

# Senator Jay Emler

## Kansas Senate District 35



## From the Desk of Jay Scott Emler

Week of February 14, 2011

As Turnaround approaches, we've been busy hearing testimony and considering bills. Turnaround is essentially the half-way point of the Legislative Session. It's the deadline for Senate bills to be passed out of the Senate so they may be considered by the House, as well as the deadline for House bills to be passed out the House so they may be considered by the Senate. Up to this point, about 212 Senate bills have been introduced in addition to 354 House bills. More information on bills the Senate looked at this week in committee and on the Senate floor are listed later in this newsletter. Here are some of the key bills we've been discussing:

### Budget

This week, the Senate approved cuts that will balance the budget in a way that eliminates government waste and positions the state for what lies ahead. The Senate plan embraces many of the Governor's recommendations, but also includes appropriate funding for special education in our local schools. Without this funding, we would watch our federal tax dollars - year after year - go to schools in other states instead of coming back to Kansas schools where they belong. Furthermore, we would face ongoing fines from the federal government for failing to meet our special education obligations. By maintaining special education funding at this level, we're able to support our local schools in a way that brings our federal tax dollars back to Kansas and doesn't drive up our property taxes. The Senate, in its budget proposal, also called for salary cuts for the state's highest-ranking employees, including cuts to our own salaries; and we included funding for disaster aid. We could not have predicted that an EF-5 tornado would devastate the community of Greensburg, or that floods would rage through Southeast Kansas later that same year. But, we can - and should be - prepared for these types of emergencies. Under the Senate's plan, the state will stand ready and able to respond. I'd like to see us move quickly to adopt these cuts to the 2011 budget. The sooner we do that, the sooner we can get to the task at hand, which is crafting a balanced budget for 2012.

### Cuts

### Unemployment

The Senate passed a plan this week to start rebuilding the state's unemployment fund. Over the past few years, our unemployment fund has been depleted and the state has borrowed more than \$100 million from the federal government to replenish the fund. We can no longer borrow our way out of this recession. This

so that it will be there as a safety net for Kansans when they need it most. In this economy, thousands of hard-working Kansans have found themselves out of work through no fault of their own. Fortunately, the Senate's plan does not reduce the weekly unemployment benefit for Kansans. It does reinstate the one week waiting period for benefits, which has existed in Kansas since the 1930s but was lifted in 2007. Recognizing the condition the fund is in, the most responsible thing we can do right now is bring the waiting week back. The Senate has additionally maintained benefits for Kansans who must leave their jobs to follow a spouse serving in the Armed Forces.

### **Rural**

### **Opportunity**

### **Zones**

Like many states, we've seen the number of people living in our rural communities decline. To meet this challenge, we have to be creative and develop new opportunities for our young people to stay in Kansas and raise their families here. This week, a Senate committee considered a proposal from the Governor to develop Rural Opportunity Zones. These zones, which include counties that have lost 10 percent or more of their population over the past decade, would be able to encourage Kansans who have moved out of state to come back with incentives like a five-year income tax rebate and student loan repayment assistance. I will continue to look at the Governor's plan to determine how it could best help our community.

### **Special**

### **Guests**

NFL wide receiver and Kansas native Jordy Nelson visited the Senate on February 17 where we recognized him for his hard work and dedication, both on and off the field. Jordy, who played football at K-State and now plays for the Green Bay Packers, caught a 29-yard touchdown pass for the first score of Super Bowl XLV. Next week, the Senate will have the pleasure of recognizing two Kansas Medal of Honor recipients, Col. Don Ballard and Col. Roger Donlon. Colonel Ballard earned his award while serving in the Marines during the Vietnam War in 1968. Colonel Donlon earned his medal for service during the Vietnam War in 1964.

### **Did**

### **You**

### **Know?**

With the snow melting this week, it's a good time to think about the Spring and Summer months. The Department of Wildlife and Parks offers cabins for rent at many of our state lakes and parks. It's an affordable way to plan a weekend with family or friends, and to spend some time enjoying the great Kansas outdoors. To find out more about the cabins, visit [www.kdwp.state.ks.us/news/State-Parks/Locations-With-Cabins](http://www.kdwp.state.ks.us/news/State-Parks/Locations-With-Cabins) or call the Department at 785-296-2281.

