



Senator Jay Emler

Kansas Senate District 35

Thoughts from the Capitol

March 3, 2002

Jay Scott Emler, Kansas State Senator, 35th District

Common Law Marriage

The Kansas Senate voted 31 to 9 to ban common law marriage. Kansas is one of only eight states that recognize common law marriages. Recent attempts made by defense attorneys to plea a common law marriage when a client was charged with rape of a minor have motivated lawmakers to repeal the law. The Kansas House of Representatives also passed a legislation to ban common law marriage, however, it only affects those under the age of eighteen. Common law marriages would still be legal for adults eighteen years of age and older. The differences between the two bills will most likely be settled in conference committee.

Naturopathy

Kansans may soon have a choice in their medical treatment. The Kansas Senate passed Senate Bill 610 on a vote of 38 to 2. The bill provides for a procedure for the Kansas Board of Healing Arts to license naturopaths. Naturopathy is the use of herbs, minerals and other natural products to treat disease and promote wellness. Opponents say naturopaths would be allowed to do too much and put patients at risk. Supporters of the bill believe they should have access to alternative medical services and point out that restrictions in the bill limit what naturopaths may do.

Kan-Ed

The Senate Commerce Committee is attempting to find a secure source of funding for Kan-Ed this year. Kan-Ed was approved last year, but funding was not secured. The proposed project would contract private companies to provide public schools, hospitals and libraries access to high speed Internet and interactive video. Supporters believe the network would benefit rural communities, and ultimately all Kansans, with savings in school costs, cuts in travel expenses, and enhancements in health care. This year's budget challenges are threatening funding for Kan-Ed. The proposal brought before the Senate Commerce Committee to raise \$10 million a year through the Kansas universal service fund (KUSF) would add about .75% to the tax on phone bills. Though there is a lot of support for Kan-Ed, some are questioning the policy of using KUSF to fund the public project. The bill, SB 614, is still in the Senate Commerce Committee.

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Passed Senate Bills

SB Sub 379

SB 379 would create new districts for the Kansas State Senate. The redistricting plan combines two districts in which current incumbents live. Maps and reports that describe the proposal can be viewed at: <http://skyways.lib.ks.us/ksleg/KRLD/Redistrict/SenatePlan.htm>.

Sub SB 116

An act designed to provide immunity to manufacturers or dealers of firearms or ammunition from civil suits and right to recover suits brought by or on behalf of the state or any political subdivision such as counties and cities. This bill goes on to specifically state that nothing contained in the bill would prohibit a political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer in the event that a firearm or ammunition is defective and causes damages to employees.

SB 401

This bill permits school district boards to pay employment incentives or retention bonuses to teachers and others who are required to hold a teacher's or school administrator's certificate in a public school. A local school board's action under this bill would be subject to negotiation by mutual agreement of the involved parties, but negotiation is not mandatory.

SB 409

This act amends the school finance specifically as it deals with the ability of a school district to use the money in its contingency reserve fund - where the local district has such a fund. Under current law, a school district may spend money from this fund for financial contingencies which were not anticipated at the time its general budget was adopted. The amendment removes this restriction and leaves to the school board the determination of when a financial contingency exists prompting expenditures from this fund.

SB 435

This bill repeals a number of statutes which comprise the Livestock Remedy Law and amend several other statutes. The Department of Agriculture supported the bill saying the livestock remedies are usually over-the-counter medications for animals and that field inspectors typically check livestock remedy products for product registration, labeling requirements, and the expiration date. Currently, the Food and Drug Administration already inspects for these items. This bill would end a duplicative practice.

SB 437

Under this bill, the Secretary of Agriculture is given authority to carry out official control operations to locate, suppress, prevent, or retard the spread of any plant diseases under the newly-renamed Plant Pest and Agriculture Certification Act.

The bill would also give the Secretary the authority to establish regulations defining pest freedom standards for live plants, plants and plant products, or other regulated articles that pose risk of moving plant pests. Nurseries would no longer be required to be inspected annually.

