

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 13, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department
Melissa Doeblin, Revisor of Statutes Office
Theresa Kiernan, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Others attending:

See attached list.

Senator Betts requested a bill introduction concerning racial profiling, prescribing duties for the attorney general; requiring training for law enforcement agencies and personnel.

Senator Barnett moved that this request should be introduced as a committee bill. Senator Francisco seconded the motion. The motion carried.

Final Action:

SB 457 - Political and taxing subdivisions; budgets; filing electronically.

A balloon was provided by staff. (Attachment 1) The balloon includes a new section c on page 3, and new section d on page 4. The committee requested that "without charge" be added to the two new sections.

Senator Barnett moved to adopt the amended balloon with the words added to the new sections "without charge". Senator Brownlee seconded the motion. The motion carried.

Senator Barnett moved to pass SB 457 out favorably as amendment. Senator Lynn seconded the motion. The motion carried.

SB 460 - Townships; consolidation; transfer of territory; county service taxing districts.

A balloon to include the language on page 7 lines 11 and 12 to be reinserted.. (Attachment 2)

Senator Brownlee moved to adopt the bill with the balloon by inserting line 11 and 12 on page 7. Senator Lynn seconded the motion. The motion carried.

Senator Brownlee moved to pass SB 460 out favorably as amended. Senator Reitz seconded the motion. The motion carried.

SB 512 - Emergency medical services, attendant's certificate requirements.

A balloon was provided by staff. (Attachment 3) The balloon striking fingerprinting and background checks through KBI and FBI. The committee would also amend on page 3 line 6 striking "may" and inserting shall not, and after applicant in line 7, and adding "meets the following requirements". A flow-chart of application certification was provided. (Attachment 4)

Senator Brownlee moved to adopt the amended balloon with the language changes on page 3. Senator Ostmeyer seconded the motion. The motion carried.

Senator Brownlee moved to pass SB 512 out favorably as amended. Senator Reitz seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 13, 2008 in Room 526-S of the Capitol.

SB 513 - Emergency medical services, fingerprinting, criminal history record checks.

The bill is not needed with the striking of language in **SB 512**, at this time.

SB 514 - Emergency medical services board, authority to grant exemptions or waivers to rules and regulations in certain circumstances

Senator Barnett moved an amendment by adding temporary variance. Senator Brownlee seconded the motion. The motion was withdrawn.

The committee requested that section (b) on page 2 be stricken and rewritten. (Attachment 5)

Senator Vratil moved to adopt the amendment with the words added to the new section (b). Senator Barnett seconded the motion. The motion carried.

Senator Reitz moved to pass **SB 514** out favorably as amended. Senator Lynn seconded the motion. The motion carried.

SB 397 - Consumption of alcohol at national guard armories.

Staff provided standing committee report with changes. (Attachment 6)

Senator Vratil moved to pass **SB 397** out favorably as amended. Senator Ostmeyer seconded the motion. The motion carried.

SB 486 - Appointment of certain state officers subject to confirmation by the senate

Senator Brownlee moved to amended line 41 on page 11 striking the word “may” and replacing with “shall” and adding after committee “unless such person is being re-appointed to the same position”. Senator Vratil seconded the motion. The motion carried.

Senator Vratil requested the active language of the bill, and the Chairman will hold the bill.

The meeting was adjourned at 11:50 am. The next scheduled meeting is February 14, 2008.

SENATE BILL No. 457

By Committee on Ways and Means

1-22

9 AN ACT concerning municipalities and taxing subdivisions; amending
10 K.S.A. 2007 Supp. 79-2926, 79-2929a and 79-2930 and repealing the
11 existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2007 Supp. 79-2926 is hereby amended to read as
15 follows: 79-2926. (a) Subject to the provisions of subsection (b), the di-
16 rector of accounts and reports shall prepare and prescribe forms for the
17 annual budgets of all taxing subdivisions or municipalities of the state.
18 Such forms shall show the information required by this act necessary and
19 proper to disclose complete information as to the financial condition of
20 such taxing subdivision or municipality, and the receipts and expenditures
21 thereof, both past and anticipated.

22 (b) (1) From and after July 1, 2004 and based upon recommenda-
23 tions by the state department of education, the director shall prepare and
24 prescribe forms for the annual budget and a summary of the proposed
25 budget of school districts. The state department of education shall make
26 such recommendations after considering the best practices and standards
27 established by the government finance officers association and the asso-
28 ciation of school business officials.

