

Senate adopts 'pay-go' rule to require spending cuts

Rules. They're important in every aspect of our lives. Rules can give those in powerful political positions the opportunity to run things as they see them. An excellent example of rules being used to one's advantage is something called "pay-go."

Pay-go is a provision that allows no floor amendment to increase the amount of expenditures in an appropriations bill unless a like amount is reduced from some other part of the bill.

An example: if you wanted to make an amendment to increase base state aid for education, you would have to delete a matching dollar figure from another area, say health care. One group would love you; the other would be upset.

A positive of that plan is that it keeps one political party from proposing amendments that they know will not be accepted. In the past, this would be done so a politician could say they proposed a great plan but the other side voted against it.

The House of Representatives has had pay-go in effect the last two years. It gives the Appropriations Committee a lot of power, as you only need 12 members to pass an appropriations bill out of



Letter from Topeka
By State Rep. Ward Cassidy
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23. The Republicans are chosen by the speaker of the House. The number of Republicans is based on the percentage of Republicans in the House. The minority chair chooses the members from his party. This year, there are 93 House Republicans and 32 Democrats. The makeup of the committee is 17 Republicans and 6 Democrats.

This year, the Senate also adopted pay-go. The Senate has a make-up of 32 Republicans and eight Democrats. Susan Wagle, the first woman to be President of the Senate, made a rules change that allows her to be solely in charge of appointments to Senate committees. The Senate appropriations committee is known as Ways and Means. There are only nine members. If you have followed my logic, this makes the Senate

president the second most powerful politician in the state, as Sen. Wagle will only need five votes to control spending.

Personally, I had a very exciting time. My Education Budget Committee passed out two bills to the House. Both dealt with transfer of lands for the University of Kansas and Emporia State University.

Now, we begin budget hearings. I have 17 budgets in committee that will total 62 of the state general fund budget.

I was given the honor of presiding over the full House on Jan. 31. It was exciting to sit in the speaker's chair and lead the House for a day.

A judicial selection bill passed out of the Senate and will be coming to the House. I am guessing there will not be a vote for several weeks.

Changes in judge selection on table

During the governor's State of the State Address, he called on the Legislature to reform the process of selecting appellate judges.

The two suggestions he made are governor appoints and Senate confirms or return to direct election.

The 2013 Legislature could adopt a bill making a change in the appointment process for the Court of Appeals. My feeling is a majority in the House and Senate would favor such a change.

Altering the composition of the Supreme Court would require an amendment to the Constitution. Amendments to the Constitution require a two-thirds majority support of both the House and Senate.

The Senate passed a measure the week of Jan. 28 that would abolish the Judicial Nominating Commission and instead allow the governor to select his own nominee with the confirmation of the Senate.

To pass this measure in the House, two thirds of the members will have to vote for it. I don't believe it will run too soon as the makeup of the majority party is an unknown.

To become law, there would have to be a change to the Constitution, which would require a two-thirds vote in both chambers and ratification by voters at the ballot box. Changes to the appeals court would not require an amendment as it is created by law.

The nominating commission for both courts includes four members appointed by the governor, and four lawyers selected by lawyers.

One motivation for this proposal is that a previous Kansas Supreme Court ruled that the Legislature didn't meet its constitutional duty to adequately finance public education. The ruling forced lawmakers to pour millions into K-12 education.

The recession hit, and the school budget was cut. Now, a Shawnee County District Court ruling indicates, once again, the state has fallen short in its constitutional obligation to fund schools. That ruling is being appealed.

It is troubling that the court has taken upon itself the duty of appropriating money. The rift, of course, goes much deeper and appears to

be an ongoing strife between the branches of government that just can't be resolved.

It appears that the three branches of government are all vying for money and power. In school, we are taught that the executive branch enforces the law, the legislative branch makes the law, and the judicial branch interprets the law.

It appears that the Legislature is not likely to take a quick step on the issue of court-ordered school spending, which could defuse the potential of a judicial spending mandate that would destroy the governor's budget plans.

Final note - I am strongly opposing (again) a bill to eliminate the requirement for one judge per county.

Ward Cassidy of St. Francis, a retired school principal and teacher, is the state representative for the 120th District, covering Decatur, Cheyenne, Rawlins, Wallace and Sherman counties and the northwest part of Thomas, including Colby. Send e-mails to ward.cassidy@house.ks.gov.

