



# Capitol Briefing



**My Committees**  
Taxation  
Transportation  
Economic Dev &  
Tourism

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## Session News

**The sixth week of the 2008 legislative session brought much needed action to the House floor.** On Monday, the House spent three hours debating House Substitute for Senate Bill 327, also known as the energy bill. The legislation formally passed on Tuesday with a 77-45 vote. I included more specific information about the bill below. Though it is far from over, I am encouraged that the first round of this debate is complete. The House calendar is now open for other urgent issues, though I remained concerned that a full debate on health care or education funding has yet to make the schedule.

On another note, several legislators and staffers around the Capitol spent time home sick this week as a wave of influenza swept across the state. Though flu season is nearing its end, it is currently at its peak and even impacting those who received flu shots. I urge you to take steps to protect you and your family from illness. If you do experience flu-like symptoms, please stay home to allow yourself proper time to recover and prevent the illness from spreading to others. For more information on how to avoid the flu bug, visit <http://www.kdheks.gov/flu>.

**The House formally debated the highly publicized energy bill this week, House Substitute for Senate Bill 327.** Though the legislation was officially approved at a 77-45 vote, this debate is far from over. The bill still awaits review from a joint House and Senate conference committee and requires signature from the Governor. Additionally, litigation between utility companies and the state regarding the original Holcomb decision is still pending. However, the debate this week did begin what needs to be a long-term discussion about Kansas' energy policy.

### ***AT A GLANCE: WEEK SIX OF THE ENERGY DEBATE***

#### **The House Bill:**

The House tentatively voted to approve House Substitute for Senate Bill 327. After three hours of debate, six amendments were offered to the bill. Among them was an amendment by Rep. Vaughn Flora, D-Topeka, to require new coal plants to lower the amount of mercury in smoke stack emissions, which is one of the harmful byproducts of burning coal. With the absence of federal guidelines limiting mercury emissions, the Flora Amendment represents the first real regulation of mercury emissions from Kansas coal plants. Another amendment to the bill would require Kansas utilities to generate at least 5% of their energy from renewable sources by 2012. This would increase to 10% by 2020. Rep. Pat Colloton, R-Leawood, proposed imposing rules on utilities that build new power plants. They would have either had to have limited CO<sub>2</sub> from their new plants; reduced emissions from other, existing plants, or invested in conservation programs or wind farms and other renewable resources. The vote was 66-49 against and the amendment was lost.

Opponents of the bill were particularly concerned with an amendment added that would more completely strip the Secretary of the Kansas Department of Health and Environment of his authority to regulate carbon emissions and deny permits based on those regulations. Furthermore they argued that the final bill had removed many of the conservation measures for public building construction originally included in the bill.

#### **The Governor's Response:**

Governor Kathleen Sebelius called the House bill "unfortunate", citing strong concerns that neither the House nor Senate bills took strong enough action to protect the environment or mitigate carbon dioxide emissions.

#### **The Next Step:**

The bill will now go to a joint House and Senate conference committee for final amendments, and then to the Governor for her signature or veto, if the conference committee report passes both Houses. Several lawmakers do not expect the Governor to sign the bill, though it remains unclear if enough votes exist to override a possible veto. Two-thirds of both houses are needed to override a veto. In the House, that's 83 votes.

**House Committee Considers Housing Grant Proposal.** In addition to a market slump, unstable mortgage lenders and skyrocketing foreclosure rates, natural disasters significantly contributed to a statewide housing crisis in Kansas in 2007. A deficit of available and affordable housing- both in tornado-ravaged Greensburg and flood-damaged Southeast Kansas- remains a huge concern to citizens of those communities and to lawmakers. This week, the House Economic Development and Tourism committee heard testimony regarding House Bill 2712, which would enact a statewide housing grant program.

House Bill 2712 mirrors a similar piece of legislation passed in the Senate last month, offering housing grants valued at \$4 million a year over the next three years to federally declared disaster areas. The assistance could apply to rebuilding housing or related infrastructure. Local officials would be required to match up to 10 percent of grants for infrastructure and 50 percent for other projects. After three years, the program would expand statewide and other communities across Kansas would be eligible to apply for housing development assistance.

To fully recover from 2007 natural disasters, lawmakers must take action to meet the growing need for affordable housing in Kansas. Housing development directly links to economic stability: the more homes that are available, the more businesses will develop in rural communities to offer steady jobs and incentives for long-term residency. Though some lawmakers harbor concerns regarding state spending, waiting to address housing needs in disaster-ridden areas will only further delay the recovery of impacted communities- and of the state- and increase costs in the long run. Housing availability remains the number one hurdle in disaster recovery and must be addressed during the 2008 legislative session.