## **FLOOR ACTION**

**Appointments.** On February 15, the Senate confirmed the following appointments:

- Dale Rodman as the Secretary of the Department of Agriculture. His appointment is at the pleasure of the Governor.
- Shawn Sullivan as the Secretary of the Department of Aging. His appointment is at the pleasure of the Governor.

**General Orders.** On February 15, the Senate passed the following bills, sending them to the House for consideration:

**Senate Bill 5** establishes licensure for perfusionists.

**Senate Bill 12** provides that an individual in bankruptcy may exempt their right to receive earned income tax credits.

**Senate Bill 34** allows a habitual violator whose driver's license has been revoked to apply for and be issued a class C license for the operation of motorized bicycles.

**Senate Bill 37** allows for prisoners in city or county jails to work to earn credit toward paying off their fines at no less than \$5 an hour.

**Senate Sub for House Bill 2014**, more commonly known as the Rescission Bill. This recommendation, brought to the Legislature by Governor Brownback, is designed to close budgetary gaps and end Fiscal Year 2011 with a positive balance. The Senate proposal retains an ending balance while meeting the state's obligations regarding maintenance of effort (MOE) for special education. Meeting these obligations to our local schools helps protect the state from being fined for not meeting MOE requirements and it prevents the permanent loss of federal matching dollars for special education. The Senate's rescission bill also cuts salaries for state officers, including legislators, statewide elected officials, statutory agency heads, other constitutional officers of the state and judges.

**Senate Bill 45** eliminates the taxpayer identification number from being included in a Certification of Trust.

**Senate Bill 58** designates the junction of U.S. 24 and K-7 highways in Wyandotte County as the Representative Margaret Long Interchange.

**Senate Bill 60** ensures that direct appeals on behalf of criminal defendants who are sentenced pursuant to Jessica's Law or departures from Jessica's Law go first to the Court of Appeals rather than to the Supreme Court. This is due to the fact that legal questions that needed to be posed to the state Supreme Court upon initial implementation of Jessica's Law have now been answered.

**Senate Bill 62** amends the law to allow for a docket fee to be assessed by the court in asset forfeiture cases.

**Senate Bill 65** modifies existing Kansas external review statutes to bring the Kansas external review process into compliance with the consumer protections of the Uniform Model Act. If this is not done, Kansas would cede regulation and control of its external review processes to the federal government.

**Senate Bill 77**, which deals with unemployment, would establish an Employment Security Interest Assessment Fund; reinstate the one-week waiting period on all new claims filed for unemployment insurance benefits; eliminate the benefit eligibility for relocating spouses (excluding spouses of those serving in the Armed Forces); create an incremental increase in the taxable wage base; expand the number of negative reserve ratio groups from 10 to 20, and increase the maximum allowable surcharge from 2% to 4%.

## COMMITTEE UPDATES

Agriculture. The committee heard presentations from the Conservation Reserve Program. They also held hearings on the following bills:

**Senate Bill 147.** Interstate water litigation fund. This bill amends current law to allow money recovered in the Republican River Compact Litigation to replenish the interstate water litigation fund by an amount equal to the total expenses of litigation plus 5%, instead of replenishing it to \$20 million (as current law states).

**Senate Bill 186** Pesticides; hearing prior to denial, suspension or revocation of license, registration or certification. This is a clean-up bill after laws regarding pesticides were amended last year. The clean-up deals with hearings for the suspension of a pesticide business license. SB 186 passed out of committee.

**Assessment and Taxation.** On Wednesday, the committee heard initial presentations on the Governor's plan for Rural Opportunity Zones. The plan is intended to encourage Kansans who have left the state to move back to certain Kansas counties with such incentives as a five-year income tax rebate and student loan repayment assistance. Counties designated as Rural Opportunity Zones would be those that have experienced a 10 percent or higher population loss since the 2000 Census. The committee also heard hearings on:

**Senate Bill 109.** Tax credit for costs of installing electrical charging stations. Beginning in January 2011, this bill calls for taxpayers who construct, install and place in service in this state a commercial or residential plug-in electric vehicle charging station, to receive a tax credit.

