

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of February 8, 2010

Turnaround

Turnaround is Monday, February 22. All non-exempt bills must be out committee by the start of session on Wednesday, February 17 and read in.

Senate Bill 387- Claims Against the State:

SB 387 authorizes expenditures from existing sources for the payment of specific claims against the State of Kansas. Agencies affected by the bill include: Department of Revenue, Department of Corrections, Ellsworth Correctional Facility, Hutchinson Correctional Facility, El Dorado Correctional Facility, Lansing Correctional Facility, and Topeka Correctional Facility. Please review the bill to see if any of your constituents are recipients of the claims settled with the bill. SB 387 passed 40 to 0 on Thursday, February 11.

Senate Bill 410- Electronic Payments:

SB 410 would allow state agencies to accept payments by debit card. The measure requires state agencies to be notified in writing within 14 days when a payment from a debit card has been refused of the payee name, address, purpose, payment amount, date refused and reason for payment refusal. The holder of the refused debit card would have 30 days after the notice is issued to make the payment. If the holder fails to make payment the within 30 days, the agency is entitled to a \$100 civil penalty. SB 410 passed 40 to 0 on Wednesday, February 10.

Senate Bill 452- Purchase or Consumption of Alcoholic Beverages:

SB 452 prohibits anyone under 18 years old, who is arrested for possessing, consuming, obtaining, purchasing, or attempting to purchase alcoholic beverages from being detained or placed in jail. The

person would also be prohibited from being detained or placed in a juvenile detention facility for a period exceeding 24 hours, excluding Saturdays, Sundays and legal holidays. Existing state law allows for youth to be placed in detention for possessing and/or consuming alcohol which is a violation of the federal Juvenile Justice and Delinquency Prevention Act (JJDP). SB 452 passed 40 to 0 on Thursday, February 11.

Senate Bill 479- Unclaimed Property, Disclosure to State Treasurer:

SB 479 would allow the Secretary of Revenue to provide information to the State Treasurer for locating owners of unclaimed property. Current law requires the Department of Revenue to keep income tax return information confidential with certain exceptions and the bill includes the State Treasurer as an exemption. Information that could be provided to the State Treasurer includes the current and prior addresses of taxpayers, spouses, dependents and other associated persons who may have knowledge on the location of the unclaimed property. SB 479 passed 40 to 0 on Thursday, February 11.

Senate Concurrent Resolution 1615- Tenth Amendment Sovereignty:

SCR 1615 is a nonbinding resolution that declares the sovereignty of Kansas and serves as a Notice and Demand to the federal government to immediately cease and desist all mandates that are beyond the scope of the powers delegated under the United States Constitution. In addition, SCR 1615 objects to all federal legislation that requires states to comply under threats of penalties or sanctions or requirements that states pass legislation to maintain certain funding. SCR 1615 passed 33 to 7 on Thursday, February 11.

Senate Concurrent Resolution 1625- NBAF Funding:

SCR 1625 urges the United States Congress to fund the construction of the national Bio and Agro-defense Facility (NBAF) and the Department of Homeland Security to advance the sale of Plum Island Animal Disease Centers. SCR 1625 passed 40 to 0 on Wednesday, February 10.

Ways and Means Committee Update

On Monday, February 8, one bill was introduced. SB 529 (Sen. Emler) concerns employment security law. Secretary Roger Werholtz, Department of Corrections, updated the committee on the Legislative Post Audit report of the Agency. He stated the Department is taking steps to correct issues highlighted

in the recent audit. A hearing was held on SB 479, a bill permitting the Secretary of Revenue to disclose certain tax information to the State Treasurer for the purpose of locating owners of unclaimed property. Rita Mohr, Director of Unclaimed Property, testified that this would allow the State Treasurers' office to find the most recent mailing addresses to send notices. Richard Cram testified that the Department of Revenue supported the bill. The bill was recommended for passage as amended.

On Tuesday, February 9, one bill was introduced. SB 539 (Sen. Abrams, R-Arkansas City) concerns school finance. The Committee began its work on the Fiscal Year 2011 budget by receiving the budget subcommittee recommendations on the Juvenile Justice Authority (JJA) and its facilities and the Department of Corrections and its facilities. Senator Vicki Schmidt (R-Topeka) gave the Juvenile Justice Authority report. The subcommittee concurred with the Governors' FY 2011 budget recommendation. Senator Mark Taddiken (R-Clay Center) gave the Department of Corrections report. His subcommittee concurred with the Governors' FY 2011 budget proposal. The Committee adopted both reports. The Committee took action on SB 387, the Claims Against the State bill. The Committee recommended the bill favorably for passage.