**After 20 years with no increases, the possibility of increasing Kansas' minimum wage received due attention this week in the Capitol.** The Senate Commerce Committee held its first hearing on the matter, debating Senate Bill 466. The Senate proposal, sponsored by Sen. Roger Reitz, R-Manhattan, would raise the state's minimum wage from \$2.65, the lowest in the country, to \$6.55 per hour beginning August 2008. This would precede another wage boost in August 2009 from \$6.55 to \$7.25 per hour, making Kansas minimum wage equal to federal standards.

Proponents of a minimum wage increase argue that 19,000 Kansans currently work for less than the federal minimum wage. Those Kansans struggle to provide food and shelter for their families, making this a moral issue that state lawmakers hold a responsibility to address. Opponents of a wage increase question the true impact it would have on the state, small business owners, and Kansas workers, fearing it would lead to layoffs for workers and price increases for consumers.

The state legislature enacted the current state minimum wage in 1988. Since then, lawmakers have offered 14 bills to increase that rate, though all have been defeated- including one last year proposed in the House.

**The Senate Ways and Means Committee approved a school finance measure sponsored by 33 senators.** The bill, Senate Bill 531, proposes to increase the base state aid per pupil rate by \$59 in fiscal year 2010, for a total rate of \$4,492 per pupil in the 2009-2010 school year. The bill would also appropriate \$37.2 million from the State General Fund in general state aid in fiscal year 2010. This would create the Keeping Education Promises Trust Fund stable with a requirement to transfer \$37.2 million to the State General Fund in FY 2010 for school finance. The Kansas Association of School Boards and the Kansas National Education Association testified in support of the bill, expressing a need to maintain funding.

In 2006, Senate Bill 549 established a three-year school finance plan in response to a lawsuit filed by mid-sized districts. The three-year plan increased funding for at-risk, special education and bilingual students, and runs through fiscal year 2009. This bill essentially adds a fourth year, putting the entire amount into base state aid per pupil.

Approval of the bill would provide school districts a clear indication of the funding they would receive for the 2009-2010 school year giving them more flexibility in preparing their budgets. Before the adoption of the three-year school finance plan, state funding for schools was generally done on a year-to-year basis, making it more difficult for school districts to plan for the future.

**The House passed legislation this week that would designate a six-mile area of K-53 Highway as the Patriot Guard highway.** If signed into law, House Bill 2708 will recognize the Kansas Patriot Guard at its "birthplace" near Mulvane, Kansas.

The Kansas Patriot Guard is an organization that works to honor fallen American soldiers and support their families. The organization formed to counteract nationally-known military funeral. At the invitation of military families, this group of motorcycle riders, veterans and concerned citizens stand guard at funerals to block offensive signs from view of mourners.

In 2007, the state legislature passed a law to protect mourning families by restricting funeral protests in Kansas. However, military families continue to invite the Kansas Patriot Guard to funerals of fallen soldiers across the United States, especially where funeral protests are not restricted. For more information about the Kansas Patriot Guard or to learn how you can become a member, visit <http://www.kspatriotguard.org/>.

**In an effort to further deter drug use in Kansas, the House passed a bill this week that will make the second possession of 3-4-Methylenedioxymethamphetamine (most commonly known as Ecstasy) a felony.** Previously, second-time Ecstasy convictions were considered a misdemeanor.

Ecstasy is a mind-altering drug, related in structure and effects to methamphetamine. It is widely known as a “love” drug because users report heightened feelings of empathy, relaxation, and self acceptance when Ecstasy affects peak. Repeated use of Ecstasy may damage the cells that produce serotonin, which has an important role in the regulation of mood, appetite, pain, learning and memory.

Ecstasy has obtained a false reputation as a social drug with harmless effects. In reality, it is a highly dangerous and illegal substance. It is important that we toughen penalties in Kansas to reflect the serious legal consequences that come with abuse of the drug.

#### **FOR YOUR MEDICINE CABINET: RESOURCES FOR MEDICAL EMERGENCIES**

The following programs offer a variety of resources for assistance in unavoidable times of medical emergency. As lawmakers begin the task of reforming Kansas’ health care system, other programs such as these exist to help ease the burden of emergency health care costs.

