

Senator Jay Emler

Kansas Senate District 35



From the Desk of Jay Scott Emler

Week of March 8, 2010

Senate Bill 359 - Special Education

SB 359 amends the special education catastrophic state aid law by increasing the student eligibility amount from \$25,000 to twice the amount of state aid paid per special teacher in the preceding school year. The bill makes any federal or state special education aid a deduction in computing the entitlement under catastrophic aid. The bill would reduce state special education catastrophic aid from \$12 million in FY 2009 to \$2 million in FY 2010. **SB 359 passed 33 to 7** on Thursday, March 11.

Senate Bill 435 - Search Incident to Arrest

SB 435 repeals the statute which codified when a law enforcement officer may reasonably search a person incident to arrest. **SB 435 passed 39 to 1** on Thursday, March 11.

Senate Bill 454 - Alcoholic Beverage License Fees

SB 454 increases the term for licenses issued under the Liquor Control Act and the Club and Drinking Establishment Act from 12 months to 24 months. The bill increases the licensing fee to reflect the license extension but refunds would be provided to licensees for periods where a licensee was not in operation for reasons other than suspension or revocation. Also, the measure allows the Director of Alcoholic Beverage Control to extend the license term for up to 30 days past the expiration date of the license if the license renewal application is submitted at least 30 days before the expiration of the current license.

The bill prohibits license issuance if the applicant, at the time of application, does not have a written lease for the facility in which the license is sought. Persons who do not own or have a written license for the premises where license is sought must submit an executed agreement for providing alcoholic beverages at the facility unless the facility is owned by a city or county or is a stadium, arena, convention center, theater, museum, amphitheater or similar facility.

The bill would increase state revenues by \$2.1 million in FY 2011. **SB 454 passed 39 to 1** on Wednesday, March 10.

Senate Bill 480 - License Plate Regulation

SB 480 amends current law on the legibility of vehicle license plates by changing the violations from a misdemeanor to a traffic infraction for not keeping a license plate free from foreign materials or not having a clearly legible license plate. The bill also prohibits license plates from being covered with any material, including clear or opaque plastic-like material that affects the visibility, reflectivity or readability of relevant information on a license plate.

For one year after the bill's effective date, law enforcement officers would issue a warning citation for violating the provisions of the measure. **SB 480 passed 39 to 0** on Thursday, March 11.

Senate Bill 523 - Kansas Racketeer Influenced and Corrupt Organization Act

SB 523 creates the Kansas Racketeer Influenced and Corrupt Organization Act (Kansas RICO Act) by making it a crime to commit, attempt to commit, conspire to commit, solicit, coerce or intimidate another person to commit certain crimes. Violations would be a severity level 2, person felony and those convicted could be sentenced to pay a fine not exceeding three times the gross value gained or three times the loss of another person, whatever is greater. In addition, the bill requires violators to pay court, investigation and prosecution costs in addition to other penalties involved with the sentence. **SB 523 passed 38 to 1** on Thursday, March 11.

Senate Bill 559 - Kansas Taxpayer Transparency Act

SB 559 amends the Kansas Transparency Act by requiring the Department of Administration to include tax expenditures on the searchable website, KanView. The bill has no negative impact to the State General Fund. **SB 559 passed 40 to 0** on Wednesday, March 10.

House Bill 2364 - Court Business Days

HB 2364 amends the days courts are open for business by adding days where the court is not accessible. Current law has Saturday, Sunday and holidays as the days courts are not open for business. The bill has no negative impact to the State General Fund. **HB 2364 passed 40 to 0** on Wednesday, March 10.

House Bill 2415 - State Surplus Property

HB 2415 exempts state universities from being required to sell, trade or dispose of personal property owned by the institutions through State Surplus Property and gives the Board of Regents oversight of the process. **HB 2415 passed 40 to 0** on Wednesday, March 10.

House Bill 2418 - Carbon Dioxide Reduction Act

HB 2418 amends provisions of the Carbon Dioxide Reduction Act to prohibit the provisions from being imposed on the Kansas Corporation Commission (KCC), its employees or the state for responsibilities or damages resulting from carbon dioxide leaks or discharges from carbon dioxide injection wells or underground storage sites, except as permitted by the Kansas Tort Claims Act. The measure also allows the KCC to plug, replug, repair or remediate any carbon dioxide injection well or underground storage site in the event of an emergency. **HB 2418 passed 40 to 0** on Wednesday, March 10.

