



Senator Jay Emler

Kansas Senate District 35

Thoughts from the Capitol

February 18, 2002

Jay Scott Emler, Kansas State Senator, 35th District

'Tis the Season for Tax Assistance

Kansas Department of Revenue (KDOR) has established tax assistance programs for Kansans. The following details two such programs. For more information, log on to www.accesskansas.org and go to the KDOR's web page.

Volunteer Income Tax Assistance (VITA)

Individuals trying to complete their federal and state tax returns can get free assistance from volunteers in Topeka. The free tax preparation assistance is a partnership of the Kansas Department of Revenue and the Internal Revenue Service's VITA (Volunteer Income Tax Assistance) program.

This service is available in Room 158 of the Docking State Office Building, 915 S. W. Harrison Street. Hours are 9 a.m. to 3 p.m. weekdays. Volunteers are available through April 15.

Nearby in Room 150, the Taxpayer Assistance Center staff can help with Kansas income tax returns including food sales tax refunds and homestead claims. The Assistance Center is open from 7 a.m. to 5:45 p.m. weekdays throughout the year.

Both operations are equipped to file returns electronically, and no appointments are necessary. For more information, call the Assistance Center, toll-free 1-800-526-7738.

Kansas Tax Incentives

Most states provide some type of tax incentive, whether in the form of credits or exemptions for the construction of a new building, the improvement of an existing building or the hiring of new employees. Kansas's law includes a variety of tax incentives for the average business or individual. Such incentives include tax credits, exemption from sales tax, and property tax abatements and refunds.

To educate Kansas's citizens about their state's incentives, the Kansas Department of Revenue has established an outreach program. The department visits with cities, counties, chambers, businesses and other groups to promote the Kansas's tax incentives.

For more information on the outreach program or to schedule a visit, contact Kathleen Smith at (785) 296-3070 or by e-mail: kathleen_smith@kdor.state.ks.us.

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Utilities Committee

The Senate Utilities Committee recently passed SCR 1618, urging the Congress of the United States to open certain areas of the Arctic National Wildlife Refuge (ANWR) to oil and gas production. The Alaska National Interest Lands Conservation Act of 1980 prohibited oil and gas exploration and any production on the area of ANWR until authorized by Congress. After five years of biological and geological studies, the United States Department of the Interior recommended that Congress authorize the leasing of the Arctic Coastal Plain area of ANWR for oil and gas exploration and production. A survey by the United States Geological Survey estimates a total recoverable oil resource to be between 4.3 and 11.8 billion barrels, with a mean value of 7.7 billion barrels. In addition, the development of the oil and gas resources of the Arctic Coastal Plain area of ANWR would also reduce the dependence on foreign oil.

Commerce Committee

Protection Against "SPAM" (Unwanted Electronic Mail Messages)

The Senate Commerce Committee recently held a hearing on SB 467 which would protect Kansans from deceptive and unwanted commercial e-mail, or "spam." The term "spam" refers to unsolicited bulk e-mail, or "junk" e-mail. Highlights of the bill's provisions include: making it illegal to fraudulently identify or forge headers and return addresses; prohibiting false or misleading information in the subject line; requiring the subject line of bulk e-mails to contain "ADV:" as the first four characters to advise the recipient that it is advertising material; and requiring the subject line to read "ADV:ADLT" as the first eight characters when the message contains advertising for adult material. SB 467 is modeled primarily after similar statutes already in place in Washington and California.

Financial Institutions and Insurance

The Senate Financial Institutions and Insurance Committee recently held a hearing on Senate Bill 469 which would set conditions for local government participants in the state's health care benefits program. Participation would be conditioned on the following: at least 70% of the local government employees must participate in the state health care plan; the amount of the premium paid as the employer's share must be equal to the amount the state pays for its employees; the local government must not create, maintain or permit any exemption from participation in the state health care plan for its employees; and the rate charged to the local agency must be sufficient to pay for any administrative or underwriting costs incurred by the State Health Care Commission. These conditions are similar to the underwriting criteria established for voluntary entry of school districts into the state's health care plan.

