

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of February 22, 2010

Smoking Ban Update

On Thursday, February 25, the House concurred with the Senate on HB 2221, the Clean Indoor Air Act by a vote of 68 to 54. The bill now heads to Governor Parkinson for his consideration.

Appointments

This week, the Senate approved the following appointments:

- John P. Smith as Credit Union Administrator by a vote of 38 to 0.
- Ed McKechnie to the Kansas Board of Regents by a vote of 39 to 0.
- James Needham to the State Banking Board by a vote of 39 to 0.
- Joanne M. Budler as State Librarian of Kansas by a vote of 39 to 0.

HB 2411- Schedule I Drugs, K2

HB 2411 amends the Kansas Uniform Controlled Substances Act to expand the list of Schedule I controlled substances to include the chemical compounds HU-210, JWH-018, JWH-072, BZP and TFMPP. The bill is nearly identical to SB 348, which passed the Senate earlier this session, except that it includes TFMPP. **HB 2411 passed 37 to 1** on Thursday, February 25.

SB 532- Licenses of Alcoholic Beverages

SB 532 amends the Kansas Liquor Act by allowing a spouse of a retail liquor license applicant to hold a farm winery license and a microbrewery license. In addition, the bill allows holders of a farm winery license to also hold a microbrewery license and vice versa. Current law does not allow a liquor retailer to have a beneficial interest in a manufacturer, distributor, farm winery or microbrewery. **SB 532 passed 39 to 0** on Thursday, February 25.

SB 478- Kansas Cigarette and Tobacco Products Act

SB 478 amends the Kansas Cigarette and Tobacco Products Act by redefining the definition of cigarettes and defining little cigars. The bill defines a little cigar as a roll of tobacco wrapped in leaf tobacco or material with tobacco that weighs no more than three pounds per 1,000 units and classifies little cigars a cigarettes subject to cigarette taxes. The measure also requires cigarette stamps to have legible characteristics with serial numbers and eliminates the requirement that cigarette stamps have water applied stamps and meter imprints. **SB 478 failed 18 to 21** on Thursday, February 25.

Sub. for SB 513- Project Delivery Building Construction

Sub. for SB 513 amends the Alternative Project Delivery Building Construction Procurement Act and

amends existing law to include district hospitals in the alternative delivery building construction process. Currently, county commissions and unified school districts are involved in the alternative delivery building construction process. The bill makes a technical change by replacing “general contractors or construction manager” with “firm” and defines firm as any individual, partnership, joint venture, corporation or legal entity engages in the business of providing construction management or general construction contracting services. *Sub. for SB 513 passed 39 to 0* on Thursday, February 25.

SB 460- Priority of Permanency Orders

SB 460 amends several statutes to clarify the priority of orders concerning children by clarifying several provisions in current law surrounding children in need of care (CINC) or juvenile offender (JO) actions. The bill also amends numerous statutes regarding nonparental residency, residency, child custody, parenting time, visitation, child placement and permanent custodian orders. *SB 460 passed 39 to 0* on Thursday, February 25.

Senate Ways and Means Committee Update

On Tuesday, February 23, four bills were introduced. SB 554 (Sen. Teichman, R-Stafford) concerns autism coverage and SB 553 (Sen. Teichman) concerns natural gas storage. SB 555 is the Governor’s FY 2011 capital improvements bill. SB 556 is the Governor’s FY 2011 appropriations bill. The Committee heard SCR 1627, a constitutional amendment creating the budget stabilization fund; certain excesses in State General Fund revenues would be deposited in the fund. Two proponents testified. Dennis McKinny, State Treasurer, testified that it is good long-term policy to use the abundance in good times to help with shortfalls. Kent Eckles, Kansas Chamber, testified that Kansas is one of three states that do not have some form of a stabilization fund. The hearing was closed and no action was taken.

