

## Carlin Newsletter – Dist 66

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### From the Statehouse

We had a short week of long days in Topeka this week. With Drop Dead Day approaching on April 1st, we were on the floor from morning to evening Monday, Tuesday and Wednesday in an effort to push through as many nonexempt bills as possible. We took final action votes on 56 bills in that three-day period. This is a smaller number than usual; the average during this time period is around 70. Debates ran long on Wednesday and the Speaker skipped over several bills.

The House adjourned for the week on Wednesday evening, giving conference committees a chance to begin their work on Thursday and Friday. We will be back to work again on Monday, but the schedule will fluctuate as conference committees will be busy meeting all week to iron out differences between House and Senate versions of bills.

### Budget Update

As I mentioned previously, we have yet to work an FY2012 budget proposal on the House floor. We can expect a vigorous budget debate on this next week, followed by negotiations between the House and Senate in conference committee. Considering we never reached an agreement on the FY2011 Rescission Bill, we have quite a bit of work to do before First Adjournment.

The budget passed out of the House Appropriations Committee late this week. The “target of the week” appeared to be public employees. Under a Republican proposal added Monday, salaries would be cut by 7.5 percent for state workers and elected officials earning more than \$100,000. Pay cuts would be on a sliding scale for employees making between \$40,000 and \$100,000, while those making \$40,000 or less wouldn’t see a cut.

As I mentioned previously, we have yet to work an FY2012 budget proposal on the House floor. We can expect a vigorous budget debate on this next week, followed by negotiations between the House and Senate in conference committee. We actually never reached agreement on the FY2011 Rescission Bill, recommended by Gov. Brownback, so that will be included in the budget debate this week as well.

The “Mega” Budget bill (HB 2383) passed out of the House Appropriations Committee Wednesday. I voted against the bill for many reasons. The “target of the week” appeared to be public employees.

Under a Republican proposal added Monday, salaries would be cut by 7.5 percent for elected officials and state employees earning more than \$100,000. Pay cuts would be on a sliding scale for employees making between \$40,000 and \$100,000, while those making \$40,000 or less wouldn’t see a cut. The committee approved the overall budget bill on a 12-10 vote, which advances the measure to the full House, cutting state employee pay by \$18.8 Million.

This proposed budget hurts public schools, state employees, mental health and social services too much. Some will say that we are still spending too much. However, this budget leaves the state with a \$79 Million ending balance. I believe we can build this balance over time and it isn’t necessary to cut this much to get our house in order. Ultimately, the Republican majority on the committee said the bill was the best balance they could strike in tough times.

I’m not sure how much balance exists in the majority party’s proposal to eliminate income taxes for big corporations one week and then gut schools and public employee salaries the next. We’ll see how the floor debate shapes up; I will have more to report on this next week. In committee action I voted against this bill. It comes to the floor now.

Mental health advocates visit the Capitol

A gathering of about 300 mental health advocates and government officials met to discuss issues facing the state. Participants filled the halls of the capitol building throughout the day to lobby their legislators to provide mental health services to our state’s most vulnerable citizens.

The event coincides with hard cuts in the state budget this year. KNI's proposed closure marks a controversial move by the governor and some Republican legislators.

#### Senate committee votes against KNI closure

The Senate Public Health and Welfare Committee voted to support a decision by fellow senators opposing Brownback's budget recommendation to close KNI. The facility is home to 168 developmentally disabled residents, many with severe mental and physical issues.

Senators have taken the opposite approach of the House, which endorsed the governor's proposal to begin closing KNI. Residents would be transferred to community settings or to the Parsons State Hospital in southeast Kansas.

Parents and advocates testified before the health committee Wednesday to support keeping KNI open. They said many of the residents would have a diminished quality of life if placed in community settings or transferred to Parsons, which is not equipped to meet their medical needs.

The governor's proposal calls for starting the closure process during fiscal year 2012, which begins July 1. He estimates it will take 23 months to move all the residents to community settings, with a goal of moving seven residents a month. Costs will be reduced as residents are transferred and buildings are closed.

#### Education "suitability" amendment up for debate

Redefining the suitability of education in the Kansas constitution was up for debate before the House Education committee on Thursday. HCR 5010 would replace existing constitutional requirements for the Legislature to provide suitable financial support for education. This would shift emphasis to equitable distribution of public school funds rather than the sufficiency of those funds.

Proponents of the bill referenced the difficulty that Kansas has faced in legal battles over the issue. Dating back to 1993, various groups have sued the state to provide additional funds to public schools in order to satisfy the "sufficiency" requirement stated in the constitution. Omitting this standard would reduce court costs for the state and fix a breach of the separation of powers, according to supporters of the bill. If adopted, HCR 5010 would allow legislators more room to cut education financing while maintaining required academic standards.

Suitability has been defined four times since 1993. Opponents of HCR 5010 argue that it is nothing more than an attempt for the Legislature to sidestep its constitutional obligation to fund public schools by narrowing what the state is obligated to fund.

#### Legislature expands concealed carry law

The House unanimously passed SB152 this week to expand Kansas' concealed carry law to grant licensed concealed carriers to carry and use noise suppression devices while bow hunting. The intent of this bill is to protect citizens who might happen upon illegal activities while hunting, if they are endangered and need protection. Bow hunters are particularly vulnerable in such encounters. Allowing for concealed carry would help individuals feel secure. Suppression devices would ensure that the

firing of such weapons would not startle wildlife. It is on the way to the Governor for signature.

#### House votes on sprinkler legislation

The House Local Government committee used a committee procedure to put HB 2088 into SB101 and move it to conference with the Senate. The bill now would prohibit cities from adopting the IRB (uniform codes) that requires the installation of sprinklers in NEW construction of single-family residences and duplexes. This does not affect usage in larger apartment structures. While no city has implemented this code requirement, it is recommended in national building codes. I voted against the proposal because I believe the city governments should make these decisions.

