

May 19, 2010

From The Capital



Dear Friends and Neighbors,

The Kansas Legislature has completed the 2010 Legislative Session. As expected, it was a difficult year filled with complicated and controversial issues. We spent many long hours and late nights on the House Floor (which sometimes blended into early mornings) as we worked through these challenges.

You are probably aware that the state budget crisis dominated most of the session. We were charged with the task of maintaining support for quality public education, meeting the needs of our most vulnerable citizens, and creating jobs to get the state economy back on track...all with \$500 million less revenue than FY2010. There were no easy answers. Ultimately, we had only a list of unpopular options from which to choose. After 89 days of sometimes contentious debate, we managed to pass a number of positive measures, including: a budget that reflects the values and priorities of our

state, a transportation plan that will get 175,000 Kansans back to work and legislation that will protect all of us from dangerous, secondhand smoke in public places.

I deeply appreciate the contacts I received from you in recent months which reminded me of Manhattan. I worked hard to ensure the interests of the 66th district were addressed under the Dome. If I can ever be of assistance to you or your family, please do not hesitate to contact me at home 785- 539-6612; e-mail: sydney.carlin@house.ks.gov or check my website, www.sydneycarlin.com. If you haven't already, I hope you will contact me to sign up for e-mail updates. It is an honor to serve you and I look forward to continuing our work for Kansas.

THE BUDGET DEBATE

This year, Kansas continued to suffer the trickle-down effects of a national economic recession. Our revenues began to dip soon after the collapse of the sub-prime lending market in 2008. Since then, the state budget has gone to the chopping block six times. Despite reducing spending by over \$1.4 billion in the last 18 months, April revenues were still declining and we were still \$500 million short. Now, two more years of declining revenue are projected. This is unprecedented in Kansas history.

I believe that a regular review and trimming of government programs and services is both healthy and necessary. Not every appropriation remains an efficient use of taxpayer dollars over time. However, over \$1 billion in cuts go well past "trimming the fat." By the sixth round, we began to impose serious, long-term damage to our state.

This entire session was spent in cutting the state budget for 2010 (current year) and developing a new budget for 2011 in Sub Committees and the House Appropriations Committee. In the final days of the session, a bipartisan coalition came together to pass a reasonable budget which cut \$200 Million from the current year spending, added \$300 Million in new revenue and maintained critical investments that will preserve jobs, add new jobs and keep Kansas on the road to economic recovery. While we were not able to add new money for education, the budget keeps Education spending at the 2010 level. This was truly a bipartisan effort. Both Republicans and Democrats were actively involved in the budget's development and passage. It was overwhelmingly approved 71-48. This is a fiscally responsible budget. We included only what was absolutely necessary to keep communities safe, vulnerable citizens protected and public education institutions intact. Every Kansas community will benefit from the bipartisan work we accomplished in Topeka in 2010.

TRANSPORTATION: T-WORKS WILL CREATE 175,000 NEW JOBS IN KANSAS

One of the success of the 2010 session- and the long-term economic stability of Kansas- is the passage of a new comprehensive transportation plan. The Transportation Works for Kansas Program (T-WORKS) provides the framework for the future of our state's infrastructure. It is multi-faceted, with a focus on preservation, expansion, economic development, modernization (such as widening lanes or shoulders and upgrading interchanges), assistance to cities and counties, and a multi-modal economic development program, among others.

T-WORKS is the third, 10-year transportation program enacted by the Kansas Legislature. It will provide about \$8.2 billion in construction and modal spending over the next 10 years. T Works is smaller but it allows proper maintenance of our highways, includes much needed safety improvements, and funds transportation projects in economically strategic ways. Most importantly, T-WORKS will create or sustain an estimated 60,000 construction jobs and 175,000 total jobs (including local suppliers, construction, etc).

