

# Senator Jay Emler

## Kansas Senate District 35



### From the Desk of Jay Scott Emler

Week of February 16 to 20, 2009

#### Budget Update

On Tuesday, February 17 Governor Sebelius signed the 2009 rescission bill with the exception of the following six items which were vetoed:

1. Debt restructuring for KPERS Debt Service. Before debt restructuring can occur, the action must be approved by the State Finance Council. The Council had not met to approve the action by the time the bill was signed so the provision was vetoed
2. Reduce base state aid per pupil by \$33. The bill, as approved by the House and Senate reduced state base aid per pupil by \$66.
3. Eliminate the reduction of special education funding and continue at current levels.
4. The \$2.9 million transfer from the State General Fund to the Wichita Center for Graduate Medical Education.
5. The \$2.8 million transfer limit from the State General Fund to the Health Care Stabilization Fund.
6. The transfer of \$39 million from the State General Fund to the Kansas Bioscience Authority's Bioscience Development and Investment Fund. Governor Sebelius' veto limits the transfer to the Bioscience Authority to \$35 million for FY 2009.

#### Autism Update

The Senate Financial Institutions and Insurance Committee has conducted hearings on SB 12 which would expand autism services coverage. However, a great deal of confusion has arisen on what is currently required by the mental health parity law and the new services included in SB 12. A considerable amount of disagreement has resulted regarding the cost of services, the feasibility of SB 12, and assistance from the Federal government with autism service funding for schools and government programs. As a result, the Financial Institutions and Insurance Committee asked the Kansas Insurance Department to research the following before any action is taken on SB 12:

1. Clarify the existing services that are covered by licensed insurers under the state's mental health parity law and provide a list of insurers who do and do not provide coverage.
2. Figure the cost of mandating health insurance companies to expand autism coverage. The committee has received several different figures on the real cost of new coverage.
3. Explain the responsibility of insurers and educators. Determine if the sole responsibility falls on those who have insurance coverage or if public education or state agencies take a greater share of responsibility.
4. Outline the potential impact of the federal stimulus package for autism coverage under Medicaid, SCHIP, and K-12 education and determine when, and if, federal funding will be available for assistance and what will be the requirements attached to the funding.

### **Senate Comprehensive Energy Plan**

This week the Senate Utilities Committee conducted hearings on SB 265, the comprehensive Senate energy plan. Hearings took place on Wednesday, February 18 and Thursday, February 19 and will continue on Friday, February 20.

The plan addresses the growing energy needs of the state by increasing production of renewable energies, improving conservation on energy usage by state agencies and buildings, and clarifying emission regulations.

With concentration on policies that are good for the environment, good for business, and good for ratepayers, SB 265 proposes the following: establish renewable portfolio and energy efficiency standards, create the facility conservation improvement program, assess the energy consumption of state owned and leased properties and report excess use to the Legislature, and clarify the emergency powers of the KDHE Secretary. In addition, the bill allows Kansans who produce their own electricity through solar sources to sell excess power to a utility company at a fair rate and directs the Secretary of KDHE to reconsider action applications filed after January 1, 2006 which involve air permits.

### **SB 25- Smoking Ban**

On Monday, February 16 the Senate debated SB 25, the Kansas Indoor Clear Air Act, which bans smoking and makes smoking in certain areas a cigarette or tobacco infraction beginning January 2, 2010. The bill bans smoking in public places, taxis, limousines, restrooms, lobbies, and common areas in public and private buildings, condos, and multi-residential facilities, restrooms, lobbies, and common areas in

hotels and at least 80 percent of hotel rooms, access points of all buildings unless exempt, and any place of employment.

In addition, the bill requires employers to ban smoking at the workplace, adopt and maintain a written smoking policy that prohibits smoking at the workplace, communicate the smoking policy within a week of adoption to existing employees and to new employees once they are hired, provide copies of the respective smoking policy to current or potential employees upon request, and clearly post the international "no smoking" symbol on the premises of the workplace. The bill prevents employers from firing, refusing to hire, or retaliate against an employee, applicant, or customer if they are turned in for violating the provisions of the Kansas Indoor Clean Air Act.

