

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of March 22, 2010

SB 316 - Groundwater Rights Meeting Criteria

SB 316 permits those holding groundwater rights who meet certain criteria to claim due and sufficient cause for nonuse and therefore makes them ineligible to be abandoned by the Division of Water Resources. To meet due and sufficient cause for nonuse criteria, the water right must have as its local supply an aquifer area that has been closed to new appropriations and where means of diversion are available to put water to a beneficial use within a reasonable time. The Senate concurred with the House changes to SB 316 by a vote of 40 to 0 on Wednesday, March 24.

SB 410 - Debit Card Payments to State Agencies

SB 410 permits the acceptance of debit cards by state agencies and requires businesses hosting a website where a state agency receives payments to notify the agency and card holder, within 14 days, when the debit card payment has been refused. The notice must provide the agency with the name, address, purpose and payment amount; date refused and the reason for the refusal. If a business fails to comply with the bill provisions or if a debit card holder refuses payment within 30 days, the agency is entitled to a \$100 penalty. The Senate concurred with the House changes to SB 410 by a vote of 40 to 0 on Wednesday, March 24.

SB 415 - Investments of Bonds and Bond Income

SB 415 amends provisions to General Bond Law, Revenue Bond Law and the investment of idle funds by governing bodies of certain municipalities. The bill amends General Bond Law to taxing subdivisions that have the power to issue general obligation bonds to allow for investments to include the Government National Mortgage Association. The measure amends Revenue Bond Law to extend the time limitation specified for the maximum stated rate of interest on fixed or variable rate bonds issued by a municipality or taxing subdivision from June 30, 2010 to June 30, 2012.

In addition, the bill allows for general obligation bonds of any Kansas municipality to be invested in savings deposits after the municipality offers its idle funds to eligible financial institutions. The Senate

concurrent with the House changes to SB 415 by a vote of 40 to 0 on Tuesday, March 23.

SB 460 - Priority of Child Orders

SB 460 amends several statutes to clarify the priority of orders concerning children by clarifying several provisions in current law involving children in need of care (CINC) or juvenile offender (JO) actions. The bill also amends several statutes regarding nonparental residency, residency, child custody, parenting time, visitation, child placement and permanent custodian orders.

In June 2008, the Kansas Supreme Court issued an opinion stating that juveniles 14 years of age or older who are charged with a felony have a right to a jury trial under the Constitution of the State of Kansas. As a result, the Kansas Judicial Council's Juvenile Offender/Child in Need of Care (JO/CINC) Advisory Committee recommended SB 460 to address the affected CINC provisions of the ruling.

The bill clarifies and codifies current practices regarding children in need of care and juvenile offenders and has no negative impact to the State General Fund. The Senate concurred with the House changes to SB 460 by a vote of 40 to 0 on Wednesday, March 24.

SB 475 - Funeral Directors

SB 475 adds to the current definition of funeral director in addition to directing or supervising the disposition of dead human bodies, a funeral director would also arrange for the disposition of dead human bodies, burial or cremation. The bill exempts persons engaged in the business of providing cremation services, for five consecutive years prior to this act from the apprenticeship requirements for licensure as a funeral director, provided a licensure application is made within six months of the effective date of the act. Persons exempt from apprenticeship requirements have a grace period of 120 days to comply with licensure requirements for becoming a funeral director. The Senate concurred with the House changes to SB 475 by a vote of 40 to 0 on Wednesday, March 24.

SB 488 - Fingerprinting and Criminal History Record Checks

SB 488 establishes procedures for fingerprinting and acquiring criminal history record checks for persons offered employment in the Office of Vital Statistics of the Kansas Department of Health and Environment (KDHE). The bill requires persons offered a position to be provided with written notice that criminal history record checks are required as part of the application process and require each applicant to be fingerprinted and submit to a state and national criminal history record check. The Secretary of KDHE is required, in the bill, to submit the fingerprints to the KBI and FBI for information to help verify the applicant identity and to determine employment eligibility. In addition, the Secretary is required to inform an applicant in writing if the criminal history record information is used to disqualify an applicant from employment.

