

From The Desk Of...
Jay Scott Emler
Kansas Senate 35th District

~Week of February 7-11, 2005~

Education

On Tuesday the Senate Education Committee Chairperson offered a plan to address the state's school finance problems. The framework provides a three-year increase in state aid of \$125.4 million the first year, \$147.6 million the second year and \$142 million the third. The increase amounts to an additional \$414 million. The money would raise the base rate per pupil, and target areas ruled by the Kansas Supreme Court to be deficient in funding – at-risk, bilingual and special education programs. The first year of the three year plan could be funded without the increase of additional revenue.

The plan would increase the BSAPP (Basic State Aid Per Pupil) to \$4263 over three years, an increase of 10.4%. In addition, funding for at-risk children would increase 250%, funding for bilingual education 200%, and funding for special education would increase 12.6%, over the three year plan. The local option budget could be increased to 30% from its current level of 25%, after the third year.

In addition to increased funding, the plan also calls for the establishment of a commission, the 2010 Commission, to continually review the state's actual educational needs now and into the future. The plan also calls for the Legislative Division of Post Audit to provide ongoing monitoring of school districts costs and make recommendations for improved efficiency and cost savings.

Three bills regarding the school finance plan were introduced in the Senate Ways and Means Committee on Wednesday. One bill regarding finance, one

regarding the establishment of the 2010 Commission, and a third defining the role of the Legislative Division of Post Audit in the process.

Kansas National Guard

On Monday a bill – co-sponsored by all Senate Republicans – was introduced that would provide \$250,000 in life insurance coverage for members of the Kansas National Guard on federal duty in a combat area.

Constitutional Amendment

Senate Concurrent Resolution 1606 was introduced on Wednesday. The measure would place a question on the November 2006 ballot asking whether the Constitution should be amended to require Supreme Court Justice appointees to be approved by the Senate. A similar process is already used on the federal level, although the state would retain safeguards to prevent the delays and politics that have become part of the federal system. The measure requires a two-thirds majority approval of both houses before it can be placed on the ballot.

Supporters of the amendment contend the measure would provide another system of checks and balances and help preserve respect for the court. In addition, the public, through their elected senators, would be able to provide input into the selection of Supreme Court Justices.

Opponents of the amendment are worried by requiring senate approval, Supreme Court Justice appointees might be subject to a litmus test to determine the appointee's views on certain issues.

Office of Public Integrity

Tuesday the Senate Elections and Local Government Committee conducted a hearing regarding the establishment of an Office of Public Integrity within the Office of the Attorney General. It would be responsible for receiving complaints from individuals alleging violations of the Open Records and Open Meetings Acts. The office could then either investigate the complaint or refer it to the appropriate county or district attorney's office.

In addition, the bill also requires each county and district attorney to report to the Attorney General all complaints regarding the Open Records and Open Meetings Acts received during the previous year. The Attorney General would then be required to publish yearly listings by name of the public agencies which are subject to complaints for violating either act.

Proponents of the bill hope it will bring uniformity to the application of both the Open Records and the Open Meetings Acts. They also contend the data created will be helpful in determining complaint patterns that may be able to be corrected by legislation.

Opponents of the bill believe there is no reason for the office and will add to the financial burden of local governments and its taxpayers. They believe that the small percentage of meetings that are considered to have violated the Open Meetings Act is too small to justify the new office. In addition, they contend, the meetings that do violate the act are a result of ignorance of the law as opposed to an intent to violate the law.

Campaign Finance

The Senate Elections and Local Government Committee conducted hearings this week on campaign finance measures. SB 64 would target individuals or organizations that take part in electioneering communication such as campaign advertisements by television, radio or in print. These organizations or individuals, spending in excess of \$300, would be required to file campaign finance reports identifying the candidate for which the communication was made as well as the amount of money spent.

SB 66 would extend reporting requirements that are applied to candidates, to party or political action committees (PAC). The party or PAC would be required to report the name and address of all candidates that receive in-kind contributions valued at \$300 or more, as well as those whose elections were aided or injured by the group.

SB 67 would require a recorded telephone campaign message to identify who was paying for the call.

Wiper Bill

The Senate Transportation Committee held hearings on a bill to require drivers to turn their headlights on when their wipers are in continuous motion. Twenty other states have already enacted the so called "wiper bill." Proponents of the measure say it would provide extra safety during times of inclement weather. They contend light colored cars often blend in with the horizon during unfavorable atmospheric conditions. Requiring headlights during these times would enable cars to be better recognized.

ERO 33

Resolutions have been introduced in both the Senate and the House disapproving of the Governor's Executive Reorganization Order No. 33. ERO 33 would transfer such medical services as Medicaid, MediKan, and HealthWave from SRS to the Division of Health Policy and Finance within the Department of Administration. The State Employee Health Plan would also move to the Division of Health Policy and Finance.

The order is approved if neither house takes action, if one house approves but the other house takes no action, or if both houses approve of the order. It is rejected if one house disapproves of the order. Therefore, if either house approves its resolution to disapprove the order, the order is rejected.

Senate Bill 30

Thursday the Senate passed SB 30 which would allow convicted drug felons to receive public assistance. Currently, the Federal Controlled Substance Act prohibits states from providing assistance to persons convicted of drug felonies through the programs of Temporary Assistance for Families (TAF) and Food Stamp Assistance.

The state would require that in order to be eligible for this assistance, the person must (1) be assessed by a licensed substance abuse treatment provider or (2) has been participating and completed a treatment program. A positive test for drugs would eliminate the person's eligibility, however, they would be able to reapply for assistance after 30 days.

Opponents of the measure believe, that during times of tight budgets, too much money is already being spent on public assistance programs. Proponents of the bill believe by providing assistance to these persons to start their lives over, they are helping to prevent the person from returning to their old lifestyle.

Senate Bill 25

Thursday the Senate passed SB25 on a vote of 40 to 0. This bill establishes the crime of "terrorism".

Toll Free Legislative Hotline

The State Library will continue its practice of operating the toll free hotline for Kansans to call their legislators and leave brief messages. The hotline number is 1-800-432-3924.

If you are receiving this newsletter and really would like to be taken off my list, just let me know. My legislative district includes: Barton, Dickinson, Ellsworth, Lincoln, Marion, McPherson and Rice counties. If you know of others that would like to receive this newsletter, have them contact me and I will add them to my list. I prefer to send by e-mail since the cost is essentially free, but I do have a limited legislative postage allowance, which is largely reserved for distributing this letter.

State Senator, 35th District
State Capitol Building, Room 449-N
Topeka, Kansas 66612
(785) 296-7354
emler@senate.state.ks.us

