

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of March 3 - March 7, 2008

This was a slow week in terms of debate on the Senate floor. In fact, we only had a few resolutions and one roll call vote. That roll call vote dealt with the Energy Bill Conference Committee Report on House Substitute for SB 327. That does not mean that things were not busy behind the scenes. In addition to the regular committee meetings (mine start at 8:30 a.m. in the morning with Commerce, 9:30 a.m. with Utilities and 10:30 a.m. with Ways and Means), I also had subcommittee meetings for the budget. We met on Higher Education, Legislative Agencies, which included the Insurance Commissioners, the Health Stabilization Fund, the Governor, the Lt. Governor and the Secretary of State, and we also met on the Kansas Corporation Commission. Those meetings take place over the lunch hour, and then in the early afternoon until early evening.

This week was a big week for banks and the credit unions. I had members of various credit unions from around the 35th District visit with me yesterday as they were in the building testifying.

SB 535 Credit Union Membership:

The Senate Financial Institutions and Insurance Committee heard testimony this week regarding Kansas credit unions. SB 535 limits the geographic area where credit unions are allowed to operate, controls credit union mergers and defines who can join a credit union. Commercial banks argue that credit unions have tax advantages neither paying the state's privileged tax or corporate tax. Banks feel over the last several years, credit unions have been allowed to encroach on what historically has been a commercial bank's scope of business, an assertion supported by Legislative Post Audit. Credit unions argue they typically facilitate smaller loans that banks do not care to engage in and since they are member-owned, pass their profits on to their members.

SB 327 Energy:

The conference committee on energy met for over a week and came to agreement on an energy policy that both houses considered. The House agreed and voted to pass the bill on a vote of 75 - 47. It takes 84 votes in the House to override a governor's veto. The Senate followed suit passing the measure 31 - 7. It takes 27 votes in the Senate to override a veto. The Energy Bill now goes to the Governor who has said she will veto

the measure. Included in the bill are policies aimed at establishing energy efficiency standards for state buildings, enacting the Net Metering and Easy Connection Act, providing tax incentives for energy efficiency improvements in residential rental properties, as well as establishing the Kansas Electric Generation Science and Technology Commission and establishing a renewable portfolio standard. The bill also requires certain electric generation facilities to utilize CO2 capture or reduction technologies. The key provision in the bill requires the Secretary of the Department of Health and Environment to grant the construction permit of the Holcomb Sunflower Energy Plant unless the permit would be in violation of current law.

Immigration & Health Care Issues:

As the Senate moves into the final weeks of this legislative session, expect these two topics to move to the top of the list of items to be debated.

On immigration, Senate Republicans are working hard to establish good state policy that is aimed at:

- Punishing those individuals who are trafficking in illegal aliens;
- Employers who are knowingly hiring and employing individuals in this country illegally; and
- Denying public benefits to illegal aliens.

The health care debate is centered around the 21 Health Care Initiatives created by the Kansas Health Policy Authority during the last interim. It is likely most will be developed into state policy in some form or another. Also in the mix for consideration is how to provide health care to Kansas children who have no health insurance which decreases their access to preventative health care.

SCR 1621 Boeing Tanker Resolution:

Forty Senators sponsored SCR 1621 urging the Congress and the President to stop the contracting process for the Air Force mid-air refueling tanker until all technical, security, and economic aspects of the purchase are further considered. Instead of awarding the contract to an American company, the deal was sent to Northrop Grumman Corporation that is partnered with Europe's Airbus consortium of Paris, France. In effect, this sends a \$36 billion contract and 500 jobs from Wichita's Boeing manufacturing plant to France. Estimates show the economic impact to Kansas to be around \$145 million per year. Boeing has suggested the contract will support up to 34,000 new and existing jobs in 40 different states when suppliers and other ancillary businesses are included. Officials from Boeing and the Air Force are still meeting to discuss matters regarding the proposed contract.

THE FOLLOWING BILLS HAVE BEEN REPORTED OUT OF COMMITTEE

Sub for SB 577 Radon Awareness:

Sub for SB 577 creates the Radon Awareness Act and the Radon Certification Law. Under the Radon

Awareness Act, each contract for sale of residential real property must contain language notifying the buyer that the property may contain radon gas, the cancer risks of exposure to radon, and the recommendations to test for such gas. The bill requires the seller to disclose any information to the buyer dealing with elevated concentration of radon on the property.

Under the bill, the Radon Certification Law requires radon to be measured and mitigated by both a certified radon measurement technician and a radon mitigation technician, except for people who owned the property or persons who reside on the property or person performing radon measurements without enumeration. Applicants for certification as a radon measurement technician and a radon mitigation technician must complete a training course and pass an examination within one year of the date of submission of the application. An applicant who is certified by a national environmental health association or a national radon safety board on July 1, 2008, and who has performed the duties of a radon measurement technician for one year prior to July 1, 2008, are deemed certified as a radon measurement technician in Kansas.

Also under the bill, the Secretary of the Department of Health and Environment may fix and impose fees by rules and regulations for initial certification and annual renewal of such certification to pay for the administration and implementation of the Radon Certification Law.

The bill prohibits a person from operating a radon measurement business or a radon mitigation business or performing a laboratory analysis unless such person has been certified by the Kansas Department of Health and Environment (KDHE).