During the Senate debate an amendment by Senator Reitz was added to the bill that would allow the Secretary of the Kansas Department of Health and Environment to permit the use of birth, death and

still birth certificates as identifiable data for maternal and child health surveillance and monitoring.

The bill would take effect upon publication in the Kansas Register. *SB 488 passed 40 to 0* on Wednesday, March 24.

SB 491 - Respiratory Therapists

SB 491 deletes a provision in current law concerning respiratory therapists who are registered instead of licensed which is no longer applicable. The bill shortens the expiration period for temporary licenses issued to respiratory therapists from one year to six months. The Senate concurred with the House changes to *SB 491 by a vote of 40 to 0* on Wednesday, March 24.

SB 497 - Criminal Use of Weapons

SB 497 adds clarifying language to existing law by specifically exempting the selling, manufacturing, purchasing, possessing or carrying certain pocket knives from prosecution under criminal weapons use statutes. Pocket knives covered under the measure include those with a spring, detent or other device that creates a bias toward the closing of the blade and uses hand pressure to a button on the knife blade to overcome the closure bias. The Senate concurred with the House changes to SB 497 by a vote of 40 to 0 on Tuesday, March 23.

SB 500 - Doctors of Chiropractic Medicine

SB 500 amends current law to allow for the use of the word "doctor" or letters M.D., D.O. or D.C. by unlicensed medical doctors, doctors of osteopathic medicine or chiropractors if they earned a professional degree from an accredited healing arts school or college or if using the words or initials does not mislead the public in believing the individual is licensed and engaged in the practice of healing arts. The Senate concurred with the House changes to SB 500 by a vote of 40 to 0 on Wednesday, March 24.

SB 520 - Employment of County and City Prisoners

SB 520 amends current law to clarify that a city or county may allow prisoners incarcerated after a misdemeanor or city ordinance violation to work at a public or nonprofit place of employment and allows the prisoner to receive a \$5 credit towards fines and costs imposed for conviction for each hour worked or \$5 for each hour worked if fines or costs have not been issued.

Current law allows an incarcerated person to earn a maximum \$5 credit per day worked on any fines or costs imposed and the bill increases the maximum credit to \$5 per hour worked. *SB 520 passed 24 to 16* on Tuesday, March 23.

SB 561 - Rehabilitation of Abandoned Homes

SB 561 modifies several statutes on the rehabilitation of abandoned houses and expands the authority to

establish a county land bank to any county in Kansas. The bill revises the definition of abandoned property by decreasing the number of consecutive days, from 180 to 90 days, residential real estate has to be unoccupied by the owner and limits the time, to 90 additional days, a court may extend the period where a defendant in a court case involving temporary possession of abandoned property could bring the property into compliance and/or pay all delinquent property taxes. In addition, the measure reduces, from three to two years, the time a person must occupy a house before purchasing it from the nonprofit organization that rehabilitated the structure. *SB 561 passed 27 to 13* on Tuesday, March 23.

SB 570 - Lodging Inspection Fees

SB 570 establishes the Lodging Inspection Fee Fund and increases the license and application fees for the Kansas Department of Agriculture's (KDA) Lodging Inspection program. The bill requires license fees received by the KDA for the lodging inspection program to be deposited into the Lodging Inspection Fee Fund. In addition, the measure increases license fees for establishments with under 10 rooms to \$80, from \$30, a year and increases fees for establishments with 10 or more rooms from \$35 to \$100 a year and adds a \$20 fee for each additional set of 10 rooms.

The bill requires KDA to inspect a facility upon receiving a complaint and requires money typically deposited into the Food Inspection Reimbursement Fund and Food Inspection Fee Fund for the food safety inspection program be deposited into the Food Safety Fee Fund. *SB 570 passed 26 to 14* on Tuesday, March 23.