On Wednesday, February 24, one bill was introduced. SB 557 (Sen. Taddiken, R-Clifton) concerns teacher’s certification. The Committee continued its work on the FY 2011 budget. The Committee received the budget subcommittee recommendations on the Office of the Attorney General, Kansas Insurance Department, Office of the Governor, Office of the Lieutenant Governor, Secretary of State, and the State Treasurer. Senator Kelly (D-Topeka) presented all of the reports. For the Office of the Attorney General, the subcommittee concurred with the Governor’s recommendation with one adjustment. It recommended funding the Sexually Violent Predator Expense Fund with \$20,000 from the Court Cost Fund instead of the Crime Victims Assistance Fund. Action on this report was delayed. For the Kansas Insurance Department, the Office of Lieutenant Governor, the Secretary of State, and the Office of State Treasurer, the subcommittee concurs with the Governor’s recommendation and the reports were adopted. For the Office of the Governor, the subcommittee concurs with the Governor’s recommendation with one adjustment. The subcommittee recommends deleting a total of \$171,226 from the State General Fund to achieve a 2.5 percent reduction. This would concur with the adopted reduction in the judicial branch. Action was delayed on this report.

On Thursday, February 25, one bill was introduced SB 558 (Sen. Taddiken, R-Clifton) concerns the Water Litigation Fund. The Committee continued its work on the FY 2011 budget. The Committee received the budget subcommittee recommendations for the Department of Education, the Department of Administration and continued work on the subcommittee reports for the Office of the Attorney General and the Office of the Governor. Senator Vratil presented the Department of Education report. The subcommittee concurred with the Governor’s recommendations with the following adjustments: Delete \$32.7 million, all from the State General Fund (SGF), in General State Aid for the Governor’s recommendation to increase Base State Aid Per Pupil \$50 in FY 2011; delete \$660,000, all from the State General Fund, for the discretionary grand program in 2011; and transfer \$660,000 from the State General Fund, to the State Safety Fund for the Driver’s Education program. Senator Teichman presented the Department of Administration report. The subcommittee concurred with the Governor’s recommendation with some adjustments: Delete \$150,000 from SGF for Gubernatorial Transition Team; and delete \$358,000 for longevity bonus payments.

The Committee heard SB 546, which concerns assessments of quality assurance fee on skilled nursing care facilities to improve quality of care. Four proponents, including Representative Bob Bethell (R-Alden) and Cindy Neighbor (D-Shawnee), testified that this would help to restore the 10 percent Medicaid cut and allow facilities to remain open. One opponent testified that the bill would tax his facility \$250,000. The hearing was continued on Friday, the 26th.

On Friday, February 26, two bills were introduced. SB (yet to be numbered) (Sen. Kultula, D-Kansas City) concerns rehabilitation of abandoned houses. SB (yet to be numbered) (Sen. Teichman, R-Stafford) concerns insurance related to privilege fees for HMOs. The Committee received the budget subcommittee recommendations on the Department of Social and Rehabilitation Services (SRS) Hospitals, State Conservation Commission, Kansas Water Office, and the Department of Wildlife and Parks. For the SRS hospitals, Sen. Schodorf (R-Wichita) presented the report. The report was deferred until clarifying information was provided. Sen. McGinn (R-Sedgwick) presented the reports on the State Conservation Commission, Kansas Water Office, and the Department of Wildlife and Parks. For the State Conservation Commission, the subcommittee concurred with the Governor's recommendation with an adjustment to delete \$18,288 from the motor pool fund and transfer that amount to the State General Fund (SGF) as part of the agency's 2.5 percent reduction. For the Kansas Water Office, the subcommittee concurred with the Governor's recommendation with an adjustment to delete \$46,447 from Water Supply Storage Assurance Fund, and transfer that amount to the SGF, as part of the agency's 2.5 percent reduction. For the Department of Wildlife and Parks the subcommittee concurred with the Governor's recommendation with an adjustment deleting \$527,244 from SGF as part of the agency's 2.5 percent reduction.

The hearing on SB 546 was reopened. Six proponents testified that this would help restore the 10 percent Medicaid cut. One neutral testified. Dr. Andrew Allison, Kansas Health Policy Authority (KHPA), testified that the Kansas Department on Aging (KDOA) is in a much better position to oversee the direct processes of charging and collecting the assessment. Three opponents testified that this bill is not the only way to resolve the crisis and they wish for the Legislature to find another solution. The hearing was closed. No further action on the bill has been scheduled at this time.

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