Federal and State Affairs

The Senate Committee on Federal and State Affairs passed out of committee SB 407 requiring the registration of keg sales. The goal of keg registration is to reduce high risk and

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underage drinking. The bill requires any beer container with the capacity of four or more gallons to be affixed with a keg identification number to uniquely identify the container and the purchaser. Each record shall be kept for a period of six months or until the keg is returned. These confidential records are to be used only in official investigations. Retailers will not be held liable for actions of the keg contents once a legal sale is made; therefore, liability lies in the hands of the purchaser.

Senate Action

The Senate passed SB 377 requiring health care providers to provide copies of health care records to a patient or a patient's authorized representative within 30 days of receipt of an authorized request. In the case that copies of the records are unavailable, the health care provider would have to contact the patient or the patient's representative with an explanation. Health care providers could charge no more than a \$15 handling or service fee and \$.35 per page fee for records duplicated on a standard photocopy machine. The bill passed with a 34 to 6 vote.

SB 473, which changes the name of Toronto state park to Cross Timbers state park at Toronto Lake, passed the Senate on a vote of 40 to 0. Cross Timbers refers to post oak and blackjack oak-dominated forests. They form the transition zone between the upland deciduous forests of the East and the grasslands of the southern Great Plains. Some of the trees date back to the 1700's. The name change was proposed for the purpose of recognizing the unique forest ecosystem and to better market the area to visitors and tourists.

The Senate also passed SB 95 enacting the interstate compact for adult offenders. Essentially, the bill enables Kansas to participate in establishing rules and regulations for tracking adult offenders when they move across state lines. Currently, there are no requirements that one state notify another state when an offender moves. An interstate compact would require notification, thus helping to ensure tracking of any adult offenders moving into the state of Kansas and improving public safety for Kansans.

From The Senate Education Committee

The Senate Education Committee has been briefed on where Kansas' educational goals stand in relation to President George W. Bush's "Goals 2001: No Child Left Behind." On every front, Kansas seems to be directly in line with the President's goals. In some areas, Kansas is paving the way. The challenge the state faces with both sets of goals is they require additional funding in order for those goals to be met. While there is an understanding of the importance of educating all children to bring out the best in each student, the debate continues on how to pay for increases in the cost of education, especially in times of financial difficulties. Three bills passed out of the Senate Education Committee that begin to help individuals and schools overcome financial challenges.

In an attempt to address the post-secondary education finance challenges, the Senate Education Committee passed SB 403 loosening restrictions on Kansas's Learning Quest, a post-secondary education savings program. The changes would include allowing any person

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to contribute to a post-secondary education savings account; under certain circumstances, all monies in an account would be exempt from creditors' claims after two years; the waiting period for a person to make an educational withdrawal after establishing the account will be changed from the existing 24 months to 12 months; finally, the 10% penalty levied by the state on withdrawal of non-qualified funds will be waived. The effective date of this bill, should it pass, is January 1, 2002.

To help local school districts, SB 409 was passed. The bill loosens regulations governing how local school boards can use their contingency reserve funds. SB 409 will allow those school districts that have money reserved in the contingency reserve fund to use this money to help with any budget shortfalls they may face in the near future.

Finally, the committee passed SB 393 allowing the teacher service scholarship fund to increase the number of scholarships allowed to be awarded from the fund. This bill was passed to try to recruit more students to the education field, especially in those areas experiencing a shortage of expertise. Over 30% of the present teachers will be eligible for retirement in the next ten years. SB 393 will begin to address this future problem

Two other bills that had hearings, but have not been worked, are SB 503 and SB 442. 503 would allow districts to pay utility bills from the capital outlay fund. 442 would allow districts to impose taxes to pay for health insurance. While both of these are admirable objectives, districts with high capital outlay funds and high property valuations would be able to do far more than most rural districts. This would, I believe, create more disparity between districts, not less. We need a solution that applies uniformly to all districts.

Finally, the Committee met the three Milliken Family Foundation Award winners. They are: Amy Murphy, Blue Valley; Mike Ford, Holton; and Jada Holmeier, DeSoto.

I appreciate hearing from you. There are three convenient ways to contact me. You may write to me at:

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State Capitol Building, Room 128-S
Topeka, Kansas 66612.

Or, you may call me at:
785.296.7354.

Or, you may e-mail me at:
emler@senate.state.ks.us.

For those of you who want to write to me at my McPherson office or home, feel free to do so. It takes me a little longer, however, to respond because the letters and e-mail are forwarded to my Topeka office.