Approved _	MAR 2 9 1891
	Date

MINUTES OF THE House C	OMMITTEE ONGove	enmental Organization	
The meeting was called to order by _	and the second s		at
incoming was carried to order z,	,	Chairperson	ut
9:00 a.m. Aprin. onMarch 2	25,	, 19 <mark>91</mark> in room 522-S	_ of the Capitol.

All members were present except:

Rep. Tom Bishop, absent

Committee staff present:

Carolyn Rampey, Research Dept.
Avis Swartzman, Revisor of Statutes
Nita Shively, Committee Secretary

Conferees appearing before the committee:

Gigi Felix, National Assoc. of Social Workers
Patsy Johnson, Kansas Board of Nursing
Colonel Jonathan Small, Judge Advocate - Kansas National Guard
Terri Roberts, Kansas State Nurses Assoc.
Theresa Marcel Nuckolls, Assistant Attorney General - Civil Division
Joy Moser, Adjutant General's office
Richard G. Gannon, Executive Director - Board of Healing Arts
Anne Smith, Kansas Association of Counties
John Foster, Police Chief of Lenexa, KS
Dean Akings, Kansas Association of Police Chiefs
Richard Meisinger, Fire Chief - Great Bend, KS
Marvin Henry, Office of Emergency Preparedness

Chairman Blumenthal called meeting to order. He thanked Rep. Watson for chairing the meeting on March 20th.

HEARING ON SUB SB 118 - AN ACT concerning licensure of persons in active military service.

Gigi Felix presented testimony in support of <u>Sub SB 118</u>, (Attachment 1). She pointed out the importance of eliminating the unnecessary worry of licensure, while on active duty, for all regulated professions.

Patsy Johnson appeared in support of <u>Sub SB 118</u>, furnishing written testimony, (Attachment 2). She advised that the Board of Nursing can make the necessary accomodation if licensure needs to be delayed due to military service--she strongly urged passage of this bill.

Colonel Jonathan Small testified and presented written testimony in support of Sub SB 118, (Attachment 3). He stated his appreciation for the changes in the present statute which, he feels, will eliminate gaps.

Terri Roberts testified as a proponent for <u>Sub SB 118</u>. She provided testimony, including a balloon amendment, covering 2 concerns in the bill which the KSNA would like to see rectified, (Attachment 4). She recommended that Section 3 be changed to allow a reasonable period, such as 2 weeks, for licensees to apply for renewal. The second change requested would be to waive the continuing education requirement for individuals called to active duty.

Theresa Nuckalls testified on behalf of Attorney General Bob Stephan, in support of <u>Sub SB 118</u>, furnishing written testimony, (<u>Attachment 5</u>). Her comments focused on the need to eliminate any unnecessary problems for individuals returning from active service, especially matters dealing with their ability to return to the workforce with a minimum of inconvenience.

Joy Mosher testified on behalf of Brigadier General James F. Rueger, Adjutant General of Kansas, in support of <u>Sub SB 118</u>, furnishing written testimony, (Attachment 6). Ms. Mosher reiterated previous testimony stating that

CONTINUATION SHEET

MINUTES OF THE	House	COMMITTEE OF	N Governmental	Organization	,
room 522-S. Statehou	ise, at 9:00	a.m./p.xx. on _	March 25,		19_9]

support by the Legislature is very important to military personnel returning to civilian life.

Richard Gannon appeared in support of <u>Sub SB 118</u> furnishing written testimony, (Attachment 7). He stated that the present statute has been in existence since 1943. Due to Operation Desert Shield, the provisions specified in <u>Sub SB 118</u> are urgently needed; he urged the committee to vote favorably on this matter.

Questions and answers followed all conferees' testimony.

Chair closed hearing on $\underline{\text{Sub}}$ $\underline{\text{SB}}$ $\underline{\text{Il8}}$ and advised committee members to review proposed amendments—action on this bill will take place on Wednesday.

HEARING ON SB 306 - AN ACT concerning the law enforcement communications committee.