**Senate Bill 196.** Authorizing expensing of investment expenditures as a deduction in calculating Kansas income tax liability and IMPACT program changes. SB 196 includes the governor's expensing proposal and also makes a number of changes to other existing tax credits, exemptions and incentive programs. Under the expensing provision, businesses that invest in certain machinery and equipment would be allowed an expense deduction against their Kansas taxable income. Taxpayers that elect to expense pursuant to the act will not be eligible for many existing tax credits or deductions and accelerated depreciation. The bill also phases out the IMPACT program by ending the issuance of any

Job Creation Program Fund (commonly referred to as a “deal closer fund”) to be administered by the Secretary of Commerce, in consultation with the Secretary of Revenue and the Governor. Dollars will flow through the IMPACT program, and after satisfying bond and administrative cost obligations, to the Job Creation Program Fund. In tax year 2012, no further business and job development credits may be earned, the refundable business machinery and equipment tax credit for property taxes paid would go away, the enterprise zone sales tax exemption would be phased out between 2011 and 2017, the Kansas Economic Opportunity Initiative Fund (KEOIF) would be repealed and the HPIP investment threshold would be raised from \$50,000 to \$5,000,000. The HPIP investment credit would then sunset completely in tax year 2017.

**Senate Bill 108**, which requires that all taxes, prior to a property being changed physically in description, have its taxes paid in full. The bill passed out of committee on Tuesday.

**Commerce Committee.** This week the committee heard an overview from the Bioscience Authority and held a hearing on the Executive Reorganization Order 37, which abolishes Kansas, Inc. They also held hearings on the following bills:

**Senate Bill 78.** Transferring KTEC appointment authority to Governor. This bill amends current law that grants KTEC the authority to make appointments to the Kansas State Fair Board and grants that authority to the Governor. The bill also increases the size of the board.

**Senate Bill 137.** Employment security law; benefits for school bus drivers.

**Senate Bill 140.** Kansas small and disadvantaged business development program act.

**Education.** This week the committee held hearings on the following bills:

**Senate Bill 143.** Creating the postsecondary tiered technical education state aid act. This bill will create a postsecondary tiered system that deems college courses to be either “tiered” or “non-tiered.” In order for classes to be considered tiered they must be labeled as such by the state board.

**Senate Bill 68.** Creating the Kansas healthy youth act. This bill requires local school districts to provide comprehensive sexual education programs.

**Senate Bill 69.** Requiring school districts to adopt policies against dating violence. SB 69 would amend existing statute on bullying to include “dating violence.” It would also require school boards to adopt policies for prevention and file those plans with the Kansas State Board of Education.

budget purposes. This bill allows school boards to adopt a local option budget which does not exceed the local option budget calculated as if the state aid per pupil was \$4,492 or less.

**Senate Bill 144.** Providing bus transportation for school children subjected to hazardous walking conditions. This bill requires the State Board of Education to establish standards for hazardous walking conditions and include hazardous walking conditions as a factor in determining transportation weighting for total expenditures in transporting pupils to public schools.

**Senate Bill 51.** School districts; requiring only parental consent to dispense over-the-counter medication to students. This bill would prevent schools from adopting rules that require more than a parent or legal guardian's consent for giving a student over-the-counter medication, so long as the dosage is given as recommended on the label on the package of the over-the-counter medication.

**Ethics and Elections.** This week the committee heard testimony on the following bills:

**Senate Bill 125.** Elections; candidate filing deadline change. This bill changes the filing deadline for national, state, county and township offices from noon on June 10, to noon on June 1. This will aid in the preparing and mailing of federal military and overseas ballots. SB 125 passed out of committee on Thursday.

**Senate Bill 127.** Elections; certain local units of governments; primaries. This bill is meant to further clean up language in elections statutes for city and school primary elections. It will make it clear that only two candidates for particular positions move forward to compete in the general election. SB 127 passed out of committee.