29 (2) (A) The school district budget form shall include a separate table
30 outlining the aggregate amount of expenditures for salaries and wages for
31 the following categories:

- 32 (i) Certified and noncertified administrators;
33 (ii) persons employed full-time as teachers;
34 (iii) other certified employees who are not employed full-time as
35 teachers;
36 (iv) classified employees;
37 (v) other positions designated by the state department of education;
38 and
39 (vi) substitutes and other temporary employees.

40 (B) The school district budget form shall show the number of full-
41 time employee positions specified in paragraph (A) of this subsection and
42 the average salaries or wages for such positions.

43 (C) The school district budget form shall show any other information

Balloon

add:
without change

17

1 recommended by the state department of education.

2 (3) The summary of the proposed budget form shall include:

3 (A) An overview of the proposed budget of the school district and the
4 budgetary process;

5 (B) a summary of the changes in the proposed budget from the pre-
6 vious budget year;

7 (C) a summary of the estimated expenditures to be made and reve-
8 nues to be received in the ensuing budget year and the sources of such
9 revenue;

10 (D) the internet website address for school building report cards
11 compiled by the state department of education; and

12 (E) any other information specified by the state department of
13 education.

14 (4) Nothing in this subsection (b) shall be construed as limiting the
15 authority of school districts to develop and provide material or informa-
16 tion in addition to that required by the state department of education.

17 (5) The state department of education shall provide technical advice
18 and assistance to school districts to insure compliance with the provisions
19 of this section.

20 (c) All such budget and tax levy forms shall be printed by the division
21 of printing in such quantity as required by the director. The director shall
22 deliver the forms for school districts to the clerk of the board of education
23 of each school district. The forms for all other taxing subdivisions or mu-
24 nicipalities of the state shall be delivered by the director to the county
25 clerk of each county, who shall deliver the same to the presiding officer
26 of the governing body of the respective taxing subdivisions or municipal-
27 ities within the county.

28 (d) *Beginning in 2009, all such forms required by this section, shall*
29 *be in an electronic format to facilitate filing such forms electronically.*

30 Sec. 2. K.S.A. 2007 Supp. 79-2929a is hereby amended to read as
31 follows: 79-2929a. (a) The governing body of any taxing subdivision or
32 municipality which is subject to the budget law provisions of K.S.A. 79-
33 2925 through 79-2936, and amendments thereto, which proposes to
34 amend its adopted current budget during the year in which such budget
35 is in effect, shall be subject to the same publication, notice and public
36 hearing requirements as required by K.S.A. 79-2929, and amendments
37 thereto, for the adoption of the original budget. In addition, such pub-
38 lished budget shall show any proposed changes in the amount of expend-
39 itures, by fund. Any proposed increase in expenditures shall be balanced
40 by previously unbudgeted increases in revenue other than ad valorem
41 property taxes. A copy of the adopted amended budget shall be filed with
42 the county clerk and with the director of accounts and reports. *Beginning*
43 *in 2009, all such budget information shall be filed electronically with the*

1 county clerk and with the director of accounts and reports.

2 (b) Whenever a clerical error in the calculation of the assessed val-
 3 uation of any taxing subdivision or municipality which is subject to the
 4 provisions of K.S.A. 79-2925 through 79-2936, and amendments thereto,
 5 is discovered after the governing body has adopted the budget and prior
 6 to October 1, the governing body may amend such budget. Any budget
 7 amended pursuant to this subsection shall be subject to the same publi-
 8 cation, notice and public hearing requirements as required by K.S.A. 79-
 9 2929, and amendments thereto, for the adoption of the original budget.
 10 A copy of such amended budget shall be filed with the county clerk and
 11 the director of the division of accounts and reports. *Beginning in 2009,*
 12 *all such budget information shall be filed electronically with the county*
 13 *clerk and with the director of accounts and reports.*

14 Sec. 3. K.S.A. 2007 Supp. 79-2930 is hereby amended to read as
 15 follows: 79-2930. (a) Two copies of the budget certificate giving the
 16 amount of ad valorem tax to be levied and the total amount of the adopted
 17 budget of expenditures by fund, along with itemized budget forms for
 18 each and every fund and proof of publication of the notice of budget
 19 hearing containing the budget summary shall be presented to the county
 20 clerk within the time prescribed by K.S.A. 79-1801 and amendments
 21 thereto. *Beginning in 2009, all such budget information shall be filed*
 22 *electronically with the county clerk.* Where action has been taken under
 23 any statute to increase the amount of tax to be levied authorized by law,
 24 a statement showing the increased amount or tax levy rate voted, or a
 25 copy of the charter resolution or ordinance making the change, shall be
 26 attached to the budget each year the change is in effect.

