



Sydney Carlin State Representative Dist. 66, MANHATTAN

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Week 6 Newsletter

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This Week From The Statehouse

We are nearly halfway through the 2011 session! It's amazing how fast time flies under the Dome once we get going. The pace has really picked up this week and we are starting to hit important legislative deadlines. Last Wednesday was the last day for bill introductions in nonexempt committees. The "official" halfway point of the session is next week, which is referred to as "Turnaround." After Turnaround, the House will begin to consider Senate bills, and vice versa.

Budget Update

We are still grappling with cuts to the current year budget. As I mentioned last week, the House approved a bill that enacts a 7.5 % pay cut to high-wage state employees, including all statewide elected officials, Cabinet agency heads, legislators, and employees making more than \$100,000 a year. It also embraces Governor Brownback's proposed cuts to education which will result in a reduction of \$75 per pupil to Kansas schools.

I explained previously that the most serious problem with the House proposal is that it cuts \$26.4 million from special education which will result in about \$130 million in lost federal assistance over five years. Losing that assistance would be truly devastating to schools. Furthermore, we will never get that assistance back. Cutting those funds is a penny-wise, pound-foolish decision.

This Tuesday, the Kansas Senate passed its own version of the budget. The Senate version restores the \$26 million in cuts to special education, which would prevent that loss of federal dollars. It also reduces the cut off the base state aid to schools from \$75 to \$60 and exempts highly paid researches at Regents universities from the 7.5 percent pay cut. A conference committee is in the process of reconciling the two versions of the bill, but with regard to the special education money, it is an “all or nothing” deal and so far neither side has been willing to budget. We'll see what makes it to the Governor's desk. It is shaping up to be a House vs. Senate showdown. In this case, I support the Senate position.

“Arizona Style” immigration bill introduced

This week Republicans in the House introduced a version of the Arizona Immigration Bill which would require law enforcement officers to check the citizenship status of individuals they believe may be here illegally.

Here are some basic provisions of the bill:

- Require** local police to check the legal status of those they **suspect might be in the U.S. illegally.**
- Require **proof of citizenship** for anyone seeking public assistance.
- Make it illegal to harbor illegal residents and bolster the penalties for making fake identifications.
- Insist that state and local governments and their contractors run citizenship checks on all new hires.

This bill was modeled after Kris Kobach’s immigration bill. I share frustrations associated with illegal immigration, but the Kobach bill **has been challenged by federal courts in multiple states.** I am reluctant to support legislation that will result in costly legal fees for the state of Kansas at a time when we are dealing with an overwhelming budget crisis.

Additionally, requiring law enforcement agents to go on a witch hunt for illegal immigrants will **hinder their efforts to protect Kansans** from violent crimes, and make our state less safe. I also believe this bill could contribute to racial profiling and unnecessary hassles for Kansans who law enforcement believe “look illegal.” This bill hasn’t worked for Arizona, and it won’t work for Kansas. I welcome your input on this important topic.

"Community Defense Act" adds new regulations onto strip clubs

The House Federal and State Affairs Committee considered House Bill 2107 this week, referred to as the "Community Defense Act." The bill bans cities and counties from granting building permits to sexually oriented businesses (including cabaret clubs, strip clubs, adult book stores, and adult video booths) within 1,000 feet from religious buildings, schools, childcare facilities, parks, or libraries. The proposal also prohibits alcohol sales and full nudity in established adult clubs, and forbids the clubs from operating between the hours of midnight and 6 a.m.

Supporters of the legislation argue that the bill would help small communities with limited resources from engaging in lengthy lawsuits against sexually oriented businesses that wish to relocate in their areas. Proponents also testified that House Bill 2107 would protect the morality of their local communities.

Clancy Holeman and Monty Wedel appeared on behalf of Riley County Commissioners in opposition to the bill and because of their testimony were successful in gaining the support of the committee to amend the bill to allow local governments to adopt or maintain their own regulations that are just as strict or more strict than the proposed legislation. Other opponents stated that reducing hours and restricting alcohol sales will over regulate the business and reduce its chance for economic viability.

