

**LEGISLATIVE E-REPORT
LEAGUE OF WOMEN VOTERS OF KANSAS**

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BUDGETARY STRUGGLES

Paul Johnson - February 25, 2011

The 2011 Kansas Legislative session is at the halfway point. The Kansas House and Kansas Senate have been on the floor fulltime on Wednesday and Thursday to finish bills that must move to the next chamber. The budgetary process is proceeding forward slowly to settle the current year's budget and develop the 2012 state budget. The plan is for the Kansas Legislature to finish the regular session by April 3 and reconvene late April for the final veto session.

The debate over the budget for the current fiscal year (FY 2011) that ends June 30 has bogged down in a difference of opinion over the funding of special education. The concern is that Kansas will lose federal funding for special education if Kansas does not fully match federal special education funding. There are several other items of difference between the Kansas House and Kansas Senate to be discussed but the stalemate over special education has prevented further deliberations. At the same time, both the House and Senate are developing FY 2012 state budgets that will eventually be joined into a 'mega-appropriations' bill that must be passed by 63 House members, 21 Senators and signed by the Governor by early April. The final budgetary bill known as the 'Omnibus' budget bill is developed and debated during the veto session. This is the final clean-up bill to fix any prior budgetary or program errors. New consensus state revenue estimates will be developed around April 15. These new estimates are used for the Omnibus bill. If these revenue estimates for the next 18 months are lowered, more budgetary reductions will be necessary.

The \$500 million budgetary deficit for the FY 2012 state budget hangs over every budgetary deliberation. The Governor has proposed several drastic administrative (staffing) cuts rather than downsizing or eliminating certain programs. For the Department of Aging, staffing cuts will affect the delivery of key services such as home and community based services for the frail elderly. An arbitrary 10% cut in nutrition services will result in the closing of some rural congregate feeding sites and fewer meals-on-wheels services. Staffing cuts in the Department of Corrections will result in fewer community correction and parole services for released prisoners - with more of these prisoners returning to jail thus costing Kansas even more. Some of these budget cuts will be reconsidered in the Omnibus Bill if more revenues become available.

ELECTION LEGISLATION UPDATES

Senate Bill 103 passed the Senate 38 to 0. This law standardizes electronic absentee ballots for uniformed, overseas citizens and federal service voters.

Senate Bill 129 passed the Senate 30 to 9. This law changes the filing deadline for state senate candidates to May 1 in the second year of the four-year term. So if a State Senator resigns before May 1 of their second year in their term, an election will be held for the replacement and the remaining two years of the term. If the resignation comes after that May 1 deadline in the second year, a party caucus will select the replacement that will serve out the rest of the four-year term. This issue came up with the retirement of Senator Jim Barnett.

Senate Bill 128 passed the Senate 25 to 13. This bill excludes Kansas from the 2012 presidential preference primary, given the anticipated \$1.3 million cost, but picks it back up again for the 2016 elections. Kansas has only held a presidential primary election in 1980 and 1992.

Senate Bill 145 passed the Senate 28 to 12. This bill would add to the Campaign Finance act requirements for a disclosure statement in any radio or television ad that clearly expresses the nomination, election, or defeat of a clearly identified candidate for state or local office. The statement would have to be spoken, and the bill would specify minimum "approved by" wording for the statement. The statement could be made by a candidate, the chairperson, treasurer, party or political committee. Violation of the disclosure statement requirements would make the entity guilty of 'corrupt political advertising' - class C misdemeanor. Civil penalties under the Campaign Finance Act also could apply.

Senate Bill 102 has been re-referred to the Senate Ways & Means Committee. This bill increases fees for candidates, political committees and lobbyists to replace the State General Funds that are going to the Kansas Government Ethics Commission. This bill would increase revenue by \$251,230 in 2012 and \$259,690 in 2013. If this bill does not pass and the Governor's funding decrease to the Government Ethics Commission is adopted, serious damage will be done to this Commission. The fees in this bill have not been increased since 2000.

ELIMINATING MERIT SELECTION OF APPEALS JUDGES?

HB2101 seeks to change the method of selection of the Court of Appeals away from merit selection to the political process of appointment by the governor and approval by the Ks. senate. The League strongly opposes this.

1. The size of the court will be raised from 13 to 14. (There have been 14 supposed to be on before but because of the budget crisis the 14 spot has stayed empty.)

2. At the next general election, all judges must declare their candidacy and stand for retention, and must do it every 4 years. (This means that every 4 years, there could be a complete turnover in judges. Presently, the year of vote to retain is determined by the year they assumed the office.)

RURAL OPPORTUNITY ZONES

Senate Bill 198 was amended on the floor of the Kansas Senate by Senator Jeff King from Independence to add 10 more counties (Cloud, Commanche, Elk, Mitchell, Stafford, Wilson, Pratt, Hamilton, Kearny and Hodgeman) for a total of 50 counties. The criterion now is a population decline of 8% from 2000 to 2009 and a total county population under 12,000. The income tax credit for individuals moving to these counties will reduce the State General Fund an estimated \$1.374 million in 2013 and \$3.978 million in 2014. These 50 counties may elect to participate in the student loan repayment provisions up to a maximum of \$15,000 over five years. Counties will have to match dollar for dollar these student loan repayment costs with the State. In-state students and out-of-state students are now both eligible. The Kansas House has its own version - HB 2331 - so the exact provisions of the final bill still has to be determined.

EASEMENTS ON STATE RIVERBED PROPERTY

Senate Bill 122 gives the Director of the Kansas Water Office the authority to **grant easements on state property along the Arkansas, Kansas, and Missouri rivers for the purpose of conservation projects** with cooperating landowners. Conservation

projects have been limited and defined as any project or activity that the director of the Kansas Water Office determines would assist in restoring, protecting, rehabilitating, improving, sustaining, or maintaining the banks or bed of the Arkansas, Kansas or Missouri rivers from the effects of erosion. Notice of the easement would be given to the county or counties involved and any municipality or other governmental entity that holds a riparian interest in the river. Thirty days would be allotted for a comment period to the Kansas Water Office. SB 122 has passed the Senate and will be debated in the Kansas House.

PROPERTY RIGHTS FOR SOLAR AND WIND RESOURCES

House Bill 2141 would amend current law concerning conveyance of real estate. This bill would allow only the surface owner of a tract of land to use the land to produce wind or solar generated energy, unless the owner has entered into a lease or easement for those rights for a definite period. This bill would take effect affect July1, 2011. This law would not prohibit conservation easements. The intent of this bill is to ensure that, unlike mineral rights, wind and solar rights could not be permanently severed from a tract of land. This bill has passed the Kansas House and will be heard before the Senate Utilities committee.