27 (b) The county clerk shall make any reductions to the ad valorem tax
 28 to be levied, compute the tax levy rates based on the final equalized
 29 assessed valuation, and enter such on the budget certificate before at-
 30 testing the budget, except that with regard to levies made under K.S.A.
 31 75-2551, and amendments thereto, such levies shall be based upon the
 32 certified preliminary abstract of property values submitted to the director
 33 of property valuation pursuant to K.S.A. 79-1604, and amendments
 34 thereto. A copy of all budgets for taxing subdivisions of the county, prop-
 35 erly attested, shall be filed with the director of accounts and reports, along
 36 with a copy of the tax levy rate summary required of the county treasurer
 37 by K.S.A. 79-2002, and amendments thereto. *Beginning in 2009, all such*
 38 *budget information shall be filed electronically with the director of ac-*
 39 *counts and reports.*

40 (c) Each fund of the adopted budget certified to the county clerk in
 41 no event shall exceed the amount of ad valorem tax to be levied and the
 42 proposed expenditures of such fund in the proposed budget as originally
 43 published. The governing body of each taxing subdivision shall not certify

(c) Upon request thereof, the county clerk shall provide assistance to any taxing division or municipality in complying with the electronic filing requirements of this section.

without charge

1 an amount of ad valorem taxes to be levied that is in excess of any tax
2 levy rate or amount limitations or any aggregate tax levy limitations. The
3 governing bodies, in fixing the amount may take into consideration and
4 make allowance for the taxes which may not be paid, such allowance,
5 however, shall not exceed by more than 5% the percentage of delinquency
6 for the preceding tax year.

7 Sec. 4. K.S.A. 2007 Supp. 79-2926, 79-2929a and 79-2930 are hereby
8 repealed.

9 Sec. 5. This act shall take effect and be in force from and after its
10 publication in the statute book.

(d) Upon request thereof, the county clerk shall provide assistance to any taxing division or municipality in complying with the electronic filing requirements of this section.

without charge

1 The ballot used in such elections shall conform to the provisions of K.S.A.
2 25-605, and amendments thereto, and the question shall be stated sub-
3 stantially as follows: "Shall the township of _____ and the township
4 of _____ be consolidated into one township and the new township
5 named _____?" If a majority of the qualified electors in each
6 township shall vote to consolidate, the board of county commissioners
7 shall adopt a resolution certifying that the consolidation is in effect in
8 accordance with the agreement and the respective townships shall there-
9 upon be considered disorganized.

10 Sec. 10. K.S.A. 80-1110 is hereby amended to read as follows: 80-
11 1110. Townships located in counties which have adopted the county unit
12 road system in the manner as provided by K.S.A. 68-515b which contain
13 more than 200 residents may be disorganized and the territory or parts
14 thereof attached to any other township or townships within such county
15 which are contiguous with the township or any one of the townships being
16 disorganized, in the manner hereinafter provided.

put back in 1

17 Sec. 11. K.S.A. 80-1111 is hereby amended to read as follows: 80-
18 1111. Whenever the board of county commissioners of any such county
19 shall determine that it is in the best interests of the inhabitants of any
20 township or townships located within such county to disorganize the
21 same, such board shall adopt a resolution stating its intentions to disor-
22 ganize such township or townships and the attachment of the territory of
23 the same to another township or townships within the county. Such res-
24 olution shall fix a time, which shall be not less than thirty-two (32) and
25 not more than forty (40) 40 days after the date of the last publication of
26 such resolution, and a place, within such township or townships or at such
27 other place within such county as shall be designated by the board of
28 county commissioners, for the holding of a hearing or hearings upon the
29 question of disorganizing such township or townships. Such resolution
30 shall also contain a statement that unless a petition, signed in such a
31 manner as to substantially identify the elector signing the same, by a
32 majority of the electors of any township proposed to be disorganized, as
33 shown by the returns of the general election next preceeding the filing of
34 such petition, opposing the disorganization of such township, is filed in
35 the office of the county clerk within thirty (30) days after the date of the
36 last publication of such resolution, such township or townships will be
37 disorganized. Such resolution shall be published once each week for two
38 (2) consecutive weeks in a newspaper having general circulation in the
39 township or townships proposed to be disorganized and a copy thereof
40 sent to the clerk of the township board of such township or townships.

