



## **NEWSLETTER FOR THE WEEK OF FEBRUARY 15-19**

### **TURN-AROUND WEEK**

The end of last week is the deadline for non-exempt bills to pass the house of origin. Morning committees met and sent out bills through Wednesday and afternoon committees through Friday. So the House debated bills on the floor all Wednesday afternoon and all day Thursday and Friday, until all the bills that Speaker intended to allow to be debated were. Members who have bills that have not been treated favorably by committee or not emerged for floor debate were looking for the opportunity to amend their proposal on a bill during debate. Legislators look for "vehicles" for amendments, bills on the same or similar subject.

Of course, the best way to make law is with completely open committee work, allowing the public and all stakeholders to speak to the merits or frailties of proposed bills. However, the legislative process allows many pathways to the making of law. Exceptions to the turnaround deadline are made for legislation which has been touched by the Appropriations, Ways & Means, Taxation or Fed & State Affairs committees.

### **Budget Update Information**

The final product cuts \$92 million from the current budget. The House voted to concur with the conference committee report on Thursday and it will now head to the Governor for his signature or veto. It is likely that the FY 2010 budget will still be approximately \$40 million short by July. If revenues continue to come in lower than expected, we will need to revisit the FY 2010 budget for a sixth time. If that becomes necessary, we will probably wait until the most updated revenue estimates become available in April to take any further action.

The House and Senate have both passed bills trimming this fiscal year's budget by about \$90 million. The differences in the House and Senate versions were worked out by a conference committee.

## **KANSAS PUBLIC SCHOOL ENROLLMENT UP**

Enrollment in public schools in Kansas increased by 6,100 students this year — a rate of growth more than twice what it has been in recent years. Dale Dennis, deputy education commissioner, says state education officials were shocked by the rate of growth this year. Dennis and other education officials attribute the increase to the struggling economy. They say some families, due to loss of employment in other states, have moved back here and even moved in with extended family in order to save money. Also, some Kansans are taking their children out of private schools they can no longer afford because of lost jobs or other economic stress. Principals at private schools say their enrollments are generally stable, although they are getting more requests for financial help.

## **FEDERAL STIMULUS MONEY TO HELP WITH HEALTH RECORDS**

The state of Kansas will receive \$9 million from the federal government in grants to help states, doctors and hospitals move from paper to computerized record keeping. On Friday the Obama administration announced more than \$975 million in stimulus funds for this purpose. Gov. Parkinson says, “This announcement is great news for Kansas as it will bring countless opportunities in terms of creating jobs, advancing technology and reducing our overall health care costs,”

Studies show electronic medical records help reduce medical errors and improve the quality of patient care. The grant money comes from the economic stimulus passed by Congress last year and is part of a push to get health care providers to adopt electronic record keeping. The goal is to help make electronic record-keeping technologies available to Kansas hospitals and primary care physicians by the year 2014 while helping train people for careers in health care and information technology. The grants come from two federal agencies. Health and Human Services Secretary Sebelius announced \$386 million in grants to advance electronic health records at the state level. Sebelius is also granting \$375 million to 32 nonprofit organizations for regional training of health care workers on these technologies. Labor Secretary Hilda Solis announced around \$225 million to support 55 job-training programs in 30 states. The administration says around 15,000 people should get training in the health records technology field. Solis said the training will lead those people to jobs offering career-track employment and good pay and benefits. In addition to the grant to the state, the Kansas Foundation for Medical Care received a \$7 million grant, according to information provided by the federal government. The Topeka-based organization is a nonprofit that focuses on Medicare and Medicaid patients, according to its Web site.

Committees had a full schedule all week on a variety of high profile issues, including: tax policy, school funding lawsuits, health care, smoking bans, and liquor sales. The budget situation remains precarious, but I am still hopeful that we can pass some productive policy this year despite our fiscal limitations. The halfway point of the session is next week.

## **HOUSE BILL 2544 EXPANDS BEER SALES**

The House Federal and State Affairs Committee is considering a bill that would allow convenience and grocery stores to sell beer with 4 percent alcohol rather than the 3.2 percent beer that they sell now. The weaker beer was created to circumvent Prohibition regulations in the 1930s; the law was never changed to allow grocery and convenience stores to sell full-strength beer. If the bill passes, it will not allow convenience and grocery stores to sell other types of liquor. Also, Alcoholic Beverage Control would be in charge of cereal malt beverage vendors.

