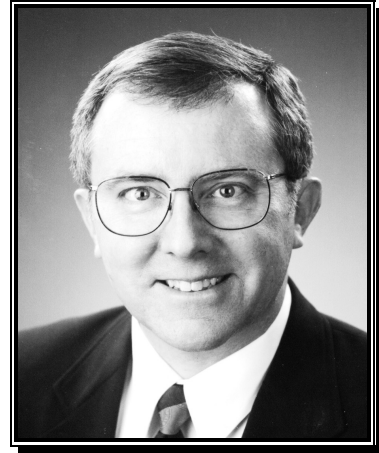


# From The Desk Of...

## Jay Scott Emler

Kansas Senate 35th District



~Week of February 12 - February 16, 2007~

This week marks the end of the week before turnaround. Turnaround is where bills that start in the Senate have to go over to the House, and bills that start in the House have to come over to the Senate, unless they are exempt. Exempt means they have touched either the Federal and State Committee or the Ways and Means Committee. It will be a busy, busy week next week on Wednesday, Thursday and Friday when we will spend almost all of our time on the Senate floor debating the measures that have come out of committee. Also, we continue to work on the budget. I serve on nine of the Ways and Means subcommittees. We have been meeting as early as 7:00 in the morning and again after Session concludes in the afternoon, trying to make sure we get something put together soon, so that the House and Senate can negotiate on the first of the two budget bills.

- **Utilities**

This week we heard a Legislative Post Audit report on wireless 9-1-1 activity, to see whether or not the program that was put in place approximately four years ago is working. The report is that the program is working well except, of course, in the counties that are very sparsely populated. When the program concludes in a few years, those counties still may not have all of their 9-1-1 equipment in place because they simply do not have enough income to pay for it. Hopefully, we will figure out how everyone in Kansas has access to the 9-1-1 services on the wireless side.

- **Ways & Means**

Another matter that was fairly important to constituents of the 35<sup>th</sup> District a few years ago, was the Kansas Sports Hall of Fame. If you remember, the Sports Hall of Fame was in extreme financial difficulty, and even though it is a creature of statute, in other words, it was created in the 1960's by the State of Kansas, it has never received very much funding. In fact, it has received less than \$400,000.00 over its forty-six year history. So, this week we had a hearing on the Sports Hall of Fame trying to come up with some way to provide it some permanent financing. If we do not fund it, it is in danger of closing, again. Hopefully, we will be able to get something worked out. There are two bills in the House right now, and one bill in the Senate.

## OTHER BILLS OF INTEREST

- **SB 83 ~ Unemployment Taxes**

Major legislation approved this week was Senate Bill 83, which reduces the rate of unemployment tax paid by Kansas businesses. Because unemployment currently is low, there is much more money in the unemployment trust fund (which finances the benefits) than is necessary to cover benefits. Originally, Senators considered "shutting off" the tax until it was needed again, as was done in the late 1990s. However, the Senate found it preferred to simply reduce the tax rate. It helps Kansas business and ensures the security of the unemployment benefits system. The bill passed 40 to 0.

- **SB 74 ~ Medicaid Reform**

This measure originally arose a year ago from the 2005 Special Committee on Medicaid Reform. The measure amends probate law to require a court to find no Medicaid reimbursement funds are owed to the state, in which services were provided, before it can close the probate estate. The bottom line, this is a procedural change, worked out over a year of negotiations to make it easier for the state to control the cost of the Medicaid program by recovering Medicaid funds it is due. The Senate approved the bill 39 to 1.

- **SB 45 ~ Election of the Chief Judge by the other District Court Judges**

Senate Bill 45 only applies to Sedgwick County. The bill failed on a vote of 19 to 21. I believe that many of the Senators who voted against it likened it to the supervisors at Boeing electing the plant manager. The Chief Judge should not be a popularity contest, because the Chief Judge will have to make some decisions that the other judges are simply not going to like in terms of how the court runs. If it were a popularity contest, that might be a problem. So that bill was narrowly defeated Thursday on the Senate floor.

- **SB 303 vs. SB 327**

The Senate Agriculture committee heard testimony this week on SB 303 which mandates that all fuel sold will be E-10 (10% ethanol). Also this week, the Senate Tax committee heard testimony on SB 327 which attempts to do the same thing through financial incentives. Proponents who favor the mandate (SB 303) method point to Wall Street investment dollars being lost because of investors' perceived lack of state support. Conferees point out that the investment structure of ethanol plants is evolving quickly, and what once was accomplished through local farmer's dollars is now looking to investment dollars from Wall Street. This revenue ultimately provides huge rural development dollars for local communities and eventually Kansas. Wall Street is funneling its financial support to states that **mandate** all fuel will be E-10.

SB 327 on the other hand encourages petroleum companies to sell E-10 fuel through tax credits. Because the incentive is a sliding percentage of biofuels sold, to continue receiving the credits in second and subsequent years a retailer would need to offer E-85 (85% ethanol), as well as E-10, to qualify. The bill has a financial note to the state of \$1.5 to \$5 million, but makes no guarantee E-10 fuel will be offered for sale. Proponents of the incentive (SB 327) method urge Senators to let the market place, not mandates, do the work.

Ultimately, this is a policy question for legislators. It boils down to passing a controversial mandate with no fiscal note or favoring a politically popular bill that can cost the state up to \$5 million per year. Doing nothing puts the state at risk of falling behind other states in ethanol expansion and production.

- **SB 87 ~ Extending Moratorium on Enforcing Sexual Offender Residency Restrictions**

SB 87 extends the moratorium on cities and counties on adopting and enforcing residential restrictions (from July 1, 2008, to June 30, 2009) for offenders required to register under the Kansas Offender Registration Act. The Sex Offender Policy Board created by the 2006 Legislature was directed to study the issue of residential restrictions for sex offenders. It found no positive correlation between residency restrictions and preventing re-offending behavior. Of greater concern is the detrimental effect of residential restrictions on public safety. Research and expertise presented to the Board indicated residential restriction zones were detrimental to the treatment and supervision of sex offenders and to law enforcement efforts. The Board wants to be certain that the moratorium will not interfere with a community's ability to regulate, through zoning, the location of halfway houses and group homes for offenders. The Senate voted to approve the moratorium 32 to 8.

- **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 who would like to receive this newsletter, have them contact me and I will add them to my list. I prefer to send this letter 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.

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