**Senate Bill 130.** Elections; candidate filing deadlines; other. This bill moves the filing deadlines during a redistricting process from June 24 to June 10 if the redistricting process is completed on or before June 10. If redistricting is completed on or after June 11, this bill moves the filing deadline from July 12 to June 18. This is to help our county election offices remain in compliance with the federal law for mailing out absentee, military, and overseas ballots. SB 130 passed out of committee on Thursday.

**Senate Bill 128.** Presidential preference primary election; date delayed. Due to budgetary concerns, this bill excludes Kansas from the 2012 presidential preference primary, but picks it back up again for the 2015 elections. Kansas has only held a presidential primary election in 1980 and 1992.

**Senate Bill 129.** Elections; vacancies; state senators. This bill allows that for specific date requirements, if a vacancy occurs in a senate seat, the nomination and election of a

for a regular term.

**Senate Bill 145.** Elections; corrupt political advertising; stand by your ads requirement. This bill includes language for television and broadcasting political advertising where sponsoring organizations or individuals responsible for the advertisement must make a disclosure statement as to their sponsorship of the advertisement. It also makes similar provisions for newspaper advertisements, telephone calls, brochures, factsheets, or websites.

The following bills passed out of committee:

- **Senate Bill 43** which allows candidates for office to transfer leftover campaign finance funds from one candidacy to a campaign fund for another candidacy. The bill would require all funds in the original campaign account to be transferred.
- **Senate Bill 67** amends current law to allow gubernatorial inauguration contributions that are not otherwise obligated for the payment of expenses incurred for the inauguration to be donated to any charitable donation that qualifies as a 501(c)(3) not-for-profit corporation.

Federal and State Affairs. This week the committee held hearings on:

**Senate Bill 54.** Creating classes of license to sell alcoholic beverages at retail; fees, term and eligibility. This bill would allow for the sale of wine and spirits by grocery stores, convenience stores and other retailers. Under current law, these sales are limited to liquor stores.

**Senate Bill 112.** Amendments to statutes pertaining to land surveyors. SB 112 amends several statutes related to land surveyors. It primarily does three things: (1) Requires counties to appoint a county surveyor, rather than have one elected; (2) Requires reviews of surveys by the county surveyor or another land surveyor designated by the county before the plat can be recorded with the register of deeds; and (3) Cleans up the language in statute so that it conforms to modern surveying practices and does not require county surveyors to perform engineering duties.

The committee passed Senate Bill 80 out of committee and placed in on the consent calendar. SB 80 would allow microbreweries to increase their strength of alcohol content in their beer from eight to ten percent. In addition, microbreweries would be allowed to serve beer, free of charge, at special events monitored and regulated by the Division of Alcoholic Beverage Control. Additionally, the committee passed out Senate Bill 93 which deals with racial profiling, but changes the name to “racial or other biased policing” and prohibits such actions. Local law enforcement agencies would be required to work with Community Advisory Boards if cities or county governments choose to set up such boards. The boards would be designed to work with law enforcement agencies in policy development, education, and community

counties may develop comprehensive plans to preempt biased policing. If biased policing complaints are received, this bill requires agencies to have procedures in place that they must follow to address such complaints.

**Financial Institutions and Insurance.** The committee held hearings on the following bills:

**Senate Bill 136.** No cause of action for recovery of certain losses while operating an uninsured motor vehicle. This bill limits the types of damages an injured owner or operator of an uninsured vehicle can recover in Kansas if in an automobile accident.

**Senate Bill 170.** Portable electronics insurance act. SB 170 creates a basis for the sale of portable electronics insurance in Kansas by providing a licensing framework and a regulatory structure governing the sale this type of insurance. SB 170 passed out of committee on Tuesday.

**Senate Bill 153.** Authorizing contributions to accounts under the Kansas individual data on students program. This bill allows for state dollar-for-dollar matching of any participant or third-party contributions to a family postsecondary education savings account when the total contributions are equal to or greater than \$100 during the calendar year. The state's matching amount shall not exceed \$600 for any calendar year. Third-party contributions shall be deposited in the matching grant account of the participant established by the treasurer. Requests for withdrawal from the matching account shall be submitted to the treasurer's office for approval. Approval will be given if the treasurer determines that the request is for qualified higher education expenses and shall be paid directly to either the educational institution or to the participant upon presentation of acceptable documentation that the participant has paid qualified higher education expenses at least equal to the amount of the requested withdrawal. Funds in the matching grant account shall be forfeited if a participant makes a nonqualified withdrawal from the participant account and all forfeited funds shall be returned to the Kansas postsecondary education savings trust fund.

