



April 18, 2010

Legislative Update and Bill Summaries -- Part 1 of 3

Town Hall Meeting -- April 20, 2010 -- Sylvester Powell Center, Mission, KS -- 7 – 8:30 pm

Senator Huntington, Representatives Bollier, Slattery, Talia & Wolf will talk about the budget, education, and transportation, and answer questions.

The Kansas Legislature has recessed until April 28, 2010, at which time we will reconvene to address bills still in Standing Committees, bills that were tabled until April 28, and bills vetoed by Governor Parkinson. More importantly, we will work on the 2011 budget, the 2010 reconciliation budget, revenue enhancements if needed, and discuss [Transportation WORKS for Kansas](#), the comprehensive transportation plan.

As reported yesterday, state revenues came in under the estimate by approximately \$46 million, or .9%. Individual income tax revenues fell by 2% and sales tax revenues fell 1.2% over projections. I've heard from many of you who believe we need to cut funding, and others plead for a tax increase so that K-12 education and social services budgets will not have to be cut further. Constitutionally, the legislature must balance the budget; and statutorily, we are required to have a 7.5% ending balance (which we haven't achieved for several years). We cannot borrow to fill the gaps created by the economic recession, but federal stimulus dollars have filled holes in education, medicare and transportation. However, those dollars disappear after next year.

Our original budget for FY 2009 was \$6.4 billion, but as revenues declined and the budget was cut, the actual expenditure was \$6.064 billion. For FY 2010, we estimated the budget at \$5.6 billion, but revenues have come in under estimate, and we're presently at approximately \$5.25 billion. That's approximately an 18% difference. Education funding, including K-12 and higher ed, comprise approximately 63% of our budget, with 20% going to social services and Medicaid. That leaves 17% of the budget from which to make cuts, unless we make further cuts to education.

On a Personal Note.....

Senator David Wysong retired in December, 2009; I was elected by a super-majority of Senate District 7 precinct committeemen and committeewomen to fulfill Wysong's unexpired term; and on January 11, I was sworn in by the Supreme Court Chief Justice, the Honorable Robert Davis. I was assigned to serve on five Senate Committees: Assessment & Taxation, Ethics & Elections, Local Government, Public Health & Welfare, and Transportation, and immediately jumped on the fast track. I've been asked many times about the major differences between the Kansas House and Senate. Obviously, fewer legislators: there are 125 Representatives and

only 40 Senators--fewer people to cover the same number of bills, requiring additional independent study and expertise on more issues. Second, more decorum: all questions and responses are directed through the Chair (we don't speak directly to another Senator), providing for more cordiality. And last, an administrative assistant who is experienced and provides much needed constituent support: Gayle Addington served Senator Audrey Langworthy and Senator David Wysong, and is very familiar with Senate District 7.

I was appointed to serve on the Kansas Children's Cabinet and the Johnson County Education and Research Triangle Board, and have been attending those board meetings, as well.

Kansas Budget Crisis

I know you're aware that Kansas, as well as most other states, is experiencing declining revenues due to the worst economic recession since the '30s. Federal stimulus dollars funneled to our state general fund have mitigated our shortfall, but deep cuts were still necessary, and those cuts for the 2009 and 2010 budgets have been called severe by some and inadequate by others. Every Kansas agency and state institution has seen cuts, including the legislature. The Judicial Branch has four furlough days this year. Legislative pay has been cut. Our K-12 schools are laying off teachers and support staff, increasing class sizes, and determining the viability of all extracurricular activities. Community colleges and Regents institutions are increasing tuition, while cutting staff and deferring maintenance on inadequate heating/cooling systems and deteriorating classrooms. Waiting lists are growing exponentially for services required for the physically and developmentally disabled. Early childhood education programs have been slashed. Highway maintenance has been put on hold for the remainder of fiscal year 2010. Our unemployment compensation trust fund has been depleted: we're now borrowing from the Federal Government to pay unemployment wages to workers who cannot find employment. Our KPERs fund is underfunded by \$8-\$10 billion. One prison has been closed and programs to prevent recidivism have been cut, necessitating the need for more prison beds! The legislature is looking at a \$480 million shortfall for FY 2011.