SB 571 - Animal Health Department Fees

SB 571 increases the statutory maximum allowed for of several fees in the Kansas Animal Health Department (KAHD) including: the renewal market licensing fee and electronic auction license fee from \$40 to \$250; per head fee for public livestock market operators and electronic auction operators on all livestock sold at the auctions and markets from \$0.15 to \$0.25; market license fee and electronic license fee for livestock market operators and electronic auction operators and owners, fee depends on the animal sold; application and renewal permit for raising domesticated deer from \$100 to \$150 and fine for failure to obtain a permit from \$100 to \$150. The bill requires all funding received from the fees to be deposited in the Animal Disease Control Fund and becomes effective upon publication in the Kansas Register. *SB 571 passed 30 to 10* on Tuesday, March 23.

SB 572 - Kansas Statutes Annotated, House Journal and Senate Journal Distribution

SB 572 makes several changes to existing law on the distribution of the Kansas Statutes Annotated (KSA), House Journal and Senate Journal. The bill eliminates the requirement of the Secretary of State to provide legislators, each year, with a copy of the House and Senate Journals and, instead, requires copies be provided to the Senate President, Speaker of the House and the Senate and House minority leaders. The measure allows for one complete set of KSAs to be distributed to each member of the Legislature at the start of their first term and provides for one set of cumulative supplements to the

KSAs to be distributed to legislators a year. The bill permits legislators to request their name be printed on their set of KSAs and eliminates the requirement of the Secretary of State to provide free KSA copies to the Supreme Court Library, Washburn Law, KU law, district court clerks, county law libraries, local units of government, the Judicial Branch and State Historical Society.

During the Senate debate an amendment by Senator Francisco was added to the bill that would distribute replacement volumes in the same manner as supplements. *SB 572 passed 40 to 0* on Wednesday, March 24.

SB 574 - Interstate Water Litigation Fund

SB 574 requires the Director of Accounts and Reports to transfer \$2 million from the State General Fund to the Interstate Water Litigation Fund of the Attorney General on July 1, 2011. The bill requires a transfer of \$3 million each year, beginning July 1, 2012 until July 1, 2016, to the Interstate Water Litigation Fund, for a total of \$17 million over the duration of the bill. *SB 574 passed 39 to 1* on Tuesday, March 23.

SB 575 - Special City and County Highway Fund

SB 575 amends current law to adjust the distribution of the Special City and County Highway Fund payments to cities and counties from FY 2011 to FY 2015 by reducing the quarterly Special City and County Highway Fund payments over five years from the 100 counties that were overpaid from FY 2000 to FY 2009 and redistributes it to five underpaid counties (Barton, Butler, Douglas, Leavenworth and Shawnee Counties).

The bill has no negative impact to the State General Fund. *SB 575 passed 40 to 0* on Tuesday, March 23.

SB 578 - Kansas Cigarette and Tobacco Products Act

SB 578 amends statutes regulating cigarettes and brings the regulation of tobacco products under the Kansas Cigarette and Tobacco Products Act. The bill refuses licensure for applicants who have been convicted of a felony in any state, convicted of regulated substance violation in the United States and who had a license revoked within the 10 years preceding the license application date. If a person engages in activities which require licensure while their license is suspended, the license would be revoked and additional fines may apply. The measure requires cigarette stamps to be affixed with legible characteristics and serial numbers and requires the licensing and registration of tobacco products in the same manner as a cigarette retail dealer.

During the Senate debate an amendment by Senator Faust-Goudeau was added to the bill that included the provisions of SB 342 banning the sale of novelty cigarette lighters in Kansas. A second amendment by Senator Taddiken was added to the bill that required individuals convicted of violating regulated substance laws of Kansas, other states or the United States to wait 10 years before getting licensed to

sell tobacco products. *SB 578 failed by a vote of 18 to 21* on Wednesday, March 24.

