



March 3, 2011

Rep. Sydney Carlin, Dist 66

In this Issue

- **This Week At the Statehouse**
- **Budget Update**
- **Failure to wear seat belts could become more costly**
- **Unused Medication Act eliminates waste**
- **Politicizing the Courts**
- **Kansas workers under assault**
- **Repeal of in-state tuition**
- **Kris Kobach's voter ID**

This week from the Statehouse

It was another busy week here in Topeka as we reached the halfway point of the session known as "turn-around." Representatives worked hard to make sure they got as much done as possible before the half-way point when the House begins considering Senate bills and the Senate takes up bills which have passed the house.

Budget Update

A conference committee has been in the process of reconciling the two versions of the the rescission budget for the last couple of weeks. Unfortunately, party in-fighting has brought negotiations to a complete standstill. The gridlock stems from funding for special education. The Senate version restores

the \$25 million in cuts to special education, which would prevent loss of federal matching funds, in the amount of \$100 million over four years. House Republicans refuse to cede these dollars, determined to keep in line with Governor Brownback's original recommendations (which was to cut the special education money).

This is an unusual twist in the annual budget process. It is rare that a budget conference committee not be able to reach a compromise of any kind. If the Republican gridlock continues, no cuts will be made to the current year budget unless the ending balance falls below zero (which, if it happens, won't be until after the Legislature adjourns for the year). At that point, the Governor will have statutory authority to make allotments, but only enough to keep Kansas in the black - he won't be able to enact all the cuts he has recommended.

I'll keep you updated as to how this stalemate between House and Senate Republicans plays out.

Seat Belt Law Amended

The House passed HB2192. The bill would make the fine for violating the primary seat belt law uniform across the entire state. As it is, some cities and local governments have added court costs of \$65-\$95 to the initial state's \$5 penalty. This year, the state fine will increase to \$10 on July 1st. The intent of HB 2192 is to keep the focus on safety.

This bill was amended to allow both motorcycles and bicycles to turn left or proceed forward when a traffic light does not function properly. Traffic signals often do not function properly because road sensors typically fail to detect lightweight motorcycles or bicycles. The bill would still require cyclists to yield the right of way to any vehicle in the intersection or approaching the intersection.

Unused Medication Act eliminates waste

The Utilization of Unused Medications Act was created a few years ago to allow safety net clinics around the state to receive unused medications donated by adult care homes, mail order pharmacies and other medical care facilities. HB 2182 would permit mail order pharmacies physically located outside the State of Kansas, but licensed within the state, to donate unused prescription medication under this act.

Only medication in their original or pharmacist sealed unit dose packaging or in tamper evident packaging, unit of use or sealed, unused injectables shall be accepted and dispensed pursuant to the utilization of unused medications act:

- Expired medications are not acceptable
- Must not have been adulterated;
- No controlled substances are acceptable

Politicizing the Courts

HB 2101 - A bill proposing changes to the nomination procedure for the Kansas Court of Appeals passed the House today. This bill eliminates the vetting process that currently exists with a nine-member Supreme Court Nominating Commission. The new process would be more similar to the federal nomination process, where the President chooses the nominee and the senate votes to confirm.

Proponents of the bill argued that the change would simplify the existing method of nomination. If adopted this would be one less step toward getting Court of Appeals justices on the bench.

Opponents say that the Federal process is not one to be modeled after. Removing the panel selection process, that has been in place for years, invites political influence to grab hold of what should be a non partisan process. I see no reason in changing the Judicial selection process that allows ordinary citizens to participate in recommending our judges. I believe it is imperative that we keep politics out of our courtrooms.

Kansas workers under assault

The legacy of Collective Bargaining came from the time of the Great Depression and the New Deal. It created a middle class in America. Companies realized that they could not enjoy profits unless and until the laborers were willing and able to work for them. Only now are laborers and their benefits being mistakenly used to balance state budgets across the nation. Cuts have been made before – wages have been frozen before when the economy was bad – but never before have such efforts been made to handcuff Unions and their members ability to use their collective voice. This, after the recent Supreme Court decision that allows corporations to expend unlimited money to influence campaigns!

HB2130 passed the House last week and essentially removes the ability of workers to donate through payroll deductions to political campaigns of candidates that are sympathetic to their concerns.

