

# Lisa's Legislative Lingo



*\*End of Session Edition\**

Eleventh Update

2010

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) in an attempt to work through specific issues.

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 than we had last year. There were simply no easy answers. Ultimately, we had only a list of unpopular options from which we had to pick the least harmful. However, 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 return 175,000 Kansans to work, and legislation that will protect all of us from dangerous, secondhand smoke in public places.

## ***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 our best efforts to adjust to the economic climate by reducing spending by over \$1 billion in just 18 months, we were still over \$500 million short by April 2010. Two more years of declining revenue are projected, which 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.

It took the entire session for a budget proposal to materialize in the House Appropriations Committee. Unfortunately, that proposal demolished our most important investments and created more problems than it solved. I simply could not inflict such a devastating level of harm onto Kansas families and communities. There are too many services and investments that would have cost much more to fix down the road than they cost to maintain in the current fiscal year. We had to think past the bottom line of FY 2011 and consider the long-term effects of our actions.

In the final days of the session, a bipartisan coalition came together to pass a more reasonable budget alternative. The coalition budget maintained critical investments that will both grow and preserve jobs, keeping Kansas on the road to economic recovery. This was truly a bipartisan effort. Both Republicans and Democrats were actively involved in the budget’s development and passage. It was overwhelmingly approved by a vote of 71-48, just four days after the House Appropriations Committee’s proposal was overwhelmingly rejected 45-74.

It is important to note that the coalition budget cut over \$200 million beyond the Governor’s recommendations (on top of the previous \$1 billion cut). This is a fiscally responsible piece of legislation. We only included what was absolutely necessary to keep communities safe, vulnerable citizens protected and public education institutions intact. While the final product is not perfect, it was by far the best proposal that surfaced throughout the 90-day session. Every Kansas community will benefit from the bipartisan work we accomplished in Topeka in 2010.

### ***New Transportation Plan will create 175,000 new jobs***

The success of the 2010 session- and the long-term economic stability of Kansas- depended on the passage of a new comprehensive transportation plan. I am exceptionally proud that a new plan passed with significant bipartisan support.

The Transportation Works for Kansas Program (T-WORKS) provides the framework for a new state 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. The Comprehensive Transportation Plan (CTP) expired in 2009. It was preceded by the Comprehensive Highway Plan (CHP), which expired in 1989. Both of these programs were enacted during economic downturns and each resulted in over 100,000 new jobs for Kansas workers.

T-WORKS will provide about \$8.2 billion in construction and modal spending over the next 10 years. By comparison, it would take \$11 billion to replicate the CTP. T-WORKS is smaller and appropriate for our times. 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).

More than 1,000 Kansans participated in the development of this program, and it could not have been enacted at a more appropriate time. Kansas maintains more than 130,000 miles of local roads, 10,000 miles of highways, and 20,500 bridges. T-WORKS will help Kansas emerge from the economic recession as quickly as possible.

### ***Statewide clean indoor air act signed into law***

In his State of the State Address, Governor Parkinson requested Clean Indoor Air legislation that was not “full of loopholes” and that would satisfy the 75% of Kansans who want a “real public smoking ban.”

Protecting the health and safety of Kansans is my number one priority in the Statehouse, and there is no risk-free exposure to cigarette smoke. Tobacco-related diseases cost Kansas nearly \$200 million annually in Medicaid costs, \$927 million annually in total, and are the number one cause of preventable death. Not only will a smoking ban protect innocent Kansans from harmful secondhand smoke, it will save our state millions of dollars over time, at a time when we have no dollars to spare. Health benefits aside, this is simply good public policy.

I am very proud of the part I played in this legislation. I believe it may be the most important vote I will ever make in Topeka. I know it is certainly the most important in the 14 years I have served.

### ***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 ensure these tragedies never happen again, the Kansas House approved House Bill 2356, also known as Lexie’s Law.

Currently, there are 2,600 home day care providers in Kansas. Some are licensed, which hold a higher standard than those that are registered. Registered home day care centers are not required to undergo inspection. That will change beginning July 1, 2010.

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. KDHE would create a way to access online information about day

care providers and a history of citations and substantiated findings so parents may have information while choosing a center for their child.