41 If a petition in opposition is not filed in compliance with the provisions
42 of this section, then the board of county commissioners shall adopt a
43 resolution disorganizing such township, attaching the same or portions

SENATE BILL No. 512

By Senator Emler

1-29

9 AN ACT emergency medical services; relating to attendant's certificate
10 requirements; amending K.S.A. 65-6112 and 65-6129 and repealing
11 the existing sections.

12
13 Be it enacted by the Legislature of the State of Kansas:

14 Section 1. K.S.A. 65-6112 is hereby amended to read as follows: 65-
15 6112. As used in this act:

16 (a) "Administrator" "Executive director" means the chief administra-
17 tor of the emergency medical services board.

18 (b) "Ambulance" means any privately or publicly owned motor ve-
19 hicle, airplane or helicopter designed, constructed, prepared and
20 equipped for use in transporting and providing emergency care for in-
21 dividuals who are ill or injured.

22 (c) "Ambulance service" means any organization operated for the
23 purpose of transporting sick or injured persons to or from a place where
24 medical care is furnished, whether or not such persons may be in need
25 of emergency or medical care in transit.

26 (d) "Attendant" means a first responder, emergency medical tech-
27 nician, emergency medical technician-intermediate, emergency medical
28 technician-defibrillator or a mobile intensive care technician certified
29 pursuant to this act.

30 (e) "Board" means the emergency medical services board established
31 pursuant to K.S.A. 65-6102, and amendments thereto.

32 (f) "Emergency medical service" means the effective and coordinated
33 delivery of such care as may be required by an emergency which includes
34 the care and transportation of individuals by ambulance services and the
35 performance of authorized emergency care by a physician, professional
36 nurse, a licensed physician assistant or attendant.

37 (g) "Emergency medical technician" means a person who holds an
38 emergency medical technician certificate issued pursuant to this act.

39 (h) "Emergency medical technician-defibrillator" means a person
40 who holds an emergency medical technician defibrillator certificate issued
41 pursuant to this act.

42 (i) "Emergency medical technician-intermediate" means a person
43 who holds an emergency medical technician intermediate certificate is-

"Administrator" means the executive
director of the emergency medical services
board.

1 sued pursuant to this act.

2 (j) "First responder" means a person who holds a first responder cer-
3 tificate issued pursuant to this act.

4 (k) "Hospital" means a hospital as defined by K.S.A. 65-425, and
5 amendments thereto.

6 (l) "Instructor-coordinator" means a person who is certified under
7 this act to teach initial courses of certification of instruction and contin-
8 uing education classes.

9 (m) "Medical adviser" means a physician.

10 (n) "Medical protocols" mean written guidelines which authorize at-
11 tendants to perform certain medical procedures prior to contacting a phy-
12 sician, or professional nurse authorized by a physician. These protocols
13 shall be developed and approved by a county medical society or, if there
14 is no county medical society, the medical staff of a hospital to which the
15 ambulance service primarily transports patients.

16 (o) "Mobile intensive care technician" means a person who holds a
17 mobile intensive care technician certificate issued pursuant to this act.

18 (p) "Municipality" means any city, county, township, fire district or
19 ambulance service district.

20 (q) "Nonemergency transportation" means the care and transport of
21 a sick or injured person under a foreseen combination of circumstances
22 calling for continuing care of such person. As used in this subsection,
23 transportation includes performance of the authorized level of services of
24 the attendant whether within or outside the vehicle as part of such trans-
25 portation services.

26 (r) "Operator" means a person or municipality who has a permit to
27 operate an ambulance service in the state of Kansas.

28 (s) "Person" means an individual, a partnership, an association, a
29 joint-stock company or a corporation.

30 (t) "Physician" means a person licensed by the state board of healing
31 arts to practice medicine and surgery.

32 (u) "Physician assistant" means a person who is licensed under the
33 physician assistant licensure act and who is acting under the direction of
34 a responsible physician.

35 (v) "Professional nurse" means a licensed professional nurse as de-
36 fined by K.S.A. 65-1113, and amendments thereto.