Anticipating the end of the previous highway plan, in 2003, KDOT began traveling around the state to listen to the needs of her communities. This Long Range Transportation Plan process (LRTP) uncovered the need to make preservation a top priority. LRTP suggested that transportation investments should be linked to economic outcomes and business model changes. This meant improvements in transit, rail and aviation service. In 2008, KDOT assembled a 35-member task force, T-LINK, to craft a transportation proposal based on LRTP's recommendations. Kansas maintains more than 130,000 miles of local roads, 10,000 miles of highways, and 20,500 bridges. Nearly all T-LINK recommendations are contained in the T-WORKS bill.

LEXIE'S LAW PROTECTS CHILDREN FROM UNSAFE DAYCARE PROVIDERS

Lexie Engelman was 13-months-old when she suffered fatal injuries at a home day care in 2004. Last year, 18-month-old Ava Patrick strangled to death on a fence at another day care facility. To try to prevent similar tragedies from ever happening again, the Kansas Legislature approved **HB 2356**, also known as Lexie's Law.

Currently, there are 2,600 home day care providers in Kansas. Previously, no home day care was required to undergo inspection. Under this legislation, day care providers could lose their license if they violate regulations three or more times, or if

they contribute to the death or serious harm of a child in their care. In addition, KDHE will create a way to access online information about day care providers and a history of citations and substantiated findings.

Under Lexie's Law, KDHE will gradually move all day care homes to a licensed status, carrying with it assurances of inspections. The agency will formulate rules for supervising children, including monitoring, physical proximity to children, diapering and toilet practices, safe-sleep practices and playground oversight. This category of home is currently registered with KDHE, but state inspectors are only dispatched after receiving complaints. As was the case for Lexie and Ava, complaints often come too late, after a preventable, unacceptable accident has already occurred.

I am grateful that Lexie and Ava's parents turned their grief into activism in the Kansas State Capitol. Their efforts will protect future generations of Kansas families who depend on the highest possible quality of day care for their children.

STATE HEALTH INSURANCE NOW COVERS AUTISM TREATMENT

In an effort to support the needs of Kansas children with autism and their families, the Kansas Legislature passed Senate Substitute for HB 2160- also known as Kate's Law- which requires the state health insurance plan to cover services for the diagnosis and treatment of autism spectrum disorder (ASD) for any covered patients under the age of 19. According to the Kansas Center for Autism Research and Training, as many as 1 in 150 children will be diagnosed with ASD, compared to previous estimates of 4 to 5 per 10,000. This makes autism more common than pediatric cancer, diabetes, and AIDS combined.

Treatments have been developed in recent years to make it possible for nearly half the children who are diagnosed early with autism to eliminate the need for special education. Kansas is the 18th state to enact insurance reform for Autism coverage. These states are reporting saving of as much as \$20,000 per year per child in special education costs,(or more than \$200,000 over a student career). If children receive intervention treatment before the age of 4, many become very productive adults. It is projected that nearly \$3.2 million per person lifetime savings will result from early childhood treatment.

Also, SSB2160 also contains a requirement that all individual or group health insurance policies cover the **cost of prescriptions for orally administered anti-**

cancer medications if they provide payment for intravenously administered or injected cancer treatments.

SEX OFFENDER REGISTRY LAWS STRENGTHENED

House Bill 2468 amends the Kansas Offender Registration Act to require a person convicted of any attempt, conspiracy, or criminal solicitation of certain sex crimes to register for life. The following sex crimes would require lifetime registration; the attempt, conspiracy, or criminal solicitation to commit aggravated trafficking, rape, aggravated indecent liberties with a child, aggravated criminal sodomy, promoting prostitution if the prostitute is less than 14 years of age, and sexual exploitation of a child.

Public safety is one of my top priorities in the Kansas Legislature. Sex offenders commit some of the most heinous acts in our society and their victims are often the most vulnerable members of our society.

SB 409 LAYS GROUNDWORK FOR RAIL SERVICES IN KANSAS

The rail service will connect the Amtrak service from Kansas City, to Lawrence, Topeka, Oklahoma City and then finally Fort Worth, Texas. The Secretary of Transportation can now begin initiating plans with Amtrak, local counties, rail operators, and other states involved with the line.