SB 579 - Sun Screening Devices

SB 579 exempts a clearly identified law enforcement vehicle from window tinting restrictions that disallow a motor vehicle to have one-way glass or sun screening devices that limit light transmission by no more than 35 percent. The bill does not change existing law regarding window tinting for vehicles that are not law enforcement related. *SB 579 passed 36 to 4* on Tuesday, March 23.

SB 580 - Division of Post Audit

SB 580 makes several changes to audits performed by the Legislative Division of Post Audit by allowing the Division to charge state agencies for costs of financial audits, eliminating the school district audit team and prohibiting school district audits for FY 2011 and FY 2012. *SB 580 passed 40 to 0* on Tuesday, March 23.

SB 581 - Hiram Price Dillon House

SB 581 transfers the charge, care, management and control of the Hiram Price Dillon House (Dillon House) from the Secretary of Administration to the Kansas Arts Commission and assigns the duties of accepting grants, contributions and monitoring the consumption on liquor on the property to the Commission. The bill allows the Commission to maintain a public office in the Dillon House once necessary renovations and restorations are complete and to use the property for arts and cultural exhibitions, public and educational programming and public and private events with the collection of reasonable fees.

The measure allows the Commission to establish a not-for-profit organization to solicit and accept gifts, donations and money for restoration, renovation, maintaining and furnishing the Dillon House and creates the Dillon House Advisory Board to develop fundraising plans, provide recommendations for restorations and renovations and to advise on the establishment of the aforementioned not-for-profit organization.

The bill has no negative impact to the State General Fund. *SB 581 passed 37 to 3* on Tuesday, March 23.

SR 1809 - Greenhouse Gas Regulation By Rulemaking

SR 1809 requests the U.S. Environmental Protection Agency withdraw its ruling that declares greenhouse gas a toxic pollutant so the economic impact of the decision can be furthered studied. *SR 1809 passed 34 to 3* on Tuesday, March 23.

HB 2039 - Small Claims

HB 2039 deletes the limitations on the number of small claim actions that can be filed in the same court during a calendar year and removes provisions that enforce the limitation on number of small claims that

can be filed. *HB 2039 passed 40 to 0* on Tuesday, March 23.

HB 2434 - Prairie Spirit Rail Trail

HB 2434 designates the Prairie Spirit Rail Trail as Kansas' 25th state park and changes existing law to allow the Secretary of Wildlife and Parks to directly set fees for the use of cabins owned or operated by the Kansas Department of Wildlife and Parks (KDWP). Current law requires the Secretary to set cabin fees through administrative rules and regulations and the bill exempts the setting of cabin fees from the Administrative Rules and Regulation Filing Act. The bill establishes the maximum fees for use of the cabins at \$250 per night; \$1,500 per week and \$5,000 per month.

The measure amends existing law for clothing requirements when hunting deer or elk and removes language combining the clothing requirements for deer and elk hunting so each requirement would be listed individually. In addition, the bill changes the term of office for members of Drainage District No. 2 of Finney County from a three-year staggered term to a four-year staggered term. *HB 2434 passed 40 to 0* on Wednesday, March 24.

HB 2345 - Life Insurance Companies

HB 2345 amends a provision in the Insurance Code to allow for the incorporation of long-term care insurance into annuities and enacts new law and amends the Kansas Consumer Protection Act to create provisions applying insurance settlement payments for damages to real property subject to a mortgage. Under current law, long-term care insurance can be incorporated into life insurance policies if approved by the insurance commissioner and the bill allows the insurance commissioner to adopt rules and regulations to implement provisions of the statute which applies to the formation of life insurance companies.

The bill also requires, for insurance policies issued or renewed on or after July 1, 2010, property insurers to transmit claim payments directly to the primary policy holder or lien holder for the full amount payable for personal property, contents, additional living expenses and other covered items not subject to recorded security interests. The measure amends the Kansas Consumer Protection Act to establish a deceptive act or practice as failure to release funds representing an insurance settlement payment for damage to real property subject to a mortgage by the mortgage holder within 30 days after receiving written proof the damaged property is replaced or otherwise repaired to the satisfaction of the mortgagor and mortgage holder. Persons who submit false information on the condition of the property is liable in damages to the mortgage holder or assignee of the mortgage holder for the amount of funds with interest, attorney fees and any additional damages a mortgage holder has incurred. *HB 2345 passed 40 to 0* on Wednesday, March 24.