Anne Smith appeared in support of \underline{SB} 306 furnishing testimony, requesting this legislation on behalf of the Kansas Sheriffs Association, (Attachment 8). She emphasized the need for 2 additional law enforcement agencies on the ASTRA board--Kansas Sheriffs Assoc. and the Kansas Chief of Police Assoc. Since the Sheriffs and Police Associations have mandated terminals, she stressed that they need to be part of the decision-making process, especially the allocation of revenue.

John Foster appeared in support of \underline{SB} 306. He asserted that the board is primarily a law enforcement tool and urged the committee not to include other agencies; pass the bill as written.

Dean Akings testified as a proponent for \underline{SB} 306. He urged the committee to pass the bill favorably without amendments.

Richard Meisinger testified in favor of <u>SB 306</u>, but also expressed some concerns about the communication aspect. He said that he did not read anything about ASTRA or telecommunication in the bill and would like to have that clarified.

Marvin Henry appeared as a proponent for <u>SB 306</u>—he also requested 2 amendments to the bill. He indicated that the Adjutant Generals Dept. and the local Emergency Preparedness Coordinator should also be included. Mr. Henry corrected previous testimony stating that there are no ASTRA terminals in any local Emergency Preparedness offices, only in the Topeka office.

Chair asked conferees who did not bring written testimony today to please provide it to the secretary as soon as possible.

Questions and answers period followed all conferees' testimony.

HEARING CLOSED ON $\underline{\text{SB 306}}$. Chair advised, if time permits, action will be taken on this bill on Wednesday also.

HEARING ON HB 2562 - AN ACT concerning the Kansas public broadcasting commission.

Chair announced there are no conferees for $\frac{\text{HB }2562\text{--}\text{since}}{\text{there is no interest HEARING CLOSED ON }\frac{\text{HB }2562}{\text{HEARING CLOSED}}$

Motion to approve minutes for March 4, 5, 6, 7 and 8, 1991 made by Rep. Bowden, seconded by Rep. Watson, motion carried.

Meeting adjourned at 10:00 a.m. Next meeting will be Wednesday, March 27th.

GUEST LIST

COMMITTEE: 0.0. DATE: 3-25-9/

AME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZAT
Tolon FOSTER	LENEXA	KANSAS CHIEFS OF
DEAN AKINGS	GREAT BEND	KANSUS Chiefs of Pol
Richard Maisinger	Great Band	Fire Chief G.B.
MARUN E. HENRY	TOPTICA	K.D.E.P.
Tarri Roberts	Topeka	KSNA
Pat Ophron	Topule	KSBN
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Chapter Office 817 West Sixth Street Topeka, Kansas 66603

Telephone: 913-354-4804

TO: House Committee on Governmental Organization

FROM: Kansas Chapter NASW by Gigi Felix, LMSW Executive Director

RE: SUB SB118
IN SUPPORT

Thank you for allowing me a moment to speak in support of SB118. K-NASW has over 1500 licensed social workers in Kansas, some of whom were called to active duty in Operation Desert Storm. Although I have not heard from them, personally, I know the maintenance of their license status is of great importance. They need to be assured that their ability to work on their return will not be threatened by serving their country overseas.

This issue extends beyond social work to the other regulated professions as well. The current President Elect of the Kansas Chapter has a husband serving in a medical unit in Saudi Arabia - it is difficult enough to get through the days while he is away without having to worry about his licensure on his return. This scenario holds true for every professional, and their family, serving in the Gulf.

I commend the Legislature for the foresight in preparing the way for these folks to return to "normal life" on their return to the states, without this particular problem to worry about.

Thank you again for your time today, and I will be glad to answer any questions you might have.

g. O. 3. 25-91 altachment

Kansas State Board of Nursing

Landon State Office Building 900 S.W. Jackson, Rm. 551 Topeka, Kansas 66612-1256 913-296-4929



Patsy L. Johnson, R.N., M.N. Executive Administrator 913-296-3068

TO:

The Honorable Representative Gary Blumenthal, Chairman & Members of the Governmental Organization Committee

FROM:

Patsy L. Johnson, R.N., M.N. Executive Administrator

DATE:

March 22, 1991

Thank you for allowing me to testify on Senate Bill 118. The Board of Nursing is supportive of this statute revision concerning the licensure of persons in active military service.

