

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 4, 2010, in Room 144-S of the Capitol.

All members were present except:
Senator Steve Morris- excused

Committee staff present:
Jason Long, Office of the Revisor of Statutes
Julian Efirid, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:
Robert Waller, Board of Emergency Medical Services

Others attending:
See attached list.

Introduction of Bills:

Senator Barnett requested a bill introduction enacting the radon certification law.

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

Seantor Fasut-Goudeau requested a bill introduction for expanded reviews from SRS in child custody.

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

SB 222 - Amendments to the Kansas expanded lottery act

Chairman Brungardt opened the hearing on **SB 222**.

Staff provided an overview of the bill.

Robert Waller, Executive Director, Board of Emergency Medical Services, spoke in favor of the bill. (Attachment 1) The mission of the Board of Emergency Medical Services is to ensure that quality out-of-hospital care is available throughout Kansas; this is supported through the adoption of standards; definition of scopes of practice; and provision of health, safety, and prevention education and information to the pubic. Criminal history background checks provide validity and security to the citizens of Kansas. The Board believes that access to all records of adult convictions and non-conviction history is paramount to having the necessary information on an applicant; to ensure public safety is held to the highest regard.

Chairman Brungardt closed the hearing on **SB 222**.

Review and possible action on bills:

SB 169 - Kansas Act Against Discrimination, inclusion of sexual orientation and gender identity

Staff provided a history of the bill, including previous testimony and an updated fiscal note. (Attachment 2) Staff also stated that there would be two technical amendments to update the bill.

Senator Reitz moved the amendments. Senator Francisco seconded the motion. The motion carried.

Senator Owens moved to pass **SB 169** out favorably as amended. Senator Reitz seconded the motion. The

CONTINUATION SHEET

Minutes of the Senate Federal and State Affairs Committee at 10:30 a.m. on February 4, 2010, in Room 144-S of the Capitol.

motion carried. Senator Abrams, Senator Ostmeyer, and Senator Pyle requested to be recorded as a no vote.

SB 342 - Prohibiting the sale of novelty cigarette lighters.

Senator Faust-Goudeau moved to pass SB 342 out favorably. Senator Reitz seconded the motion. The motion carried.

SB 452 - Purchase or consumption of alcoholic beverage by person less than 18 years of age; detention

JJA requested an amendment that would insert “,juvenile correctional facility” on page 3 line 1 after facility. (Attachment 3)

Senator Reitz moved the amendment. Senator Owens seconded the motion. The motion carried.

Senator Francisco moved to pass SB 452 out favorably as amended. Senator Faust-Goudeau seconded the motion. The motion carried

The Chairman opened discussion on **SB 453**, the committee needed more time to review the fees and definition.

The next meeting is scheduled for February 9, 2010. The meeting was adjourned at 11:30 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 2-4-10

NAME	REPRESENTING
Thomas Conley	KDHE
Kimberly Steves	KDHE
Robert Waller	KBEMS
Sarah Hatch	USEPA
Ted Hefley	CAPITOL STRATEGISTS
Jean Rosenthal	self
Judy Smith	CWA of KS
Judi Tremaine	CWA of Ks.
Ashley Allain	WU-MSN Student
Megan Dicks	Washburn University MSN student
Michelle Berny	Washburn MSN Washburn MSN
Louisa Golay	Washburn University MSN student
Krystal Morris	Washburn University MSN student
Jan Pauls	Ks House
Barbara Hollingsworth	Capital-Journal
John Milburn	AP
Michele L. Watley	Planned Parenthood
Taylor Conannon	Senate President's Office
Thomas WIT	KANSAS EQUALITY COALITION
Stephanie Mott	Self
Tymra Suter	KEC
Steve Brown	KEC
Jason Chaika	Kansas Equality Coalition - Topeka
Clyde Mattson	Kansas Equality Coalition - Riley/Geary Cos.
Ruth Glover	Ks. Human Rights Commission
William V. Minner	Ks. Human Rights Commission



KANSAS

DENNIS ALLIN, M.D., CHAIR
ROBERT WALLER, EXECUTIVE DIRECTOR

MARK PARKSINON, GOVERNOR

BOARD OF EMERGENCY MEDICAL SERVICES

Testimony

Date: February 4, 2010

To: Senate Committee on Federal and State Affairs

From: Robert Waller, Executive Director

Re: 2009 Senate Bill (SB) 222

Chairman Brungardt and members of the Senate Committee on Federal and State Affairs, my name is Robert Waller. I am the Executive Director for the Kansas Board of Emergency Medical Services (KBEMS). I would like to provide testimony on 2009 Senate Bill 222.

The mission of the Board of Emergency Medical Services is to ensure that quality out-of-hospital care is available throughout Kansas. This care is based on the optimal utilization of community resources that are consistent with the patient's needs. The delivery of optimal care is supported through the adoption of standards; definition of scopes of practice; and provision of health, safety, and prevention education and information to the public, and is achieved in collaboration with Emergency Medical Services services/agencies, Emergency Medical Services providers/instructors, related health care professionals, and other public service, health care and political entities.