House Bill 2433 - State Agency Property Acquisition and Disposal

HB 2433 exempts all Regents institutions from state purchasing laws and regulations, including the Prison Made Goods Act, and exempts universities from statutes covering the procurement of professional services, negotiated procurement processes and the required use of the Division of Printing. However, universities are not exempt from procurement requirements regarding architectural, engineering, construction management or ancillary technical services.

In addition, the bill authorizes the Secretary of the Department of Corrections to sell prison-made goods to Kansas residents, businesses and state employees until June 30, 2013. **HB 2433 passed 39 to 1** on Wednesday, March 10.

House Bill 2435 - Criminal Solicitation

HB 2435 increases the penalties from a severity level 1, 2 or three to off-grid for attempting, conspiring or soliciting a sex crime when the offender is 18 years old or older and the victim is under 14 years of age for aggravated trafficking, rape, aggravated indecent liberties with a child, aggravated criminal sodomy, promoting prostitution and sexual exploitation of a child. The bill removes the current six month sentence reduction for attempted drug manufacturing and clarifies that any person convicted of two or more sexually violent crimes, regardless of whether or not the convictions are given on the same day, is a habitual sex offender subject to a mandatory life sentence without the possibility of parole.

The measure limits downward departures for certain sex offenses from the mandatory minimum sentence of 25 years and prohibits judges from giving a downward departure for crimes of extreme sexual violence to less than 50 percent of the average sentence range for such crime.

In addition, the bill amends the statute on terrorism and illegal use of weapons of mass destruction to provide that an attempt, conspiracy or criminal solicitation to commit the crime is an off-grid felony. **HB 2435 passed 40 to 0** on Thursday, March 11.

House Bill 2437 - Text Messaging and Primary Seat Belt Law

HB 2437 makes it unlawful for a person to use a handheld wireless communication device for text messaging or e-mail while driving. A first conviction for this offense would be a traffic offense and second or subsequent convictions are a class B misdemeanor. Persons convicted of text messaging or e-mailing while driving, who cause serious injury to another person would be guilty of a class A misdemeanor.

The bill does not include voice-operated or hands-free devices as a handheld wireless communication device nor does it include emergency, traffic or weather alert messages as a text message. In addition, the measure clarifies that it is not unlawful to activate or deactivate a feature of a voice-operated or hands-free device or unlawful to read, select and enter a telephone number or name in a handheld wireless communication device for the purpose of making or receiving a phone call.

The bill also requires each adult occupant of a passenger vehicle with manufactured safety belts to have a safety belt on when the car is in motion. Current law requires persons under the age of 18 and adults in the front seat to use safety belts. The bill makes not wearing a safety belt a primary offense allows law enforcement to stop a vehicle if an adult occupant is not wearing a safety belt. The measure also increases the fine for not wearing a safety belt from \$30 to \$60, including court costs. From the effective date until June 30, 2010, law enforcement would be required to issue a warning citation for not wearing a safety belt. After June 30, 2010, violators would be ticketed.

The bill contains the same provisions as SB 351 and SB 483 which both passed the Senate during the 2010 legislative session. **HB 2437 passed 27 to 12** on Thursday, March 11.

House Bill 2445 - Military Installations and Adjacent Areas

HB 2445 promotes communication and collaboration between military installations and municipalities adjacent to military installations by requiring each adjacent municipality and the military installation commander to meet at least once a year. The bill lists communication and collaboration requirements for military installations and municipalities and gives municipalities the power to make the final decision on all planning, development, zoning and land use issues.

The bill has no negative impact to the State General Fund. **HB 2445 passed 40 to 0** on Wednesday, March 10.

House Bill 2456 - Decedent's Will and Affidavit Filings

HB 2456 makes changes to probate law regarding the filing of a decedent's will and affidavit by clarifying that the "known" real and personal property in probate estate is of concern. The bill allows a will and affidavit to be filed if the decedent's probate estate contains no known real or personal property or if the value of the known real and personal property in the decedent's probate estate is less than the total of all known demands against the estate.

The bill has no negative impact to the State General Fund. **HB 2456 passed 40 to 0** on Thursday, March 11.