37 (w) "Provider of training" means a corporation, partnership, accred-
38 ited postsecondary education institution, ambulance service, fire depart-
39 ment, hospital or municipality that conducts training programs that in-
40 clude, but are not limited to, initial courses of instruction and continuing
41 education for attendants, instructor-coordinators or training officers.

42 (x) "Responsible physician" means responsible physician as such term
43 is defined under K.S.A. 65-28a02 and amendments thereto.

3-2

3-3

1 (y) "Training officer" means a person who is certified pursuant to this
2 act to teach initial courses of instruction for first responders and continu-
3 ing education as prescribed by the board.

4 Sec. 2. K.S.A. 65-6129 is hereby amended to read as follows: 65-
5 6129. (a) Application for an attendant's certificate shall be made to the
6 board upon forms provided by the administrator. The board may grant *shall not*
7 an attendant's certificate if the applicant ~~meets the following~~ *meets the following requirements:*
8 requirements:

9 (1) (A) ~~Has made application within one year two years from the date~~
10 ~~of the last class of a course of instruction approved by the board for the~~
11 ~~classification of attendant's certificate for which application has been~~
12 ~~made; and~~

13 (B) ~~has completed successfully such course of instruction, passed an~~
14 ~~examination prescribed by the board and paid a fee prescribed by the~~
15 ~~board; or~~

16 (2) ~~has completed successfully a course of instruction or training ac-~~
17 ~~credited by the commission on accreditation of allied health education~~
18 ~~programs, a program of instruction or training offered by the armed forces~~
19 ~~of the United States or a program of instruction completed in another~~
20 ~~state that is equivalent to a program approved by the board for the class~~
21 ~~of attendant's certificate applied for, passed an examination prescribed~~
22 ~~by the board and paid a fee prescribed by the board.~~

23 (2) (A) (i) ~~has successfully completed attendant training in another~~
24 ~~state;~~

25 (ii) ~~is currently certified or licensed as an attendant in another state;~~
26 ~~or~~

27 (iii) ~~is registered by the national registry of emergency medical tech-~~
28 ~~nicians; and~~

29 (B) ~~passed an examination prescribed by the board and paid a fee~~
30 ~~prescribed by the board.~~

31 (b) ~~The board shall not grant an initial emergency medical technician-~~
32 ~~intermediate certificate, an initial emergency medical technician defib-~~
33 ~~illator certificate or an initial mobile intensive care technician certificate~~
34 ~~as a result of successful course completion in the state of Kansas, unless~~
35 ~~the applicant for such an initial certificate is certified as an emergency~~
36 ~~medical technician.~~

37 (c) ~~On and after January 1, 2001, An attendant's certificate shall ex-~~
38 ~~pire on the date prescribed by the board. An attendant's certificate may~~
39 ~~be renewed for a period of two years upon payment of a fee as prescribed~~
40 ~~by rule and regulation of the board and upon presentation of satisfactory~~
41 ~~proof that the attendant has successfully completed continuing education~~
42 ~~as prescribed by the board. The board may prorate to the nearest whole~~
43 ~~month the fee fixed under this subsection as necessary to implement the~~

(1)(A) has successfully completed the course work as required by the rules and regulations adopted by the board; or

(B) has successfully completed course work in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; and

(2)(A) has passed the examination required by rules and regulations adopted by the board; or

(B) has passed the certification or licensing examination in another jurisdiction that has been approved by the board.

(b) The board may grant a temporary attendant's certificate:

(1) if the applicant is certified or licensed as an attendant in another jurisdiction, but whose course work is determined to be not substantially equivalent to that required by the board. Such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required course work, whichever occurs first; or

(2) if the applicant has completed the course work required by the board, has taken the required examination, but has not received the results of the examination. Such temporary certificate shall be valid for 120 days from the date of the examination. An applicant who has been granted such temporary certificate shall be under the direct supervision of a physician, a physician's assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant.

(c)

(d)

1 provisions of this subsection.

