

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 15, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Kiegerl - excused  
Representative Fund - 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 on the committee to work **HR 6015 Resolution; requiring Attorney General to bring suit to test constitutionality of a provision of Kansas Expanded Lottery Act.**

Ed Van Petten stood to explain the six steps process that must be completed before construction can begin. First, there has to be a public vote in the county which approves the casino. The Sedgwick County vote did not pass, leaving Sumner as the only county involved. Second, applicants make application with the Kansas Lottery. Kansas Lottery is required to accept all applications filed and then determine if they meet the Statute. Once Kansas Lottery deems that they have received the best offer that the applicant can make, then a contract is entered into. The contract cannot be signed until it has a local endorsement and there are necessary planning and zoning approved. We received from the City of Mulvane ordinances numbers 1359 and 1360, one granting a personal use permit and the other changing the zoning to comply with the requirements of the statute and we acted on the advice of our council in that regard. Once we received that the contract was approved and signed on October 19<sup>th</sup>, last year.

Representative Loganbill asked Ed if they had approved this contract in the manner required by law? Ed said that they did it as they interpreted the Act. Representative Patton said the public referendum had specific terms as to what the question had to be. The referendum was approved before SB 66 so it is impossible for that part to be contemplated for the state owned lottery. Ed said that SB 66 allowed essentially similar language and our council determined that it was, our Commission reviewed it and voted to accept that resolution as fulfilling the requirements of SB 66.

The Chairman made a motion to amend HR 6015 by changing "requesting" to "requiring" on page 1, line 1 plus technical changes by the revisor, seconded by Representative Gregory. (Attachment 1).

Representative Gatewood said that resolutions are non-binding so changing "requiring" to "directing" makes no difference. Mike Heim read from 75.702 which is a statute dealing with the responsibilities of the Attorney General. It says the Attorney General shall appear for the State and prosecute and defend all actions when required by the Governor or either branch of the Legislature. The Chairman called for the vote. The motion carried.

Representative Rubin made a motion to move the bill out favorably as amended, seconded by Representative Knox. The Motion carried.

The Chairman called for the Committee to work **HB 2178 Granting professional licenses to nonresident individuals.**

There were three amendments requested to the bill. The Chairman asked the revisor to explain the amendments. Mike Heim said that the first amendment changes the word "five" to "three" and requires that the spouse be engaged in active practice two of the last three years, rather than two of the last five years (Attachment 2). The second amendment by Representative Knox is a complete rewrite of the bill

## CONTINUATION SHEET

The minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 15, 2011, in Room 346-S of the Capitol.

and it would consider a nonresident spouse as a resident of the State of Kansas for the purposes of professional licensure (Attachment 3). The third amendment was prepared by Kathleen Lippert, Kansas State Board of Healing Arts (Attachment 4).

There was a discussion of these three amendments and a comparison of the Knox amendment that had been withdrawn from consideration.

Representative Rubin said that he would support the Lippert Balloon.

Representative Gatewood said he would support Representative Knox's amendment.

Representative Knox made a motion to pass his substitute bill, Representative Loganbill seconded. The Chairman called for a vote by show of hands. Those in favor were seven and opposed were eleven. The motion failed.

Representative Rubin made a motion to pass the Lippert amendment, seconded by Representative Goico. The motion carried.

The Chairman called for **HB 2229 Schools; equal access by employee associations and organizations** to be worked.

The Chairman said that we have a technical amendment and a substitute bill (Attachment 5). Mike Heim explained the changes.

Representative Brunk said that this allows equal access to any number of professional organizations but not negotiating power.

Representative Loganbill said that the bill was completely destroying the Professional Negotiations Act that we have in the State of Kansas now.

Representative O'Hara said that the bill gives equal access to the teachers and supports the bill.

Representative O'Hara made a motion to pass Sub HB 2229 favorably, seconded by Representative Rubin. Representative Gatewood passed out an e-mail from Gary Sigle (Attachment 6). It shows a representative from the other organization communicating with teachers by e-mail. Either they are breaking the law or they are doing what is allowed anyway. He said the bill was unnecessary or irrelevant. Representative Loganbill said that they already have access. Representative Grosserode said she was one of the teachers who did not join the NEA because of personal political positions. She had not heard that there were other options because they were not allowed access. She supports the bill.

Representative Rubin offered an amendment to keep paragraph (B) as is including keeping all the deletions and add New paragraph (C), adding in the deleted sections from paragraph (B). Representative Rubin moved his amendment, seconded by Representative Goico. The motion carried.

