

KPOA Weekly Legislative Report

March 28, 2008

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My activities for week of March 24-28:

- Monitored Senate Judiciary committee action on final two days of working bills. Included the DUI bill, and restricting sentencing departures bill.
- Monitored House Federal and State Affairs Committee action on final two days of working bills.
- Provided testimony to the House Health and Human Services Committee on prescription drug monitoring bill. (This is one of our legislative priorities.)
- Testified in House Transportation Committee on SB689 (Driving in right lane on multi-lane roadways) about concerns with proposal in city environment. They made amendments based on my testimony.
- Attended a briefing in the Senate Ways and Means Committee on the Meth Precursor Recording Act.
- Attended House Select Committee on Corrections Reform and Oversight Committee discussion on HB2879 (DUI sentencing).
- Attended two days of final action in House Judiciary Committee.
- Monitored Senate and House floor action and debates on Wednesday, Thursday and Friday. (About 30 hours worth of listening to politicians!)
- Wrote letter attempting to get Senate and House leadership to move forward with the Department of Revenue's Vehicle Modernization Project. Delivered those letters to four leaders in each chamber. The Senate moved their bill up for debate next Monday.

Hearings of LE Interest scheduled for March 31-April 4:

I don't propose we testify on all of these, but I will if I hear from you that we should.

Currently awaiting response from legislative committee regarding my recommended action.

The only committees of interest expected this week are conference committees.

Testimony is not accepted at conference committees, but the committee can ask questions from those present if they desire. I will attend the judiciary conference committee meetings and as many of the others as I can. I will also be speaking to members of the conference committees about concerns and suggestions on the bills they will be addressing. There will be more issues going to conference committee as the House and Senate work more bills.

JUDICIARY, Room 423S

Monday 3/31 1st adjournment of the 2nd House; Tuesday 4/1 No time set; Wednesday 4/2 No time set

SB46 Firearm Serial Numbers (Difference is Private Ownership of Machine Guns, SB shotguns, and silencers).

03/28/2008 S Nonconcurrent; CC requested; apptd Vratil, Bruce, Goodwin

SB366 Court Costs for letter to defendant regarding DL suspension for non-compliance

02/08/2008 S Nonconcurrent; CC requested; apptd Vratil, Bruce, Goodwin -SJ 1273

02/08/2008 H Acceded; apptd O'Neal, Kinzer, Pauls -HJ 1353

SB411 Consideration at parole hearings

03/28/2008 S Nonconcurrent; CC requested; apptd Vratil, Bruce, Goodwin

Sub SB414 Stalking (Also relates to HB2850)

03/28/2008 S Nonconcurrent; CC requested; apptd Vratil, Bruce, Goodwin

SB430 Agg Criminal Threat

03/28/2008 S Nonconcurrent; CC requested; apptd Vratil, Bruce, Goodwin

SB476 Verbal Order by Parole/Probation Officers to arrest With departure limitations added in House. (Also relates to HB2732)

03/28/2008 S Nonconcurrent; CC requested; apptd Vratil, Bruce, Goodwin

SB481 Addition of Salvia and gypsum weed to schedule 1

03/28/2008 S Nonconcurrent; CC requested; apptd Vratil, Bruce, Goodwin

HB2617 DUI

03/28/2008 H Nonconcurrent; CC requested; apptd O'Neal, Kinzer, Pauls

03/28/2008 S Acceded; apptd Vratil, Bruce, Goodwin

HB2707 Temporary Deprivation & Auto Theft

03/27/2008 H Nonconcurrent; CC requested; apptd O'Neal, Kinzer, Pauls

03/27/2008 S Acceded; apptd Vratil, Bruce, Goodwin

HB2727 Sexual Assault Testing

03/28/2008 H Nonconcurrent; CC requested; apptd O'Neal, Kinzer, Pauls

03/28/2008 S Acceded; apptd Vratil, Bruce, Goodwin

HB2780 Various criminal statute revisions

03/28/2008 H Nonconcurrent; CC requested; apptd O'Neal, Kinzer, Pauls

03/28/2008 S Acceded; apptd Vratil, Bruce, Goodwin

HB2845 Theft of DOC Uniforms and Aiding Escape

03/28/2008 H Nonconcurrent; CC requested; apptd O'Neal, Kinzer, Pauls

03/28/2008 S Acceded; apptd Vratil, Bruce, Goodwin

Topics that could come up in Judiciary-Passed by only one chamber and in committee in the other.