House Bill 2468 - Sex Offender Registration Requirements

HB 2468 amends the Kansas Offender Registration Act to require persons convicted of any attempt, conspiracy or criminal solicitation of certain sex crimes to register for life. The sex crimes that require lifetime registration are attempt, conspiracy or criminal solicitation to commit aggravated trafficking,

rape, sexual exploitation of a child, aggravated indecent liberties with a child, aggravated criminal sodomy and promoting prostitution if the prostitute is under 14 years of age. **HB 2468 passed 40 to 0** on Thursday, March 11.

House Bill 2492 - Kansas Automobile Injury Reparations Act

HB 2492 amends a provision in the Kansas Automobile Injury Reparations Act to require insurance companies to add the make and year of an insured vehicle to the list of information required on insurance identification cards. The bill has no negative impact to the State General Fund. **HB 2492 passed 40 to 0** on Wednesday, March 10.

House Bill 2540 - Municipal Bonds

HB 2540 modifies the General Bond Law by allowing the governing body of any municipality to invest the proceeds of issued bonds if the funds are not needed at the time. The bill clarifies that investments may be made in any direct obligation of the U.S. government or any federal agency, provided the obligation is unconditionally guaranteed by the U.S. government. The measure has no negative impact to the State General Fund. **HB 2540 passed 40 to 0** on Thursday, March 11.

House Bill 2547 - Vehicle Dealers and Manufacturers Licensing Act

HB 2547 amends the Vehicle Dealers and Manufacturers Licensing Act by prohibiting manufactures from stopping a dealer from acquiring, adding or maintaining another franchise and from making certain requirements of facilities if the requirements are unreasonable because of financial and economic conditions. The bill adds a presumption that a dealer's decision to add a franchise is reasonable and if there is a protest includes procedures for a hearing before the Director of Vehicles. Parties are required, in the measure, to participate in mediation if requested by either party and unless an agreement is reached, the mediation would be nonbinding. The measure requires manufacturers or distributors to approve or reject entire agreements to transfer or sell a franchise or dealership interest and the agreement could not be rejected because of provisions that operate in the future.

Other provisions in the bill include when franchise agreements are ended on a non-voluntary basis, manufacturers and distributors must pay the dealer costs related to computers and data process. The measure reduces the time to one year where a manufacturer or distributor may audit and charge back the amounts paid for promotions and other incentive payments and requires the claim to be presented to the dealer within 90 days after the audit is complete. Under the bill, manufacturers are prohibited from withdrawing money from a dealer's account while an audit or claim is under appeal.

The bill also changes the time where a newly purchased truck, truck tractor or any combination thereof could be operated under temporary registration conditions from 48 hours to 30 days. **HB 2547 passed 40 to 0** on Thursday, March 11.

House Bill 2552 - Midwest Interstate Passenger Rail Compact

HB 2552 enacts the Midwest Interstate Passenger Rail Compact for the purposes of promoting improvements to intercity passenger rail service in the region, to coordinate interaction among state on passenger rail issues, to promote development and implementation of long range plans for high speed passenger rail passenger service, to work with public and private sectors to ensure coordination and to support efforts of transportation agencies in developing and implementing passenger rail service. **HB 2552 passed 38 to 2** on Thursday, March 11.

House Bill 2555 - Highway Designation

HB 2555 designates a portion of K-14 in Harper County as the SFC David R. Berry/SGT WillSun M. Mock Memorial Highway. The bill requires the Secretary of Transportation to place suitable signs indicating the designation once sufficient money to cover the costs of sign placement and future maintenance has been received. **HB 2555 passed 40 to 0** on Wednesday, March 10.

House Bill 2584 - Optometry

HB 2584 allows optometrists to dispense ophthalmic lenses with medication evenly over any required time period. Under current law, optometrists can dispense no more than a 24 hour supply or medication in ophthalmic lenses. The bill has no negative impact to the State General Fund. *HB 2584 passed 39 to 0* on Thursday, March 11.

House Bill 2608 - Annual Assessment of Financial Institutions

HB 2608 amends provisions in the state Banking Code that governs the assessment on state-chartered banks and trust companies to specify assessments may be collected by the Bank Commissioner in installment periods as necessary and as deemed appropriate by the Commissioner. The bill also specifies that when an assessment invoice has been issued by the Commissioner the payment is due within 15 days of the invoice date and allows the Commissioner to impose a penalty on the assessment when the payment is 15 days or more past due. Current law establishes the penalty at \$50 per day.