HB 2508 - Blending of Fuels

HB 2508 requires distributors, importers or manufacturers offering motor vehicle fuel for sale at a terminal or bulk storage plant to offer each grade of motor vehicle fuel that is not preblended with

ethanol and suitable for blending with ethanol. The bill requires distributors, bulk storage plants or deliveries by motor vehicle to offer diesel fuel that is not preblended and used to produce biodiesel or biodiesel blends and requires motor vehicle fuel not preblended with ethanol, offered for sale, to contain detergent additives that meet EPA concentration requirements after adding ethanol.

The measure provides that no person or entity could restrict or prevent a retailer or distributor from blending motor vehicle fuel with ethanol or from qualifying for federal and state tax credits. The bill states that nothing in the bill could be construed to imply market value for a renewable identification number.

In addition, the bill grants authority to the Secretary of Agriculture, or his agents, to enter the place of business of a distributor, importer, manufacturer, or terminal operator during normal business hours to examine and make copies of records. In cases where those involved do not voluntarily comply with the investigation, the Secretary could obtain a court order, issue a cease and desist order and to assess costs for investigations. A civil penalty could be imposed with a limit of \$5,000 a day for each day of noncompliance. *HB 2508 passed 23 to 17* on Wednesday, March 24.

HB 2509 - Cause of Action for Child Pornography Victims

HB 2509 creates a private cause of action for victims of child pornography that may be pursued through private counsel or by the Attorney General. To bring a civil action in state court against a producer, promoter or knowing possessor of child pornography, the plaintiff must allege and prove they were a victim of a sexual offense listed in the bill and that a portion of the sexual offense was used in producing child pornography while under the age of 18. The plaintiff must also prove they suffered personal or psychological injury as a result of the production, promotion or possession of child pornography. The bill does not allow for a defense the respondent did not know the victim or commit the abuse depicted in the pornography.

The measure allows prevailing plaintiffs to recover actual damages and costs of the lawsuit and provides for a minimum recovery of \$150,000. If the action was taken by the Attorney General, all damages would be awarded to the victim but the Attorney General may seek reasonable attorney's fees and costs.

In addition, the bill establishes a statute of limitations and requires the suit to be filed within three years after the conclusion of a related criminal case, notification of the victim by law enforcement of the child pornography and, if younger than 18, within three years after the victim reaches the age of 18. The measure provides a civil cause of action may not be filed against law enforcement officers, forensic examiners or child advocacy organizations for acts done in the performance of their duty.

During the Senate debate, an amendment by Senator D. Schmidt was added to the bill that includes prosecutors and the National Center for Missing and Exploited Children to the list of exceptions for civil causes of actions if done in the performance of the professional duty. *HB 2509 passed 39 to 0* on Wednesday, March 24.

HB 2517 - Domestic Violence

HB 2517 creates new law to require, on or after July 1, 2011, domestic violence designation in criminal cases if it is determined a defendant has committed a domestic violence offense. If the court finds the defendant has not previously committed a domestic violence offense or participated in a domestic violence diversion under a variety of considerations listed in the bill, the domestic violence designation on the case or defendant would not be required by the court.

The bill requires the court at the disposition for any criminal offense with the domestic violence designation to order the defendant to undergo and pay for a domestic violence offender assessment and to abide by all recommendations and authorized by the court to order a defendant to undergo and pay for other evaluations before sentencing if they are useful in assisting the court with determining an appropriate sentence.