2 ~~(d) (1) The emergency medical services board may issue a temporary~~
3 ~~certificate to any person anyone who has successfully completed attendant~~
4 ~~training in another state; is currently certified or licensed as an attendant~~
5 ~~in another state; or is registered by the national registry of emergency~~
6 ~~medical technicians; and who has not qualified for an attendant's certifi-~~
7 ~~cate under paragraph (1) or (2) of subsection (a) when:~~

8 ~~(A) The operator for whom such person serves as an attendant re-~~
9 ~~quests a temporary certificate for that person; and~~

10 ~~(B) such person meets or exceeds certain minimum requirements~~
11 ~~prescribed by the board by rules and regulations.~~

12 ~~(2) A temporary certificate shall be effective for one year from the~~
13 ~~date of its issuance or until the person has qualified as an attendant under~~
14 ~~paragraph (1) or (2) of subsection (a), whichever comes first. A temporary~~
15 ~~certificate shall not be renewed and shall be valid only while an attendant~~
16 ~~works for the operator requesting the temporary certificate. A person~~
17 ~~holding a temporary certificate as an emergency medical technician shall~~
18 ~~not be eligible to apply for certification as an emergency medical tech-~~
19 ~~nician intermediate, emergency medical technician defibrillator or a mo-~~
20 ~~bile intensive care technician.~~

21 ~~(e) (1) Upon request by an operator to the board for a graduate~~
22 ~~certificate and upon approval by the board of such request, an applicant~~
23 ~~for certification may perform activities that are within the authorized ac-~~
24 ~~tivities of the certification level applied for, provided that the applicant:~~

25 ~~(A) Has successfully completed the appropriate course of instruction~~
26 ~~for the level applied for;~~

27 ~~(B) serves with the ambulance service identified in this subsection~~
28 ~~(e) operator making the request; and~~

29 ~~(C) is practicing under the direct supervision of a physician, physician~~
30 ~~assistant, professional nurse or an attendant who is at or above the cer-~~
31 ~~tification level for which the applicant has applied.~~

32 ~~(2) The authority to perform activities under this subsection (e) shall~~
33 ~~terminate 120 days from the date of the last class or until when the results~~
34 ~~of the first examination are received by the board, whichever comes first.~~
35 ~~Such authority to practice shall not be renewed and shall be valid only~~
36 ~~while the applicant serves with the ambulance service identified in this~~
37 ~~subsection (e) operator making the request.~~

38 ~~(f) All fees received pursuant to the provisions of this section shall be~~
39 ~~remitted to the state treasurer in accordance with the provisions of K.S.A.~~
40 ~~75-4215, and amendments thereto. Upon receipt of each such remittance,~~
41 ~~the state treasurer shall deposit the entire amount in the state treasury~~
42 ~~to the credit of the state general fund.~~

(e)

43 ~~(g) If a person who was previously certified as an attendant applies~~

(f)

1 for an attendant's certificate ~~within two years of the date of the~~ certifi-
 2 cate's expiration, the board may grant a certificate without the person
 3 completing a *an initial* course of instruction or passing ~~an~~ a certification
 4 examination if the person has completed ~~continuing~~ education require-
 5 ments and has paid a fee ~~prescribed by rules and regulations.~~

after the

as specified in rules and regulations adopted by the board.

6 ~~(A)~~ *For all attendant applicants who have resided in Kansas for three*
 7 *years or longer:*

(g)

8 (1) (A) *The board shall require fingerprinting of all applicants nec-*
 9 *essary to verify eligibility for the granting of an attendant's certificate*
 10 *issued pursuant to this act; and*

11 (B) *the board shall submit such fingerprints to the Kansas bureau of*
 12 *investigation for the purposes of verifying the identity of such applicant*
 13 *and obtaining records of criminal arrests and convictions.*

14 (2) *The board may receive from the Kansas bureau of investigation*
 15 *such criminal history record information (including arrest and noncon-*
 16 *viction data), criminal intelligence information and information relating*
 17 *to criminal and background investigations as necessary for the purpose*
 18 *of determining qualifications of applicants for certification.*

(h)

19 ~~(A)~~ *For all attendant applicants who have resided in Kansas for less*
 20 *than three years:*

Kansas bureau of investigation and the

21 (1) (A) *The board shall require fingerprinting of all applicants nec-*
 22 *essary to verify eligibility for the granting of an attendant's certificate*
 23 *pursuant to this act; and*

24 (B) *the board shall submit such fingerprints to the federal bureau of*
 25 *investigation for the purpose of verifying the identity of such applicant*
 26 *and obtaining records of criminal arrests and convictions.*