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New authority would be given to the Secretary to provide inspection services for certification purposes for regulated articles intended for shipment interstate or internationally. Inspection fees would not exceed \$30 per hour, but would be established by regulation. If a certificate is requested an additional fee not to exceed \$50 would be assessed.

Sub SB 467

As amended, this bill would govern the transmission of unsolicited commercial emails, often referred to as "spam". The bill would prohibit a person from initiating, conspiring to initiate, or assisting in the transmission of a commercial email from a computer located in Kansas or to an email address that the sender knows is held by a Kansas resident unless the message meets the following criteria:

- the email may not use a third party's Internet domain name without permission of the third party, or otherwise misrepresent any information identifying the origin or transmission path
- the email may not contain false or misleading information in the subject line
- the first four characters of the subject line of the email would be required to contain the designation "ADV:"
- the email would be required to contain instructions for the recipient to follow to notify the sender not to send any subsequent communications
- if the email contained sexually explicit advertising or otherwise adult-oriented material, the subject line of the email would be required to contain the designation "ADV:ADLT:"

Sub SB 488

Applies to all school district boards except Shawnee Mission and authorizes them to close school buildings whenever the board finds that doing so will improve the district's school system. This action is taken by adoption of a resolution. The resolution must include the reasons for closing the school building, the name of the affected building, and the buildings to which the involved pupils will be reassigned. Prior to adopting the resolution to close a school building, the board must hold a hearing. Notice of the hearing must be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district. The last publication must be at least ten days, but not more than 20 days, prior to the date of the hearing. At the hearing, the board presents its school closing proposal and takes testimony concerning it. Subsequently, the board determines if the school building should be closed for the improvement of the school system.

SB 526

Amends the school finance law to increase Base State Aid Per Pupil (BSAPP) by \$20, from \$3,870 to \$3,890 commencing with the 2002-03 school year. This was recommended by Governor Graves in his State of the State Address at the beginning of the 2002 Session.

SB 543

Allows the governing body of any fire district to pay compensation to volunteer firefighters for fighting fires or attending meetings.

SB 548

Gives the Secretary of Agriculture authority to designate a county as a sericea lespedeza disaster area to provide for the control and eradication of the weed within such county. This

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disaster area designation authority is encapsulated within the time from July 1, 2002, through June 30, 2005. This program is being piloted to determine whether or not the disaster area designation will better allow state officials to efficiently battle sericea lespedeza in an area of significant infestation.

Under SB 548, this designation would allow a county conservation district to utilize available funds to control and eradicate sericea lespedeza within the time frame mentioned above, if the secretary has declared the county in question a sericea lespedeza disaster area.

SB 551

Provides that a school district which is enlarged due to disorganization of one district and its attachment to the enlarged district will be entitled to State Financial Aid in the current school year equal to the State Financial Aid of the districts as they were defined in the year preceding the disorganization and attachment. For the next three school years, the district will be entitled to the amount of State Financial Aid it received the first year under this provision or the amount of State Financial Aid the district would receive under operation of the school finance formula in that year, whichever is greater. This provision applies only when all of the territory of the district being disorganized is attached to one other district.

SB 553

Requires the Director of Property Valuation (PVD) to submit a report on or before September 1, 2002, relating to the history of agricultural land valuation procedures pursuant to existing law. Specifically, the report would be required to include a summary of changes in each class of land implemented within the past ten years, when such change was made, and an explanation of the rationale for each change.

All of the foregoing bills have passed the Senate and are now in the House of Representatives awaiting action.

Sometime this week the congressional redistricting map should be debated. I have heard from many of you on this issue and have passed you concerns on to members of the redistricting committee and Senate leadership. I am hopeful that we will see McPherson and Marion Counties returning to the First District.

I appreciate hearing from you. There are three convenient ways to contact me. You may write to me at:

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State Capitol Building, Room 128-S
Topeka, Kansas 66612.

Or, you may call me at:
785.296.7354.

Or, you may e-mail me at:
emler@senate.state.ks.us.



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For those of you who want to write to me at my McPherson office or home, feel free to do so. It takes me a little longer, however, to respond because the letters and e-mail are forwarded to my Topeka office.