Republican opponents to the bill confused the actual impact of the bill by claiming that individuals currently had no control over the funds taken from their paychecks if they belonged to a union. According to them, labor unions have been taking member's dues and using them for political actions they do not support. This ignores the fact that members are given the option to deny giving to union PACs and may stop the payroll deduction at any time. And, within those unions members are encouraged to democratically engage leadership when choosing which policies to support.

Union members are being forced back in time on this issue. They are being told that electronic debiting of contributions from their paychecks is no longer acceptable, only paper checks handwritten to candidates, will suffice.

Penalties strengthened for hit-and-run passes the House

This week the Legislature approved a bill to protect accident victims from hit-and-run drivers in Kansas. HB 2044 requires drivers involved in accidents to stay at the scene, assess whether anyone has been injured, and penalizes them if they leave the scene without trying to get aid. The legislation was drafted after a recent series of hit-and-run fatal and serious injury accidents in Lawrence.

Testifying on behalf of the bill were three families affected by these hit-and-run accidents. One happened in 2004 when Ryan Kanost, a KU student from Manhattan, lost his life. His father, Michael and sister

Laura testified that the current law encourages people to leave the scene of an accident because if they put enough time between them and the wreck before a test for drugs or alcohol, they can avoid charges of DUI and the associated penalties.

The bill passed the House overwhelmingly.

Republicans create a NEW government agency to target WASTE!

The House this week began discussion on a bill ostensibly designed to increase efficiency in government. Having been in public service, I absolutely support creating more efficiency within government and the legislative process; this bill though, will grow the size of government and in my opinion, contribute very little to efficiency efforts.

The bill would create a new appointed government agency to analyze government looking for areas where we could be more efficient. The Legislature already has the Post Audit Committee which is tasked with doing exactly this, but at no additional cost to the taxpayer. The new committee's powers are so open ended, that the Budget director's office could not even determine the potential cost.

I support government efficiency and making sure we use tax dollars as effectively as possible, but this new committee will only grow the size of government and create a new burden on the taxpayer. I did not support this bill because I believe the Legislature should use the existing Post Audit Committee to improve efficiency, and that creating more government is not the right decision.

Repeal of In-State Tuition for Children of Illegal Immigrants

In a blow to higher education students in Kansas, the Republican majority voted on Monday to overturn the law allowing graduating Kansas high school seniors who are the children of illegal immigrants, from receiving in-state tuition at Kansas colleges. These children, through no fault of their own, were brought here illegally by their parents and now simply seek to get an education and become an American citizen.

I opposed this bill because I believe it is wrong to penalize innocent children for the mistakes of their parents. To qualify for in-state tuition, these students have to be seeking American citizenship. I don't see how it benefits Kansas to kick out students who want to learn and contribute to the state.

I also believe that this bill will do nothing to stem the problems with illegal immigration that do exist within our borders. Illegal immigrants don't come to Kansas to vote or go to school, they come here to work. We must focus on the real issue in the illegal immigration debate and that is cracking down on employers who hire these illegal immigrants instead of Kansas citizens. But, we've been sidetracked by the in-state tuition bill which will do nothing to stop illegal immigration in Kansas

Kris Kobach's voter ID

The highly publicized Voter ID bill to require Kansas citizens to provide proof of citizenship (birth certificates) in order to register to vote passed the House last week. Voters would also be required to

show photo ID at the polls. The proposed Secure and Fair Elections Act is full of too many holes, and risks disenfranchising voters by mandating so many extra steps to participate in the voting process.

This is another bill that fails to address the real root of the illegal immigration problem--employers who hire undocumented workers. Voting in Kansas elections is not the reason illegal immigrants come to our state. I believe the Voter ID bill will do nothing to prevent illegal immigration, but it will keep honest citizens from reaching the polls on Election Day.

Our new Secretary of State, Kris Kobach, and Republican supporters of this bill want Kansans to believe that voter fraud is a serious problem; that undocumented aliens are voting in our elections, and that providing an ID to vote is no big deal. However, I fear that we will actually see that the Voter ID bill will hurt more Kansans than it protects. Not only will it deter new voters from registering, but it will also suppress voter turnout at the polls.

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, 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. My previous newsletters can be found on my website www.sydneycarlin.com

Sydney Carlin, Rep. 66th District