

# From The Desk Of...

## Jay Scott Emler

Kansas Senate 35th District



~Week of March 12 - March 16, 2007~

Today is going to be a very long day for Senate Ways and Means. We will be talking about the budget. As I have mentioned in the past, we took it all apart and put it in front of subcommittees. Today is the day that we roll it all back together again. The House did this last week and they debated the budget bill on the floor yesterday for about ten hours. They will have that up for final action in the House today, while we are working in the Senate Ways and Means on the Senate version of the budget. It is going to be quite a busy day for us. This is actually one of the last days for committee meetings. We can meet into next week, and actually until next Friday, but I have tried to plan meetings that I chair so that there will be no meetings after next Tuesday, other than working on specific issues, and especially the budget. So, it is getting close to the windup time.

- **SB 362 ~ KPERs Act of 2009**

In an effort to secure the future of KPERs, the Senate culminated 3 years of study by **passing SB 362 with a 40 to 0 vote**. In effect, this action modifies retirement benefits for KPERs-covered employees first employed on or after July 1, 2009. The new retirement plan applies to former members who withdraw their contributions accounts before July 1, 2009 and then commence membership on or after that date and former non-vested members who commence membership on or after July 1, 2009 (these are individuals who left KPERs-covered positions with less than ten years of service but have not withdrawn their KPERs contribution accounts).

Proposed new plan for future employees hired on or after July 1, 2009 provide the following benefits:

- First day membership and five year vesting (currently 10)
- 1.75% defined benefit multiplier
- final average salary based on 5 highest years (currently 3)
- compensation cap of 7.5% on pay increases in five highest years for determining benefits
- normal retirement at age 65 with five years of service or age 60 with 30 years fo

service

- early retirement eligible at age 55 with 10 years of service with actuarially reduced benefits
- automatic, annual 2.0% cost-of-living adjustment at age 65
- employee contribution rate of 6.0% (currently 4.0%)
- employer contributions rate at actuarial level, but not less than employee rate
- future cost increases to be shared equally by employers and employees
- partial lump sum option of 10.0, 20.0 or 30.0 percent at retirement
- joint survivor factors actuarially determined by the KPERS Board of Trustees

Modifications to current plan for employees hired prior to July 1, 2009 are:

- first-day (immediate) membership for state and local members employed between July 1, 2008, and June 30, 2009 (current school members already have immediate membership)
- five-year vesting for members employed before July 1, 2009

### ● **SB 83 ~ Unemployment Tax**

The Senate **voted 40 to 0** to send \$80 million in unemployment tax reduction to the state's employers. Additionally, nearly \$10 million in benefit payments will be sent to Kansas workers who have been laid off. 123 House members and 40 Senators agreed that there will be no waiting week (after July 1, 2007) for workers laid-off as a result of an employer terminating business operations in the state of Kansas, declaring bankruptcy, or falling under federal workforce reduction rules under the federal Warren Act. For workers laid-off that do not qualify under one of the above, the waiting week will still apply, but after three weeks of unemployment the worker gets the money from the first week in the form of a double unemployment check. This bill doesn't change the maximum of 26 weeks of payments. The bill now goes to the governor for her signature.

### ● **SB 351 ~ Administrative Hearings**

In an attempt to add fairness for individuals or groups who have a grievance or denial hearing pending before a state agency, SB 351 requires the agencies, boards, and commissions to utilize the Office of Administrative Hearings (OAH) for the hearing and subsequent appeals. Previously, in many cases, the agency against which the grievance was filed also heard the appeal. The bill also requires a hearing officer be appointed within 60 days. **The bill passed the Senate 40 to 0.**

### ● **SB 335 ~ KPERS Divestment from Sudan**

The Senate sent a firm message **voting 40 to 0** to prohibit the investment of funds by the Kansas Public Employees Retirement System (KPERS) in certain companies with business operations in Sudan. The bill provides for divestment from direct and indirect holdings in companies with such operations, except in the case of passively managed commingled funds when the estimated costs of investment exceed a threshold test. Additionally, the Senate is requiring a report by next year of actions necessary to divest from any company, organization or other entity that invests in, provides financial support to or does business with a state sponsor of terror.