The measure also provides for reimbursement to the Office of the State Bank Commissioner for the amount of expenses incurred and for services performed by the agency on the account of any bank, trust department, trust company or other corporation which are outside the normal examination expenses. The bill also specifies the requirements for assessment payments where a merger, consolidation or purchase and assumption has occurred by basing the assessment value on the assets of all the institutions involved with the merger, consolidation or purchase. *HB 2608 passed 40 to 0* on Thursday, March 11.

House Bill 2609 - Amendments to the Banking Code

HB 2609 amends a provision of the Banking Code that governs the general powers of state chartered banks by allowing banks to purchase and hold life insurance policies in a manner consistent with the parameters in the Interagency Statement of the Purchase and Risk Management of Life Insurance Letter 127-2004. Current limitations are on the cash surrender value of a life insurance policy and the bill places limitations on the cash surrender valued in the aggregate from all companies. The limitations do not apply to policies in place before July 1, 1993.

Also, the bill amends a provision that allows banks to subscribe to, buy and own stock in state or federally chartered bankers' banks and allows banks to invest in bankers' banks organized under the laws of the federal government, State of Kansas or other state. The bill has no negative impact to the State General Fund. *HB 2609 passed 40 to 0* on Wednesday, March 10.

House Bill 2619 - Nurse Anesthetists

HB 2619 changes current law to allow registered nurse anesthetists (RNAs) who are members of a physician or dentist health care team to order or administer appropriate medication and anesthetic agents necessary to implement anesthesia plans of pre and post analgesia and during the peri or pre anesthetic period upon the order of a physician or dentist. The bill also allows RNAs to order necessary medications and tests in the peri-anesthetic or peri-analgesic period. The measure has no negative impact to the State General Fund. *HB 2619 passed 40 to 0* on Thursday, March 11.

House Bill 2652 - Kelsey Smith Act and Underground Utility Damage Prevention Act

HB 2652 amends the Kelsey Smith Act by requiring all wireless telecommunications carriers registered for business in Kansas and all resellers of wireless telecommunication services to submit emergency contact information to the Kansas Bureau of Investigation (KBI). Under the measure, carriers must submit information annually by June 15 or immediately upon any change to emergency contact information and the KBI must maintain a database containing the emergency contact information and make it immediately available at the request of public safety points in Kansas.

The measure also amends the Underground Utility Damage Prevention Act by stating an excavator would not be responsible for damages to underground facilities of a municipality that opts out, by charter ordinance, of the Act unless the excavator is found guilty of gross and wanton negligence that caused damage or injury.

The changes in this bill take effect upon publication in the Kansas Register. *HB 2652 passed 38 to 0* on Thursday, March 11.

Education

The Senate Education Committee held hearings, this week, on HB 2595 concerning students residing outside school districts and HB 2601 pertaining to high density at-risk pupil weighting. Hearings were also held on SB 557 regarding professional employees of schools and SB 539 on revising school finance law. The committee voted to favorably pass out HB 2595 and SB 385 regarding the Temporary Education Economic Recovery Act. Both bills are now up for consideration by the Senate.

Local Government

This week the Senate Local Government Committee held hearings on HB 2471 pertaining to strip annexation, HB 2478 regarding county approval of certain annexations, SB 561 concerning rehabilitation of abandoned houses and HB 2029 on annexation procedures. The committee continued to discuss SB 470 and HB 2472 both dealing with the Kansas Uniform Common Interest Owners Bill of Rights. The committee voted to favorably pass HB 2472 out of committee and it is now up for consideration by the Senate.

Natural Resources

The Senate Natural Resources Committee met to hold hearings on SB 553 concerning the recovery of migrating natural gas and SR 1809 pertaining to the opposition to the United States Environmental Protection Agency's greenhouse gas regulation by rulemaking. Hearings were also held on SCR 1623 which urges Congress to exempt the Flint Hills tallgrass prairie from any U.S. EPA smoke management plans, HB 2434 on renaming state parks and HB 2638 regarding the law enforcement powers of the Horse Thief Reservoir Water District employees.

Public Health and Welfare

The Senate Public Health and Welfare Committee held hearings on HB 2584 on optometrists dispensing medication and lenses, HB 2448 regarding pharmacists, HB 2577 concerning the Addictions Counselor Licensure Act and HB 2619 pertaining to the duties of nurse anesthetists duties. Hearings were also held on Sub HB 2575 on the Naturopathic Doctors Licensure Act and SB 509 pertaining to the establishment of the Women's Health and Embryo Monitoring Program Act.