27 (2) *The board may receive from the federal bureau of investigation*
 28 *or other criminal justice agencies, including but not limited to the federal*
 29 *bureau of investigation and the federal internal revenue service, such*
 30 *criminal history record information (including arrest and nonconviction*
 31 *data), criminal intelligence information and information relating to crim-*
 32 *inal and background investigations as necessary for the purpose of deter-*
 33 *mining qualifications of applicants for certification.*

34 (3) *Upon the written request of the chairperson of the board, the*
 35 *board may receive from the federal courts such information relating to*
 36 *juvenile proceedings as necessary for the purpose of determining quali-*
 37 *fications of applicants. Such information, other than conviction data, shall*
 38 *be confidential and shall not be disclosed except to members of the board*
 39 *as necessary to determine qualifications of such applicants. Any other*
 40 *disclosure of such confidential information is a class A misdemeanor and*
 41 *shall constitute grounds for removal from office.*

(i)

42 ~~(A)~~ *An attendant's certificate may be denied, revoked, limited, modi-*
 43 *fied or suspended by the board or the board may refuse to renew such*

1 certificate if such individual:

2 (1) has made intentional misrepresentations in obtaining a certificate
3 or renewing a certificate;

4 (2) has demonstrated incompetence or engaged in unprofessional con-
5 duct as defined by rules and regulations adopted by the board;

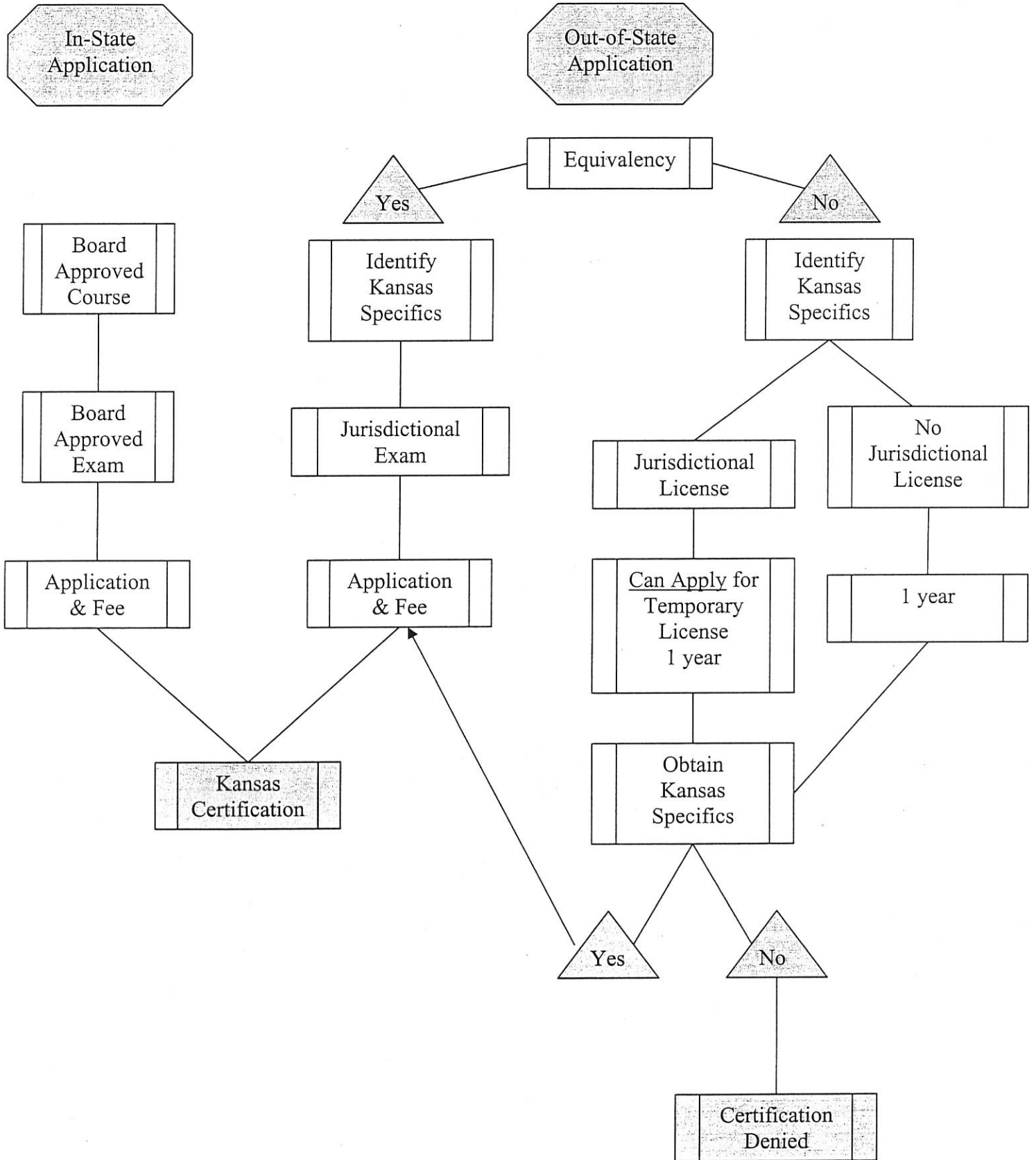
6 (3) has violated or aided and abetted in the violation of any provision
7 of this act or the rules and regulations promulgated by the board; or