**Senate Bill 179.** Kansas life and health guaranty association act. This bill amends current the Life and Health Insurance Guaranty Association Act and adds language to improve the operations and provide uniformity in coverage to Kansas residents as compared to other states' residents.

**Senate Bill 85** passed out of committee on Thursday. SB 85 amends a statute governing policy requirements for group life insurance to delete specified participation percentages required for covered employees to place a group life policy in effect. Under the bill, policy premiums could be paid by the policyholder, the insured employee, or both. The bill also would delete requirements that group life policies must cover a specified number of

percent, the limitation of coverage allowed for dependents covered under an employee's group life insurance policy. Under current law, group life insurance premiums are paid by the policyholder.

**Judiciary Committee.** The committee passed out Senate Bill 52, which requires the courts to consider grandparents as interested parties to a child in need of care proceedings and requires they receive notification of court hearings regarding their grandchildren. The committee also held hearings on the following bills:

**Senate Bill 46.** Civil procedure; electronic filing. This bill allows courts to begin e-filing, so courts may keep electronic forms of records and information instead of paper copies of all relevant documents. The legislation changes current wording which requires court clerks to keep filed papers in a carefully wrapped, dated and stamped envelope. It also clarifies that the Supreme Court, rather than the Chief Judge of a judicial district, would issue the order of when records and information would be maintained in a computer information storage and retrieval systems versus dockets and journals. It is believed that SB 46 would increase the efficiency of the Judiciary and make it easier to access public records. According to the Division of the Budget, funding of \$1,866,000 from the State General Fund for the e-filing project is included in the Judiciary's budget request for FY 2012. The long-term fiscal statement of e-filing cannot be determined by the Division at this time. Senate Bill 46 passed out of committee.

**Senate Bill 73.** Criminal procedure, visual depiction. This bill provides for the prevention of pornographic images of a child from being recreated in an attempt to limit the chances of the material being distributed.

Senate Bill 74. Civil procedure; forfeiture; electronic solicitation; sexual exploitation. This bill would broaden the scope of crimes that allow forfeiture of assets to include the crimes of electronic solicitation and sexual exploitation of a child.

Senate Bill 135. Kansas racketeer influenced and corrupt organization act (Kansas RICO act). This bill would make it a severity level 2 personal felony to participate in or benefit from an enterprise engaged in a pattern of racketeering activity. The bill defines racketeering activity as the commission, attempt to commit, conspiracy to commit, or solicitation, coercion or intimidation of another person to commit certain crimes. Pattern of racketeering activity would be defined as engaging in at least two incidents of racketeering activity within the past five years, with at least one incident occurring after the effective date of RICO. Crimes covered by the Kansas RICO Act would be subject to forfeiture.

**Senate Bill 159.** Concerning crimes, punishment, and criminal procedure; relating to parole and post release supervision for violent offenders and sex offenders; conditions. This bill would require sex offenders to sign a contract upon being paroled allowing a

commit a suspicion-less search of the parolee at any time of day or night. The officers are not allowed to conduct searches that are arbitrary, capricious, or intended to harass. Probationers would be subjected to a similar written agreement that would allow searches as long as there is reasonable suspicion of a crime or the violation of their probation. The bill would have retroactive application for parolees and probationers. During the hearing, there was proposed a balloon amendment which, if added to the bill, would allow searches for all parolees and probationers. The fiscal note indicates that all expenses would be covered by existing funds. Another fiscal note is being drafted to consider the impact on prison and jail space.

**Senate Bill 160.** Child support; collection of child support payments. SB 160 amends current law concerning support orders and income withholding, adding the words “court trustee or” to allow same process that Title IV-D agencies use (state-run child support enforcement programs). It also amends part of the debt setoff statutes adding wording to include trustee debt on the same level as IV-D debts.