The committee voted to favorably pass SB 447 regarding the supervision of children and licensing and inspection of child care facilities, HB 2584, HB 2619 and HB 2575. HB 2575 and SB 447 are now up for consideration by the Senate and HB 2584 and HB 2619 passed the Senate 39 to 0 and 40 to 0, respectively.

Transportation

This week the Senate Transportation Committee held hearings on HB 2552 regarding the Midwest Interstate Passenger Rail Compact, HB 2561 on allowing transit buses to operate on the right shoulder of certain highways and HB 2660 concerning recreational off-highway vehicles. Hearings were also held on HB 2482 pertaining to the expiration and renewal of drivers' licenses, HB 2485 concerning the time period increase for audits of certain motor carriers, SB 498 regarding the financing of the Transportation Works for Kansas Program and SB 515 on imposing a sales tax on motor vehicle fuels for the Transportation Works for Kansas Program.

The committee voted to favorably pass SB 480 regarding license plates, HB 2437 concerning banning text messaging while driving and primary seat belt law, HB 2547 pertaining to the Vehicle Dealers and Manufacturers Licensing Act, HB 2552, HB 2660, HB 2485, HB 2482. The following bills went on to pass the Senate: SB 480, HB 2437, HB 2547 and HB 2552. Up for consideration by the Senate is HB 2660, HB 2485 and HB 2482.

Utilities

In the Senate Utilities Committee, this week, Heather Starnes of Little Rock, Arkansas, appeared before the committee to present on the Southwest Power Pool and Mike Shepherd with Babcock and Wilcox Modular Nuclear Energy, LLC also appeared before the committee to present on the Modular Nuclear Power Plants. The committee also held a confirmation hearing on the appointment of Ward E. Loyd as Commissioner of the Kansas Corporation Commission.

The committee voted to favorably pass out HB 2652 regarding the Kelsey Smith Act, the appointment of Ward Loyd, and SB 543 concerning the authorization of certain programs. HB 2652 passed the Senate 38 to 0 and SB 543 is now up for consideration by the Senate.

Senate Ways and Means Committee Update

On Monday, March 8 one bill was introduced. SB 571 Sen. Taddiken (R-Clifton) concerns increasing fees for the Animal Health Department. The Committee continued its work on the FY 2011 budget. The Committee heard the subcommittee recommendations on the Department of Agriculture, Animal Health Department, Kansas State Fair, Kansas Department on Aging (KDOA), and the Kansas Guardianship Program. Sen. Taddiken presented the reports on the Department of Agriculture, Animal Health Department, and the Kansas State Fair. For the Department of Agriculture, the subcommittee concurs with the Governor's FY 2011 recommendation with some adjustments. Delete \$233,797 from the State General Fund to reduce the agency's FY 2011 State General Fund budget by 2.5 percent. The subcommittee also recommended introduction of legislation that would create a lodging inspection fee that would allow the agency to inspect lodging facilities on a regular basis (SB 570). For the Animal Health Department, the subcommittee concurs with the Governor's FY 2011 budget with some adjustments. Delete \$19,618 from the State General Fund, to reduce the agency's SGF budget by 2.5 percent. For the Kansas State Fair, the subcommittee concurs with the Governor's FY 2011 recommendation. For the Department on Aging, the subcommittee concurs with the Governor's recommendation with some adjustments. Delete \$8,561,130 from the State General Fund, to achieve a 2.5 percent reduction. For the Kansas Guardianship Program, the subcommittee concurs with the Governor's recommendation with some adjustments. Delete \$32,513 from the State General Fund to reduce the budget by 2.5 percent. An amendment to review the report at Omnibus was adopted. For the Kansas Commission on Veterans' Affairs, the Committee adopted the budget for FY2010. All of the subcommittee reports were adopted.

A hearing on HB 2239, a bill concerning a uniform accounting system for the recording and reporting of receipts and expenditures of school districts, was held. Rep. Lana Gordon (R-Topeka) testified in support of the bill, stating that the bill would provide more clarity and a more accurate picture of school district expenditures. Mark Dick, Executive Vice-President, Allen, Gibbs and Houlik, L.C. gave neutral testimony that HB 2239 needs more clarity as to what data is being measured. Diane Gjerstad, Wichita Public Schools, testified in opposition to the bill stating that this information can be found on the Kansas Department of Education website. The hearing was closed. A hearing on SB 562 was held. The bill concerns assessments of waiver provider fee on providers of certain home and community based services. The proponents of the bill testified that it would provide short-term relief to the underfunding of waiver programs. This legislation would not be eligible for federal matching funds through the Medicaid program. The hearing was closed.