**SB 25 passed 26 to 13 on Tuesday, February 17.**

### **SB 59- Primary Safety Belt Law**

SB 59 amends existing state law to require all passengers, regardless of age, to wear a safety belt while in a vehicle. The bill allows law enforcement personnel to stop a vehicle for violating safety belt laws and reduces the fine for not wearing a seat belt from \$30 to \$25 but requires violators to also pay a docket fee of \$75. **SB 59 passed 23 to 17 on Thursday, February 19.**

### **SB 83- Autism Task Force**

SB 83 re-establishes the Kansas Autism Task Force until December 31, 2009. Originally established during the 2007 legislature the Task Force expired on December 31, 2008. The bill would give the Task Force an additional year to study and conduct hearings on issues relating to the needs of and the services available for individuals with autism. **SB 83 passed 40 to 0 on Thursday, February 19.**

### **SB 160- Minimum Wage Law**

SB 160 raises the state minimum wage to \$7.25 an hour from the current rate of \$2.65 an hour beginning January 1, 2010. For employees who collect tips and gratuity the bill requires employers to pay no less than \$2.13 an hour but if the amount of tips and gratuity does not amount to \$7.25 an hour the employer is required to pay the difference. **SB 160 passed 33 to 7 on Thursday, February 19.**

## **SB 238- Cockfighting**

SB 238 raises the penalty for cockfighting from a misdemeanor to a level 10 nonperson felony.

Individuals who, for amusement purposes, cause any gamecock to kill or injure another or who train, groom, prepare, or medicate any gamecock for a cockfight is subject to the penalties of the bill. In addition, persons who attend a cockfight or who are on the premises of a cockfighting event could be charged for a level 10 nonperson felony. **SB 238 passed 38 to 2 on Thursday, February 19.**

## **Ways and Means Committee update**

On Monday, the committee heard reports from the subcommittee on Judicial Council, Board of Indigents' Defense Services, and the Judicial Branch. There were also hearings on SB 205 and SB 196.

SB 205 would prohibit the development finance authority from refunding any bonds for any state agency unless specifically approved by an act of the legislature. Sen. Vratil, R-Leawood, provided testimony in favor of the bill. He noted that under current law, the Governor may request the Kansas Development Finance Authority (KDFA) to issue bonds for the purpose of refunding outstanding bonds. SB 205 would limit the Governor's authority and place the authority in the hands of the Legislature. Steve Weatherford, KDFA, testified in opposition to the bill, noting that from 2004 to present, bond refunding has saved the state approximately \$8.4 million.

SB 196 deals with KPERS employment after retirement restrictions and would seek to apply the restrictions to retirants' employed by a third party entity. The revisor gave a briefing on the bill. Due to time constraints the hearing was rescheduled for Tuesday, February 17.

On Tuesday, three bills were introduced. Sen. Vratil, R-Leawood, introduced SB 277 and 281. Sen. Schodorf, R-Wichita, introduced SB 280. Hearings were also held on SB 74 and SB 22.

In the continued hearing on SB 196 Sen. Morris, R-Hugoton and Mark Tallman, KASB, provided written testimony in support of SB 196. Sen. Vratil, R-Leawood, requested an amendment that would compel contracts with third party members to include salary and compensation paid to teachers. Another hearing will be scheduled in the future.

SB 74 deals with Kansas' cash basis law, and proposes exemptions for schools when state aid to school districts are not paid when due. Sen. Vratil, R-Leawood provided testimony in support of the bill.

SB 22 also dealt with school districts. The bill would allow districts to issue no-fund warrants for the purpose of paying teacher salaries and benefits. Sen. Vratil, R-Leawood provided testimony in support of the bill.

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

On Thursday, the committee did not meet because the Senate was in session all day.

On Friday, the committee did not meet since the Senate had been scheduled to be in session all day.

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