Representative Goico made a motion to pass Sub HB 2229 favorably as amended, Representative Seiwert seconded. The motion carried. Representatives Henderson and Loganbill requested they be recorded as "no" votes.

The next meeting is scheduled for March 16, 2011.

The meeting was adjourned at 2:45 p.m.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

3.15.11

ROOM 346-S

NAME	REPRESENTING
Nathan Bainbridge	KDHE
John D. Pinegar	Peruvia Gaming
John Frieden	" "
Patrick Hurley	" "
Dave Kissack	NEA-Shawnee Mission
Joan Goodman	NEA-Shawnee Mission
HS Herstand	KNEA
Nancy Fritz	NEA-SM
Claudette Jones	KANSAS NEA
Kathleen Seiler Luppert	
Don Watkins	PBP/Kansas Star
Dan Damm	Great Aunt Kansas
Phillip Setchell	Citizen
Leslee Cantrell	"
John C. Rottenberg	Ks ENTERTAINMENT
Jonathan Reeve	Rep. Davis
Denise Hein	How Low Firm
Tim Ferry	Wichita Eagle
Velvet Winkler	Kansas Reporter

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

3.15.11

ROOM 346-S

[illegible]

## House Resolution No. 6015

By Committee on Federal and State Affairs

3-9

1 A RESOLUTION [REDACTED] that the Attorney General bring an action in  
2 quo warranto in a court of competent jurisdiction against the Kansas  
3 Racing and Gaming commission and its members, the Kansas Lottery  
4 Commission and its members and the Kansas Lottery Gaming Facility  
5 Review Board and its members and challenging the constitutionality  
6 of K.S.A. 74-8762(e) and such other claims as the Attorney General  
7 may deem warranted under the circumstances.

directing

2010 Supp.

8 WHEREAS, In 2010, Peninsula Gaming Partners LLC and Global  
9 Gaming KS LLC submitted proposals to the Kansas Lottery Commission  
10 for developing and managing a lottery gaming facility in Sumner County;  
11 and

12 WHEREAS, In a meeting on September 8, 2010, the Kansas Lottery  
13 Commission approved lottery gaming facility management contracts with  
14 Peninsula Gaming and Global Gaming for a casino in Sumner County,  
15 provided the companies received local planning and zoning approvals;  
16 and

17 WHEREAS, In October, 2010, a special prosecutor for the state of  
18 Iowa charged Peninsula Gaming Partners LLC and two executives of the  
19 company, the chief executive officer and the chief operating officer, with  
20 illegally funneling \$25,000 in contributions through a third party to the  
21 re-election campaign of a candidate for governor; and

22 WHEREAS, The trial of this matter is scheduled to begin in June,  
23 2011, in Iowa; and

24 WHEREAS, In a meeting on December 15, 2010, the Kansas Lottery  
25 Gaming Facility Review Board selected Peninsula Gaming as the  
26 developer and manager of the casino in Sumner County; and

27 WHEREAS, In a meeting on January 14, 2011, the Kansas Racing and  
28 Gaming Commission approved the background checks of Peninsula  
29 Gaming key officials and approved the casino development and  
30 management contract with the company; and

. 2010 Supp.

31 WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8733 et.  
32 seq.) was enacted with the specific requirement in K.S.A. 74-8734 that  
33 the Kansas Lottery Commission "adopt standards to promote the integrity  
34 of gaming and finances of lottery gaming facilities, which shall apply to  
all management contracts, shall meet or exceed industry standards for

2010 Supp.

House Fed & State Affairs

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Attachment 1

1 monitoring and controlling the gaming and finances of gaming facilities  
2 and shall give the executive director sufficient authority to monitor and  
3 control the gaming operations and to ensure its integrity and security";  
4 and

5 WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8736)  
6 requires the Kansas Lottery Facility Review Board determine that a  
7 gaming facility management contract is the "best possible such contract"  
8 prior to the contract becoming binding on the parties; and

9 WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8751)  
10 requires the Kansas Racing and Gaming Commission to adopt rules and  
11 regulations relating to certification requirements by implementing such  
12 background investigations and standards for applicants, as may be  
13 "necessary to determine whether such person's reputation, habits or  
14 associations pose a threat to the public interest of the state or to the  
15 reputation of or effective regulation and control of the lottery gaming  
16 facility."; and