On Tuesday, March 9, three bills were introduced. SB 568 (Secretary Goossen) places a moratorium on death and disability payments for the last quarter of FY 2010. SB 569 Sen. Vratil (R-Leawood) increases the tax on alcoholic and cereal malt beverages. SB 567 (Sen. Vratil) placing a tax on sweetened beverages or concentrated sugar beverages. The Committee held a hearing on HB 2280. The bill concerns school districts and capital improvement and capital outlay. This bill would reduce state aid on Capital Outlay bonds from 25 percent to 15 percent. Rep. Clay Aurand (R-Courtland) testified that this bill would save the state money. Several opponents testified that the bill could affect the bond market, place a bigger burden on taxpayers, and hurt the construction industry. The hearing was closed.

The Committee continued its work on the FY 2011 budget. The Committee heard reports on the Kansas Department of Commerce, Kansas Technology Enterprise Corporation (KTEC), Fee Boards, Kansas Public Employees Retirement System (KPERs) Issues, the Legislature, Legislative Coordinating Council,

Legislative Research Department, The Revisor of Statutes and the State Treasurer. Sen. Masterson (R-Andover) presented the reports on the Kansas Department of Commerce, KTEC, Kansas Inc., and the Fee Boards. The subcommittee concurred with the Governor's Recommendation on all of the reports and they were adopted by the Committee. The Board of Pharmacy report was amended to add \$50,000 in expenditures from its Fee Fund for licensing software. KPERS Issues was presented by Sen. Teichman (R-Stafford). The subcommittee heard testimony on SB 527. The bill would allow the agency to deduct up to \$3,000 to pay health and long-term care insurance premiums for retired public safety officers. No action was taken on the bill. Sen. Emler presented the reports on the Legislature, Legislative Coordinating Council, Legislative Research Department, and Revisor of Statutes. For the Legislature, the subcommittee concurred with the Governor's recommendation with some adjustments: delete \$125,000 from State General Fund to limit legislator postage; delete \$97,100 from the State General Fund to limit all interim joint committee and special committees; delete \$66,399 all from the State General Fund to eliminate file Clerks; Delete \$62,775 from the State General Fund to limit distribution of new Statute books to only new legislators; delete \$61,098 from the State General Fund to eliminate newspaper clippers and newspaper subscriptions; delete \$33,702 from the State General Fund to eliminate the distribution of permanent journals to legislatures; and continue the 5 percent salary reduction to salaried officers of the state as contained in Senate Sub. for HB 2222. For the Legislative Coordinating Council, Legislative Research Department, and Revisor of Statutes, the subcommittee concurred with the Governor's recommendation. All of the reports were adopted. The subcommittee recommendation on the State Treasurer was reopened. The report was amended to include a payment plan for the counties that were underpaid by the Special City County Highway Fund. The report was adopted as amended.