In addition, the bill requires law enforcement to consider defense of a person or property when determining whether to arrest a person for domestic violence, clarifies that law enforcement is not required to arrest any party if probable cause concerning domestic violence doesn't exist and requires law enforcement to evaluate each complaint separately when two or more parties allege domestic violence. The measure prohibits a county or district attorney from entering into a diversion agreement if the complaint alleges domestic violence and if the defendant has participated in two or more diversions on complaints alleging domestic violence in the previous five years. Finally, the bill clarifies diversion agreements on domestic violence complaints require the agreement of the prosecutor to release the defendant of the domestic violence offender assessment and requirement to pay for the assessment. *HB 2517 passed 40 to 0 on Tuesday, March 23.*

HB 2535 - John Neal Memorial Highway

HB 2535 designates a portion of Highway K-61 in Reno County as the John Neal Memorial Highway. The bill requires the Secretary of Transportation to receive \$5,220 in monetary gifts and donations for sign installation and upkeep before the designation signs can be installed. *HB 2535 passed 40 to 0 on Tuesday, March 23.*

HB 2538 - Promoting Employment Across Kansas

HB 2538 expands the Promoting Employment Across Kansas (PEAK) program, enacted in 2009, by authorizing a diversion of employee withholding taxes under circumstances to qualified companies or third parties performing service on behalf of such companies.

Current law requires companies to relocate all of their facilities to Kansas in order to qualify to retain a portion of the company's payroll withholding taxes and the bill relaxes the requirement so a company is eligible if it relocates or expands its business operations into the state. Existing Kansas businesses that relocate or expand within the state are also eligible for the tax benefit after January 1, 2012. The bill changes the current requirement that employees be compensated to at least 100 percent of the county

average wage to at least 100 percent of the county "median" wage. Qualified companies can retain 95 percent of employee withholding tax if the median wage paid to new employees is equal or greater than 100 percent of the county median wage. The aggregate amount of benefits for companies already located in the state is capped, in the bill, at \$4.8 million per tax year beginning in FY 2012. Companies who qualify under the original 2009 PEAK law are prohibited from participating in a separate withholding tax program and the bill relaxes the restrictions to allow companies to qualify for Impact Aid but are prohibited from using the same employees.

The bill prohibits members of the legislature from taking advantage of the PEAK benefits until after July 1, 2015. A Legislative Post Audit on the effectiveness of the in-state cap on benefits and the program are required, by the bill, to be submitted prior to the start of the 2015 session.

During the Senate debate an amendment by Senator Brownlee was added to the bill that made technical corrections and inserted the North American Industry Classification System (NAICS) code industry average wage to the bill provisions. A second amendment by Senator Holland was added to the bill to that added the requirement that new employee wages be the county median wage or higher. *HB 2538 passed 40 to 0* on Wednesday, March 24.

HB 2544 - Superfund Site Trust

HB 2544 changes the method of compensation for members of the state public trust established for certain communities within superfund sites. Current law allows the trustees to receive subsistence and travel reimbursement for meeting days and the bill changes the compensation to the per diem rate of legislators (\$88.66) for attendance at any trust meeting. *HB 2544 passed 39 to 1* on Tuesday, March 23.

HB 2551 - Recovery Zone Bonds

HB 2551 authorizes the Department of Commerce to distribute recovery zone bonds and energy conservation bonds to counties and large municipalities pursuant to allocation methods in the federal Internal Revenue Code. The bill directs the Department of Commerce to give notice to each local government of its recovery zone bond allotment and allows local governments to waive the use of the bonds at any time. However, the bonds will also be waived if the local government has not provided written notice to the Department of Commerce of their intent to issue the bonds 60 days after the allocation notice. The bonds would also be deemed waived if a local government does not issue them by June 30, 2012, after which any local government may apply for the remaining recovery zone bonds. After June 30 of each year, local governments may apply to the Department of Commerce for unissued bonds.