HB2818 expungement access for CCW permit processing

SB479 Lifetime Parole for parolees from life sentences.

SB591 Restricted drivers licenses when cooperating to satisfy court judgment/appearance resulting in DL suspension for failure to comply.

FED and STATE, Room 431N

Tuesday 4/1 and Wednesday 4/2

SB329 Immigration

03/28/2008 S Nonconcurrent; CC requested; apptd Brungardt, Reitz, Gilstrap

TRAFFIC**HB2119 Micro Utility Trucks**

03/28/2008 H Nonconcurrent; CC requested; apptd Hayzlett, Peck, Long

03/28/2008 S Acceded; apptd Donovan, Wilson, Goodwin

Awaiting Decision

SB294/Sub HB2559 GDL

EDUCATION**SB470 Reporting school safety violations**

03/28/2008 S Nonconcurrent; CC requested; apptd Schodorf, Vratil, Lee

HEALTH**SB491 Prescription Monitoring**

03/28/2008 S Nonconcurrent; CC requested; apptd Barnett, V.Schmidt, Haley

VETERAN PREFERENCE**HB2562 Veteran Preference**

03/27/2008 H Nonconcurrent; CC requested; apptd Myers, Goico, Ruff -HJ 1711

03/27/2008 S Acceded; apptd Brungardt, Reitz, Gilstrap -SJ 1653

SCRAP METAL**HB2692 Stainless steel added to scrap metal law (Addition of exemption for aluminum food and beverage containers)**

03/17/2008 H Nonconcurrent; CC requested; apptd C.Holmes, Olson, Kuether-HJ 1574

03/18/2008 S Acceded; apptd McGinn, Ostmeyer, Francisco -SJ 1469

New Bills With Law Enforcement Interest

No new bills of LE interest were introduced this week.

GENERAL NOTES:

- **Racial Profiling Bill** – We do not expect any action on this bill.
- **HB 2617 DUI** – The bill as amended by the Senate Judiciary Committee was passed by the Senate 40-0. The bill is now in conference committee. The difference is in when tests can be requested in accidents with serious injuries or death. The recommend leaving intact the provisions we worked on regarding medical personnel drawing the sample at LE request. The amendments also added the in DOC custody treatment provisions for those convicted of 5th and subsequent convictions. Those differences will have to be worked out in the conference committee. There will be a request made for an interim study on DUI sentencing and treatment. The huge bed impact for SB409 treatment of 3rd and subsequent offenders awoke several legislators to the enormous failure of the existing treatment and sentencing provisions of 1st and 2nd time offenders as well as the 3rd and subsequent. That will be an interesting study.

- **Immigration** — During the floor debates this week none of the law enforcement provisions were changed in either bill. The House version is [Substitute for SB329](#). The Senate version is [Substitute for SB458](#). Both chambers passed their respective bills and sent them to the other chamber. Since the House amended their provisions into a Senate bill, it has been sent to a Federal and State Affairs Conference Committee. That will be a long conference committee meeting. I have no idea whether the Senate will be successful in getting the LE provisions removed or not.
- **SB409 and related bills** – The Senate passed SB409 and it is now in the House. It has received no action in the House. This is one of our legislative priorities. The Senate Judiciary Committee amended sections of SB409 into several different bills they worked this week. That will get the issue into conference committee where anything (or nothing) can happen with the provisions.
- **Retirement bills** – There was several bills considered this week relating to retirement. One bill, HB2673, was amended in the House to provide a 3% COLA on 7/1/08, then promptly referred back to the House Appropriations Committee.
 - There were several amendments proposed by Rep. Otto. I don't recall if they were COLA related or not but they all failed.
 - Rep. Mah proposed some technical amendments changing some dates, etc. The motion passed.
 - Rep. Long proposed amending the KP&F to a 90% maximum retirement benefit, but the motion failed.
 - Rep. Flora proposed an amendment to allow KPERS members to purchase up to two years credit for "journeyman experience above the apprenticeship requirements of KAR 91-3-39 prior to its repeal" in 6/30/2003. The motion passed.
 - Rep. Patton proposed a 3% COLA starting 7/1/08 for everyone who retired prior to 7/1/07 funded by expanded lottery money. The motion passed 104-14
 - Rep. Bethell then moved for the bill to be sent back to the Appropriations Committee and that motion passed.

All of the amendments that passed are available in the published amended bill found at: <http://www.kslegislature.org/bills/2008/2673.pdf>.