**Senate Bill 105.** Concerning interest on judgments. SB 105 would change the statutory prejudgment interest rate paid to creditors from 10% to a rate that is 1% above the discount rate as of July 1, preceding the date the judgment was rendered. This interest rate would change effective July 1 of each year for both judgments rendered before July 1, and judgments rendered during the 12-month period beginning each July 1. SB 105 would eliminate the separate statutory rate of 12% post judgment interest in limited actions cases. The statutory post judgment rate applicable in general civil procedure cases would be applicable to limited action cases. The bill would also prohibit a court from awarding prejudgment interest on any unliquidated, punitive, exemplary, or future damages. According to the Division of Budget, passage of SB 105 would have no fiscal effect on the Judicial Branch.

**Senate Bill 106.** Concerning consumer protection. This bill would amend the Customer Protection Act to follow the guidelines of the Federal Trade Commission and the interpretations of the FTC and federal courts. The bill strikes the language regarding agricultural purpose and agricultural products from the definition of consumer. The bill strikes “husband and wife, sole proprietor, and family partnership” as well as “business or agricultural” in regard to the consumer trying to acquire property or services. A consumer will be judged to have suffered loss only if they can prove on an individual basis that a violation of the Kansas consumer protection act caused the consumer to enter into the transaction that resulted in the damages.

**Senate Bill 96.** Business entities; residing agents; articles of incorporation and certificates of good standing. This bill would alter the requirements for a foreign corporation trying to operate in Kansas. Under current law, foreign corporations have to submit a certificate of good standing from the state where they are based. This bill would change this so that

standing in their home state. The bill would also add language to the resident agent formation document indicating that a corporation has notified the resident agent that they have been appointed and that the resident agent has accepted the appointment. Additionally, the bill would allow limited liability companies, limited partnerships, and limited liability partnerships to reinstate their articles of incorporation after forfeiture due to a loss of their resident agent by filing a certificate of reinstatement and paying any fees and penalties due to the Secretary of State. The Secretary of State's Office requested a delayed effective date of July 1, 2012.

**Senate Bill 164.** Record requirements and civil penalties relating to sales of plastic bulk merchandise containers. This bill would require recyclers to keep records of persons trying to sell more than ten plastic shells (that beverages are transported in) for at least a year so law enforcement can determine whether the plastic shells are stolen.

**Senate Bill 104.** Kansas Tort claims act; charitable health care providers. This bill would amend the Kansas Tort Claims Act by removing "Kansas Administrative Regulations" citations related to charitable health care providers that provide dental service and replacing the citations with the phrase "rules and regulations adopted by the Kansas Dental Board." According to the Division of the Budget, the Kansas Department of Health and Environment and the Kansas Dental Board have indicated that passage of SB 104 would have no fiscal effect.

The committee also continued hearings on Senate Bill 39, which is related to creating the classification of "aggravated sex offender;" creating additional penalties and restrictions for sex offenders. SB 39 would do the following: Amend the Kansas Offender Registration Act by expanding the definition of sex offender and adding the new classification of aggravated sex offender; Aggravated sex offenders who change residences would be required to send written notification of the new address within 24 hours to the local law enforcement agency and the KBI; Aggravated sex offenders would not be able to live within 2,000 feet or loiter within 500 feet of any licensed child care facility, home day care, or school property; the Department of Revenue Division of Motor Vehicles will be required to include an "aggravated sex offender" label on all licenses issued to aggravated sex offenders; Any sex offender who has violated the Kansas Offender Registration Act would have their driving privileges suspended for six months; and Any person required to register under the Act would be prohibited from participating in any Halloween activities. According to the Division of the Budget, this bill would result in an estimated increase of 122 adult prison beds for FY 2011 and 465 adult prison beds by FY 2021. The Department of Revenue estimates additional costs totaling \$30,296 from the SGF would also be incurred as a result of the bill's passage.

**Local Government.** The committee heard the following bills this week:

**Senate Bill 101.** Uniform common interest owners bill of rights act; exclusion of certain communities. This bill excludes associations or common interest communities, which do not own or manage real property, from the Uniform Common Interest Owners Bill of Rights Act.

