

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of January 26 - 30, 2009

Substitute Senate Bill 23- Appropriations for FY 2009:

On Wednesday, January 28 the Senate met to debate Substitute for SB 23, the rescission bill for the 2009 fiscal year. The bill, as initially passed out of the Senate Ways and Means Committee, adjusted spending by \$300 million and included across-the-board reductions of 3.4 percent leaving a balance of \$115.5 million in the state general fund for FY 2009 and \$209.9 million for FY 2010.

During the floor debate, the bill was amended to decrease spending by \$334.8 million. Included in the amendment was an across-the-board reduction of 1.5 percent for all areas of state government excluding K-12 education and an additional \$11 state aid per pupil reduction in school funding. For the current year, reductions in base state aid totals \$33 per student. The amendment results in a \$151.4 million ending balance in the state general fund for FY 2009. These changes were accomplished by taking a little over \$100 million from state employees' health insurance pension fund, KPERS Death & Disability Fund and the 2010 school finance "lock box."

The Senate passed SB 23 by a vote of 25 to 14.

Senate Bill 30- State Surplus Property:

Senate Bill 30 would allow state legislators or their staff to buy off-lease state computers, those not sold will be offered to public libraries for purchase. Any remaining computers not acquired by state legislators, their staff, or public libraries would then be sold at state surplus. This provision has been included in appropriations bills in previous years as a proviso. The bill also allows state law enforcement officers to purchase their personal firearm at market cost if they resign for other employment

opportunities or retire. This offer is not applicable to law enforcement officers who leave under less than desirable circumstances.

SB 30 has no fiscal note and passed 40 to 0.

Senate Bill 34- Open Records:

The measure is a review of the exceptions to the Kansas Open Records Act. In recent history, the legislature has reviewed the exceptions in an effort to eliminate those deemed unnecessary. Of the 30 exceptions listed in the bill, 16 have long been included in the Kansas Open Records Act and 14 were added during the 2008 session as part of SB 702. No new exceptions to the Act are included in SB 34.

The Senate approved the bill 40 to 0.

Senate Bill 44- False Submission of Claims:

Under SB 44 any individual who attempts to make a false claim to the state would be held liable for three times the amount of actual damages, a \$1,000 to \$11,000 civil penalty for each action, and court costs and attorney fees associated with the litigation. The bill is the result of federal legislation that encouraged states to use civil tools when pursuing cases of fraud.

The bill passed 40 to 0.

Senate Bill 45- Kansas Power of Attorney Act:

This bill amends the Kansas Power of Attorney Act in three ways. First, those who are physically unable to sign a document naming a power of attorney but who are competent and conscious can designate an individual to sign the document on their behalf in the presence of a notary public. Second, attorneys acting as a power of attorney are required to keep a record of disbursements, receipts, and other transactions conducted and are prohibited from combining assets and funds of the individual who they represent with their own. Third, procedures are authorized for those who voluntarily resign from the role of power of attorney.

SB 45 was approved 40 to 0.

Transportation Update:

The Senate Transportation Committee heard the recommendations of the Interim Transportation Committee on Tuesday, January 27. The interim committee encouraged the House and Senate Transportation committees to develop a new comprehensive transportation plan that requires equity between urban and rural needs when approving new transportation projects. Other recommendations include using “practical design” for projects that do not meet federal standards.

The Governor’s T-Link Task Force met this week to finalize their report and Secretary Miller is expected to provide a review of the report next week.

Ways and Means Committee Update:

The Senate Ways and Means committee finished up work on Senate Bill 23, the rescission bill for fiscal year 2009. *The committee passed a Substitute for SB 23 on Monday, January 26.*

Also on Monday there were three SRS related bills (SB 92, 94, 109) introduced by Sen. Kelly, D-Topeka, and one (SB 93) introduced by Sen. Vratil, R-Leawood, related to special claims against the state.

On Tuesday, Sen. Bruce, R-Hutchinson, introduced a bill (SB 108) dealing with wind-farm credits. Sen. Lee, D-Kensington, also introduced two bills (SB 95, 110). SB 95 deals with traffic in contraband in correctional institutions or care and treatment facilities. SB 110 relates to determining a defendant’s competency.

Ray Dalton, Deputy Secretary SRS, gave an overview of the current status of the Sexual Predator Treatment Program and Expansion. Mr. Dalton stressed the overarching principle of the program is “no more victims.” There was also a presentation by Kim Barnes, Legislative Chairman for Pawnee County Economic Development, over the Larned State Hospital. He noted that the complex was dangerously underfunded and asked, “Does the state have an ‘acceptable casualty rate’ they are willing to live with as the risk becomes greater for staff and patients?”

On Wednesday there was no committee meeting. The Senate went into session at 10:30 in order to debate Sub. for SB 23 that came out of Ways and Means on Monday. This debate (noted above) lasted until nearly 9 PM.

On Thursday, Sen. McGinn, R-Sedgwick, introduced SB 151 and Sen. Vratil, R-Leawood, introduced SB 146. SB 146 is an act concerning the Kansas public employees' retirement system; relating to computation of benefits for officers and employees when the rate of computation is reduced or placed on furlough.

The Kansas Water Authority gave a presentation on the status of our reservoirs. Steve Irsik, Chairman, Kansas Water Authority, stressed the need for a dedicated funding source for the Kansas Water Authority. Tracy Streeter, Exec. Director, Kansas Water Office, introduced a bill concerning the state water plan fund; relating to increasing fees that contribute to the fund.

The committee also received an update on the Atchison and Beloit Juvenile Correctional Facilities from Russ Jennings, Commissioner, Juvenile Justice Authority. He noted that both facilities were doing the best they could to deal with the budget crunch but warned that there was a point when the cuts now would start to lead to increased expenses in the future.

On Friday, the committee did not meet.

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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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