The good news: the national economy seems to be recovering, albeit slowly, and Kansas revenues increased slightly in the third quarter. The bad news: federal stimulus dollars will not be available for FY 2012, and unless revenues increase rapidly, we will face another severe budget shortfall. I was asked recently if Kansas were in a funding crisis, if it's as bad as portrayed, to which I answered a resounding, "YES!"

I am committed to working on a 2011 budget plan that will support and grow the Kansas economy, provide for a well-educated workforce, and serve the developmentally and physically disabled and frail/elderly populations. But tough decisions will not be met favorably.

Constituents have called or emailed regarding solutions--raise taxes by supporting the Governor's plan (a one cent sales tax increase for three years), cut taxes to stimulate the Kansas economy, tax the higher income earners, don't raise property tax. There have been hearings in Taxation Committee for taxing sugared drinks, increasing taxes on cigarettes and tobacco products, or increasing the gallonage tax on alcohol. I'm sure you can relate to one or more of these proposals, especially if you have school age children, own a liquor or convenience store, if you're currently unemployed, or if you work for a local bottling company.

The House Appropriations Committee and the Senate Ways and Means Committee will begin work next week on a budget. In years past, the legislature would have already worked and approved a mega-appropriations bill before April adjournment. This year, however, we are awaiting the Consensus Revenue Estimate report that is made after April 15, Tax Day, to determine how much money will be available for the end of FY 2010 and for the 2011 budget.

Finalizing a budget that meets the growing demands of our citizens during this economy will not be easy, nor will everyone be pleased by decisions that will be made. But your input will prove valuable to the process, so please let me know how further cuts or a tax increase, if passed, will impact your family.

2010 Session Bills

Normally, I have time to publish an email newsletter every other week. This year, with five new committees, I spent Fridays in Topeka answering hundreds of emails and written correspondence. The April recess has provided much needed time for me to summarize bills that might impact Senate District 7. Except as noted, I supported these bills. Additional summaries will follow within the next two week.

For more information on these or other bills, refer to <http://www.kslegislature.org/legsrv-bills/index.do> and enter the bill number.

Agriculture and Natural Resources

Burning of the Flint Hills – SCR 1623—a resolution sent to the EPA addresses the need to manage the ecosystem by burning, which should be considered best practices management. The concern for Johnson County is that the wind blows emissions eastward and puts the populated county in nonattainment of the Clean Air Act, with increased ozone production. When the Intermodal project is complete, Johnson County may further non-comply. The issue is currently being studied and we will receive a report later in the year as to possible solutions, which may include scheduled geographic burnings.

HB 2566 provides that the Department of Agriculture, not Ks. Dept. of Health & Environment, will regulate over-the-counter drugs and cosmetics. The bill also adds new definitions for the milk industry, provides for a maximum fee of \$100 for milk tank truck cleaning facility licensing, requires milk tank trucks to be annually inspected, and more. We surely want our milk and milk products to be transported safely.

Business, Commerce, and Labor

Public and Private Construction Contracts -- House Substitute for SB 377 amends the Ks. Fairness in Private Const. Act dealing with retainage and alternate security. There's a 5% limit of the contract value for retainage, unless the owner or contractor determines that a higher rate of up to 10% is required, and cap retainage at 10%. Retainage must be released on any undisputed payment within 30 days after substantial completion of the project.

Kansas Real Estate Brokers' and Salespersons' License Act – HB 2560 amends the BRRETA (Brokerage Relationship in Real Estate Transaction Act) by expanding the references to corporations, partnerships and associations to include limited liability companies, limited liability partnerships and professional corporations.

Economic Development

Recovery Zone Bonds and Energy Conservation Bonds -- HB 2551 -- The Dept. of Commerce can distribute recovery bonds based upon unemployment rates in 2008 for the purpose of economic development, including capital expenditures for property, public infrastructure, public facilities, and job training. Energy bonds based on a city of over 100,000 population can be issues for capital expenditures for research facilities, energy reduction programs, and public education program to promote energy efficiency.