On Wednesday, March 10, one bill was introduced. SB 572 concerns distribution of Senate journals. The Committee continued its work on the FY 2011 budget. The Committee heard reports on the Kansas Department of Labor, School for the Blind, School for the Deaf, Capital Improvements, Legislative Division of Post Audit, and Board of Nursing. Sen. Apple (R-Louisburg) presented the reports for the Kansas Department of Labor and the Schools for the Deaf and the Blind. For the Kansas Department of Labor, the subcommittee concurred with the Governor's recommendation with an adjustment to delete \$11,172 from the State General Fund to achieve a 2.5 percent reduction. For the School For the Blind the subcommittee concurred with the Governor's recommendation with an adjustment to delete \$211,799 from the State General Fund to achieve a 2.5 percent reduction. For the School for the Deaf, the subcommittee concurred with the Governor's recommendation with an adjustment to delete \$313,905 to achieve a 2.5 percent reduction from the State General Fund. All three reports were adopted. Sen. Umbarger (R-Thayer) presented the report for Capital Improvements. The subcommittee concurs with the Governor's recommendation with some adjustments: Fort Hays State University, add \$635,100 from special revenues funds for deferred maintenance; Adjutant General, add \$459,357 from the State General Fund, to the National Guard Museum Assistance Fund in FY 2010; the Department of Administration, delete \$69,336 all from State General Fund to achieve a reduction of 2.5 percent. The report was adopted. Sen. Emler presented the report on the Legislative Division of Post Audit. The Subcommittee concurred with the Governor's recommendation with some adjustments. Delete \$210,208 from the State General Fund and 5.0 FTE positions to eliminate the School District audit team and delete \$210,425 from the State General Fund and add language to allow Post Audit the ability to pass the cost to the state agencies for the single statewide audit. The report was adopted. Sen. Masterson presented the report on the Board of Nursing. The report was adopted. A hearing on HB 2631 was held. The bill requires state agencies to report to both the House and Senate the location of property the agency owns with the exception the Kansas Department of Transportation. Rep. Sheryl Spalding (R-Overland Park) testified in favor of the bill. She stated that there is underused property in the state and the state needs to know where it is. Vicky Johnson, Chief Counsel, KDOT testified on why KDOT is exempt from this bill. The hearing was closed. The hearing for SB 564 was held. The bill concerns KPERS, increasing employee and employer contributions and the benefit multiplier. Glenn Deck, KPERS, testified that if this bill was not enacted, KPERS will be severely compromised. Terry Forsyth, Kansas National Education Association, and Ron Gardner, Kansas Coalition of Public Retirees, gave neutral testimony on the bill. Gardner testified that the bill had good qualities, but feels that the legislation should include a cost of living adjustment (COLA) for retirees. Jane Carter, Kansas Organization of State Employees, testified against SB 564 stating that Kansas's employees are severely underpaid compared to other states and simply cannot afford the increase in employee contribution. The hearing was closed.

On Thursday March 11, one new bill was introduced. SB 576 concerns campaign finance and would not allow elected officials to appear in a public service announcement 30 days prior to an election. The Committee continued its work on the FY 2011 budget and received reports on the State Hospitals,

Kansas Health Policy Authority (KHPA) and the Department of Social and Rehabilitation Services (SRS). Sen. Schodorf (R-Wichita) presented the reports for the State Hospitals. For Larned, Osawatomie, and Rainbow, the subcommittee concurred with the Governor's recommendations with some adjustments. The subcommittee recommends that all three hospitals review vacant FTE positions and shrinkage requirements. For the Kansas Neurological Institute and Parsons State Hospital Training Center, the subcommittee concurred with the Governor's recommendation. The reports for the State Hospitals were adopted. Sen. McGinn (R-Sedgwick) presented the reports on KHPA and SRS. For KHPA, the subcommittee concurred with the Governor's recommendation with some adjustments. The subcommittee recommends deleting funding in certain programs to reduce the agency's State General Fund. Some of the areas reduced are salaries, hospice services and MediKan. Most of the reductions are to be reviewed at Omnibus to determine if any funding can be restored. For SRS, the subcommittee concurred with the Governor's recommendation with some adjustments. Reductions in funding were made to several programs to reduce State General Fund. The areas affected include: salaries, General Assistance payments, home and community based services, funeral assistance program, mental health state aid, developmental disabilities state aid and the Children's Initiatives Fund. A total of \$51,303,200 was reduced from SRS and KHPA, achieving a 2.5 percent reduction of State General Fund.

On Friday March 12, two bills were introduced. SB, yet to be determined, (Sen. Vratil, R-Leawood) concerns the publication of reports from the Kansas Court of Appeals and Kansas Supreme Court. SB, yet to be determined, (Sen. Umbarger, R-Thayer) concerns certificates of title. The Committee finished its work on the FY 2011 budget by holding hearings on SB 555, concerning appropriations for FY 2011 and FY 2012 for capital improvements for various state agencies, and SB 556, concerning appropriations for FY 2010 through FY 2017 for various state agencies. Several amendments were adopted, including: eliminating \$8.5 million for under market salary adjustments set aside by the Governor, adopting the Governor's proposal to cancel \$87 million for highway maintenance programs in KDOT to achieve \$28 million in savings to the State General Fund. Additionally, the Committee spread the \$12 million reduction in SRS Children's Initiatives Fund between SRS and the Department of Education. The bills were placed into Senate Sub. for HB 2631. The bill was passed out favorably.

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