

# Senator Jay Emler

## Kansas Senate District 35



### From the Desk of Jay Scott Emler

Week of March 9 to 13, 2009

#### January Unemployment Figures:

This week the Department of Labor released unemployment numbers from January 2009. The state lost 3,900 jobs and the unemployment rate increased to 6.4 percent from 4.9 percent in December. There were 26,744 initial unemployment claims in January 2009, down from the previous month's figures of 37,482, but an increase from the 13,542 claims in January 2008.

The greatest employment losses over the past year have occurred in the manufacturing, construction, and information industries. Despite overall declines in employment, the government added 8,200 jobs over the past year, the education and health services sector gained 2,300 jobs, and the leisure and hospitality sector added 1,600 jobs.

As a result of the federal stimulus, the Department of Labor has begun distributing an additional \$25 a week in unemployment benefits. Also, Kansans who are unemployed are eligible to receive up to 20 weeks of extended unemployment benefits because stimulus moved the March 30 deadline to apply for extended benefits to the end of the year.

#### Governor's Budget Issues:

[Posted on my website](#) is a Legislative Research memo highlighting the expenditure and revenue adjustments incorporated in the FY 2010 Governor's Budget Recommendations. To date, none of the legislative measures required to make certain adjustments has made it out of committee. If the Legislature does not pass the measures, there will be at least \$68 million that will have to be made up in further expenditure reductions. The Governor's total expenditure and revenue adjustments are \$744.7

million.

Also posted on my website, [a second Legislative Research memo](#) highlights the impact that the Federal Stimulus legislation has to the state's tax revenues. A total of \$86.5 million will be reduced from the state's coffers.

### **Death Penalty:**

On Monday, March 16, the Senate is scheduled to debate Senate Bill 208, which proposes abolishing the death penalty in Kansas.

### **Approaching deadlines:**

ALL BILLS must be passed out of committee and read into the Senate by the end of session on Friday, March 20.

### **Senate Bill 213- Consumption of Alcohol in Public Places**

SB 213 amends the Liquor Control Act by allowing for the consumption of alcohol at certain public events held on a public streets, alleys, roads, sidewalks, or highways that are temporarily closed to traffic. The bill prohibits individuals from taking alcohol from inside the designated boundaries of the event area or from possessing or consuming alcohol inside the event area that was not sold by a vender licensed to sell the alcohol. Authorized events must have a temporary liquor license issued by the Director of the Alcohol Beverage Control. *SB 213 passed 37 to 3 on Wednesday, March 11.*

### **Senate Bill 260- Uninsured Motor Vehicles**

SB 260 would, if enacted, prohibit individuals who do not have auto insurance and who are involved in an auto accident, from suing for pain and suffering. In addition, individuals who are convicted or who plead guilty to an alcohol or drug-related violation connected to an auto accident are banned from suing for non-economic damages.

Those involved in automobile accidents and who do not have insurance or are guilty of alcohol or drug-related offenses can still collect disability, funeral, medical, rehabilitation, substitution, and survivor's benefits. Economic damages are also to be covered in the bill; these include the cost of past and future medical care, lost wages, benefits or earning capacity, and other similar losses.

*SB 260 passed 37 to 3 on Thursday, March 12.*

### **House Bill 2007- Fees and Tuitions at State Educational Institutions**

HB 2008 amends current law by permitting the State Board of Regents to award fellowships, scholarships, and tuition and fee waivers to undergraduate and graduate students. Currently, just graduate students are given the opportunity to accept fellowships or scholarships. The intention of the bill is to help attract students who already have family ties to state universities and the state.

*HB 2007 passed 40 to 0 on Thursday, March 12.*

### **House Bill 2023- KCC Order Enforcement**

HB 2023 allows the Director of Vehicles in the Department of Revenue to revoke, suspend, refuse, or retrieve a license plate or to issue or renew a license or registration certificate if a intrastate motor carrier's operating authority has been terminated or denied by the State Corporation Commission.

The purpose of the bill is to correct a loophole in existing law that allows a trucker, whose trunk has been put out of service for violating federal or state safety regulations to register at the county treasurer's office because they are unable to deny registration of a vehicle which allows the violator to continue operating a truck. *HB 2023 passed 40 to 0 on Wednesday, March 11.*

### **House Bill 2092- Transfer Fee Covenants**

HB 2092 makes transfer fee covenants documented on or after July 1, 2009 non-binding and unenforceable against any successive owner, purchaser, or mortgage holder of real property.

The bill was formed as a result of a nationwide scam that targets property transactions and attaches transfer fee covenants to titles. Transfer fee covenants are sophisticated pyramid schemes which steal property equity from the owner. In states where this practice is more frequent, mortgage lenders and title insurance agencies are unwilling to participate in transactions where the title involves a transfer fee covenant. *HB 2092 passed 40 to 0 on Thursday, March 12.*

### **House Bill 2197- Admission of Students to State Educational Institutions**

HB 2197 authorizes the Kansas Board of Regents to adopt rules and regulations for admissions to state

educational institutions that are different from current admission requirements. Any rules and regulations that are more rigorous than the existing admission standards cannot go into effect before the 2014-2015 academic year.

Kansas residents and non-residents who graduate from non-accredited private secondary schools could be admitted to a state educational institution, in the bill, if they have an ACT score of at least 21. In addition, residents who graduate from non-accredited school qualify for admission if they are at least 21 years of age.

