

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on March 08, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Carlson – excused
Representative Fund – excused
Representative Holmes - excused
Representative Kiegerl - excused
Representative Peterson - excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Stephen Bainum, Committee Assistant

Others attending:

See attached list.

The Chairman called for the committee to work **HCR 5010 Endorsing Taiwan's participation as an observer in the ICAO and UNFCCC.**

Mike Heim gave a briefing on the bill. Representative Loganbill asked why the resolution. The Chairman said this is a resolution that we do every year. It helps form relations and shows respect.

Representative Knox made a motion to pass the resolution out favorably and asked for it to be placed on the consent calendar, seconded by Representative Gatewood, the motion carried.

The Chairman opened the hearing on **HB 2178 Granting professional licenses to nonresident individuals.**

Representative Wolfe Moore said that staff had an amendment (Attachment 1).

Representative Goico said that he favored the amendment. Representative O'Hara said that she was also supportive of the bill.

The Chairman asked for a show of hands showing support for the words "shall" or "may" in the bill. Representative Goico said it should remain "shall". "Shall" says that you will grant a license providing that all the other requirements are complied with. Representative Rubin said that he agreed with Representative Goico and that if you use the word "may" you might as well not do the bill.

Representative Gatewood said that he wanted each of the agencies to be able to test the applicant before a license is issued.

Representative Wolfe Moore said that she agreed with Goico and Rubin. She asked if these safeguards are in place is the "shall" or "may" important? Representative Loganbill asked if it would be appropriate to put a sunset in the bill in order to get the groups to come back. Representative Goico said that if this bill creates consequences then we can have the agencies report to us next year containing ways we can change the bill. Representative O'Hara said that she needed a definition of "shall" added to the bill.

Representative Loganbill said that the process of reciprocity with another state can be tricky because there may be another state where their licensing requirements are what we would consider to be substandard. Representative Brunk said that is why Section 1. (b) (1) talks about the license requirements being equivalent to those established by the licensing body of this state.

Representative Knox said that we are talking about temporary residents of the state. I am not seeing them coming into Kansas and setting up a business. They are going to work for somebody. We are talking

CONTINUATION SHEET

The minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 08, 2011, in Room 346-S of the Capitol.

about people that are temporary. Representative Brunk said that there are possibilities that they might be assigned here for quite some time. Representative Grosserode said that we may need to have six months or a year provisional license.

Representative Goico said that Kansas wants to attract military bases to the state and keep the ones that we have. In order to do that we need to make Kansas a military friendly state.

Representative Loganbill said she did not want to give licenses just because they are military. That should not prevent them from meeting the requirements that every other Kansan meets.

The Chairman closed the hearing.

The Chairman opened the hearing on **HB 2229 Schools; equal access by employee associations and organizations.**

Representative Rubin said that he certainly did agree with this bill and the revisor that an amendment to the Professional Negotiations Act would be in order. Representative Loganbill said that would be a complete change in the PNA act. Representative O'Hara said that she agreed with Representative Rubin.

The Chairman closed the hearing on **HB 2229.**

The next meeting is scheduled for March 09, 2011.

The meeting was adjourned at 2:27 p.m.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

3-8-11

ROOM 346-S

[illegible]

HOUSE BILL No. 2178

By Representative Sloan

2-7

Proposed Amendments to SB 2178

March 8, 2011

For Committee on Public Health and Welfare

Prepared by Kathleen Selzler Lippert

Kansas State Board of Healing Arts

1 AN ACT concerning licenses and permits; relating to nonresident military
2 spouses.

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

4 Section 1. (a) Notwithstanding any other provision of law, any
5 licensing body, as defined by K.S.A. 74-146, and amendments thereto,
6 ~~shall, upon application, issue a license to a nonresident military spouse,~~ may
7 so that the nonresident military spouse may lawfully practice the person's
8 occupation.
9

10 (b) A nonresident military spouse shall receive a license under
11 subsection (a) of this section if, at the time of application, the military
12 spouse:

13 (1) Holds a current license in another state, district or territory of the
14 United States with licensure requirements that the licensing body
15 determines are equivalent to those established by the licensing body of
16 this state;

17 (2) was engaged in the active practice of the occupation for which
18 the military spouse seeks a license in a state, district or territory of the
19 United States for at least two of the five years preceding the date of
20 application under this section;

21 (3) has not committed an act in any jurisdiction that would have
22 constituted grounds for the ~~refusal, suspension or revocation of a license~~
23 ~~to practice that occupation in this state at the time the act was committed;~~

24 (4) has not been disciplined by a licensing or credentialing entity in
25 another jurisdiction and is not the subject of an unresolved complaint,
26 review procedure or disciplinary proceeding conducted by a licensing or
27 credentialing entity in another jurisdiction;

28 (5) pays any fees required by the licensing body of this state; and
29 (6) submits with the application a signed affidavit stating that the
30 application information, including necessary prior employment history, is
31 true and accurate. Upon receiving such affidavit, the licensing body ~~shall~~
32 issue the license to the military spouse on a probationary basis, but may
33 revoke the license at any time if the information provided in the
34 application is found to be false.

35 (c) Relevant full-time experience in the discharge of official duties
36 of military service or of an agency of the federal government shall be

limitations, suspension, revocation or that the licensee has never been censured or
had other disciplinary action taken or had application for licensure denied or refused
to practice that occupation for which the military spouse seeks licensure

or surrender of the applicant's membership on any professional staff in any
professional association or society or faculty for another state or licensing jurisdiction
while under investigation for acts or conduct similar to acts or conduct which would
constitute grounds for disciplinary action in a Kansas practice act.
may

House Fed & State Affairs

Date: 3.08.11

Attachment |

1 credited in the calculation of years of practice under subsection (b) of this
2 section.

3 (d) A nonresident military spouse licensed under this section shall be
4 entitled to the same rights and subject to the same obligations as are
5 provided by the licensing body for Kansas residents, except that
6 revocation or suspension of a nonresident military spouse's license in the
7 nonresident military spouse's state of residence shall automatically cause _____ or any jurisdiction in which they held licensure
8 the same revocation or suspension of such nonresident military spouse's
9 license in Kansas. No hearing shall be granted to a nonresident licensee
10 where the license is subject to such automatic revocation or suspension
11 except for the purpose of establishing the fact of revocation or suspension
12 of the nonresident military spouse's license by the nonresident military
13 spouse's state of residence.

14 (e) For the purposes of this section, "military spouse" means the
15 spouse of an individual who is currently in active service in any branch of
16 the armed forces of the United States.

17 (f) This section shall not apply to the practice of law or the
18 regulation of attorneys pursuant to K.S.A. 7-703, and amendments thereto.

19 Sec. 2. This act shall take effect and be in force from and after its
20 publication in the statute book.
21

new

(g) This section shall not apply to health care professionals that have licensure by endorsement.