Over the past several months we have had a multitude of questions with regard to licensure renewal, continuing education, and practice of graduate nurses from licensees being called into active military service. We have issued renewal applications for nurses who have been activated so they might renew their licenses in advance of leaving for the Mid East. We have counseled individuals with regard to qualifying continuing education. We have assisted family members in completing applications. There are at least two cases where new graduates finished their education program but were deployed to Saudi Arabia before they had time to take the licensure examination.

We have determined there are probably between 100 and 200 nurses either in reserve units or regular military presently serving in Desert Storm. Licensure of the some 37,000 nurses is completed on a monthly basis on-going over two years. Because of this process, there would be minimal economic impact on the Board of Nursing if licensure is not completed at the stated time.

SB 118 would permit nurses to maintain their licenses or their temporary permits during the time they are activated as well as a period of time upon completion of their military service. The approval of SB 118 will

> 9.0.3-25-9. attachment 2

Patricia McKillip, R.N., M.N.

Education Specialist 296-3782 provide a great relief to those who are serving our country. The Board of Nursing will continue to be supportive of Kansas nurses providing information to either them or their families with regard to licensure.

In summary the Board of Nursing supports SB 118 and hopes it is approved.

Thank you. I would be happy to answer any questions.

PLJ:bph

9.0.3.25-91 attachment 2.2



RITMENTS OF THE ARMY AND AIR F NATIONAL GUARD OF KANSAS ADJUTANT GENERAL OF KANSAS P.O. BOX C-300

TOPEKA, KANSAS 66601-0300



TESTIMONY ON SUBSTITUTE SENATE BILL 118 by COLONEL JONATHAN P. SMALL

BEFORE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

I am Colonel Jonathan P. Small and I appear today as the Judge Advocate General for the Kansas National Guard and as an individual who is or will be affected by the amendments offered in 1991 Senate Bill 118.

As you are already aware, the active duty and reserve components of our armed forces include a substantial number of Kansas licensees who are affected by the express provisions of K.S.A. 65-2201 et seq. I support unqualifiedly the amendments proposed in this bill. They will make good law even better.

The broadening of the present Act's provisions will cover the number of changes which have taken place in professional licensing activities over the past 48 years since this Act was originally passed. In my judgment it will significantly lessen the concern active duty licensees presently have concerning the myriad of licensing regulations now imposed upon them.

I respectfully urge your favorable consideration of 1991 Senate Bill 118.

> Jonathan /P. Small COL, JAGC, KSARNG

Judge Advocate General

JPS/js

AS0325T1



FOR FURTHER INFORMATION CONTACT:
TERRI ROBERTS, J.D., R.N.
EXECUTIVE DIRECTOR
KANSAS STATE NURSES' ASSOCIATION
700 S.W. JACKSON, SUITE 601
TOPEKA, KANSAS 66603-3731
(913) 233-8638

March 25, 1991

SUBSTITUTE FOR S.B. 118 - LICENSING REQUIREMENTS FOR ACTIVE DUTY LICENSEES

Chairperson Blumenthal and members of the House Governmental Organization Committee, my name is Terri Roberts, J.D., R.N., and I am the Executive Director of the Kansas State Nurses' Association.

Substitute S.B. 118 should provide much needed statutory language that would provide limited exemptions to those licensees who have been called to active duty. KSNA supported the original S.B. 118 and the provisions that were made for exempting continuing education requirements and allowing Kansas licensees a period of six months for the licensee to make application for renewal and pay the appropriate fees. Substitute for S.B. 118 amends both of these original provisisons.

