

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 07, 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

Conferees appearing before the Committee:

Garry Sigle, Kansas Association of American Educators
Mark Desetti, Kansas National Educational Association
Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts

Others attending:

See attached list.

The Chairman called for bill introductions. Representative Kinzer introduced a resolution concerning a casino contract and a bill about abortion funding. They were received without objection.

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

Mike Heim passed out a copy of the statutes which make reference to the Professional Negotiations Act which he said he would run through quickly. This is what the current law provides in terms of schools and professional organizations. (Attachment 1). Representative Gregory asked if the unit was one elementary school in a district or a district? Mike said it was typically all the teachers in a district. Representative O'Hara asked about severability. Mike said it was a technical thing where you think something might be unconstitutional, and the court is able to uphold everything except what they find unconstitutional. Representative Gregory asked a question about petition. Mike said that there must be 30% interest in the petition before the Secretary would consider it. Representative Rubin said he did not see any terminology that gave the exclusive rights to use the mail system. Mike said the language was in the last three lines in sub (B) on page 2 that says that any of the privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization.

Garry Sigle, Kansas Association of American Educators, gave testimony as a proponent of **HB 2229** (Attachment 2). KANAAE offers liability insurance at a cost of only \$15 per month, a fraction of the cost of KNEA. **HB 2229** solves the problem of superintendents and administrators playing awkward roles as middlemen between teachers and employee associations. **HB 2229** allows for reasonable access to the teachers in the district. Representative Brunk asked what was involved with employment rights coverage? Garry said that if a teacher were involved in a legal matter they would have legal counsel as a member of our organization. Representative Goico asked why insurance costs vary from school system to school system. Garry said that KNEA offers blanket coverage. It is not specific to any one teacher. We offer specific coverage to the teacher. Representative Boman asked what liability insurance covered. Garry said it protected the teacher in an instance when he was being sued by a parent. Representative O'Hara wanted to know when and why KANAAE was organized. Gary said it was about 15 years ago because the organizations existing then were drifting away from the things they believed in. Representative Loganbill asked how do you break down your dues and how many members do you have? Gary said a portion of the dues goes for liability coverage and the balance stays at the state level for administration, etc. Gary said they have just under 1000 members. Representative Gregory asked how

CONTINUATION SHEET

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this legislation would affect his membership drive? Garry said that it would give the teachers an option that many are not aware that they have.

Mark Desetti, KNEA stood to answer question. Representative Grosserode asked him to break down the dues structure. He said that the largest amount goes to the state, the second largest amount goes to the national affiliate and a small amount stays at the local affiliate

The Chairman said he would leave the hearing open for a later date.

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

The Chairman asked Kathleen Selzler Lippert, Kansas Board of Healing Arts to answer some questions on **HB 2178**. She wanted to clarify testimony given earlier. She said they very much value the licensees from other states, but they want to make sure that they do not compromise their profession. Our concern is some of the wording in the bill. In Section 1. (a) it provides that a license shall be issued upon application. That word shall is understood to be mandatory and provides no latitude. Section 1. (b) (2) would allow a person to be out of practice for as much as three years. That would be an unacceptable length of time. Section 1. (b) (3) is a list of three, an exclusive list, not an inclusive list. If it said, "other action taken" it would be an inclusive list. Section 1. (b) (4) does not catch the situation where a licensee surrenders their license to avoid discipline. Representative Goico mentioned that lines 31 to 34 allow them to issue the license on a probationary basis. Doesn't that give you the coverage you need? Representative Wolfe Moore said that Kansas would be the first state to include health care for professionals in a bill such as this. Florida does not include health care in their bill and Colorado only applies to educators. Are you aware of any other states that are considering health care professionals? Kathleen said that she had not done the research into what other states were doing. Representative Knox said that paragraph (b) contains an "if" and then there are six conditions listed. Does that "if" mean that all six of the conditions must be met? Kathleen said that her reading of it would require all six to be met. He further asked if they could now license someone from out of state. Kathleen said they absolutely could.

The House Federal and State Affairs committee staff distributed two handouts before the meeting started. One deals with the Florida statute (Attachment 3) and the other with the Colorado General Assembly (Attachment 4). These two states were mentioned in testimony last week. The Florida statute allows a temporary license for six months without a renewal. Additionally Florida seems to restrict theirs to a list of professions. The Colorado statute is two years old and only applies to educators. Representative Wolfe Moore asked if these two states were "may" and not "shall". Staff said that was true.

The Chairman said that he would keep the hearing open for a later date.

The next meeting is scheduled for March 08, 2011.

The meeting was adjourned at 3:10 p.m.