On Wednesday, February 10, two bills were introduced. SB 542 (Sen. Masterson, R-Andover) concerns changing the date of elections. SB 540 (Sen. Apple, R-Louisburg) concerns underground utilities. The Committee continued its work on the Fiscal Year 2011 budget. It received the budget subcommittee recommendations on the Judicial Council, the Board of Indigents' Defense Services (BIDS), and the Judicial Branch. Sen. Vratil (R-Leawood) presented all three reports. For the Judicial Council, the subcommittee concurred with the Governor's recommendation. The Committee adopted this report. For BIDS, the subcommittee concurred with the Governor's recommendations with some adjustments. The subcommittee recommended deleting \$539,761 from BIDS recommended budget. This applies a 2.5 percent across-the-board adjustment for FY 2011. The Committee delayed action on this report, waiting for requested information. For the Judicial Branch, the subcommittee concurred with the Governor's recommendation with some adjustments. The subcommittee recommended deleting \$225,515 from the State General Fund for 3.0 FTE for the 14th Court of Appeals judge and staff. This recommendation was put into a bill. The Committee deleted \$4.7 million from the State General Fund for a 2.5 percent reduction from the Governor's FY 2011 recommendation. This would be offset by additional funds from the increase in the docket surcharge to \$20. The Legislature will have to pass a bill authorizing this increase. Action on SB 461, which concerns the compensation of magistrate judges, was taken and the

bill recommended favorably for passage. A hearing on SB 512 was held. The bill concerns school district Medicaid replacement aid. Four proponents testified this bill would extend current law. This bill was recommended favorably.

On Thursday, February 11, four bills were introduced. SB 543 (Sen. Apple, R-Louisburg) concerns telecommunications dealing with calling services. SB 544 (Sen. V. Schmidt, R-Topeka) concerns expanding the Topeka Metropolitan Transit Authority's operating radius. Sen. Emler introduced a bill providing for assessment on nursing home facilities. The bill has not yet been assigned a number. SB 545 (Sen. Emler) concerns employment security law. The Committee continued its work on the FY 2011 budget. The Committee completed its work on the BIDS budget, adopting the subcommittee report. It received the budget subcommittee recommendations on Postsecondary Education. Sen. Emler presented the report. The subcommittee concurred with the Governor's recommendation with some adjustments. The subcommittee deleted \$10 million from the State General Fund to remove the Governor's enhancement funding. The subcommittee recommended lapsing \$220,669 from balances in the Southwest Kansas Access State General Fund account and appropriated the money to Fort Hays State University for the Kansas Academy of Mathematics and Science (KAMS). The committee also deleted \$200,000 for the Governor's recommended \$5.0 million from EDIF funding for aviation infrastructure to go to the KAMS program. An amendment was made to fully pay dues to the Midwestern Higher Education Compact. The Committee adopted the report, as amended. SB 396, which creates the Laboratory Fee Fund in the Department of Agriculture, was amended and recommended favorably for passage.

On Friday, February 12, one bill was introduced. The bill (Sen. Kutula, D-Kansas City) concerns Workers Compensation. The Committee meeting began with a tutorial over agency shrinkage. The Committee continued its work on the FY 2011 budget. It received the budget subcommittee recommendations on the Governmental Ethics Commission and the Human Rights Commission. For the Human Rights Commission, the subcommittee concurred with the Governor's recommendation with some adjustments. The Committee recommended deleting \$35,442 from the recommended budget, applying a 2.5 % cut for FY2011. For the Government Ethics Commission, the subcommittee concurs with the Governor's recommendation with a notation that the agency anticipates a need for a statutory fee increase in the future to continue funding for the agency at appropriate levels. A hearing on SB 507 was held. The bill

concerns creating a commission for the blind and visually impaired. Michael Byington, representing the Kansas Association for the Blind and Visually Impaired, testified that the bill establishes an advisory and planning body in law and would be more permanent than the Advisory Committee established in the Governor's executive order. Michael Donnelly, Director of Rehabilitation Services, (Social and Rehabilitation Services) testified how the agency is implementing the Governor's executive order.

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