We cannot support S.B. 118 in its current form because it would require nurses who return to Kansas after active duty (during which their licensees were up for renewal) to submit to the Board of Nursing the filled out application form and submit the \$40.00 for renewal prior to practicing. They cannot practice until these two mechanical provisions are completed. (Section 3) Now, if you live in Topeka, that would not be difficult, however, if you live in Garden City or Hays, you would probably have a delay in being able to work because you have to fill out the application and pay the fee to the licensing agency. If this is done by mail, this could mean three or four days. If your mail was held or sent somewhere else, not

Kansas State Nurses' Association March 25, 1991 Substitute for S.B. 118

easily retrievable, you would have to first request the form from the licensing agency, fill it out and then submit it. This could take even longer. We support changing Section 3 to allow a reasonable period, such as two weeks for licensees to apply for renewal under the provisions of this act.

Secondly, the first version of this bill waived the continuing education requirements for renewal for those individuals called to active duty. We supported that particular provision and would like to see if removed from this bill. (Delete on page 2, line 3,4,5). The reason for mandatory Continuing Education is to maintain competency. We believe that the intent and spirit of the mandatory C.E. requirements, maintaining competency has been complied with in those called to active duty, and would therefore ask this committee to remove this requirement from Substitute for S.B. 118.

A ballon has been attached for the recommended changes suggested.

Thank you for this opportunity to speak on this very timely and appropriate legislation.

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SUBSTITUTE FOR SENATE BILL No. 118

By Committee on Governmental Organization

2-26

AN ACT concerning licensure of persons in active military service; repealing K.S.A. 65-2201 to 65-2205, inclusive.

Be it enacted by the Legislature of the State of Kansas: Section 1. As used in this act:

(a) "Military service" means active duty by a licensee in the army, navy, marine corps, air force, air or army national guard, coast guard or any branch of the military reserves of the United States.

(b) "License" means any permit, certificate, authority, privilege or registration whether temporary or permanent issued, granted or made by the state of Kansas or any officer, board, department or commission or agency thereof authorizing a person to engage in or practice an occupation or profession in this state.

(c) "Licensee" means a person who had, at the time of commencing a period of military service, a valid, existing license to engage in or practice an occupation or profession in this state. "Licensee" also means a person who, while in military service, obtains a valid license to engage in or practice an occupation or profession in this state.

Sec. 2. Notwithstanding the provisions of any law, the license of a licensee shall continue to be valid while the licensee is in the military service and for six months following release therefrom. No licensee shall be required to pay a renewal fee, submit a renewal application, obtain continuing education or meet other conditions to maintain a license while such licensee is in the military service except as provided in section 3. No license of any licensee shall expire, lapse or be canceled, revoked or suspended because of the failure to timely renew such license, including the failure to meet any conditions for renewal, during the period of military service.

Sec. 3. A licensee who desires to engage in or practice an occupation or profession in this state after release from military service shall, within six months after such release but prior to rendering services for which a license is required, submit the renewal fee required by law for the current license period with a completed renewal application, and thereupon, shall be deemed to have complied with all requirements of law relating to licensure renewal. A

Kansas State Nurses' Association March 25, 1991

> 9.0.3.25-91 attachment 4-3

- but within two weeks of

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Kansas State Nurses' Association March 25, 1991

licensee who submits the renewal fee and completed renewal application in accordance with this section shall not be charged any late payment fees or penalties, and shall be given six months from the date of submission to fulfill any continuing education which would otherwise be required for renewal. The license of a licensee who fails to renew the license pursuant to this section may be canceled, revoked or suspended in accordance with the applicable law.

Sec. 4. (a) The provisions of this act shall not apply to licensees who during the period of military service engage in or practice an occupation or profession in this state outside of the line of duty in 10 the military service. 11

(b) If the license of any licensee has expired, lapsed or been suspended or revoked prior to the effective date of this act solely 14 because of the failure of such licensee to comply with conditions for renewal while the licensee was in the military service, such expiration, cancellation, suspension or revocation is hereby set aside and canceled.