This Amtrak link should not require any immediate money from the state general fund, and is expected to generate revenue (new jobs, tourism, and economic development projects). Few upgrades will be needed for the Amtrak system and the cost of upgrades will be significantly lower than upgrades to smaller sections of highways.

Also, 55 communities and their city councils have declared their public support of an inner city passenger service. Trains are 18% more efficient than airlines and 24% more efficient than driving. Energy efficiency reduces dependency on foreign oil, as well as a decrease in pollution. By allowing commuters to travel via railway, congestion on highways is decreased, which means less spent on highway maintenance.

STRICTER PENALTIES WILL HELP DETER DRIVING UNDER THE INFLUENCE.

The Kansas House signed off on a bill this session that establishes stricter penalties for driving under the influence. Senate Bill 368 will amend current law for third and fourth or subsequent DUI convictions.

Third-time DUI offenders must serve a term of 72 consecutive hours in jail before the offender is eligible to participate in a work release program (current law requires a term of 48 consecutive hours). For a fourth or subsequent DUI conviction, incarceration in jail would increase from 90 days to one year or 180 days to one year. The term of incarceration that must be served prior to work release would increase from 72 to 144 consecutive hours.

Keeping drunken drivers off the road is critically important. However, Senate Bill 368 is not intended to be a long-term solution to problems associated with Kansas DUI laws. Ultimately, this bill is a “temporary compromise.” This is why the Kansas DUI Commission was created last year to study issues surrounding our DUI laws and to make recommendations for improvement.

BROWN V. BOARD TO BE COMMEMORATED IN MURAL AT KANSAS CAPITOL

To honor one of the most historic Supreme Court cases in United States history, the Legislature voted to transform an empty wall in the Statehouse into a mural commemorating the landmark *Brown v. Board of Education of Topeka* court case.

Plans for the mural will be developed by the newly-created Capital Preservation Committee. The proposed *Brown v. Board* mural is to be the committee’s first priority.

In May 1954, the United States Supreme Court declared that state laws establishing separate public schools for black and white students denied black children equal educational opportunities. In the Court’s unanimous decision, Chief Justice Earl Warren wrote:

“It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

Brown v. Board of Education initiated educational and social reform throughout the United States, paved the way for the modern Civil Rights Movement, and laid the foundation for international policies regarding human rights. It’s fitting that such an historic event in our state history be commemorated and forever remembered on the walls of our State Capitol Building.

Other New Laws:

Increasing the safety of everyone who travels on Kansas roads

1)A **primary seatbelt law** will allow officers to stop a vehicle for a seatbelt violation. Kansas has a seat belt usage rate of about 77%, considerably lower than the 87% compliance rate of states that have a primary law. Based on KDOT estimates, Kansas

can expect a 10% increase in seatbelt usage as a result of this new law. Two-thirds of those who die in traffic crashes in Kansas were not wearing seat belts.

2) **Texting Ban:** covers using a telephone, pager, personal digital assistant, text messaging device and laptop computer. Exceptions would be for checking weather or traffic updates or making an emergency call to report criminal activity or traffic hazard. Studies continually prove that texting while driving is extremely dangerous.

LITTLE THINGS MEAN A LOT!

Tuttle Creek Park Entrance - I was successful in adding a provision in the budget bill that requires Wildlife and Parks to re-open the West Tuttle Creek Entrance by July 1. Secretary Hayden has assured me that this can be managed with the existing resources in his budget. It had already been established that the gate would be open for the Country Stampede in June. This will regain access to the State Park via the Manhattan Entrance.

Ft Riley News- For two years I have worked to amend **Section 2 of HB 2434 KSA 32-1015** to clarify hunter orange requirements for deer and elk hunters while different types of deer and elk seasons run concurrently in Kansas. This primarily affects hunting at Ft. Riley and will enhance wildlife management on the Fort. This finally passed in the midnight hours of the 2010 session.

Thank you for letting me serve as your Representative in the Kansas State Legislature! I look forward to the next session, which is predicted to be a difficult and challenging one for Kansas.

Sydney Carlin
District 66