17 WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8751 and  
18 74-8772) directs the Kansas Racing and Gaming Commission to adopt  
19 rules and regulations for suspension, revocation or nonrenewal of a  
20 certification and promoting the integrity of the lottery and racetrack  
21 gaming facilities in Kansas; and

22 WHEREAS, K.A.R. 112-101-6(b) provides that a certification may be  
23 denied, suspended or revoked if the certificate holder or its officers,  
24 directors, key gaming employees, or any person directly or indirectly  
25 owning an interest of at least 0.5% in the applicant, poses a threat to the  
26 public interest or to the effective regulation of gaming; or creates or  
27 enhances the dangers of unfair or illegal practices in the conduct of  
28 gaming; and

29 WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8734(o))  
30 provides that a lottery gaming facility shall comply with any planning and  
31 zoning regulation of the city and county in which it is to be located and  
32 that the executive director shall not contract with any prospective lottery  
33 gaming facility manager who lacks proper approvals under the planning  
34 and zoning requirements of the city or county in which the facility is to be  
35 located; and

36 WHEREAS, Compliance with local planning and zoning requirements  
37 for the proposed Sumner County lottery gaming facility requires zoning  
38 changes, a special use permit, approval of a planned unit development  
39 application, a variance, site plan and plat approval; and

40 WHEREAS, Final action by the appropriate local government entities  
41 as to all planning and zoning matters was not complete at the time of the  
42 approval of the Peninsula Gaming facility management contract; and

WHEREAS, The state has an interest in determining under what  
authority the Peninsula Gaming facility management contract was

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1-2

1 approved given the conditions precedent to approval set forth at K.S.A.  
2 74-8734(o); and

2010 Supp.

3 WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8762(e))  
4 purports to limit the authority of state officials, including legislators, to  
5 act in their official capacity to perform their legislative duties; and

6 WHEREAS, The matters delineated above are areas of legitimate  
7 public interest and concern and as such implicate traditional areas of  
8 legislative action as reserved to the legislature under Article 2 of the  
9 Constitution of the State of Kansas; and

10 WHEREAS, The state has an interest in determining the  
11 constitutionality of a provision of the Kansas Expanded Lottery Act  
12 (K.S.A. 74-8762e) which purports to limit the power of state officials and  
13 state legislators under the Kansas and United States Constitutions;

2010 Supp.

14 WHEREAS, Pursuant to K.S.A. 75-702 the Attorney General shall,  
15 when required by either branch of the legislature, appear for the state and  
16 prosecute in any court, any matter in which the state may be interested:  
17 Now, therefore,

18 *Be it resolved by the House of Representatives of the State of Kansas:*  
19 That in accordance with K.S.A. 75-702, the Attorney General of the State  
20 of Kansas is hereby required to bring: (a) an action in quo warranto in a  
21 Court of competent jurisdiction against the Kansas Racing and Gaming  
22 Commission and its members, the Kansas Lottery Commission and its  
23 members and the Kansas Lottery Gaming Facility Review Board and its  
24 members to determine under what authority the gaming facility  
25 management contract with Peninsula Gaming was approved given the  
26 requirements of K.S.A. [REDACTED]; (b) an action challenging the  
27 Constitutionality of K.S.A. 74-8762(e) as applied to the Kansas  
28 legislature and its members and other affected public officials, and; (c)  
29 such other claims as the Attorney General may deem warranted under the  
30 circumstances; and

2010 Supp. 74-8734(o) and 74-8751

2010 Supp.

31 *Be it further resolved:* That the Chief Clerk of the House of  
32 Representatives shall send enrolled copies of this resolution to the  
33 Attorney General of the State of Kansas.  
34

1-3

Session of 2011

# HOUSE BILL No. 2178

By Representative Sloan

2-7

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

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

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

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

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

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

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

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

(5) pays any fees required by the licensing body of this state; and

(6) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate. Upon receiving such affidavit, the licensing body shall issue the license to the military spouse on a probationary basis, but may revoke the license at any time if the information provided in the application is found to be false.

(c) Relevant full-time experience in the discharge of official duties

three

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Attachment 2



1 of military service or of an agency of the federal government shall be  
2 credited in the calculation of years of practice under subsection (b) of this  
3 section.

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

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

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

20 Sec. 2. This act shall take effect and be in force from and after its  
21 publication in the statute book.  
22

## HOUSE BILL No. 2178

By Representative Sloan

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

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

Section 1. (a) Notwithstanding any other provision of law, any licensing body, as defined by K.S.A. 74-146, and amendments thereto, shall, upon application, consider a nonresident military spouse as a resident of the State of Kansas for the purposes of professional licensure.

