

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of February 23 to 27, 2009

Death Penalty Hearings:

On Thursday, February 26 the Senate Judiciary Committee began hearings on SB 208 which, if adopted, would abolish the death penalty effective July 1, 2009. For individuals sentenced to death before July 1, 2009, the original death penalty would still apply.

In 1994, Kansas re-enacted the death penalty but an execution has not been carried out in the state since 1965. Currently, eleven persons have been sentenced to death in Kansas. Proponents believe that abolishing the death penalty would result in significant savings to the state and point to statistics which state the estimated cost of a death sentence case is approximately 70 percent more than nondeath penalty cases.

The Judiciary Committee completed hearings on the bill on Friday, February 27. The bill will be worked on Wednesday March 4.

Driving While Intoxicated:

On Tuesday, February 24 and Wednesday, February 25 the Senate Judiciary Committee conducted hearings on SB 278 which creates the Kansas DUI Commission and increases penalties for those convicted of driving under the influence.

The purpose of the Kansas DUI Commission is to review past and existing state DUI laws, review DUI laws of other states, review effective practices that change DUI behavior, and to develop a legislative proposal to change DUI behavior and provide significant DUI penalties.

SB 74- Cash-Basis Law Exceptions:

SB 74 amends existing cash-basis law by creating an exception for school districts when late general or supplemental general state aid payments cause expenditures to exceed revenues. The bill allows the state to make the final state aid payment for the 2008-2009 school year to school districts after June 30.

In current law, the delayed payment would force school districts to violate cash-basis law and require them to note the violation. However, there is no sunset in the bill, allowing the provision to be ongoing in nature. *SB 74 passed 38 to 2 on Thursday, February 26.*

SB 107- Bingo Games:

SB 107 amends the Bingo Act by increasing the prize limits for bingo games. The limit is increased from \$50 to \$100 per regular bingo session, the aggregate prize value limit is raised to \$1,500 from \$1,200, the limit on special bingo prize is moved from \$500 to \$1,000, and the non-monetary prize per session limit was increased to \$100 from \$25. The bill repeals the mandatory card price of \$1 per card and replaces it with a maximum price of \$3.

Other bill provisions include: allowing the sale of instant bingo tickets to begin two hours before the start of a bingo game instead of one hour, repealing the three game instant bingo limit in a session, and allowing bingo games to be conducted on a premises four days a week.

The Department of Revenue estimates the bill would generate \$167,000 in FY 2010, \$112,000 which would be deposited into the State General Fund and \$55,000 into the Bingo Regulation Fund. However, the estimate is based on the frequency that bingo can be played and the removal of certain playing and prize limits. *SB 107 failed 10 to 29 on Thursday, February 26.*

SB 115- Fire Departments:

SB 115 allows firefighters to temporarily block a public highway while fulfilling their official duties. Current law allows firefighters to block a highway for fighting a fire but the duties of a firefighter have greatly expanded. Today firefighters respond to hazardous material incidents, car accidents and are expected to provide emergency medical services and other duties that may require firefighters to

temporarily block a highway. *SB 115 passed 40 to 0 on Thursday, February 26.*

SB 178- Amusement Rides:

SB 178 exempts home-owned amusement rides from inspections and operator training required by the Kansas Department of Labor. The bill defines home-owned amusement rides as rides by a not-for-profit entity, operated within a single county by volunteers for 12 days or less per year.

SB 178 passed 40 to 0 on Thursday, February 26.

SB 215- Appointments of Boards, Commissions, and Officers:

SB 215 requires the KBI to conduct background investigations on all appointees nominated for positions which require Senate confirmation. Currently, the KBI is only required to do a background check on gubernatorial appointments. *SB 215 passed 40 to 0 on Thursday, February 26.*

SB 225- Low-Income Family Postsecondary Savings Accounts Incentive Program:

SB 225 indefinitely extends the Kansas Postsecondary Education Savings Program. The bill limits the State Treasurer from approving more than 300 applications from a single congressional district unless fewer than 300 applications are approved in a congressional district. Applications to participate in this program are approved on a first come, first served basis.

If appropriations are made to the program, the state is required to match participant contributions on a dollar-for-dollar basis, providing they are more than \$100 but less than \$600 in the calendar year for which they were approved to participate. *SB 225 passed 40 to 0 on Thursday, February 26.*

Ways and Means Committee update

The Committee had a shortened week, due to the Legislature not being in Session on Monday. The Committee did not meet on Friday, to allow budget subcommittees to meet.

On Tuesday, there were three bills introduced. Senator Laura Kelly (D-Topeka) requested a bill (SB 288) to require individual and group health insurance policies include coverage on or before January 1, 2010, for all colorectal cancer examinations and laboratory tests specified in the American Cancer Society guidelines. Additionally, SB 284 and 285 were introduced. SB 284, requested by Senator Pat Apple (R-

Louisburg), would create an independent entity whose sole purpose is to achieve reductions in energy use through increasing the level of cost effective energy efficiency, conservation, and education.

