

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of February 11 - February 15, 2008

SB 515 Kansas Electric Generation Energy Bill

SB 515 had five days of hearings and questions last week. Monday the Senate Utilities Committee asked final questions and began discussing the bill. Environmental advocates had testified the legislation did not go far enough in capping CO2 production or taxing CO2 emissions. Anti-tax advocates testified against any caps or tax on CO2. Based upon the extremely opposite positions, the committee removed the cap, mitigation and penalty provisions from the bill.

The committee modified the membership of the Electric Generation, Transmission and Efficiency Study Commission. It will consist of eleven members. Its charge is to review the entire energy situation in Kansas and report back to the Legislature in 2009 and 2010 with recommendations for a comprehensive energy policy for Kansas. The commission will sunset in 2010.

Secondly, the bill establishes requirements for retail electricity suppliers to permit solar net metering.

Finally, and most importantly for many senators, the legislation provides for regulatory certainty by prohibiting the Secretary of Health and Environment from promulgating rules that are more stringent than federal law without first obtaining the consent of the Kansas Legislature.

The committee put the bill into HB 2066 and the full Senate debated the measure for three and one half hours on Wednesday before passing it to final action. The final action vote on Thursday approved the measure on a vote of 33-7.

SB 493 State-wide Ban on Smoking

Senate Judiciary committee spent two days listening to both sides of the bill proposing a state-wide vote giving voters in each Kansas county the option of participating in a smoking ban in their county. The vote in each county determines if the county participates in the proposed ban. The required vote will be

mandated state-wide to take place on next November's ballot. The Judiciary Committee is expected to act on the bill next week.

SB 531 2010 Funding of Education

The Senate Ways & Means Committee will consider next week a proposal that the three-year school funding legislation enacted in 2006 be extended by another year to keep up with the cost of inflation. The proposal is to raise state aid for public education in 2010 by the rate of inflation (2.2 percent), which requires a \$65 million new commitment for 2010. This meets the expectation created in 2006 when the legislature, by its vote of funding the education plan, said it intended to follow the Consumer Price Index for future annual school funding increases. By enacting this measure during the coming 2008 legislative session, it would create a rolling two-year commitment to school finance. This way, local school districts will know a year in advance how much state aid they will receive and can plan accordingly.

SB 510 Tax Exemption for Certain Farm Equipment

SB 510, as amended, clarifies that the property tax exemption for farm machinery and equipment will include certain beds, bodies, and boxes attached to motor vehicles actually and regularly used for farming or ranching operations. An amendment further clarifies that beds, bodies, and boxes attached to vehicles by vehicle manufacturers will not qualify for the exemption. SB 510 passed the Senate 40-0.

SB 584 Food Safety

Legislation has been proposed that will complete the consolidation of all the state's food-safety inspection programs into one agency, the Department of Agriculture. The legislature began this process with a partial consolidation several years ago, and the data now shows that the Agriculture Department is employing more inspectors, conducting more inspections, and finding fewer food-safety violations than when the program was run by the Department of Health and Environment -- and all with the same budget. That is because the Agriculture Department is a much smaller agency than the sprawling Health and Environment Department and, as a result, is able to give greater attention to food safety, eliminating middle managers in the program, using more efficient technology to eliminate data entry positions, and taking time to work with businesses to help them adopt good food-handling practices so they avoid food safety violations in the first place. Hearings continue in the Senate Agriculture Committee on Tuesday, February 19 with possible committee action on the bill the same day.

SB 509 Sale of Impounded Vehicles

SB 509 amends state law to allow the Kansas Corporation Commission (KCC) to dispose of vehicles impounded from motor carriers, and later abandoned by those carriers. Further, the bill requires the KCC to notify vehicle owners and lien holders before disposing of an impounded vehicle, and directs the KCC

to deposit net proceeds into the State General Fund. SB 509 passed the Senate 40-0.

SB 435 Kansas Juvenile Justice Code

SB 435, as amended, alters the Revised Kansas Code for Care of Children and the Revised Kansas Juvenile Justice Code. Among other things, the bill clarifies that a custodian may give consent for medical treatment when a child's parents refuse or are not available to give consent, and surgical or medical care is necessary for the welfare of the child. It also authorizes a court to consider extended out of home placement as a factor when determining unfitness of a parent in a termination hearing and clarifies the law so that a court may not approve the removal of a child from the home of a parent unless the Court makes certain findings. SB 435 passed the Senate 40-0.

HB 2578 Utilization of Unused Medications Act

HB 2578 creates a voluntary program that allows adult care homes, mail service pharmacies, and medical care facilities to donate unused medications. These medications will then be distributed by health care clinics, federally qualified health centers, or community mental health centers to Kansas residents who are in need. The criteria for medications to be accepted for this program are:

- Medications must come from a controlled storage unit of the donating party
- Medications must be in original sealed unit dose packaging or hermetically sealed by the pharmacy in tamper evident packaging
- Medications must be non-expired
- Donations may not be accepted if medication is believed to be tampered
- No controlled substances are allowed

HB 2578 passed the Senate 40-0.

SB 487 Tax Exemptions for Hunting Services

In the fall of 2007, the Kansas Department of Revenue issued a new interpretation of an existing statute stating their intent to collect sales tax on services provided by hunting outfitter groups that provide hunting services - including guided and non-guided hunts. SB 487 allows these hunting services, as well as hunting leases, to be exempt from sales tax. Additionally, the bill applies sales tax exemption to game birds, participation fees for hunts, as well as sporting clays. The measure passed the Senate 40-0.

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