The bill limits each state educational institution from admitting no more than 10 percent of the total number of transfer students and 10 percent of the total number of non-resident transfer students who do not meet the minimum admission standards. The Board of Regents are required to report by January 31 of each year the percentage of transfer student admissions exceptions permitted during the previous academic year. *HB 2197 passed 34 to 6 on Thursday, March 12.*

### **Ways and Means Committee Update**

On Monday, the committee heard reports from the subcommittees on the Legislative Agencies, the Governor, the Lt. Governor, the Department of Revenue, and the Court of Tax Appeals. The committee also held hearings on HB 2265 and SB 285. HB 2265 was amended and passed out of committee.

HB 2265 amends the Legislative Post Audit Act. The bill requires written audit reports to be prepared on the financial management practices of the State Treasurer's Office and the Pooled Money Investment Board every two years. Current law does not specify the frequency for those reports. Also, the bill would require a transition audit be conducted within two weeks of the date a person assumes the duties of State Treasurer. The purpose of the transition audit would be to review the assets in the custody of the office for significant discrepancies at the time of transition. A separate written report would be required for each transition audit. Barb Hinton, Legislative Division of Post Audit, testified in support of the bill.

SB 285 would amend the statutes regarding expenditures from the Kansas Universal Service Fund (KUSF) for the Kan-Ed program within the Board of Regents to fund Kan-Ed with \$10.0 million from the KUSF.

Brad Williams, Director, Kan-Ed and Chad Austin, Kansas Hospital Association, both testified in support of SB 285. Catherine Moyer, Director of Legal and Regulatory Affairs, Pioneer Companies; John Federico, Kansas Cable Telecom Association; and Colleen Jennison, Cox Communications, provided neutral testimony on the bill. The bill was adopted on Tuesday, with an amendment included to sunset the funding on June 30, 2012. This is so the effectiveness of the program can be re-evaluated.

On Tuesday, SB 310 was introduced by Sen. Apple (R-Louisburg). The committee heard reports from the subcommittees on Veterans Affairs, the Soldiers' /Veterans' Home, Social and Rehabilitation Services, and the Kansas Health Policy Authority.

On Wednesday, SB 311 and 312 were introduced. SB 311 concerns state budget policies and SB 312 concerns property taxation of public utilities. The committee also held a hearing on SB 296. This bill deals with the federal stimulus act and concerns reviews and evaluations of how the federal money will and has been spent. Sen. Abrams (R-Arkansas City), testified in support of the bill while Duane Goossen, Secretary, Department of Administration and Deb Miller, Secretary, KDOT, both provided neutral testimony on the effects the bill would have on their respective agencies. Goosen and Miller voiced concerns on potential delays in making application for stimulus monies. The bill has been referred to a subcommittee for revisions.

Also on Wednesday, the committee heard reports from the subcommittees on the School for the Blind, the School for the Deaf, the Historical Society, the Department of Labor, and the Health Care Stabilization Fund Board of Governors. After these subcommittee reports, the committee worked and passed SB 22 as amended. SB 22 concerns school districts and the issuance of no-fund warrants for teacher salaries and benefits.

On Thursday, SB 313, concerning Goodyear and economic revitalization, was introduced in committee. A hearing was held on HB 2219. There were no conferees to provide testimony on this bill.

The committee heard reports on the subcommittees on the Kansas Public Employees Retirement System Budget, KPERS Issues, the Animal Health Department, the Kansas State Fair, and the Department of Agriculture. During the KPERS Issues subcommittee report the subcommittee recommended favorably for passage SB 146, 259, and HB 2073. The full committee endorsed the report, and put SB 259 and HB

2073 into Senate Sub. for HB 2219. The committee then reported SB 146 and Senate Sub. for 2219 favorably for passage.

Also on Thursday, SB 141 was up for final action and several amendments were discussed. The bill was tabled until Monday, March 16.

On Friday, SB 205 was passed out of committee. SB 205 deals with the refunding of outstanding bonds. From 2004 to the present, bond refunding has saved the state approximately \$8.4 million. Under SB 205, only the Legislature could approve such bond refunding. The Committee adopted an amendment, which would allow the State Finance Council to act on refunding, as well.

The committee heard reports from the subcommittees on SRS Hospitals and the Department of Education. The recommendation of the Subcommittee on the Department of Education was to adopt the Governor's Budget Amendment, which includes federal stimulus funds.

Hearings were held on SB 294 and SB 310. SB 294 would reestablish the State Employee Suggestion Program that expired on June 30, 2006, and would amend the Kansas Whistleblower Act. Supervisors or appointing authorities of any state agency would be prohibited from imposing disciplinary action on employees for the purpose of retaliating against employees who discuss agency operations or other matters of public concern with the Legislature, Attorney General, or an auditing agency. No conferees testified either for or against this bill. The committee voted to table the bill.

SB 310 would prohibit the Secretary of the Department of Social and Rehabilitation Services (SRS) from placing in any one county more than six sexually violent predators on transitional release or conditional release. Sen. Apple (R-Louisburg), testified in support of the bill and Ray Dalton, Deputy Secretary, Disability and Behavioral Health Services (SRS), provided testimony on the effect that SB 310 would have on the Sexual Predator treatment program. The Chairman appointed Senator Dwayne Umbarger (R-Thayer) to chair a subcommittee to consider implications of 2006 SB 506 on current policies regarding transitional housing. The Subcommittee also includes Senators Apple, David Wysong (R-Mission Hills) and Janis Lee (D-Kensington).

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