The Committee heard the budget subcommittee recommendations on the Department of Administration and the Kansas Guardianship Program. Senator Ruth Teichman (R-Stafford) gave the Department of Administration report. Her subcommittee chose to apply a 10 percent reduction on the agency. The Subcommittee referred funding for equipment grants for Omnibus consideration (budget bill in late April). The Committee adopted the subcommittee's recommendations.

Senator Jean Schodorf (R-Wichita) presented the Kansas Guardianship report. The subcommittee applied an eight percent reduction. The Committee adopted the subcommittee's recommendations.

The Committee had a hearing on SB 165. The bill increases certain fees that are deposited into the State Water Plan Fund (SWPF). The Kansas Water Authority recommended the fee increases to offset a revenue shortfall of \$9.2 million, largely due to suspension of State General Fund transfer to the SWPF. The additional fees would produce approximately \$4.7 million. Proponents included the Kansas Water Authority, Kansas Rural Water Association, State Association of Kansas Watersheds, and Kansas Association of Conservation Districts. Opponents noted that the fees disproportionately affect the agricultural sector. They voiced support for spreading fee increases to other water users, including recreational and municipal entities. Opponents: Water District No.1 of Johnson County, Kansas Cooperative Council, Kansas Livestock Association, Kansas Agribusiness Retailers Association, Kansas Farm Bureau, and Kansas Agricultural Alliance. No action was taken on SB 165.

On Wednesday, the Committee introduced four bills. Senator Janis Lee requested a bill related to penalties for leaving a scene of an accident (SB 289). Other bills introduced include: 290 and 292.

The Committee heard SB 141, which would transfer the Office of the Inspector General from the Kansas Health Policy Authority (KHPA) to the Legislative Division of Post Audit (LPA). Proponents of the bill were Senator Derek Schmidt (R-Independence) and former Inspector General, Robin Kempf. The Committee also heard from Barb Hinton, Executive Director of LPA, and Joe Tilghman, Chairman of the KHPA Board.

On Thursday, the Committee introduced two bills: SB 293, which concerns All-Terrain Vehicles (Senator Vicki Schmidt, R-Topeka) and SB 294, which amends the Kansas Whistleblowers Act.

Senator John Vratil (R-Leawood) gave the Governmental Ethics Commission subcommittee report for FY 2010 and FY 2011. The agency was reduced by 10 percent. Additionally, a bill was introduced to no longer require faculty members of higher education institutions to file a Statement of Substantial Interest. The Committee adopted the report.

Senator Ruth Teichman (R-Stafford) presented the Lottery and Racing and Gaming subcommittee reports. The subcommittee recommended review of ELARF revenue (expanded gaming) at Omnibus. The Committee adopted the reports.

The Secretary of State's subcommittee report was adopted, with corrections made to the previous report.

Senator Teichman presented the subcommittee report on Higher Education. The subcommittee recommended a 10 percent reduction to the institutions and the Board of Regents. Senator Carolyn McGinn (R-Sedgwick) amended the report to add language regarding Graduate Medical Education and use of federal stimulus monies. Additionally, Senator Dwayne Umbarger (R-Thayer) amended the report to add funding for Kan-Ed from the Kansas Universal Service Fund. The Committee adopted the amended report.

The Committee held a hearing on SB 252, which would allow the Department of Corrections (DOC) and the Juvenile Justice Authority (JJA) to pay health care providers the lesser of the actual amount billed or the Medicaid rate for health care services provided to individuals who are in the custody of either agency and are not covered by private health insurance. Secretary Roger Werholtz, a proponent of the bill, estimated a savings of \$700,000 annually. Commissioner Russ Jennings, JJA, estimated a savings of \$95,000 to \$156,000.

Opponents to SB 252, included the Kansas Hospital Association, an administrator from a Leavenworth Hospital, and the Kansas Medical Society. Concerns were raised that it will be difficult to get hospitals to take patients at the Medicaid rate. Additionally, small hospitals will be fiscally burdened, as well, and

may have to pass fiscal challenges on to the local property tax burden. No action was taken on SB 252.

The week ahead: The Committee will hear from Chris Whatley, Director of the Council of State Governments Washington, D.C. office on Wednesday March 4. He will give an overview of the impact of federal stimulus dollars on the states.

[Visit my website at http://www.jayemler.com](http://www.jayemler.com)

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.

If you know of others who would like to receive this newsletter, [have them visit my website](#) and subscribe to my mailing list. If you are receiving this newsletter via email and would like to be taken off my list, just click on the "Unsubscribe from this list..." link at the bottom of this message.

[Have a question? Contact me](#)

NOTE: I receive many emails and I need to make certain I am responding to my constituents and not to somebody in another part of the state. I want to be responsive to you, so please include your street address so that I know I am being responsive to my constituents. My legislative district includes: Barton, Dickinson, Ellsworth, Lincoln, Marion, McPherson and Rice counties.