- **Free Vital Information Supplies** <http://www.vialoflife.com> Phone: 888.473.2800

A nationwide free program run by the nonprofit organization Vial of Life helps emergency personnel locate personal health information they need when they arrive at a home. You can print forms online to post on your refrigerator or you can store vital information online through their website. This is tremendously helpful information that will help medical personnel treat you should you ever find yourself in a medical emergency that prevents you from communicating the information yourself.

- **Poison Prevention Information** <http://www.poison.org> Phone: 800.222.1222

The National Capital Poison Center, founded in 1980, is an independent, private, not-for-profit organization affiliated with The George Washington University Medical Center. Call the national Poison Control Center hotline toll-free with any poison-related question, at any time of day or night. If you call about a possible poisoning, be prepared to tell the operator the victim’s age, weight, existing health conditions, type of substance, mode of contact, and whether the person has vomited. All calls are confidential.

- **Home Safety Council** <http://www.homesafetycouncil.org> Phone: 202.330.4900

The Home Safety Council is the only national nonprofit organization solely dedicated to preventing home related injuries that result in nearly 20,000 deaths and 21 million medical visits on average each year. In an ongoing effort to educate and empower families to take actions that will help keep them safe in and around their homes, the Home Safety Council works to provide home safety resources to local safety advocates, teachers, corporations and community educators.

#### **In Committees This Week:**

Please feel free to let me know if you would like any further information on these bills, or would like to testify before a committee on an issue important to you. Individuals wishing to testify are required to notify the committee assistant at least 24 hours in advance of the meeting. Thirty-five copies of written testimony must be provided to the committee assistant by 4:30 PM on the previous day. Please note that that committee schedules are subject change at any time, so please confirm any hearing you wish to attend in advance by calling me at 785.296.7698, or checking the House Calendar at [www.kslegislature.gov](http://www.kslegislature.gov).

#### **Upcoming hearings of high interest:**

**House Appropriations:** Hearings on **HB 2859** - School districts; funds; **HB 2673** – KPERS

**House Energy and Utilities:** Hearings on **HB 2872** - Removing the assessment of actual expense of services by the state corporation commission; **HB 2881** - Net metering; **HB 2894** - Duties and powers of the secretary of KDHE in issuing permits for electric generation facility

**House Federal and State Affairs:** Hearings on Hearing on **HB 2370** - Law enforcement cooperation and assistance in enforcement of immigration laws; **HB 2680** - Immigration accountability act; **HB 2836** - Immigration reform

*A more detailed look at this week's calendar of committee hearings:*

**House Agriculture and Natural Resources:**

Time/Location: 3:30 p.m. Docking Room 783

- No hearings on proposed legislation scheduled at this time.

**Appropriations**

- Time/Location: 9:00 a.m. Capitol Room 514-S

Monday, February 25

- Hearing on **HB 2859** - School districts; funds

Tuesday, February 26

- Hearing on **HB 2673** - KPERs, employment after retirement, licensed professional nurses and licensed practical nurses employed at state institutions

Wednesday, February 27

- Hearing on **HB 2673** - KPERs, employment after retirement, licensed professional nurses and licensed practical nurses employed at state institutions

**House Commerce & Labor**

Time/Location: 9:15 a.m. Docking Room 784

- No hearings on proposed legislation scheduled at this time.

**House Economic Development and Tourism:**

Time/Location: 3:30 p.m. Capitol 519-S

Monday, February 25

- Presentation by:  
Chuck Banks, State Director, U.S. Dept. of Agriculture Rural Development

Tuesday, February 26

- Hearing and possible action on bills previously heard.

**House Education:**

Time/Location: 9:05 a.m. Capitol Room 313-S

- No hearings on proposed legislation scheduled at this time.

**House Elections & Government Organization:**

Time/Location: 3:30 p.m. Docking Room 784

Monday, February 25

- Hearing on **HB 2724** - Municipalities; rental property licensing fees prohibited
- Hearing on **HB 2805** - Establishing the Kansas emergency communications preservation act

**House Energy & Utilities:**

Time/Location: 9:15 a.m. Docking Room 783

Monday, February 25

- Hearing on **HB 2872** - Removing the assessment of actual expense of services by the state corporation commission
- Hearing on **HB 2881** - Net metering

Tuesday, February 26

- Hearing on **HB 2894** - Duties and powers of the secretary of KDHE in issuing permits for electric generation facility

**House Federal & State Affairs:**

Time/Location: 1:30 p.m. Capitol Room 313-S

Monday, February 25

- Hearing on **HB 2370** - Law enforcement cooperation and assistance in enforcement of immigration laws
- Hearing on **HB 2680** - Immigration accountability act
- Hearing on **HB 2836** - Immigration reform

Tuesday, February 26

- Continued hearing on **HB 2370** - Law enforcement cooperation and assistance in enforcement of immigration laws
- Continued hearing on **HB 2680** - Immigration accountability act
- Continued hearing on **HB 2836** - Immigration reform

**House Government Efficiency & Technology:**

Time/Location: 3:30 p.m. Capitol Room 526-S

- No hearings on proposed legislation scheduled at this time.