Lexie's Law was of particular interest to me. I believe the bill result is good because a constituent, Rose Grimes, and her fellow providers, didn't rest until every item was addressed. After all, they are the providers and know what issues needed attention. I was happy to help resolve the problems.

### ***Mandatory seat belt laws***

Currently, if a driver is stopped by a law enforcement officer for a driving infraction, and it is determined the driver is not wearing a seatbelt, the driver may be ticketed for not being buckled up. During this session we passed a law that now makes the failure to wear a seatbelt a primary offense. Beginning July 1<sup>st</sup>, a driver may be ticketed solely for not wearing a seatbelt. The penalty is a paltry \$5 and no court costs will be incurred. History tells us that wearing a seatbelt saves hundreds of lives daily across this state. For passing this legislation, we qualify for federal funds of \$11 million. Not only should we be encouraging people to make their travels safer by wearing their seatbelts, but it also helps during this difficult economy.

### ***Tax bill passes***

In a truly bi-partisan effort, the House and Senate determined the most responsible way to balance the budget was to make some additional cuts, but we also increased the sales tax rate 1%. The temporary tax will begin July 1<sup>st</sup> for a term of 3 years. After 3 years, we will retain just .3% of the tax permanently for transportation projects. With the Republicans having 61% of the seats in the House and 77% in the Senate, it was truly a bi-partisan coalition that allowed us to get a majority of the votes in both chambers.

By voting for this legislation, I helped create 175,000 new jobs. I kept the most vulnerable from more drastic cuts in their services and I refused to make more cuts to education—K-12 and higher education. I also protected the poorest by expanding the Food Sales Tax Credit and the Earned Income Tax Credit.

And, for those who feel legislators are always asking others to take the hits while others suffer. I want you to know that I also voted to take a pay cut. I believe as legislators we make a minimal salary. However, there are other state employees who make very little also, so it was only right that I vote to cut my salary.

### ***State health insurance now covers Autism treatment for children***

In an effort to recognize 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, autism is 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. The states that have health insurance mandates to cover these disorders are saving as much as \$20,000 per year per child in special education costs, which adds up to more than \$200,000 over a student's career. If children receive intervention treatment before the age of 4, many of them go on to live productive lives comparable to those without a developmental disability. It is projected that nearly \$3.2 million in social service costs per person can be saved over their lifetimes with effective early treatment.

Coverage must be provided in a manner determined between the autism services provider and the patient. Coverage will also be subject to the same annual deductibles and coinsurance provisions as established for other physical illness benefits. As with other mandates for insurance coverage, the first year of passage will only cover those in the state insurance pool. The intent is to study the cost and effectiveness of the legislation.

Additionally, S Sub for HB 2160 requires all individual or group health insurance policies (including the State Employee Health Plan) to cover the prescription of orally administered anti-cancer medications no less favorably than intravenously administered or injected cancer medications.

### ***New safety training requirements will protect social workers***

Social workers have enormously difficult and important jobs. They work directly with our state's most troubled and disadvantaged citizens in an attempt to help them become productive members of society. This can sometimes put these workers in extremely dangerous situations.

As such, the Legislature passed H Sub for Senate Bill 25, which amends the continuing education requirements for baccalaureate, master, and specialist clinical social workers. Applicants for first-time licensure renewal would be required to have completed, as part of their continuing education requirements, no less than six hours of social worker safety awareness training.

These new requirements were enacted in response to the murder of a Johnson County mental health worker, Terri Zenner. In 2004, Terri made a regularly scheduled stop at the home of one of her clients with whom she was working to build life skills. Although it was a routine visit, the unstable patient brutally murdered Terri and stabbed his own mother when she attempted to intervene. After Terri's death, her husband, Matt Zenner, was told by investigators that Terri could have likely avoided the life-threatening situation if she had received some type of safety training. In the six years since her murder, Matt has worked tirelessly to increase safety awareness training for social workers.

It is critical that we arm these workers with skills they need to ensure the safety of both themselves and the Kansans they are working to help. This legislation puts our state on track to ensure that no other Kansas social worker will suffer Terri's fate.