Teachers, banking and financial institutions, law enforcement, and some motor carriers require criminal history background checks. The surrounding states of Arkansas, Colorado, Idaho, Missouri, Nebraska, and Texas require national criminal history background checks for those individuals seeking EMS certification at any attendant level. Additionally, over the last 2 years, Board of Healing Arts, Board of Nursing, Kansas Regents Institutions, and Board of Pharmacy have been granted this authority. Although, KBEMS requires those with felony convictions to "check the box" in regards to prior felony conviction, to later be reviewed and a determination of certification made by the KBEMS Investigation Committee, applicants may motivated to not provide a complete truth. Criminal history background checks provide validity and security to the citizens of the State in ensuring that the person providing them intimate and personal pre-hospital care has both been truthful in the information provided on their application, but more important, is trustworthy in the comfort and care provided. As KBEMS moves to allow a more "open state" in regards to legal recognition/reciprocity (found in 2008 SB 512), the disclosure of arrests and convictions becomes critical.

Annually, KBEMS process 1,500+ initial certifications, legal recognition/reciprocity (out-of-state), regain requests, and increases in the level of certification applications per year. According to our investigation

statistics, in CY 2005, the KBEMS Investigation Committee reviewed 8 “reported” (check the box) felony applications, 16 in CY 2006, and 14 in CY 2007, 17 in CY 2008, 20 in CY 2009, and already 6 in the first two months of CY 2010. Of those, the Investigation Committee reviewed felony cases involving aggravated robbery, aggravated child endangerment, breaking and entering, sexual exploitation of a minor, aggravated sexual battery, child endangerment, and numerous drug possession charges. However, the concern for the Board are the number of felony charges the Board has not been able to review or been “notified” of their existence. A recent instance occurred in January 2010, where an “individual” checked no to the felony question on both their emergency medical technician (EMT) and emergency medical technician – intermediate (EMT-I) applications. After, enrolling at Hutchinson Community College (HCC), a background check was run by the school which determined that the individual had a felony arrest on their criminal record. HCC contacted the Board of Emergency Medical Services, and upon an “open records request” by the school, it was confirmed that the individual had made two different false statements on those individual applications (failure to identify a felony arrest). KBEMS is currently investigating the incident in preparation for review by the KBEMS Investigation Committee. Unfortunately, the only way KBEMS was informed of the felony was by word of mouth, as opposed to the initiation and verification that a criminal background check provides. The Board believes that access to all records of adult convictions and non-conviction history is paramount to having the necessary information on an applicant to ensure public safety is held to the highest regard.

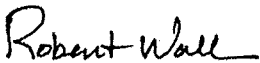
Amendments

None

Conclusion

Simply, members of the Committee, the passage of 2009 Senate Bill 222 provides assurance to the general public that KBEMS has provided the appropriate screening of applicants and ensured KBEMS’ responsibility to public safety

Cordially,



Robert Waller
Executive Director

LOU ANN THOMS, Chair
 TOPEKA
 TERRY CROWDER
 TOPEKA
 DAVID HANSON
 TOPEKA
 CLYDE HOWARD, Vice Chair
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 ANTHONY VILLEGAS, SR.
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K A N S A S

KANSAS HUMAN RIGHTS COMMISSION

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February 4, 2010

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 ADMINISTRATOR
 JANE L. NEAVE
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 ADMINISTRATOR
 RICK FISCHLI
 RACIAL AND OTHER PROFILING
 ADMINISTRATOR
 BETH MONTGOMERY
 OFFICE MANAGER

The Honorable Pete Brungardt, Chairperson
 Senate Committee on Federal and State Affairs
 Statehouse, Room 121-E
 Topeka, Kansas 66612

RE: SB 169, Kansas Act Against Discrimination, inclusion of sexual orientation and gender identity

Dear Senator Brungardt:

Senate Bill (SB) 169 would prohibit discrimination in the areas of employment, housing, and public accommodation based upon sexual orientation or gender identity. The Kansas Act Against Discrimination is administered by the Kansas Human Rights Commission.

In the 2009 legislative session, we submitted an estimated cost to administer this bill in the amount of \$110,467 for fiscal year 2010. After updating for new salary costs and updating for new operating rates for fiscal year 2011, as provided by the Division of the Budget, the estimated cost is:

	FY 2011 SGF	FY 2011 All Funds
Revenue	---	--
Expenditures	\$113,854	\$113,854
FTE Positions		2.00

We estimate that SB 169 will generate 50 complaints per year and 320 inquiries. Special Investigators currently have annual quotas of 36-72 cases, based on various criteria. The agency would not be able to absorb the new complaints with the current funding or staffing levels. We estimate the following State General Fund appropriations will be needed:

	FY 2011	FY 2011
Ongoing costs:		
Special Investigator II and Senior Administrative Assistant	\$88,823	\$90,881
Operating Costs	\$9,871	\$8,877
One-time costs:		
Start-up costs	\$15,160	
Total	\$113,854	\$99,758

Start-up costs include inclosing an office, reprogramming an internal database, and capital outlay of the standard equipment.

