

Approved: March 7, 2000
Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on February 23, 2000 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Judy Glasgow, Committee Secretary

Conferees appearing before the committee:

Senator Alicia Salisbury
Dr. Kelly Douglass, President of Kansas Dental Board
Dirk Hanson, DVM, Board of Veterinarian Examiners
Mark Stafford, Kansas Board of Healing Arts
Jim Kaup, Riley County Law Board
Russ Frey, Riley County Commission
Steve Bukaty, Fraternal Order of Police Attorney

Others attending: See Attached Sheet

Senator Gooch introduced Mary Ellen Isaac, Principal of Washington Elementary, Wichita, Kansas, who was part of a group of educators from the Wichita area who were visiting the capitol for the day. Senator Oleen welcomed Ms. Isaac on behalf of the committee.

Chairman Oleen opened the hearing on:

SB 596—An act concerning regulatory board-

Chairman Oleen recognized Senator Salisbury as a proponent for **SB 596**. Senator Salisbury stated that this bill pertains to the several regulatory boards, including the Real Estate Appraisal Board; the Board of Veterinarian Examiners, the Kansas Dental Board; and the Board of Healing Arts. Senator Salisbury stated that the bill was a result of an anonymous complaint that was slipped under the door of the real estate appraiser board. They felt that they had to take action upon it. Senator Salisbury stated that this bill makes it necessary to file a complaint in writing and include the complainant's name and address. Senator Salisbury stated that the issue is whether or not a regulatory board should investigate an anonymous complaint and the second issue would be how broadly the requirement should be addressed.

Chairman Oleen turned to opponents of **SB 596** and recognized Kelly Douglass, President of Kansas Dental Board. Mr. Douglass stated that he was requesting that the language in **SB 596** be amended to remove the proposed language on page 5, lines 2 through 5. (Attachment 1) Mr. Douglass stated that the dental board currently requests the name and address on written complaints, but it does not necessarily ignore complaints if written information is not received, but rather comes in a verbal communication. He stated that one of the mandates of the Dental Board is to help provide protection for the public in dental matters. Mr. Douglass stated that an anonymous complaint cannot cause disciplinary action by the Dental Board but gives the board an opportunity to investigate for evidence of any wrongdoing.

In response to questions by the committee concerning the number of anonymous complaints received in a year and how many of these complaints were valid, Mr. Douglass stated between 10 and 15 anonymous complaints are received a year by the board and approximately fifty per-cent are valid complaints.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:00 a.m. on February 23, 2000.

Chairman Oleen recognized Dirk Hanson, DVM, Executive Director Board of Veterinary Examiners, as an opponent to **SB 596**. Dr. Hanson noted that the Board also has concerns about protecting sources where valid justification for confidentiality exist. . (Attachment 2). Dr. Hanson stated that the Board of Veterinary Examiners recommends striking the phrase “in writing” or alternatively adding the phrase “such name and legal address shall be confidential, when requested by the complainant”. Dr. Hanson stated that the Board of Veterinary Examiners does not have a problem with current law and would recommend that no changes be made. Dr. Hanson responded to questions from the committee.

Chairman Oleen recognized Mark Stafford, General Counsel, Kansas Board of Healing Arts, who appeared as neither a proponent or opponent to **SB 596**. (Attachment 3). Mr. Stafford stated that the Board of Healing Arts purpose is not to protect the complainant but to protect the public and if valid information comes in that shows a danger to the public, then the board must be able to respond to it whether or not the claimant provided it in writing with their name and address. Mr. Stafford stated that the Board of Healing Arts has several concerns about the bill and requested that section 6 be deleted.

At the request of the chairman Mr. Stafford agreed to return to the committee at a later time to respond to questions from the committee.

Senator Oleen closed the hearings on **SB 596**.

Chairman Oleen opened hearing on:

SB 637–Concerning the Riley County law enforcement agency

Chairman Oleen recognized Jim Kaup, Attorney representing the Riley County Law Board, as a proponent to **SB 637**. Mr. Kaup provided the committee with a copy of a proposed balloon to the bill. (Attachment 4)

Chairman Oleen recognized Russ Frey, County Commissioner and Chairman of the Riley County Law Board, as a proponent to **SB 637**. Mr. Frey stated that the Law Board is the Governing Body for the Riley County Police Department, a consolidated city and county law enforcement agency. (Attachment 5). Mr. Frey reviewed the proposed changes in the bill and the reasons for the request. Mr. Frey stated that the changes were proposed out of a desire to have full and fair hearings on law enforcement officer suspensions and terminations.

Chairman Oleen turned to opponents of **SB 637** and recognized Steve A. J. Bukaty, State Lodge Attorney for the Kansas State Lodge of the Fraternal Order of Police. Mr. Bukaty stated that the existing laws of the state and the bargaining obligations of the Law Board and F.O.P.. Lodge No. 17 already provide a mechanism for accomplishing the proposed changes. (Attachment 6) Grievance procedure are a mandatory subject of bargaining under the PEERA. Mr. Bukaty stated that the Law Board and F.O.P. Lodge No. 17 should sit down at the negotiating table and work out a new hearing procedure, which is in everyone’s best interest.

Chairman Oleen closed the hearing on **SB 637**.

There were no proponents or opponents to **SB 340–Kansas Racing and Gaming Compensation** which had been scheduled for public hearing.

Chairman Oleen requested action on minutes for February 14, February 17, and February 21. Senator Jones moved to accept the minutes before the committee. Senator Gooch seconded the motion. The motion carried.

The meeting adjourned at 12.05 p.m. The next meeting will be held February 25, 2000 upon first adjournment.

appearing before the committee for editing or corrections.

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