(c) Any licensee held in default, pursuant to K.S.A. 77-520 and amendments thereto, in any disciplinary action commenced by the licensing agency, may file a written motion before the agency within 21 six months of release from active duty, requesting that such default 22 be set aside. Such motion shall be granted if the agency finds that military service prevented the licensee's appearance or participation 24 in the disciplinary proceeding.

Sec. 5. No license shall be revoked, suspended or canceled by any licensing board or agency for failure to maintain professional 27 cliability insurance or for failure to pay the surcharge to the health 28 care stabilization fund, as required by the health care provider insurance availability act, if such lapse in coverage occurred during 30 the period of military service.

Sec. 6. K.S.A. 65-2201 to 65-2205, inclusive, are hereby 31 repealed.

Sec. 7. This act shall take effect and be in force from and after 33. 34 its publication in the Kansas register.

Delete

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STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN ATTORNEY GENERAL MAIN PHONE: (913) 296-2215 CONSUMER PROTECTION: 296-3751 TELECOPIER: 296-6296

Before the House Committee on Governmental Organization Senate Bill No. 118

Testimony Presented By
Assistant Attorney General Theresa Marcel Nuckolls
On Behalf of
Attorney General Robert T. Stephan
March 25, 1991

On behalf of Attorney General Bob Stephan I ask for your support of Senate Bill No. 118. We requested this bill as a measure to preserve the licensure status of individuals in active military service.

The need for legislation of this type came to our attention through contacts from individuals and from state licensing agencies. During the crisis in the Persian Gulf, people from many walks of life have temporarily left their homes and their occupations or professions to go on active duty in the military. When they return, potential problems lie ahead for persons licensed to practice occupations or professions. Some of those problems include obtaining mandated continuing education units, renewing licenses which have expired during the period of active service, complying with mandated liability

g. O. 3-25-9 allachment 5 insurance coverage, and responding to disciplinary complaints. Senate Bill No. 118 addresses these issues by expanding and updating existing law which now appears at K.S.A. 65-2201 through 65-2204.

We ask that Senate Bill No. 118 be passed and made effective upon publication in the Kansas Register. Those who are participating in Operation Desert Storm should not return to face complications in their professional lives. We urge you to make their return to civilian life as positive as we can.

9.0.3.25-91 attachment 5-2

STATE OF KANSAS

THE ADJUTANT GENERAL

P.O. BOX C-300 TOPEKA, KANSAS 66601-0300

PRESENTATION

FOR

HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE MONDAY, MARCH 25, 1991

Jay Mocher

MADAM CHAIRPERSON AND MEMBERS OF THE COMMITTEE:

MY NAME IS BRIG. GEN. JAMES F. RUEGER. I AM THE ADJUTANT GENERAL OF KANSAS.

I SUPPORT THE ENACTMENT OF SENATE BILL 118 WHICH ALLOWS
MILITARY PERSONNEL SERVING IN OPERATION DESERT STORM TO RENEW
THEIR STATE GRANTED LICENSE IN THEIR OCCUPATION OR PROFESSION UPON
THEIR RETURN FROM DUTY. MANY MILITARY PERSONNEL WHO BELONG TO THE
GUARD OR RESERVES WORK IN POSITIONS THAT REQUIRE LICENSING SUCH AS
DOCTORS, NURSES, LAWYERS AND OTHER PROFESSIONS.

I FEEL IT IS APPROPRIATE THAT THESE MILITARY PERSONNEL WHO ARE NO LONGER SERVING IN A CIVILIAN CAPACITY IN THEIR CHOSEN PROFESSIONS BE ALLOWED TO RENEW THEIR LICENSES. I ALSO APPRECIATE THAT THIS BILL WILL PREVENT LICENSES BEING REVOKED BECAUSE OF FAILURE TO RENEW IN A TIMELY FASHION WHEN THESE PERSONNEL ARE ON ACTIVE DUTY.

I BELIEVE THIS SUPPORT BY THE LEGISLATURE IS EXTREMELY
IMPORTANT TO THOSE SOLDIERS WHO MAY WORRY ABOUT HOW TO RENEW
LICENSES AND TO SECURE REQUIRED SCHOOLING WHILE SERVING THEIR
COUNTRY.

