

Senator Jay Emler

Kansas Senate District 35

Thoughts from the Capitol

March 25, 2002

Jay Scott Emler, Kansas State Senator, 35th District

Commerce Committee

The Senate Commerce Committee spent much of its time this past week working on legislation that would provide a mechanism for Johnson County to maintain control over approximately 9000 acres that was formerly the Sunflower Army Ammunition Plant. By week's end, the Committee had passed out a revised bill that will, hopefully, keep the state's liability for hazardous material cleanup at a bare minimum and will require any person or entity, including Johnson County, that exposes the state to some liability to reimburse the state for any costs the state incurs.

During the coming week, the Committee will hold hearings on a rural telecommunications bill and again attempt to find a funding mechanism for KAN-ED.

Utilities Committee

Rural Kansas Self-help Gas Act

A bill having the potential to help many Kansas farmers gain access to gas lines passed the Senate 24 - 15. The bill was requested and designed to allow Kansans living in rural areas to help themselves by constructing the pipeline infrastructure, at their own risk and expense, required to access firm gas service. In the past, rural Kansans have experienced a number of difficulties when attempting to work with certificated providers, some to the extent that they cannot acquire the gas service they need to irrigate. SB 547 would permit a rural gas user to construct a pipeline connection to a gas supply system without becoming a "public utility" if the certificated provider did not meet certain guidelines.

The bill allows an existing gas service utility 30 days after notification to develop plans and propose an offer to the potential rural gas user for providing rural gas service. The proposed plan would include plans for installing facilities, price of natural gas, and projected completion date. Failure of the existing gas service utility to propose an offer deemed reasonable by the Kansas Corporation Commission (KCC) within 30 days of receipt of the proposal, or failure to complete the project by the projected completion date would cause the existing gas service utility to waive its exclusive right to serve the rural user. If the rural gas service is provided within an area where a public utility holds a certificate, the rural gas user or its gas provider would first notify the existing gas service utility of their intent to provide rural gas service. Under the bill a "rural gas user" would mean any person currently using natural gas from a wellhead or gathering facility for agricultural purposes on property they own, lease, or operate that is located outside city limits and not presently receiving gas service from an existing gas service utility. The intent of the bill is to ensure rural gas users access to gas within a reasonable amount of time at a reasonable cost. SB 547 now goes to the House Utilities committee.

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Education Committee

The Education Committee held hearings on a bill that will permit a retired teacher to return to the school district from which he or she retired and continue to be employed on a contractual basis. At the present time, there is a maximum of \$15,000 that the retired teacher is permitted to receive from KPERS, the retirement fund. With this legislation, the cap would be removed. The Committee amended the bill to include administrators. The bill has a sunset provision and only applies to hard-to-fill positions.

Other Actions of Interest

Consumer Protection from Natural Gas Price Hikes

Beginning January 1, 2003 natural gas provided to residential premises for noncommercial use and agricultural use would be exempt from local sales taxation if SB 471 becomes law. Local governing bodies would instead be authorized to impose a new excise tax of up to 10 cents per mcf on the volume of natural gas consumed. In this manner, local units of government could replace lost sales tax revenues in a revenue-neutral fashion; and the volumetric excise tax in lieu of the gross receipts sales tax would help protect residential consumers from future natural gas price spikes such as the one that occurred during the winter of 2000-2001. The Senate passed SB 471 with a vote of 38 - 2. The bill now goes to the House for further consideration.

Reduced Costs for the State on Personalized License Plates

Currently, Kansans wanting to purchase personalized license plates are required to display two plates, one on the front and one on the rear of the vehicle. In addition, registration decals must be issued for both plates. HB 2675 would give Kansans the option of displaying a plate on the front of the vehicle instead of requiring it, and no registration decal will be issued for the plate displayed on the front of the vehicle. HB 2675 would save the state money on production of plates and registration decals. The bill passed the Senate 38 - 2.

Counties Given Alternatives to Recoup Medical Costs

County governments are responsible for paying medical expenses of prisoners held in county jails if the prisoner cannot pay for these expenses. After a 2000 Court of Appeals case, counties began seeking legal ways to recoup these costs. HB 2630 provides two alternatives for counties to gain reimbursement for medical expenses of prisoners. First, the county may seek reimbursement of such expenses from the prisoner during and after imprisonment. Second, counties may be able to collect reimbursement from insurance companies. The bill requires that all individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a profit or nonprofit corporation and all contracts issued by health maintenance organizations organized or authorized to transact business in this state shall provide that the health insurance benefits applicable for covered persons shall be payable



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with respect to such covered persons who are in the custody of any county held as a prisoner within such county. HB 2630 passed the Senate 40 - 0.

No-call list

Legislation passed the Senate that would provide for a no-call list that is more than voluntary, but, in my opinion, the bill still needs some work. I am concerned that the legislation, as passed, will not achieve the goal of having an enforceable no-call list. There will probably be a conference committee appointed to work out the differences between the Senate and House versions.

Redistricting

Games continue to be played about how the Senate districts will be changed. Unfortunately, the 35th district is right in the middle of the state and almost every time one of the other districts changes, it impacts the boundaries of the 35th. A map should be forthcoming the first of this week.

No action has been taken on Congressional redistricting, other than the two bills that are currently on General Orders for debate.

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

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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.