Opposition to this proposal comes primarily from local liquor stores, who are currently the only distributors of full-strength beer. They argued that it is easier for liquor stores to ensure underage citizens are not sold alcohol because it is required by law that liquor store workers be at least 21-years-old. They also voiced concern that this change would just be the first step in expanding alcohol sales to grocery and convenience stores, followed by wine and other hard liquors. Because grocery and convenience stores offer a wider selection of products, this could ultimately put liquor stores out of business.

Proponents- mainly owners of convenience and grocery stores- have been advocating for this law change for several years. They argue that liquor stores profit from their ability to set the price of alcohol and have little competition. They believe this bill would not only increase competition, it would also increase choice and convenience. Convenience store owners contend that they do not have the room to carry the selection of beers a liquor store would carry and therefore would not put the liquor stores out of business.

## **HOUSE TAX COMMITTEE BEGINS SERIES OF HEARINGS**

After five rounds of budget cuts- and a \$400 million budget deficit still looming- revenue proposals have been a major component of the budget debate. The House Committee on Taxation began a two-week series on various proposals.

HCR 5028 would establish a three-year moratorium on the granting of new tax exemptions, tax credits or economic development incentive programs involving employer withholding taxes. This idea- in addition to rolling back some tax exemptions- has been widely floated throughout the interim as an alternative to a sales tax increase.

The Kansas Advisory Council on Intergovernmental Relations (KACIR) testified that the number of tax credits has increased exponentially in recent years, putting a significant dent in the state's revenue stream. As we work through massive cuts in Medicaid and public schools, it is critical to protect what revenue we have until the economy stabilizes.

Opponents of the proposal came primarily from the business community, who testified that a moratorium would prevent Kansas from being open to new business investment.

This proposal highlights the need for clearly defined and consistent guidelines for granting exemptions in the future.

## **DISINGENUOUS CLEAN INDOOR AIR ACT RECEIVES COMMITTEE HEARING**

In an effort to protect Kansans from harmful secondhand smoke, Governor Mark Parkinson encouraged the Legislature to produce a strong statewide public smoking ban in 2010. In his State of the State Address, Parkinson requested legislation that was not “full of loopholes” and that would satisfy the 75% of Kansans that want a “real public smoking ban.” A smoking ban proposal put forth by the chairwoman of the House Health and Human Services Committee fails to accomplish this goal.

House Bill 2642 doesn't really ban anything. It would allow businesses to decide whether to allow smoking within their building just as they do in most places now. Businesses would be allowed to have smoking indoors by paying an exemption fee of \$1 per square foot of the designated smoking area. The bill does call for, “physically separate smoking areas,” but smoke cannot be contained and studies have shown that separate ventilation does not work to control exposure to secondhand smoke. This legislation would also repeal the smoking ordinances that have already been put in place in cities across the state of Kansas.

House Bill 2642 is both disappointing and disingenuous. It not only fails to protect citizens from harmful of secondhand smoke, it also disregards the vast majority of the population's request for a comprehensive clean indoor air law and cities and counties that have already enacted restrictions locally.

The effects of second hand smoke include respiratory problems such as asthma, as well as ear infections, sudden infant death syndrome and cancers. Strong smoking bans have the ability to reduce heart attack rates by as much as 25% according to a report from the Institute of Medicine.

In contrast, Governor Parkinson's proposal- House Bill 2221- makes a serious effort to protect the health of Kansans. This bill prohibits smoking in places of employment and restaurants and bars with no option of paying a fee to “opt out.” It also helps to protect our workforce from involuntary inhalation of carcinogens as well as helps to discourage our youth from becoming regular smokers.

Currently, one in five high school students living in Kansas use some form of tobacco. If this trend continues, 54,000 Kansas youth are projected to die from smoking. It is in our best interest to protect our families and selves from the detrimental effects of someone else's choices.

Aside from health benefits, it is simply good economic policy to enact a strong statewide clean indoor air act. Our state spends \$196 million on Medicaid expenses related to tobacco use.



### **Keep in Touch**

It is a special honor to serve as your state representative. I value and need your input on the various issues facing state government. Please feel free to contact me with your comments and questions. My office address is Room 451S, Docking State Office Building, Topeka, KS 66612. You can reach me at (785) 296-7657 or call the legislative hotline at 1-800-432-3924 to leave a message for me. Additionally, you can e-mail me at [Sydney.Carlin@house.ks.gov](mailto:Sydney.Carlin@house.ks.gov) You can also follow the legislative session online at [www.kslegislature.org](http://www.kslegislature.org). and review my website for updates from time to time at

[www.sydneycarlin.com](http://www.sydneycarlin.com)

*Rep. Sydney Carlin*