The bill also creates penalties for violations of the Radon Certificate Law which is a class C nonperson misdemeanor for the first offense, and a class B nonperson misdemeanor for the second and subsequent offenses. In addition, the bill authorizes the Secretary of KDHE to impose a fine not exceeding \$10,000 and continuing violations are counted as a separate violation for computing the amount of civil penalty. Finally, the bill authorizes the fees collected by the Secretary of the Kansas Department of Health and Environment under the Radon Control Operations Fee Fund to be used for the costs of administration of the Radon Certification Law and the Radon Awareness Act.

SB 554 Brown v. Board Mural:

SB 554, as amended, authorizes the Kansas State Historical Society and the Department of administration to develop plans to place a mural in the State Capitol commemorating the United States Supreme Court decision in the 1954 case, Brown v. Board of Education. Under the bill, the plans are required to be submitted to the Joint Committee on Arts and Cultural Resources by January 1, 2010. Except for costs associated with preparation and submission of plans, no public funds will be used to pay the costs of creating and installing the mural.

SB 592 Sales Tax Exemptions:

SB 592, as amended, enacts a number of new sales tax exemptions, most of which are extended to certain groups organized as not-for-profit entities pursuant to Section 501(c)(3) of the federal Internal Revenue Code. Exemptions are provided for:

- Purchases by The Mirror, Inc., used for providing substance abuse treatment, including certain indirect purchases made by contractors relative to constructing, maintaining, repairing, enlarging, furnishing, or remodeling the facilities of such group;
- Entry or participation fees, charges or tickets by Guadalupe Health Foundation for such group's annual fund-raising event for the purpose of providing health care services for uninsured workers;
- Certain sales by or on behalf of the Steve King Foundation to provide assistance to dirt track race car drivers, pit crew members, track officials and their families who are seriously ill, injured or killed, as well as sales by or on behalf of such foundation to obtain and maintain certain safety equipment;
- Certain purchases made by or on behalf of Community Services of Shawnee, Inc. For construction of facilities to provide food and clothing to the needy;
- Purchases by or on behalf of educational foundations for the purpose of providing support for educational programs and services offered by public or private elementary or secondary schools, as well as all sales by or on behalf of such foundations for such purposes;
- Purchases by Kansas Legal Services, Inc., for the provision of legal, mediation, and employment training services to low-income individuals and families;
- Purchases by or on behalf of Wayside Waifs, Inc., relative to an annual fund-raising event to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children, efforts to reduce animal over-population, and animal welfare services, as well as all sales by or on behalf of such group (including entry or participation fees or charges);
- Purchases by or on behalf of Kansas CASA Association, Inc., and its member programs, to support and promote the growth, development, and continuation of local CASA programs providing advocacy services on behalf of children and youth involved in the court system, as well as all sales by or on behalf of such organizations for such purposes;
- Purchases by or on behalf of St. Francis Community Services, Inc.; St. Francis Community and Residential Services, Inc.; St. Francis Community and Family Services, Inc.; and St. Francis Community Outreach Services, Inc., (including for construction of facilities) to provide emergency care, shelter, and treatment for abused and neglected children and families and additional critical needs of children, juveniles and families, as well as all sales by or on behalf of such organizations for such purposes;
- Purchases by or on behalf of the East Central Kansas Economic Opportunity Corporation to

- focus public and 3-592 private resources to enable low-income families and individuals to attain certain skills, knowledge, attitudes, and motivations needed to become self-sufficient, as well as all sales by or on behalf of such organization for such purposes;
- Certain purchases, retroactive to January 1, 2007, by or on behalf of the Paola Senior Center (including for construction of facilities) to enhance the lives of older people, to help them remain active in community and civic affairs, and to continue to live independently in their homes, as well as all sales by or on behalf of such organization for such purposes;
 - Purchases by Douglas County Senior Services, Inc., to plan, direct, contract, and organize services and create opportunities for residents who are age 60 and older to allow such residents to remain independent and active in their homes and communities, as well as all sales of such organization for such purpose;
 - Sales of admissions or tickets to annual county fairs held by county fair associations to support the education and encouragement of improvement in agriculture and other activities of citizens of the county; and
 - Purchases by contractors for the Capitol Improvement Project to construct, equip, furnish, renovate, reconstruct and repair the State Capitol, including labor services of subcontractors.

HB 2748 Big Game Tagging & Wild Turkey:

HB 2748 amends two existing statutes relating to the tagging of big game and turkey. The bill:

- Requires a permittee, if required by rules and regulation adopted by the Secretary of Wildlife and Parks, to permanently affix the carcass tag to the carcass of any wild turkey immediately after killing the wild turkey;
- Makes it unlawful to possess a carcass of a big game animal, taken in the state, unless a carcass tag, issued by the Secretary, is attached to it, in accordance with rules and regulation adopted by the Secretary;
- Makes it unlawful to possess a carcass of a wild turkey, taken in the state, unless a check station tag, if required and issued by the Secretary, is attached to it, in accordance with rules and regulations adopted by the Secretary; and
- Makes it unlawful to possess a carcass of a big game animal or wild turkey, taken within the state, unless a check station tag, if required and issued by the Secretary is attached to it, in accordance with rules and regulations adopted by the Secretary.

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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.

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