Sincerely,



Ruth Glover
Assistant Director

SENATE BILL No. 452

By Committee on Federal and State Affairs

1-26

9 AN ACT concerning minors; relating to purchase or consumption of al-
10 coholic beverages by a person less than 18 years of age; detention;
11 amending K.S.A. 2009 Supp. 41-727 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2009 Supp. 41-727 is hereby amended to read as
15 follows: 41-727. (a) Except with regard to serving of alcoholic liquor or
16 cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a,
17 41-2610, 41-2652, 41-2704 and 41-2727, and amendments thereto, and
18 subject to any rules and regulations adopted pursuant to such statutes,
19 no person under 21 years of age shall possess, consume, obtain, purchase
20 or attempt to obtain or purchase alcoholic liquor or cereal malt beverage
21 except as authorized by law.

22 (b) Violation of this section by a person 18 or more years of age but
23 less than 21 years of age is a class C misdemeanor for which the minimum
24 fine is \$200.

25 (c) Any person less than 18 years of age who violates this section is a
26 juvenile offender under the revised Kansas juvenile justice code. Upon
27 adjudication thereof and as a condition of disposition, the court shall re-
28 quire the offender to pay a fine of not less than \$200 nor more than \$500.

29 (d) In addition to any other penalty provided for a violation of this
30 section: (1) The court may order the offender to do either or both of the
31 following:

32 (A) Perform 40 hours of public service; or

33 (B) attend and satisfactorily complete a suitable educational or train-
34 ing program dealing with the effects of alcohol or other chemical sub-
35 stances when ingested by humans.

36 (2) Upon a first conviction of a violation of this section, the court shall
37 order the division of vehicles to suspend the driving privilege of such
38 offender for 30 days. Upon receipt of the court order, the division shall
39 notify the violator and suspend the driving privileges of the violator for
40 30 days whether or not that person has a driver's license.

41 (3) Upon a second conviction of a violation of this section, the court
42 shall order the division of vehicles to suspend the driving privilege of such
43 offender for 90 days. Upon receipt of the court order, the division shall

1 notify the violator and suspend the driving privileges of the violator for
2 90 days whether or not that person has a driver's license.

3 (4) Upon a third or subsequent conviction of a violation of this sec-
4 tion, the court shall order the division of vehicles to suspend the driving
5 privilege of such offender for one year. Upon receipt of the court order,
6 the division shall notify the violator and suspend the driving privileges of
7 the violator for one year whether or not that person has a driver's license.

8 (e) This section shall not apply to the possession and consumption of
9 cereal malt beverage by a person under the legal age for consumption of
10 cereal malt beverage when such possession and consumption is permitted
11 and supervised, and such beverage is furnished, by the person's parent
12 or legal guardian.

13 (f) Any city ordinance or county resolution prohibiting the acts pro-
14 hibited by this section shall provide a minimum penalty which is not less
15 than the minimum penalty prescribed by this section.

16 (g) A law enforcement officer may request a person under 21 years
17 of age to submit to a preliminary screening test of the person's breath to
18 determine if alcohol has been consumed by such person if the officer has
19 reasonable grounds to believe that the person has alcohol in the person's
20 body except that, if the officer has reasonable grounds to believe the
21 person has been operating or attempting to operate a vehicle under the
22 influence of alcohol, the provisions of K.S.A. 8-1012, and amendments
23 thereto, shall apply. No waiting period shall apply to the use of a prelim-
24 inary breath test under this subsection. If the person submits to the test,
25 the results shall be used for the purpose of assisting law enforcement
26 officers in determining whether an arrest should be made for violation of
27 this section. A law enforcement officer may arrest a person based in whole
28 or in part upon the results of a preliminary screening test. Such results
29 or a refusal to submit to a preliminary breath test shall be admissible in
30 court in any criminal action, but are not *per se* proof that the person has
31 violated this section. The person may present to the court evidence to
32 establish the positive preliminary screening test was not the result of a
33 violation of this section.

34 (h) (1) *Any person less than 18 years of age who violates this section*
35 *shall not be detained or placed in a jail, as defined in K.S.A. 2009 Supp.*
36 *38-2302, and amendments thereto.*

37 (2) *Any person less than 18 years of age who is arrested only for a*
38 *violation of this section shall not be detained or placed in a juvenile de-*
39 *tention facility, as defined in K.S.A. 2009 Supp. 38-2302, and amendments*
40 *thereto, for a period exceeding 24 hours, excluding Saturdays, Sundays*
41 *and legal holidays.*

42 (3) *Any person less than 18 years of age at the time of the offense who*
43 *is adjudicated of a violation of this section shall not be detained in a jail,*

SB 452

juvenile correctional facility

3

- 1 *juvenile detention facility* or sanctions house, as defined in K.S.A. 2009
- 2 *Supp. 38-2302, and amendments thereto.*
- 3 (i) This section shall be part of and supplemental to the Kansas liquor
- 4 control act.
- 5 Sec. 2. K.S.A. 2009 Supp. 41-727 is hereby repealed.
- 6 Sec. 3. This act shall take effect and be in force from and after its
- 7 publication in the statute book.