Financial Institutions

HB 2609 amends a provision of the Banking code governing the general powers of state chartered banks. Banks can now purchase and hold life insurance policies in a manner consistent with the parameters outlined in the Interagency Statement of the Purchase and Risk Management of Life Insurance Letter 1272004 (effective Dec. 7, 2004), subject to limitations as specified in the bill. Additionally, banks are now permitted to invest in bankers' banks organized under the laws of the U.S., Ks., or any other state.

Public Health

Smoking Restriction Bill Passes -- HB 2221 creates the Kansas Indoor Clean Air Act, a bans smoking in public places, taxis and limos, common areas (restrooms, lobbies, hallways) in public and private buildings, common areas of hotels & motels; access points of all buildings and facilities, unless exempted, and places of employment. Exempted areas: "open-to-elements" rooms, private homes except those used for day care centers, gaming floor of a casino or racetrack, tobacco shops, long-term care facility designated smoking areas with adequate ventilation, private clubs. Senator Wysong championed the bill for several years. It passed in the Senate when I was in the House, and passed in the House when I was in the Senate—I did not vote on this bill, but did support it knowing of the savings in medical costs.

Dispensing Contact Lenses -- SB 489 amends the law regarding dispensing of contact lenses to Kansas residents by an internet company.

Ophthalmic Lenses – HB 2584 allows optometrists to dispense medicated contact lenses, a timely bill, given the degree of pollen now being emitted by our trees and wreaking havoc on our allergies.

Respiratory Therapist Licensure -- SB 491 provides for the licensure of resp. therapists, and extends the expiration date of special permits issued to graduates from the date of graduation to 30 days after graduation, to allow for the licensing process, but shortens the expiration period for temporary licenses issued for one year, to six months.

SB 500 amends law to allow the use of the word "doctor" or the letters. MD, DO, or DC by unlicensed medical doctors (ie, retired or non-practicing), if the use of such word or initials in not misleading to the public, patients or other healthcare providers.

HB 2323 adds theft to the list of offenses an **adult care home worker** can be convicted of and still be employed by the home or agency, if five or more years have passed since the conviction. **I voted against this bill** because there was no provision to keep personnel information confidential if it was requested by a variety of people. The bill was poorly written and should have been re-worked before being voted out of the committee. I voted against it in the committee, also. It should not be assumed that a floor amendment will clean up statutory language, and in this case, it did not.

Prefinanced Funeral Agreements -- HB 2588 -- increases the maximum amount that can be placed in an irrevocable prefinanced funeral agreement from \$5,000 to \$7,000.

HB 2589 – provides for further disclosure information when purchasing a prearranged funeral.

Pharmacist-Administered Flu Shots --HB 2448 allows a pharmacist or pharmacy student or intern working under supervision to administer a flu vaccine to a person six years of age or older, and the inoculation info must be reported to the primary care physician. This will be very helpful in rural areas where there is little access to medical personnel.

Addictions Counselor Licensure Act -- HB 2577 -- any person currently licensed as an addiction counselor or substance abuse counselor must meet the requirements of this act to continue practicing. However, there is a grandfathering provision for those who have been certified and have practiced for three years prior to July 1, 2011.

Nurse Anesthetists' Scope of Practice -- HB 2619 allows a RNA (registered nurse anesthetists) upon the order of a physician or dentist, to order or administer appropriate medication and anesthetic agents.

Naturopathic Doctors Licensure Act, PT Practice Act, Licensure Categories – House Sub for SB 83 creates the Naturopathic doctors licensure act, and amends PT licensure by creating two new licensure categories—exempt license and federally active license.

It's an honor to represent you in the Kansas Senate. Please contact me if I can provide you with further information on issues important to you and District 7.

Terrie Huntington

6264 Glenfield Drive
Fairway, KS 66205
Office 785.296.7369
Home 913.677.3582