8 (4) has been convicted of any state or federal crime that is related
9 substantially to the qualifications, functions and duties of a certified at-
10 tendant, instructor-coordinator or training officer or any crime punish-
11 able as a felony under any state or federal statute and the board deter-
12 mines that such individual has not been sufficiently rehabilitated to
13 warrant public trust. A conviction means a plea of guilty, a plea of nolo
14 contendere or a verdict of guilty. The board may take disciplinary action
15 pursuant to this section when the time for appeal has elapsed, or after the
16 judgment of conviction is affirmed on appeal or when an order granting
17 probation is made suspending the imposition of sentence.

18 Sec. 3. K.S.A. 65-6112 and 65-6129 are hereby repealed.

19 Sec. 4. This act shall take effect and be in force from and after its
20 publication in the statute book.

Certification Application Flow-Chart



1 proval in accordance with the Kansas administrative procedures act and
2 the rules and regulations of the board.

3 ~~(b) The emergency medical services board may adopt any rules and~~
4 ~~regulations to grant a variance from an identified regulation or regula-~~
5 ~~tions due to special conditions when a literal application or enforcement~~
6 ~~of the regulation or regulations would result in practical difficulty or se-~~
7 ~~rious hardship and the relief granted would not result in an unreasonable~~
8 ~~risk to the public interest, safety or welfare.~~

9 **(b) The emergency medical services board may grant a tempo-**
10 **rary variance from an identified rule or regulation when a literal**
11 **application or enforcement of the rule or regulation would result**
12 **in serious hardship and the relief granted would not result in any**
13 **unreasonable risk to the public interest, safety or welfare.**

14 Sec. 2. K.S.A. 65-6111 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Federal and State Affairs recommends SB 397 be amended on page 3, by striking all in line 26 and inserting the following:

"Sec. 2. K.S.A. 41-346 is hereby amended to read as follows: 41-346. In any administrative proceeding pursuant to the Kansas liquor control act to suspend or revoke a license, or to impose a civil fine, for a violation of K.S.A. 21-3610, 21-3610a or 41-2615, and amendments thereto, it shall be a defense if evidence is presented which indicates that: (a) The defendant permitted the minor to possess or consume the alcoholic liquor or cereal malt beverage with reasonable cause to believe that the minor was 21 or more years of age; and (b) to possess or consume the alcoholic liquor or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, ~~containing~~ that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

Sec. 3. K.S.A. 41-2615 is hereby amended to read as follows: 41-2615. (a) No licensee or permit holder, or any owner, officer or employee thereof, shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor or cereal malt beverage by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than 18 years of age may serve alcoholic liquor or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is 21 years of age or older.

(b) Violation of this section is a misdemeanor punishable by a fine of not less than \$100 and not more than \$250 or imprisonment not exceeding 30 days, or both.

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(c) It shall be a defense to a prosecution under this section if: (1) The defendant permitted the minor to possess or consume the alcoholic liquor or cereal malt beverage with reasonable cause to believe that the minor was 21 or more years of age; and (2) to possess or consume the alcoholic liquor or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, ~~---containing~~ that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

Sec. 4. K.S.A. 41-346 and 41-2615 and K.S.A. 2007 Supp. 41-719 are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after "concerning"; in line 10, by striking all before "K.S.A." and inserting "alcoholic beverages; relating to the consumption thereof; amending K.S.A. 41-346 and 41-2615 and"; and the bill be passed as amended.

Chairperson