I understand why many are averse to adult entertainment venues, and Riley County has been successful in staving them off. But, there are two things to think about with regard to House Bill 2107. First, a major theme of the 2010 election was a call for limited government. This legislation is a far reaching intrusion of a private industry. It also sets a dangerous precedent. It determines what level of regulation state government will put on a business based on what individual legislators personally deem to be morally offensive. Do you want legislators making that call on your industry? It is a slippery slope. I am more interested in getting Kansans back to work. I don't see how this does that.

Work comp compromise muddled in committee

In its original form, HB 2134 was a genuine compromise between workers and employers - two groups that have never seen eye to eye on this issue before. HB 2134 passed the House this week, which reforms workers compensation policies for the first time since about 1986.

For decades, workers and employers have not been able to reach an agreement on work comp that was acceptable to both parties. Throughout this stalemate, the costs of living skyrocketed while work comp benefits remained stagnant. As a result, Kansas has fallen to 47th in the nation in work comp benefits.

House Bill 2134 includes an increase in caps for death and disability benefits - which I support. Maximum benefits would rise to from the current \$125,000 to \$155,000 for permanent total disability; from the current \$100,000 to \$130,000 for temporary total disability; from the current \$50,000 to \$75,000 for permanent partial disability.

Unfortunately, there were several committee amendments to the bill that were extremely unfair to workers. For example, if a worker gets injured on the way into the workplace even if the employer had responsibility over the path, he will no longer be covered by work comp. Even if the employer failed to provide a safe avenue from the parking lot to the actual place of work, the worker is out of luck. Another amendment also gives more leeway for employers to deny valid work comp claims based on extremely tight drug cut off levels that no other state is using.

Although work comp is very important to me, key amendments prevented me from being able to support the legislation that came before the House body. I am hopeful that the Senate will be able to get the bill back on track.

Proposal would repeal penalties for worker misclassification

A bill proposing the repeal of penalties for employers who misclassified employees as independent contractors to avoid tax withholding, contribution and reporting requirements was debated by the Commerce and Economic Development committee on Monday. The bill would also remove the ability for the Departments of Labor and Revenue to share information regarding potential misclassified of workers.

Proponents claimed that the bill, HB2135, would correct two major problems that exist with the current law. As it stands, some companies are investigated without substantial justification. This may be seen by some as an invasion of confidential tax records. Secondly, the existing law increases state bureaucracy for a small problem. Less than one percent of Kansas companies in the construction industry have been found to misclassify workers, which is reportedly the most common type of business that engages in worker misclassification. This small number of cases requires the establishment of additional state employees to investigate accusations, according to proponents of the bill.

Opponents argued that the bill would stunt inter-governmental communication, allow for illegal tax evasion, and not eliminate any state jobs. Removing the ability for the department of revenue to share tax information with the department of labor in a private and secure manner would not help safeguard privacy. Businesses' information is currently only shared in confidence between government agencies, which does not violate the employer's privacy. This would, however, significantly hinder the ability for the state to enforce current tax law. Furthermore, opponents stated that the current law does not create significant government bureaucracy. There are approximately five

positions that are held by officials who investigate claims, who also do other work for the Department of Revenue.

Where are the jobs?

Although Republicans have been in control of the Kansas Legislature for many years, an extreme faction of the Republican Party won a sweeping statewide victory in the 2010 election. First and foremost, the mandate they received from voters was to create jobs and get Kansas on the road to economic recovery. The bulk of legislation that comes through this chamber should be focused on that objective.

Hundreds of pieces of legislation are considered by the Kansas House each year. At some point, however, the session must end and Kansas must take stock of what its elected officials have accomplished. We now are almost halfway through the 2011 session. Here are a few of the proposals we have seen so far: comprehensive abortion restrictions, repeal of in-state tuition for children of illegal immigrants, new voter ID requirements, a "health care freedom" amendment, an "Arizona style" immigration law, a proposal to eliminate the State Board of Education and Board of Regents, the approval of closed door meetings, new restrictions on strip clubs, and a covenant marriage law, to name a few.

No matter what your personal stance on these issues, it is easy to see that these are social/political policies - they are not job creating measures. It seems that this group of extreme legislators is intent on using their power to further polarize Kansans, not put them back to work. As the session goes on, it is becoming apparent that the majority party is more out of touch with the people of our state than ever before.

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, 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. You can also follow the legislative session online at www.kslegislature.org. You can also visit my website for past newsletters at www.sydneycarlin.com