- **HB 2035 ~ Regulation of Scrap Metal Dealers**

Responding to burglaries that target construction sights, utility poles, air conditioners, catalytical converters on cars, or any other item that can be sold as scrap metal, the Senate **voted 40 to 0** to adopt regulations for scrap metal dealers. The regulations establish conditions for purchases of scrap metal that generate more than \$25.00 that include:

- making it legal to purchase regulated scrap metal only if the seller receives full payment for the sale by check
- that the seller presents to the dealer, at the time of sale, the seller's name, address and place of business on a government-issued photo identification card
- and scrap metal dealers will be required to maintain records including the name, residence or place of business, of the seller, a description of the items purchased, the price paid for the item, and a copy of the seller's photo identification card (the dealer's register can be maintained electronically)

Additionally, the scrap metal dealer will be required to make the register available to law enforcement officials.

- **HB 2487 ~ Registration of Ammonium Nitrate Dealers**

Remembering the ammonium nitrate used to build the bomb in the Oklahoma City bombing incident was purchased in Kansas, Senators **voted 40 to 0** to increase regulation on ammonium nitrate dealers. The bill came at the request of ammonium nitrate dealers and is aimed at developing a paper trail that indicates how much of the fertilizer individuals are purchasing and the locations to which it is being delivered. It requires dealers to provide reasonable protection against vandalism, theft, and unauthorized access. In addition, the bill requires ammonium nitrate dealers to obtain information regarding any sale of ammonium nitrate, including the date of sale, quantity purchased, the purchaser's state or federal driver's license number or other picture identification card number, the physical address of the person to whom the ammonium nitrate is delivered if different than the physical address of the purchaser, the purchaser's name, and similar information if the person receiving the ammonium nitrate is a person other than the purchaser. Records need to be maintained by a dealer for three years and authority is given to dealers to refuse to sell to any person who is purchasing out of season, in an unusual quantity or under suspect purchase patterns.

- **HB 2185 ~ College Tuition and Fees**

HB 2185 increases the number of months (from 12 months to 60 months) for Kansas residents who move out of the state and then return to be gone and still be considered state residents for tuition purposes at any of the state educational institutions that are under the control and supervision of the Kansas Board of Regents. The bill does not apply to individuals without lawful immigration status. In addition, the bill creates the Nurse Educator Service Scholarship Program Act, which provides funding for registered nurses who are accepted to or enrolled in

graduate level degree-granting programs leading to a master of science in nursing or a doctorate degree in nursing, and who plan to teach nursing. It also increases the stipend for students participating in the Medical Student Loan agreement from a maximum of \$1,500 per month to a maximum of \$2,000 per month. **The bill passed the Senate 40 to 0.**

- **HB 2042 ~ Drivers License**

Also passing on a **vote of 40 to 0** was HB 2042 which allows individuals turning twenty-one to have 45 days to renew their license. Currently it is required that the license be renewed on the 21<sup>st</sup> birthday causing inconveniences for many. The issue in play is at age 21 the drivers license goes from vertical to horizontal to allow for quicker and easier determination if an individual has reached their legal ability to purchase liquor. This extended time should allow more flexibility.

- **SUBSTITUTE for SB20 ~ Kansas Underground Utility Damage Prevention Act**

This bill requires operators of potable water and sanitary sewer facilities to be members of One Call (Dig Safe). There are special rules for water and sanitary sewers, but this is an issue that has gone on for many, many years. The Utilities Committee did an interim study last summer and worked on it for most of this session. This bill was introduced early in the Session and we finally passed it out of Committee after much, much discussion. It passed the Senate on a **35-5 vote**, and it is now in the House, where they are going to hold hearings early next week. This should especially help excavators not to hit your water lines, because they will be able to call and find out where the lines are.

- **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.

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

NOTE: I receive many emails and I need to make certain I am responding to my constituents and not to somebody in another part of the state. I want to be responsive to you, so please include your street address so that I know I am being responsive to my constituents.