**Senate Bill 114.** Uniform common interest owners bill of rights act; changes. This bill eliminates certain requirements of associations that do not own or manage real property from the Uniform Common Interest Owners Bill of Rights Act.

**Senate Bill 150.** Cities; incorporation; number of residents. This bill amends current law to alter the population minimum for incorporation into a municipality from 300 residents to 250. SB 150 passed out of committee on Wednesday.

**Senate Bill 162.** Residential real estate transactions; disclosure of methamphetamine production. This bill requires all residential real estate sales contracts to disclose if the residence being sold was used in the illegal production, sale, or storage of methamphetamines.

**Senate Bill 163.** Counties; county administrators; procedure for abolishing office. This board allows county commissioners of any county to adopt a resolution to abolish the office of county administrator. It must be four years from the date the office was established, but beyond that date, the office may be abolished at any time. The bill also outlines the steps to abolish the office.

**Natural Resources.** The committee held hearings on Executive Reorganization Order 36, which renames the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism and transfers the Division of Travel and Tourism Development at the Department of Commerce to the Department of Wildlife, Parks and Tourism.

**Public Health and Welfare.** On Monday, the committee held a hearing on Robert Moser as the Secretary of Health and Environment. They passed him out of committee the same day. The committee also heard testimony on the following bills:

**Senate Bill 88.** Concerning naturopathic medicine and the prescription, recommendation or administration of natural medicines. This bill would expand the scope of practice for naturopaths, including allowing them to prescribe, recommend or administer some prescription-only drugs and substances.

**Senate Bill 134.** Creating the licensure role of advanced practice registered nurse. This bill would update the Nurse Practice Act and make several changes to it, making it consistent with the Consensus Model of the Advance Practice Registered Nurse. These changes include: A title change from Advance Registered Nurse Practitioner (ARNP) to

licensure; Changes to the categories of APRN to roles; Requiring a master's degree or higher degree in an APRN role; and Continuing education requirements for the APRN role.

**Senate Bill 132.** Dental care; increasing availability and access to dental care. This bill proposes various changes to the Dental Practice Act. The most significant being giving dental hygienists with Extended Care Permits the ability to expand the dental hygiene services they provide.

**Senate Bill 195.** Relating to the licensure of acupuncturists. This bill establishes licensing and regulation of Acupuncturists under the Board of Healing Arts.

**Senate Bill 141.** Concerning the department on health and environment, relating to school-located influenza vaccination programs. This bill requires the Kansas Department of Health and Environment to apply for federal grants in order to fund, promote, and expand school-located influenza vaccination programs for school children.

**Senate Bill 138.** Pharmacy audit integrity act. SB 138 allows pharmacies some of the following considerations for an audit to be performed: At least two week's notice, the audit may only cover two years, and high business times are off-limits for conducting an audit.

**Senate Bill 133.** Health information; technology and exchange of health information. This is the Kansas Health Information and Technology Exchange Act. It address legal barriers to health information exchange and provides a framework for addressing the secure exchange of health information via health information technology.

**Senate Bill 139.** Members of regional trauma councils and advisory committee on trauma. This bill allows for peer review processes by protecting the peer review status for the Kansas Trauma System. SB 139 was passed out of committee.

Public Health and Welfare also passed the following bills out of committee:

- Substitute for Senate Bill 33. This bill requires the compilation of information on concussions and head injuries in high school athletics and the risks involved when athletes continue playing or practicing after a concussion or head injury. The information and a release form will be required of all student athletes before participating in school sports, and additionally requires that a student suffering from a concussion or head injury cannot return to playing without an examination and clearance from a licensed health care provider.
- Senate Bill 100 amends the Addictions Counselor Licensure Act which passed during the 2010 Legislative Session. The bill would eliminate case management from the scope of addiction counseling; clarify that clinical addiction counseling includes independent practice and the diagnosis and treatment of substance use disorders; makes provision for addiction counselors

another option available to meet the licensure requirements; adds a grandfathering provision; provides clarification of the continuing education requirement differences for a clinical addiction counselor or an addiction counselor; and makes other technical amendments.