The bill allows recovery zone bonds to be used for one or more qualified economic development projects including capital expenditures for property, public infrastructure, public facilities, job training and educational programs. Quality energy conservation bonds can be used for capital expenditures for energy reduction, research facilities and study of alternative energy, demonstration projects to promote alternative energy technologies and public education campaigns promoting energy efficiency. *HB 2551*

passed 40 to 0 on Tuesday, March 23.

HB 2554 - Economic Revitalization and Reinvestment Act

HB 2554 makes technical corrections to the State's Economic Revitalization and Reinvestment Act to clarify that either wind or solar energy businesses could be eligible for the issuance of bonding for certain qualified development or manufacturing projects. *HB 2554 passed 40 to 0 on Wednesday, March 24.*

HB 2560 - Real Estate Salespersons and Brokers

HB 2560 amends the Kansas Real Estate Brokers' and Salespersons' Licenses Act and the Brokerage Relationship in Real Estate Transaction Act (BRRETA) to allow for restrictions to be placed on a real estate license after notice and opportunity for a hearing is given instead of requiring an actual hearing to be held. *HB 2560 passed 40 to 0 on Wednesday, March 24.*

HB 2561 - Transit Bus Operation on Right Shoulders

HB 2561 allows the Secretary of Transportation to authorize the operation of transit buses on the right shoulders of highways in Johnson County. The bill allows transit busses to operate on the highway shoulder if the traffic speed of the highway is less than 35 miles per hour and limits transit buses from exceeding the traffic speed by more than 10 miles per hour. Buses are required, in the measure, to yield to merging, entering and exiting traffic. *HB 2561 passed 38 to 2 on Wednesday, March 24.*

HB 2582 - 911 Services, Fees, Charges, Collection and Distribution

HB 2582 enacts new law relating to 911 that applies to all modes of services (telephone, cell phone, VoIP) capable of contacting a public safety answering point (PSAP). The measure imposes a prepaid wireless 911 fee of one percent per retail transaction in Kansas, effective January 1, 2012.

The bill establishes a 911 statewide coordinator and 911 Coordinating Council to develop and implement 911 policies for the state. The bill allows the process for moving towards next generation or NG911 that is internet based and capable of receiving text messages and digital images and will allow the state to keep better pace with changing technology.

During the Senate debate two amendments were added to the bill. The first, by Senator Apple fundamentally changed the substance of the bill as described in the above summary. The second, by Senator Brownlee prohibited the purchase of reflective emergency signs that are mandated by the federal government. *HB 2582 passed 40 to 0 on Wednesday, March 24.*

HB 2585 - Reporters Shield Law

HB 2585 creates a journalists' privilege for certain disclosures of information by clarifying that a

journalist is not compelled to disclose any previous undisclosed information or the source of the information while acting as a journalist until the party seeking disclosure establishes the material is relevant to the controversy for which the disclosure is sought, cannot be obtained by alternative means and is of compelling interest. *HB 2585 passed 39 to 1* on Tuesday, March 23.

HB 2649 - Little Bluestem

HB 2649 designates little bluestem as the official grass of Kansas. *HB 2649 passed 37 to 2* on Wednesday, March 24.

HB 2660 - Boy Scouts License Plates, Recreational Off-Highway Vehicles, Vehicle Registration Facilities and Protective Equipment for Minors on Motorcycles

HB 2660 authorizes Boy Scouts of America license plates for passenger vehicles and small trucks beginning January 1, 2012. Those who want the license plate must pay a royalty of at least \$25 but not more than \$100 to the Boy Scouts of America Council before receiving the plate in addition to regular state license plate fees. The bill also defines "recreational off-highway vehicles" as a motor vehicle not exceeding 64 inches, weighing no more than 2,000 pounds with four non-highway tires, a non-straddle seat and steering wheel. Recreational off-highway vehicles are required, by the bill, to obtain a non-highway title.

The measure clarifies the type of facility where a county treasurer can charge up to \$5 for motor vehicle registrations at that facility and requires a county to have at least one registration facility where the fee would not be charged. The bill prohibits the fee from being charged at registration facilities in county courthouses or administration offices used at the primary location for county treasurer operations.