THIS SUPPORT IS AN IMPORTANT FACTOR IN GETTING THESE PEOPLE STARTED BACK INTO THEIR PROFESSIONS UPON THEIR RETURN AND WILL BE

9.0.3-25-91 altachment 6 A MORALE FACTOR FOR THEM WHILE THEY ARE AWAY SUPPORTING THEIR COUNTRY.

FOR THESE REASONS, I WOULD ASK THAT YOU PASS SENATE BILL 118.

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9.0.3.25-91 allailment 6-2

office of

RICHARD G. GANNON, EXECUTIVE DIRECTOR LAWRENCE T. BUENING, JR., GENERAL COUNSEL STEVE A. SCHWARM, LITIGATION COUNSEL MICHELLE M. TORRES, DISCIPLINARY COUNSEL SUSAN M. LAMBRECHT, LICENSING SUPERVISOR

State of Kansas



Kansas State Board of Healing Arts

> 235 S. TOPEKA BLVD. TOPEKA, KS 66603 913-296-7413 FAX: 913-296-0852

Board of Healing Arts

MEMORANDUM

TO:

House Committee on Governmental Organization

FROM:

Richard G. Gannon, Executive Director

RE:

Testimony on Substitute to SB 118

DATE:

March 25, 1991

Thank you for the opportunity to provide written testimony on support of Senate Bill 118. The language contained in KSA 65-2201 through 65-2205 which would be repealed by this law has been in existence since 1943.

While the concerns regarding the effect of the current language of KSA 65-2201 through 65-2205 became more urgent due to Operation Desert Storm, the provisions of substitute for SB 118 and the existing language of the statutes will apply to all licensees on active military duty whether or not the personnel have been or still are involved in Operation Desert Storm.

The Revisor and Attorney General Offices, along with the General Counsel for the Board, have spent considerable time and effort to craft the new language of Substitute for SB 118. It is

MEMBERS OF BOARD
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KENNETH D. WEDEL, M.D., MINNEAPOLIS
RON ZOELLER, D.C., TOPEKA

3-25-91

Testimony on Substitute SB 118

felt this language addresses the problem of licensees who are called to actual duty in time of crisis as well as those related to career military persons. The Board fully support Substitute for SB 118 and hopes this Committee will consider it favorable for passage.

g.O. 3-25-91 attachment 1-2



"Service to County Government"

212 S.W. 7th Street Topeka, Kansas 66603 (913) 233-2271 FAX (913) 233-4830

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Vernon Wendelken Clay County Commissioner (913) 461-5694

NACo Representative
Keith Devenney
Geary County Commissioner

(913) 238-7894 Executive Director John T. Torbert March 25, 1991

To:

House Governmental Organization Committee

Chairman Gary Blumenthal

From:

Anne Smith

Director of Legislation

Re:

SB 306

The Kansas Association of Counties introduced this legislation on behalf of its affiliate, the Kansas Sheriffs Association.

The ASTRA board, (Automated State-wide Telecommunications and Records Access), is a law enforcement and civil defense communications committee. The committee is currently made up of three members: the Secretary of Administration or designee; the Director of the Kansas Bureau of Investigation or designee; and the Superintendent of the Kansas Highway Patrol or designee.

This legislation would allow for two additional law enforcement agencies on the ASTRA board: the Kansas Sheriffs Association and the Kansas Chiefs of Police Association.

Further, the legislation requires that the ASTRA board approve all substantive changes made by any state agency or other agency to a data base or communication format of the law enforcement and civil defense communications network.

The Kansas Sheriffs Association felt changes to the communications network were being implemented without an adequate understanding of their communications network needs or of the budgeting of revenue required for such changes. A recent change to the computer system makes the system not as accessible to sheriffs departments and this change in format was implemented in the middle of the counties' fiscal year.

We urge your favorable consideration of this legislation so that fair and equitable decisions are made regarding all law enforcement agencies.

9.0 3.25-91 attachment 8