Proponents say that homeowners should be able to decide for themselves about sprinkler systems and not be required to install them. They say sprinklers increase the cost of a home too much. Opponents say that new construction is such that firefighters' and families' lives are at risk in homes without sprinklers. And, they believe that local uniform codes are designed to be implemented by local governments and not the state.

#### Seatbelts and Speed Limits

Last year the House approved a primary seat belt law, which included a fine of \$5 for individuals who were stopped for failing to wear their seat belts. However, over the last year many city governments have increased fines. In some areas, folks are paying upwards of \$90 for violating this law, plus court costs - far more than what was originally intended. House Sub SB 213 makes fines uniform throughout the state, which will be \$10 across the board. The change is in the interest of fairness and consistency for Kansas residents. A primary seat belt law is intended to be an incentive to wear your seat belt. Seat belts save lives and encouraging their use is in the interest of public safety.

The Conference Committee added raising the speed limits to 75 miles per hour on major 4 lane roads. Be sure to watch posted speed limits. The bill now heads back to the Senate. If approved it goes to the Governor to be signed into law and would be effective July 1, 2011. I supported.

#### Portable electronic device insurance bill passes House, heads to Senate

SB 170 passed the House this week and would require vendors to hold a license in order to sell or offer policies for portable device insurance. Such businesses would need to comply to state-wide standards for insurance agreements.

Senate Bill 170 would be good for consumers and businesses alike. Customers would be guaranteed protection in their purchases of insurance. Businesses would benefit by having customers with greater faith in government-regulated insurance policies, according to proponents. Businesses supported the bill's regulation of electronic device insurance. Senate gets another show at this and must approve before it gets to the Governor.

#### HB2333 - KPERS Bill Debated

The House debated a bill this week that would significantly alter the Kansas Public Employees Retirement System, or KPERS. HB2333 is intended to reform the system that currently has an unfunded liability of nearly \$7.7 Billion. It aims to accomplish this by increasing employee

contributions and raising the state contributions. But, the bill was amended on the floor of the House to include a defined contribution plan.

One legislator compared the move to a direct contribution plan to putting in a new carpet without fixing the leaky roof; it diverts funds while ignoring the cause of the problem. While a business can offer a defined contribution plan, it is generally inadvisable for public employers. I did not support this measure.

House Bill 2333 will be voted on next week. If passed, the bill will make its way to the Senate for approval. It will also be worked in conference committee because the Senate has passed a different version. Stay tuned.

#### Senate Sub for HB2340 - Clean Indoor Air Act Amended

Last year the Legislature enacted a statewide smoking ban. Effective July 1st, 2010 the Indoor Clean Air Act began protecting Kansans from harmful secondhand smoke by banning smoking in public places, any place of employment including restaurants and bars, and access points of all buildings not exempted.

The public response has been overwhelmingly supportive of this measure. However, the original bill was in need of a few tweaks, and we were able to get that done this week. Specifically, state-owned casinos are no longer exempted from the law. I was always concerned about the hypocrisy of this exemption and supported the bill that eliminated it. I feel that the change makes the law much fairer to privately owned businesses.

Tobacco-related diseases cost Kansas nearly \$200 million annually in Medicaid costs and are the number one cause of preventable death. Not only does this law protect innocent Kansans from harmful secondhand smoke, it also saves our state millions of dollars at a time when we have no dollars to spare.

After the amendment to repeal was defeated, Sub HB 2340 passed on final action by a vote of 97-26. I supported.

#### Arizona-style immigration bill blocked for the year

On Wednesday, the House used a procedural vote to essentially avoid working the controversial "Arizona-style" immigration bill that has received so much press this session. Apparently, supporters of the bill decided to bottle the legislation due to the controversial statements of Representative Virgil Peck, who last week compared the state's killing feral swine to solutions to the immigration issue. His remark garnered national and international criticism, and it wasn't the first time this year that extreme Republican legislators have been in the spotlight for racist, comments. Even some of the most vocal anti-immigrant Republicans in the House recognized that this bill needed to be put off because of this negative publicity.

The Kobach measure has been widely criticized as "grossly broad." It would require police to check the legal status of any one they suspect might be in the United States illegally. Many believe that would

create an extremely cumbersome situation for cities and police and also amount to unavoidable “racial profiling”. Over 100 people signed up to testify on the measure but only 40 people were able to. Among the opponents was the Kansas Chamber of Commerce..

#### Campaign finance changes approved

One piece of legislation that passed this week that was particularly troubling to me was Senate Bill 127. This was a campaign finance bill that was amended to increase the limits on campaign contributions. The amendment also allows political candidates to transfer campaign funds from one campaign account to another.

Under this bill, State House candidates may now accept a maximum of \$750 from donors, as opposed to \$500. State Senate candidates may now accept a maximum of \$1,500 from donors, as opposed to \$1000.

The amended bill also allows candidates to transfer funds from one campaign account to another. For example, a legislative candidate who decides to run for statewide office would be permitted to use those funds for the statewide race, even though the donor contributed the money with the intention of its use in the legislative race. This is an unfair, unneeded change in campaign finance law.

Kansans did not send us to Topeka to amend the law so that we could have easier re-election campaigns in 2012. We were sent here to create new jobs and fix the economy.

Another point to consider: in 2010 many of the newly elected Representatives campaigned on making government more open and representative of the people. Yet, this bill increases special interest influence across the board. I voted no.

#### 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 451 S, State Capitol 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). or find information on my website [www.sydneycarlin.com](http://www.sydneycarlin.com)

Respectfully,  
Sydney Carlin, District 66