(b) A nonresident military spouse licensed under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence shall automatically cause the same revocation or suspension of such nonresident military spouse's license in Kansas. No hearing shall be granted to a nonresident licensee where the license is subject to such automatic revocation or suspension except for the purpose of establishing the fact of revocation or suspension of the nonresident military spouse's license by the nonresident military spouse's state of residence.

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

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

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Attachment 3

# HOUSE BILL No. 2178

By Representative Sloan

2-7

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

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

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

10 (b) A nonresident military spouse shall receive a license under  
11 subsection (a) of this section.

(1) pursuant to applicable licensure by endorsement or reciprocity statutes of the licensing body of  
this state for the professional licensure; or if the professional practice act does not have licensure by endorsement  
or reciprocity statutes, then,

(2) if, at the time of application, the military  
12 spouse:

13 (a) 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 (b) ~~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; Any person who has not been in the active practice of the occupation during~~  
21 ~~the two (2) years preceding the application for which the applicant seeks a license may be required to complete~~  
22 ~~such additional testing, training, mentoring, monitoring or education as the Kansas licensing body may deem~~  
23 ~~necessary to establish the applicant's present ability to practice with reasonable skill and safety.~~

(c) has not committed an act in any jurisdiction that would have  
24 constituted grounds for the limitation, suspension, revocation or that the applicant has never been censured  
25 or had other disciplinary action taken or had an application for licensure denied or refused to practice an  
26 occupation for which the military spouse seeks licensure;

(d) has not been disciplined by a licensing or credentialing entity in  
27 another jurisdiction and is not the subject of an unresolved complaint,  
28 review procedure or disciplinary proceeding conducted by a licensing or  
29 credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff  
30 in any professional association or society or faculty for another state or licensing jurisdiction while under  
31 investigation or to avoid adverse action for acts or conduct similar to acts or conduct which would constitute  
32 grounds for disciplinary action in a Kansas practice act;

(e) pays any fees required by the licensing body of this state; and

(f) 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.

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

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

House Fed & State Affairs

Date: 3.15.11

Attachment 4

This additional language allows those professions which currently have reciprocity or endorsement licensure to continue to enforce those statutes with out conflict.

If a profession does not have reciprocity or endorsement licensure then the provisions of HB 2178 provide a statutory provision for endorsement.

This amendment is to address a licensure impediment identified in the USA4Minilary Families article. It provides the licensing body the discretion to review the applicant's history to see whether they are able to demonstrate a present ability to practice in a capable, competent manner with reasonable skill and safety. Further, it allows the licensing body the discretion to implement the least restrictive plan to ensure clinical competency through additional testing, training, mentoring, monitoring or education.

This amendment provides an inclusive list rather than an exclusive list of adverse actions that may apply to an applicant.

This amendment provides an inclusive list rather than an exclusive list of adverse actions that may apply to an applicant.

4-2

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 or any jurisdiction in which they held licensure shall  
automatically cause

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

This amendment provides that if they are disciplined in any state they hold licensure, not just the jurisdiction where they are a resident, this section would be applicable.

## SUBSTITUTE FOR HOUSE BILL NO. 2229

By Committee on Federal and State Affairs

AN ACT concerning professional negotiations; establishing the equal access act; amending K.S.A. 2010 Supp. 72-5413 and repealing the existing section.

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

New Section 1. (a) This section shall be known as the equal access act.

(b) A board of education shall not grant access to professional employee physical or electronic mailboxes to a professional employees' organization without giving equal access to any other professional employees' organization which requests such access.

(c) If a professional employees' organization is permitted to attend new professional employee or other professional employee orientation meetings in an effort to recruit new members, then any other professional employees' organization which requests permission to attend the meeting shall be granted such permission.

(d) A board of education shall not designate any day or break in the school calendar by naming or referring to the day or break in school calendar as the name of any professional employees' organization.

(e) This act shall be a part of and supplemental to the professional negotiations act, K.S.A. 72-5213 et. seq., and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 72-5413 is hereby amended to read as follows: 72-5413. As used in this act and in acts amendatory thereof or supplemental thereto:

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any

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Attachment 5

school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(e) "Professional employees' organizations" means any one or more organizations,

agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of engaging in professional negotiation with boards of education with respect to the terms and conditions of professional service or for the purpose of professional development or liability protection.