I have not been able to find any reference to HB2673 in the House Journal of 3/27. The House Journal of 3/28 is not published yet so I can't double check it, but I didn't hear it come up as I listened to the debates on Friday. However, I didn't monitor the entire session.

In other retirement related action this week:

The Senate debated SB662. It had been amended by Senate committee by adding many of the provisions of SB663 into it. Senator Morris made a grammatical correction amendment on the floor and the bill passed as amended 40-0. (See [Senate Journal of 3/27/08](#) pages 1645-1646) The amended bill can be found at <http://www.kslegislature.org/bills/2008/662.pdf>. Sen. Vicki Schmidt attempted to amend SB662 to include adding the law enforcement officers of the Kansas Lottery to KP&F coverage. During the debate the amendment was opposed on several grounds. One was that the reason for the higher multiplier and higher employee contribution rate under KP&F was that police and fire were not allowed to contribute to social security or medicare and therefore not subject to those benefits later in life. It was pointed out that since adding some members over the years, there are now KP&F members who are paying into both KP&F and social security/medicare. It was pointed out the lottery officers would also be in that situation and therefore it needed more study to determine whether or not it is appropriate to add workers paying into social security and medicare to KP&F. (NOTE: I can't say that accurately reflects the real reason for the KP&F contribution rate and multiplier, but it is what was stated by a senator during the floor debate.) **It was also stated there is intent to request an interim study** of many

of the provisions in various bills concerning retirement to sort out what is fair and right for the various overall retirement benefits of the retirees. (NOTE: That is my summary not a quote.) Those statements did not specify exactly which bills or provisions they were talking about. So it might be just KP&F related issues or it could be the wide spectrum of all KPERS bills left stranded in committees. Senator Vicki Schmidt's motion to amend failed.

On March 24, the House Appropriations Committee brought [House Substitute for SB385](#) to the House and it was added to General Orders. This appears to be primarily a clean up bill but it has a lot of amendments in it that members of the Retirement Coalition will look at closely to make sure they aren't sneaking something in on us. I have not thoroughly read it yet. On March 25, the House passed over the bill during floor debate. I don't believe they have come back to it yet. It was not scheduled for debate on Friday as it was "below the line," but the House Journal for Friday isn't available yet so I can't check it to be sure.

On March 27, the House debated [House Substitute to Substitute SB309](#) which was a bill designed to address some care home issues, but was amended on the floor to include the original provisions of HB2673 without the 3% COLA. There were not any attempts to amend in other retirement provisions. The bill was passed by the House on Friday 121-2. **I think this is the House Appropriations Committee's response to the floor action on HB2673.** Note it was recommended to the House by the Committee the day before the amendments were made to HB2673 but debated the day after HB2673 was sent to the committee. As presented for debate it did not contain the retirement provisions for nurses that HB2673 had proposed. But during floor debate, all of the original provisions of HB2673 were amended into H Sub for Sub SB309.

There was talk during the floor debate of having an interim committee study many of the issues in pending bills relevant to the retirement system. They were not specific about which provisions they intend to discuss in the interim.

- **Firearms** – The Machine gun/silencer/short barreled shotgun issue was rolled into SB46 which is a bill to increase the penalty for altering the serial number of a firearm. It passed the House and is now in the judiciary conference committee. HB2811, the bill to restrict law enforcement from seizing weapons was amended and passed by the House. It is now in the Senate Federal and State Affairs Committee. I doubt they will work it this year, but it could be worked into some other bill during conference committee. HB2818, the bill to allow the AG access to expungements for the concealed carry records check was passed by the House and sent to the Senate. It was assigned to the Senate Judiciary which is not going to work any more bills. So the only hope is for it to be amended into another bill in conference committee.
- **Stalking** – The stalking issue continues to make twist and turns. The Senate Judiciary didn't have time to work the House bill and the House amended another bill to include the stalking provisions. That is now in the judiciary conference committee. That will be another interesting conference committee discussion.
- **A special note for Johnson County** – The bill to extend the Johnson County sentencing program was passed by both the House and the Senate. The difference was the House proposed a one year extension and the Senate proposed a two year extension. That is [SB2700](#) and is now in the judiciary conference committee.
- **Graduated Driver's Licensing** – The House pretty well gutted the GDL bill, SB294. In response, the Senate amended HB2559 with the provisions the Senate had originally passed in SB294. The House put it into committee instead of a conference committee. My guess is the whole concept is dead for this year. But I might get surprised.