Lawyers have huge role in selecting appeals judges in Kansas

The "Weekly Five Hard Facts"

- With the current judicial selection process, a small minority of 10,000 Kansans, lawyers who are members of the Kansas Bar Association, have a say in who is nominated to the Kansas Supreme Court or the Kansas Court of Appeals.

- Kansas is the only state that gives the bar majority control in selecting its Supreme Court nominating commission.

- 73 percent of Kansans with income of \$100,000 or more use the mortgage income deduction, while only 17 percent of those whose income is less than \$100,000 use the deduction.

- Big tax credits, such as the real

estate tax deduction, encourage home buyers to take out bigger mortgages.

- Data shows states with zero personal income tax significantly outperform states with the highest personal income tax rates.

The pace has increased in this third week of the Legislative session due to the Senate casting its first votes, committees continuing to work on a number of bills and a steady influx of bills making it to the floor for debate.

General Orders in the Senate occurred on Wednesday to debate and vote on legislation. More votes and discussion will occur, as the first deadlines are approaching.



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By Sen. Ralph Ostmeyer
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To stay informed on Legislative issues, go to the legislative hotline, (800) 432-3924 or www.kslegislature.org.

Major Issues This Week

- Judicial Selection SCR 1601 - proposes to amend the Kansas Constitution to allow for the gubernatorial appointment and Senate confirmation of judges.

SB 8 is a companion bill which establishes an independent review to help the Senate evaluate judicial nominees.

Both passed.

- Paycheck Protection for Public Sector Employees (HB 2023), Paycheck Protection Act - to ban state or other units of government from making payroll deductions for members of labor unions for the purpose of contributing to the union's political action committee. Members can still make a contribution by writing a check. The House passed it. The bill is now headed to the Senate for further consideration.

During committee debate, we split the two subjects: SB 21 addresses the reciprocal license standards. A new bill for the definition of firearms will be sent to the Judiciary Committee.

The Senate and House Education committees have been meeting jointly to get a better understanding of the budget formula and laws governing education funding. Public education funding in Kansas is \$5,771 million a year, and just over half that goes to the classroom.

Write Sen. Ralph Ostmeyer at State Capitol, 300 SW 10th Street, Room 136-E, Topeka, Kan. 66612, call (785) 296-7399 or e-mail ostmeyer@senate.state.ks.us.

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Sun	Mon	Tue	Wed	Thu	Fri	Sat
February 2013 Family Practice & Specialty Care Clinics Schedule					1 FP Clinic: Dr. Hooper Lynetta Cardiac Rehab	2
3	4 FP Clinic: Dr. Rosin Lynetta Oncology: Dr. Rubinowitz Pro-Time Monday Cardiac Rehab	5 FP Clinic: Dr. Rosin Tricia Cardiology: Dr. McGowan	6 FP Clinic: Dr. Rosin Lynetta Surgery: Dr. Eskildsen SONO Cardiac Rehab	7 FP Clinic: Dr. Rosin Lynetta Diabetic Support Group MRI	8 FP Clinic: Dr. Rosin Lynetta Cardiac Rehab	9
10	11 FP Clinic: Dr. Rosin Lynetta Pro-Time Monday Pacemaker Rec. Cardiac Rehab	12 FP Clinic: Dr. Rosin Dr. Hooper Lynetta Bone Density	13 FP Clinic: Dr. Rosin Dr. Hooper Surgery: Dr. Eskildsen SONO Cardiac Rehab	14 FP Clinic: Dr. Hooper Lynetta Foot Clinic: Golden Age Ctr Microdermabrasion MRI	15 FP Clinic: Dr. Hooper Lynetta Cardiac Rehab	16
17	18 FP Clinic: Dr. Hooper Lynetta Cardiology: DeBakey Heart Inst Pro-Time Monday Cardiac Rehab	19 FP Clinic: Dr. Rosin Tricia Cardiology: Dr. Hoos- Thompson	20 FP Clinic: Dr. Rosin Lynetta Surgery: Dr. Eskildsen SONO Cardiac Rehab	21 FP Clinic: Dr. Rosin Lynetta Nuclear Stress Test MRI	22 FP Clinic: Dr. Rosin Lynetta Cardiac Rehab	23
24	25 FP Clinic: Dr. Rosin Lynetta Pro-Time Monday Cardiac Rehab	26 FP Clinic: Dr. Rosin Lynetta	27 FP Clinic: Dr. Rosin Surgery: Dr. Eskildsen SONO Cardiac Rehab	28 FP Clinic: Dr. Rosin Lynetta Microdermabrasion MRI		

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