(f) "Representative" means any professional employees' organization or any person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.

(g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

(h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation between a board of education or its representatives and representatives of the recognized professional employees' organization.

(i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

(j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any

failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.

(k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.

(l) (1) "Terms and conditions of professional service" means (A) salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical, and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (B) matters which relate to privileges to be granted the recognized professional employees' organization including, but not limited to, voluntary payroll deductions; ~~use of school or college facilities for meetings;~~ dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit; ~~the use of bulletin boards on or about the facility, and the use of the school or college mail system to the extent permitted by law;~~ reasonable leaves of absence for members of the bargaining unit for organizational purposes such



as engaging in professional negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; ~~any of the foregoing privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization;~~ and (C) such other matters as the parties mutually agree upon as properly related to professional service including, but not limited to, employment incentive or retention bonuses authorized under K.S.A. 72-8246, and amendments thereto.

(2) Nothing in this act, and amendments thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection (1), the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective.

(3) Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.

(m) "Secretary" means the secretary of labor or a designee thereof.

(n) "Statutory declaration of impasse date" means June 1 in the current school year.

(o) "Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional

employee and shall include, but not be limited to, such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket-taking, lunchroom supervision, and other similar and related activities.

Sec. 3. K.S.A. 2010 Supp. 72-5413 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

desetti, mark [KS]

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**From:** Belt, Kevin [KS]  
**Sent:** Tuesday, March 15, 2011 10:02 AM  
**To:** desetti, mark [KS]  
**Subject:** Fwd: Cross Country Coaches Rankings for 2011

One more AAE  
Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** March 15, 2011 9:54:55 AM CDT  
**To:** [kevin.belt@KNEA.ORG](mailto:kevin.belt@KNEA.ORG)  
**Subject:** Fwd: Cross Country Coaches Rankings for 2011

FYI

Sent from my Verizon Wireless Phone

----- Forwarded message -----

**From:** [REDACTED] <[\[REDACTED\]@usd379.org](mailto:[REDACTED]@usd379.org)>  
**Date:** Tue, Mar 15, 2011 8:10 am  
**Subject:** Cross Country Coaches Rankings for 2011  
**To:** [REDACTED]

----- Forwarded message -----

**From:** Garry Sigle <[gsigle@usd378.org](mailto:gsigle@usd378.org)>  
**Date:** Sat, Mar 12, 2011 at 7:48 PM  
**Subject:** Cross Country Coaches Rankings for 2011  
**To:** [REDACTED] <[\[REDACTED\]@usd497.org](mailto:[REDACTED]@usd497.org)>, Garry Sigle <[gsigle@usd378.org](mailto:gsigle@usd378.org)>

Cross Country Coaches and media: I want each of you to know that I officially resigned/retired from USD 378, Riley County on Friday, March 11, effective at the end of my current contract. Therefore, it is time for me to let someone else do the cross country rankings. Next season, Steve Heffernan, Lawrence Free State, will be taking over the duties as the rankings coordinator. It is my hope that each of you will respond to Steve just as you have to me over the years. The success and legitimacy of the rankings depend upon your participation.

I was also officially hired Friday as the new Executive Director of the Kansas Association of American Educators  
([www.kanaae.org](http://www.kanaae.org)<<http://mail.usd378.org/exchweb/bin/redir.asp?URL=http://www.kanaae.org/>>).  
)

I start with them on June 13. I am excited about this change as I have developed a passion over the past three years for what I will be doing with the Kansas AAE. I have been a member of the Kansas AAE for the past 14

House Fed & State Affairs  
Date: 3.15.11  
Attachment 6

years. For those of you who are unfamiliar with the AAE, we are a non-union professional association. We provide liability coverage and legal assistance to teachers for \$15/month (or \$180 per year). We do not endorse, promote or fund any political candidate and we don't get involved in social issues. We do promote educational issues that our members believe are important, we have professional development resources and have a scholarship/mini-grant program for teachers. I would be happy to visit with any of you about this professional association. It is my hope that as I travel the state talking to teachers about the Kansas AAE, I will be able to attend cross country meets that I have always wanted to attend but was never able.

I would be remiss if I didn't say that it has been an honor to work along side each of you over the past 33 years as a cross country coach and for the past 29 years as the cross country coaches rankings coordinator. I wish each of you the best.

Again, best wishes. It has been an honor to serve the coaches of the state of Kansas.

Garry Sigle  
Riley County