In addition, the bill extends responsibility for ensuring those under the age of 18 wear protective equipment while riding on motorcycles or motorized bicycles and makes it a violation of state law to allow or permit those under 18 from operating or riding a motorcycle or motorized bicycle without a helmet or on a motorcycle without eye protection.

During the Senate Debate and amendment by Senator D. Schmidt was added to the bill that includes the provisions of SB 579 relating to the exemption of law enforcement vehicles from window tinting restrictions. *HB 2660 passed 31 to 9* on Wednesday, March 24.

HB 2661 - Drug Crimes

HB 2661 corrects inadvertent errors made in the recodification of the drug code from HB 2332 from the 2009 session. The bill takes effect upon publication in the Kansas Register and has no negative impact to the State General Fund. *HB 2661 passed 40 to 0* on Tuesday, March 23.

HB 2678 - Vern Chesbro Memorial Highway

HB 2678 designates a portion of U.S. Highway 59 in Franklin County as the Vern Chesbro Memorial Highway. The bill requires the Secretary of Transportation to receive \$2,820 in monetary gifts and donations for sign installation and upkeep before the designation signs can be installed. *HB 2678 passed 40 to 0* on Tuesday, March 23.

HB 2691 - Budget Estimates of State Agencies

HB 2691 adds the Kansas Home Inspectors Registration Board to the list of state agencies directed, by statute, to file budget estimates on a biennial basis. *HB 2691 passed 40 to 0* on Tuesday, March 23.

HB 2698 - Easement Authority to City of Ogden

HB 2698 authorizes and directs the Secretary of State to grant a permanent sanitary sewer easement to the City of Ogden on state-owned land. The bill requires the easement to be for construction and maintenance of the outfall pipe and a concrete headwall for the Ogden wastewater treatment facility. The easement will be terminated if the land is no longer used for this purpose. The bill has no negative impact to the State General Fund. *HB 2698 passed 40 to 0* on Tuesday, March 23.

HB 2704 - School District Consolidation

HB 2704 expands the statute authorizing discussions for school district consolidation so boards of education of any two or more districts may discuss issues relating to consolidation and enter into agreements to form one or more consolidated unified districts as long as the end result is fewer school districts.

During the Senate debate an amendment by Senator Schodorf was added to the bill that defined "tangible tax property," "school district" and "district." A second amendment by Senator Brownlee would allow students transferring from a school that is closed as a result of a consolidation to be involved in school activities upon enrollment at the consolidated school district and as long as they meet eligibility requirements. A third amendment by Senator Hensley removes the school years 2007-2008, 2008-2009 and 2009-2010, from the section in the bill concerning Medicaid children.

The bill would take effect upon publication in the Kansas Register. *HB 2704 passed 40 to 0* on Wednesday, March 24.

Senate Ways and Means Committee Update

On March 23, 2010, no legislation was introduced. The committee worked on SB 546, which creates an assessment on skilled nursing care facilities to improve the quality of care. Sen. Umbarger (R-Thayer) proposed an amendment that limits the assessment to \$1,325 annually per bed and adds one member to the quality care improvement panel. Sen. Schmidt (R-Topeka) proposed the 1percent administration cost only come from the \$30 million generated from collection of the assessment. Sen. Lee (D-Kensington) introduced an amendment that states assessment dollars cannot be used for bonuses (except for direct

care workers) and profit sharing. Sen. Kelly's (D-Topeka) amendment requires the Quality Care Improvement Panel to go before the Joint Committee on Health Policy Oversight annually. An amendment to remove the exemption for Veterans and Soldiers Homes was adopted. All the proposed amendments were adopted and the bill was placed into HB 2320 and recommended favorably as amended.

On March 24, 2010, A hearing was held on HB2666. The bill raises certain fees for the Animal Health Department. The bill was amended to take effect on publication of the Register, and recommended favorably for passage as amended.

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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.

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