourth quarter of FY 2010 and the state would be able to make these payments to beneficiaries because of a balance in the fund. The Committee requested that the Legislative Coordinating Council (LCC) assign the topic of employer contributions paid into the KPERS Death and Disability Fund to the appropriate interim committee. The hearing was closed and the bill was reported favorably for passage. The hearing on SB 476 continued. David Springe, Citizens Utility Ratepayer Board (CURB) testified in opposition to the bill. He testified that the bill would result in a 5.3% increase in what Kansans pay for utilities. Other opponents represented coin operated laundry and apartment facilities. They testified that the removal of their tax exemption affects poor and fixed income families the most and that these people already have a difficult time affording this service. Kent Eckles, The Kansas Chamber, opposed the bill because of the provision taxing services and allowing the Department of Revenue to decide what services are taxed. The hearing was closed. A brief presentation on creating funds in statute and in appropriation bills was heard by the Committee.

On Wednesday, March 17, no legislation was introduced. The Committee held a hearing on SB 294. The bill amends the Kansas Whistleblowers Act to allow state employees to speak with a legislator, the Attorney General, or an auditing agency without threat of disciplinary action from a supervisor. Proponents of the bill testified SB 294 eliminates some of the fear that employees have about coming forward. A hearing was held on SB 570. The bill establishes a Lodging Fee Fund and directs all monies received from lodging license fees to go into this fund. Deputy Secretary of Agriculture, Constantine Cotsoradis, testified in favor of the bill. The bill would allow the Department of Agriculture to resume lodging inspections on a less frequent basis. Don Saylor, Kansas Restaurant and Hospitality Association, testified in support of the bill, stating that his board supports the bill because it promotes public safety perceptions of Kansas facilities. A hearing was held on SB 571. The bill would increase the statutory maximums of several Animal Health Department fees, providing the agency an additional \$295,000 in revenue. Director of the Animal Health Department, George Teagarden, testified in favor of the bill. With limited revenues the agency has had to restrict travel and perform less inspections. Other proponents representing industries paying the fees support the legislation because they believe that the Animal Health Department does important work for disease control in the industry. A hearing was held on SB 572. The bill eliminates the requirement that legislators be furnished with a copy of the Senate and House Journals every year and require only one complete set of the Kansas Statutes Annotated be provided to each member of the Legislature at the commencement of the legislator's first term. The elimination of the journals would save \$33,000 and the elimination of the statute books would save \$62,000. The hearing will be continued March 18, 2010

On Thursday, March 18, no legislation was introduced. The Committee held a hearing on HB 2544. The bill would compensate trustees of the Treece Superfund Site in the same manner as members of the legislature. The monies for their compensation would come from federal dollars. The bill was recommended favorably. The Committee held a hearing on SB 574. The bill transfers a total of \$17 million from the State Water Plan Fund to the Interstate Water Litigation Fund in FY 2012-2017. A representative from the Attorney General's Office and the Kansas Water Office both testified it would be more appropriate if the funds came from the State General Fund (SGF). An amendment to transfer the money from the SGF instead of the State Water Plan Fund was adopted by the Committee. The bill was recommended favorably as amended. A hearing on SB 575 was held. The bill modifies the distribution of payments to counties and cities from the Special City and County Highway Fund for FY 2011 through FY 2015. This would reduce the payments to 100 counties and increase the payments to the other five counties. The bill was recommended favorably. The Committee held a hearing on HB 2691. The bill adds the Kansas Home Inspectors Registration Board to the list of state agencies that are directed by statute to file budget estimates on a biennial basis. The Committee held a hearing on SB 580. The bill would authorize the Post Auditor to charge state agencies for their share of the statewide financial audit and suspend school district audits, and eliminate the school district audit team. The bill was recommended favorably. The Committee held a hearing on SB 581. The bill would transfer the charge, care, management, and control of the Dillon House to the Kansas Arts Commission (KAC). Chris Howell, Kansas Arts Commission, testified that KAC can properly care and manage the property and make the property a cultural center to showcase Kansas arts and artists. The bill was recommended favorably. The following bills were recommended favorably as amended: SB 570, SB 571, SB 572.

No meeting was held on Friday, March 19.

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