### ***Sex offender registry laws strengthened***

To preserve and protect Kansas communities, the Kansas Legislature passed a new law requiring persons convicted of certain sex crimes to register as a sex offender for life.

Currently, the Kansas Offender Registration Act requires a person convicted of a sex crime to register for ten years. 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.

Sex offenders commit some of the most heinous acts in our society and their victims are often the most vulnerable members of our society. I am proud to vote for any legislation that helps keep Kansans informed about potentially dangerous individuals living in their neighborhoods.

### ***New legislation will lay groundwork for rail service in Kansas***

Many successful pieces of transportation legislation became law this year that will lay the groundwork of our state's infrastructure for years to come. Among this legislation was Senate Bill 409, regarding the implementation of the Passenger Rail Service Program Act.

The rail service aims to connect the Amtrak service from Kansas City, to Lawrence, Topeka, Oklahoma City and then finally Fort Worth, Texas. This bill will help get the program rolling by allowing the Secretary of Transportation to begin initiating plans with Amtrak, local counties, other states involved with the line, and rail operators.

This Amtrak system should not require any immediate money from the state general fund, and actually is expected to generate revenue (as well as new jobs, tourism, and economic development projects). Rail stations and railways are already standing and can be used for this project. Few upgrades will be needed for the Amtrak system, and the upgrades would cost significantly less than upgrades to smaller sections of highways. The bill will also enable the program to become eligible for the next round of federal funding.

Fifty-five 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 also lessened, which would also lessen highway maintenance expenses.

### ***Legislation will allow better tracking of domestic violence***

In an effort to stomp out domestic violence in Kansas, the Legislature passed House bill 2517 to give the justice system necessary tools to better track domestic violence cases. The bill was introduced in response to the 2008 murder of Lawrence resident Jana Mackey.

Currently, many crimes related to an abusive relationship (such as harassment, damage to property or disorderly conduct) aren't classified as domestic violence. House Bill 2517 will allow judges to determine whether crimes are linked to domestic violence and then tag them accordingly onto legal documents. This tag will connect any criminal act involving an intimate or domestic relationship. It will enable better tracking of repeat offenders. This is especially important with domestic violence cases, as most offenders repeat their crimes (including Jana's murderer). Additionally, the bill allows judges to require treatment for the offender, such as therapy. Ultimately, this legislation will help sanction domestic violence before it escalates.

Additionally, the bill clarifies several definitions in relating to domestic violence and requires the KBI to make available to the Governor's Domestic Violence Fatality Review Board crime record information related to domestic violence. The Board is charged with reviewing all adult domestic violence-related fatalities in Kansas, describing trends and patterns regarding the facts and circumstances of these fatalities, recommending improvements to prevent future fatalities and determining if adequate resources and trainings are in place for those who respond to domestic violence crimes.

### ***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 or subsequent DUI convictions.

Main opponents of the legislation felt that it did not do enough to deter first-time offenses. The House's initial proposal would have required first-time offenders to drive with ignition interlock devices for a year. Interlock devices won't allow the car to start if the driver's blood alcohol level is half the legal limit or greater. The driver's levels also are randomly tested while the car is moving. Many argued that tougher sanctions on first-time offenses would then cut down on second offenses.

While I agree that we must do all we can to keep drunken drivers off the road, Senate Bill 368 was never intended to be a long-term solution to problems associated with Kansas DUI laws. Ultimately, this bill is a "temporary compromise." Most agree that our state's DUI laws are in dire need of reform. This is why the Kansas DUI Commission, Chaired by Senator Tim Owens, was created last year to study issues surrounding our DUI laws and to make recommendations for improvement. Although most of us agreed that we should do more to

deter first-time offenses, this legislation the most feasible proposal until the DUI Commission submits its official recommendations in 2011.

***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. I worked hard to ensure the interests of the 22nd district were addressed in Topeka. Please feel free to contact me with your comments and questions. Since session is now concluded, you can e-mail me at [Lisa.Benlon@yahoo.com](mailto:Lisa.Benlon@yahoo.com). With your help, I look forward to continuing our work to improve this great state together.