**Transportation.** This week the Transportation committee heard a presentation by the Kansas Corporation Commission. They also heard testimony on the following bills:

**House Bill 2033.** Registration of certain fleet motor vehicles. HB 2033 extends vehicle registration as a fleet, rather than registration of individual vehicles, to commercial fleets of 250 or more vehicles on which personal property taxes are paid. Current law allows fleet registration only for fleets of 250 or more vehicles that are exempt from personal property tax or are assessed under tax laws for motor carriers. HB 2033 was passed out of committee and placed on the consent calendar.

**Senate Bill 119.** Rail service improvement program loans and grants. This bill amends current law and allows governmental units that are qualified entities to enter into loans agreements with the rail service improvement fund as administered by the Secretary of Transportation. If the governmental unit fails to meet repayment terms, the Secretary of Transportation may order the state treasurer to pay the rail service improvement fund what may be necessary to meet the terms of the agreement.

**Senate Bill 115.** Abolishing the highway advisory commission. This bill abolishes the Highway Advisory Commission at the request of the Highway Advisory Commission. SB 115 was passed out of committee and placed on the consent calendar.

**Senate Bill 151.** Highway advertising; permitting spot zoning. This bill amends the Highway Advertising Control Act to allow outdoor advertising structures (billboards) along specific areas of highway that were rezoned by state law in 2006.

**Senate Bill 183.** Concerning motor vehicles; relating to safety belt. This is a statutory clean-up bill that removes safety belt language which applies to children under the age of 14, when this particular statute only applies to persons aged 14 and above. Child passenger safety statutes still exist, but they are not applicable in these statutes.

On Wednesday, Senate Bill 120 passed out of committee. SB 120 requires a title to be issued on all watercraft vessels owned by Kansas residents. Most lien holders require a title and Kansas does not currently title watercrafts. The title fee would be set at \$20 per title.

**Utilities.** The committee heard testimony on the following bills:

request of AT&T and is a deregulation bill. It proposes to limit AT&T's "carrier of last resort" responsibilities in certain areas of the state and eliminate those responsibilities in other areas. The state is divided into three categories: more than 75,000 access lines; 6,000 to 74,999; and under 6,000. Price deregulation in the smallest category would be tied to the price in the largest category. The committee expects to work the bill early next week.

**Senate Bill 190.** Telecommunications and price regulation. The bill is based on recommendations of the State Corporation Commission in its 2011 Report to the Kansas Legislature on Price Deregulation. It would:

- Discontinue use of the Consumer Price Index (CPI) and use instead the Telephone Services Index within the CPI as the measure of inflation for purpose of determining whether a price deregulated telephone carrier's rates are in line with the industry as a whole.
- Require a price deregulated carrier to maintain stand-alone (i.e., without any other services such as call forwarding, call waiting, etc.) single-line residential service and four-line business service at the rate in effect at the time of deregulation, require notice to customers of the availability of this service and require reporting of the number of customers subscribing to this service.
- Allow for the Commission to resume price cap regulation if the price deregulated carrier's weighted average rate is greater than the statewide weighted average rate and the carrier's rate exceeds what it would be if the rate had increased at the rate of inflation. The circumstances described would have to occur for 4 consecutive years for the Commission to resume price cap regulation of a price deregulated carrier.

**Ways and Means.** The committee continued hearing subcommittee reports, and continued hearings on both Senate Bill 42 and Executive Reorganization Order 38. SB 42 would abolish the Kansas Technology Enterprise Corporation (KTEC) and transfer the primary duties and responsibilities to the Department of Commerce and Board of Regents. ERO 38 reorganizes the Kansas Health Policy Authority into the Division of Health Care Finance within the Department of Health and Environment. A conference committee began meeting with House members this week on the Rescission Bill. Senators Carolyn McGinn, John Vratil and Laura Kelly are representing the Senate in these negotiations regarding cuts to the Fiscal Year 2011 budget.

**[Visit my website at http://www.jayemler.com](http://www.jayemler.com)**

## **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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### **Have a question? Contact me**

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. My legislative district includes: Barton, Dickinson, Ellsworth, Lincoln, Marion, McPherson and Rice counties.