

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of February 2 - 6, 2009

State General Fund Update:

Receipts through January were a cumulative \$57.1 million below November Consensus Revenue Estimates. Contributing to the shortfall were tax collections, coming in \$68.4 million below projections. For the year, tax only receipts are \$100.3 million below collections from FY 2008. Although total FY 2009 SGF receipts are currently \$193 million above FY 2008 receipts, two large transfers from the State General Fund occurred during the 2008 fiscal year for the Keeping Education Promises Trust Fund and the Statewide Maintenance and Disaster Relief Fund.

2009 Rescission Bill Alert:

The House approved Substitute for SB 23 and the conference committee is expected to begin meeting on the afternoon of Thursday, February 5 to begin work on a compromised version of the bill.

Senate Bill 3- Confirmation Oversight Committee:

The bill increases the membership of the Confirmations Oversight Committee from six to seven members. *SB 3 passed 38 to 2.*

Senate Bill 6- Charitable Organization Solicitations:

This measure amends the Charitable Organization and Solicitations Act by requiring that professional or paid solicitors disclose their name; that he/she is a professional or paid solicitor; the registered name of the company; and if requested, the amount of the contribution going to the professional fund raising company when soliciting funds from the public. *SB 6 passed 37 to 3.*

Senate Bill 11- Community Colleges:

SB 11 requires the State Board of Regents to establish service area boundaries for community colleges. The bill also allows community colleges to acquire land and improvements in both the community college district and the newly established community college service area. *SB 11 passed 40 to 0.*

Senate Bill 29- Licensure of technical professions:

The measure amends existing law by allowing the Board of Technical Professions to expand who they issue authorization certificates to by including limited liability companies and partnerships and corporate partnerships or other legal entities created by law. Currently, corporations are the only entity issued a certificate. SB 29 also allows for geologists, engineers, and land surveyors to be issued intern certificates and alters the two-year cycle for the issuance of renewal certificates.

SB 29 passed 37 to 3.

Senate Bill 35- Interest Rates on Municipal Bonds:

The bill would temporarily suspend the interest rate cap placed on municipality issued bonds and other local taxing subdivisions of the state until June 30, 2010. *SB 35 passed 35 to 5.*

Senate Bill 38- Linn County Hospital District:

The measure provides two options for establishing a hospital district in Linn County. Once a hospital is approved by a majority during an election, the Linn County Commission can establish a hospital district and hospital board. The hospital board is permitted in the bill to levy an annual tax, not exceeding two mills. Revenue generated from the mill is to be used for operating, equipping, maintaining, and improving the hospital. *SB 38 passed 40 to 0.*

Senate Bill 40- At-Risk Education Council:

SB 40 would do away with the At-Risk Education Council. In October of 2006, the Council fulfilled its statutory requirements. The bill has no fiscal note. *SB 40 passed 40 to 0.*

Senate Bill 41- School districts:

The bill repeals six statutes which authorized numerous school district and fund transfers between 1965

and 1980 which are obsolete and no longer useful. *SB 41 passed 40 to 0.*

Senate Bill 43 - Campaign Finance:

SB 43 increases the campaign contribution limit for State Board of Education candidates. The current contribution limit for political committees and individuals is \$500 for each primary and general election and SB 43 would increase the limit to \$1,000. *SB 43 passed 40 to 0.*

Senate Bill 50- Risk-based capital requirements:

This measure amends existing law for risk based capital requirements (RBC) and requires the establishment of a RBE trend test calculation that would take into account the following: total adjusted capital, company action level RBC, and the authorized level RBC. *SB 50 passed 40 to 0.*

Senate Bill 77- State Use Law Committee:

This bill would extend the sunset for the State Use Law Committee by five years to July 1, 2014. Originally, the Committee was set to expire on July 1, 2009. *SB 77 passed 40 to 0.*

Senate Bill 78- Transportation Development Districts:

SB 78 provides the opportunity for transportation development districts to pay for projects from funds resulting from development district sales taxes. The bill provides for greater financial flexibility for cities and counties for transportation related projects. SB 78 is not anticipated to have a fiscal impact on state revenues or expenditures or county expenditures. *SB 78 passed 40 to 0.*

Senate Bill 80- City Elections:

The measure would allow cities with a population of 2,000 or less to sell utility properties as long as a majority of the town's residents vote in support of the sale. The bill has no fiscal impact on cities. *SB 80 passed 40 to 0.*

Senate Bill 82- Residential Childhood Lead Poisoning Prevention Act:

SB 82 repeals the sunset date of July 1, 2010 for the Residential Childhood Lead Poisoning Prevention Act. *SB 82 passed 40 to 0.*

Senate Bill 85- Corporation and Limited Partnership filings:

The bill amends four business entity statutes and requires the Kansas Secretary of State to return a copy, instead of the original document, to those who file for a corporation or limited partnership. The purpose of SB 85 is to accommodate filing procedure changes in the Secretary of State's office that will be implemented in 2010. There is no fiscal note to the bill. *SB 85 passed 40 to 0.*

Senate Bill 86- Letters of Good Standing:

SB 86 amends existing law by deleting the requirement that the Secretary of State charge a corporation fee for letters of good standing starting January 1, 2010. The office of the Secretary of State reported the bill would cause a reduction of \$68,490 in fee fund revenue, beginning in FY 2011.