**House Health & Human Services:**

Time/Location: 1:30 p.m. Capitol Room 526-S

Monday, February 25

- Hearing on **HB 2907** – Prescription drugs; epilepsy and seizures

**House Insurance & Financial Institutions:**

Time/Location: 3:30 p.m. Capitol Room 527-S

Monday, February 26

- Hearing on **HB 2782** – Kansas medical liability reporting act
- Hearing on **HB 2900** - Controlled insurance program act

**House Judiciary:**

Time/Location: 3:30 p.m. Capitol Room 313-S

Monday, February 26

- Hearing on **HB 2715** – Kansas insurance code, rules and regulations

**House Taxation:**

Time/Location: 9:00 a.m. Capitol Room 519-S

Monday, February 26

- Hearing on **HB 2543** - Assessment for property tax purposes of newly constructed residential property
- Hearing on **HB 2500** - Property tax exemption for certain housing for certain low income mothers

Tuesday, February 26

- Hearing on **HB TBA** – Criteria for non-profit sales tax exemptions

**House Transportation:**

Time/Location: 1:30 p.m. Capitol Room 519-S

Monday, February 25

- Hearing on **HB TBA** - Purple heart medal recipient license plates

**House Veterans, Military, and Homeland Security:**

Time/Location: 1:30 p.m. Docking Room 784

Monday, February 25

- Hearing on **HB 2852** - Placing a security freeze on consumer reports for veterans and active duty service personnel
- Hearing on **HB-2905** - An act requiring each state agency to designate a security liaison

The following is a list of the numbers I receive the most requests for during the legislative session. You can find these as well as many others online at <http://da.state.ks.us/phonebook>. I hope you will find this information helpful.

<b>Adjutant General:</b> 785.274.1001	<b>Department on Aging:</b> 800.432.3535	<b>Attorney General:</b> 785.296.2215
<b>Better Business Bureau:</b> 785.232.0454	<b>Child/Adult Abuse Hotline:</b> 800.922.5330	<b>Child and Family Services:</b> 785.296.4653
<b>Commerce &amp; Housing:</b> 785.296.3481	<b>Consumer Protection:</b> 800.432.2310	<b>Crime Tip Hotline:</b> 800.572.7463
<b>Crime Victim Assistance:</b> 800.828.9745	<b>Driver's License Bureau:</b> 785.296.3963	<b>Gov. Kathleen Sebelius:</b> 800.748.4408
<b>Kansas Health Wave:</b> 800.792.4884	<b>Highway Road Conditions:</b> 800.585.7623	<b>Housing Hotline:</b> 800.752.4422
<b>Insurance Hotline:</b> 800.432.2484	<b>Kansas Lottery:</b> 785.296.5700	<b>Legislative Hotline:</b> 800.432.3924
<b>Mental Health Services:</b> 888.582.3759	<b>Department of Revenue:</b> 877.526.7738	<b>School Safety Hotline:</b> 877.626.8203
<b>Social Security:</b> 800.772.1213	<b>State Capitol Tours:</b> 785.296.3966	<b>Taxpayer Assistance:</b> 800.259.2829
<b>Tax Refund Status:</b> 800.894.0318	<b>Teacher Certification:</b> 785.296.2283	<b>Unclaimed Property:</b> 800.432.0386
<b>Unemployment:</b> 785.296.5074	<b>Vital Statistics:</b> 785.296.1405	<b>Voter Registration:</b> 785.296.4561
<b>Welfare Fraud Hotline:</b> 800.432.3913	<b>Workers' Comp:</b> 800.332.0353	<b>Workforce Center:</b> 785.235.5627

## Keep In Touch

Please feel free to contact me with your additional comments and questions. My office address is Room 49, Docking State Office Building, Topeka, KS 66612. You can reach me at (785) 296-7698 or call the legislative hotline at 1-800-432-3924 to leave a message for me. Additionally, you can e-mail me at [rardin@house.state.ks.us](mailto:rardin@house.state.ks.us). You can also follow the legislative session online at [www.kslegislature.org](http://www.kslegislature.org).

**For back issues of my 2008 ENews, call my office, 785-296-7698**