SB 86 passed 40 to 0.

Senate Bill 102- Automated External Defibrillator:

The measure would hold any individual who uses an automated external defibrillator harmless by striking the definition and requirement that only a qualified person be allowed to operate the defibrillator. *SB 102 passed 40 to 0.*

Senate Bill 132- Business Entity Transaction Act:

SB 132 enacts the Business Entity Transactions Act (BETA) which provides business entities with the authority to perform mergers, conversions, interest exchanges, and domestications with other business entities. The bill defines a variety of authorized transactions and excludes insurance companies, banks, trust companies, credit unions, professional corporations, and limited liability companies from participating in BETA. There is no fiscal note to SB 132 because costs can be absorbed by existing resources in the Secretary of State's office. *SB 132 passed 40 to 0.*

Senate Concurrent Resolution 1604- Kansas Sesquicentennial: SCR 1604 expresses the support of the Kansas Legislature to the Kansas State Historical Society so they begin fundraising and preparing for the Kansas Sesquicentennial celebration. *SCR 1604 passed 40 to 0.*

Senate Concurrent Resolution 1606- Relocation of Guantanamo Bay detainees:

This Resolution strongly expresses the Legislature's opposition to the relocation of Guantanamo Bay detainees to Fort Leavenworth and other potential sites in Kansas. It encourages President Obama and other members of the federal government to remove Kansas from consideration as a relocation site due to the substantial negative impact it would have on the economy, safety, and security of Fort Leavenworth and the State. *SCR 1606 passed 38 to 0.*

Ways and Means Committee Update:

The Senate Ways and Means committee had a busy week.

On Monday, seven bills were introduced: SB 164, 166, 167, 168, 172, 173, and SB 174. The Legislative Research Department provided the committee with an update on the FY 2009 Budget and an overview of the FY 2010 Budget.

On Tuesday, three bills were introduced: SB 187, 207; and SB 188.

There was a hearing on SB 93- Joint committee on special claims against the state; membership; requiring only one attorney member from each house, not two. Sen. Vratil provided testimony in support of the bill and it was passed to the Consent Calendar.

Also on Tuesday, Glenn Deck, Executive Director, KPERS, gave a presentation on the effects of the KPERS Death and Disability Moratorium included in the proposed budget. He noted the differences between starting the moratorium on March 1 and July 1.

On Wednesday, there were five bills introduced: SB 205, 208, 226, and Sen. Umbarger, R-Thayer, introduced two bills dealing with county/city planning/zoning laws.

There were hearings on SB 109 and SB 125. These two bills deal with the Grandparents as Caregivers Act. SB 109 would eliminate the program and wrap it into Temporary Assistance to Families (TAF) and be funded by federal TANF money instead of the state general fund. Testimony was provided by both proponents and opponents. Don Jordan, Secretary of SRS spoke in support of the bill, while Irv Hoffman, President, Silver-Haired Legislature, and Kim Strunk, Grandparent, spoke in opposition to the bill. SB 125 would remove the provision that requires grandparents to have legal guardianship of the

grandchildren to be eligible for the program. Proponents for SB 125 included: Sen. Kelsey, R-Goddard; Sen. Faust-Goudeau, D-Wichita; Irv Hoffman, President, Silver-Haired Legislature; and Kim Strunk, Grandparent.

Also on Wednesday, there was a hearing on SB 128- Fatherhood initiative program; implemented by the Department of SRS. Don Youts, Male Focus Coalition, Wichita; and Peter Spokes, President & C.O.O., National Center for Fathering, both spoke in support of SB 128. Hearings on SB 138 are scheduled to resume on Tuesday, February 10, 2009.

On Thursday, there were eleven bills introduced in the Ways and Means Committee: SB 219, 220, 221, 222, 223, 224, 225, and 227. Sen. V. Schmidt R-Topeka, introduced two bills, and Sen. McGinn, R-Sedgwick, introduced a bill dealing with cities and rural water districts

Also on Thursday, Duane Goossen, Secretary, Dept. of Admin., gave presentations on the effects of the State Employee Health Insurance Moratorium, and the Debt Restructuring Plan for FY 2009 and FY 2010; both of which are included in the budget bill. Carol Foreman, Deputy Secretary, Dept. of Admin., gave a presentation on the State Employee Pay Plan.

On Friday, the committee did not meet so that the time could be used for sub-committee meetings.

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