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(Includes additions and comments from President Krehbiel)

2013 LEAGUE OF WOMEN VOTERS OF KANSAS E-REPORT #7

February 23, 2013 – Paul Johnson

THIS WEEK AT THE STATEHOUSE

March 1 is TURN AROUND DAY which is when most bills must be out of their original chamber. Certain committees such as Ways & Means, Federal & State and Taxation are exempt from these deadlines.

ELECTION LAW LEGISLATION

Senate Bill 177: (Kansas Secretary of State Kris Kobach testified in support)

- prohibits the public disclosure of the names of voters (aimed specifically at provisional ballot voters) for a period from election day through the final canvass and certification of the election.
- would not prohibit the disclosure of names of advance voters.

Secretary Kobach favoring this legislation said it:

- 1) will protect voters from post-election contacts from candidates.
- 2) will protect county election officers from dealing with records requests during the busy time when they are preparing for the county canvass.

County election officers have begun to receive requests for poll book information or copies of provisional ballot envelopes as candidates prepared for possible recounts.

Kobach said that previous Secretaries of State have advised that these requests should not be fulfilled but county election officials make the final decision. A **Sedgwick district court ruled** that the voter **records need not** be released while a **Shawnee district court ruled** that the **records should be turned over**.

House Bill 2271 Hearing Room Packed: Drastic Change to Local Elections?

- moves local spring elections to the fall in even numbered years and

- makes all elections partisan and
- removes the option of cities to pass a resolution opting out of these partisan fall elections.,
- the names of candidates on the ballot would not be rotated (to lessen the number of different ballots to print) and
- certain local elections such as school boards would be at large as opposed to by district.

(Only proponents were Secretary Kobach and the sponsor of the bill Representative Steve Huebert from Valley Center) They claim

- fall elections will increase turnout from 10-15% to 50-60% of eligible voters.
- will save money with all elections held every other year.
- A form of this bill – minus the partisan change – passed the House last year and a similar bill in the Senate – SB 145 – has now been scheduled for a hearing in Senate Elections.

Opposition testified: These local spring elections

- are community-based.
- dealing with non-partisan governing issues.
- fall elections would make the ballot too long. If the ballot goes to two sheets of paper, existing scanning machines would count the second sheet as a new ballot.
- Mike Taylor of Unified Gov. Kansas City, Kansas testified KC had 122 different spring ballots and this would double if the elections were made partisan.
- Both Wichita and Topeka school districts have gone to district school board elections that would be negated by this bill.
- Wichita school board members take office July 1 just as the school district is creating a budget and settling contracts with teachers with new school board member taking office on January 1.

In 2013, Kansas has 3,812 city candidates statewide running for office. This bill would force these officials to run again in August of 2014. Partisan elections would prohibit military personnel and federal employees from running for school boards or non-partisan city or county offices. This House bill was introduced in the House Federal and State committee meaning it is blessed and does not have to be voted out of the House by March 1. This battle has just begun!

OTHER LEGISLATIVE NOTES

March 1 is the date by which bills introduced in the House or the Senate must be passed to the other chamber

CHANGING THE WAY CT. OF APPEALS AND SUPREME CT JUDGES ARE CHOSEN?

The fate of key constitutional amendments is still unclear. The **Senate has passed a constitutional amendment** to change the selection of Supreme Court (and Court of Appeals) justices to

appointment by the Governor and confirmation by the Senate. The vote for this constitutional change would occur **in August 2014. But there may not be enough votes in the House to pass this.** (For information: 2012 August primary turnout was 23.2% of eligible voters – 2012 November general election had a 67% eligible voter turnout)

The Kansas House committee has passed out **HCR 5002** that would make the same constitutional change as the Senate amendment but the The House vote would need 84 of 125 House members. HCR 5002 was voted out of committee on A January 24 but **House leadership has not found the 84 votes.**

CAN THE LEGISLATURE DO AN END RUN AROUND THE COURTS ON SCHOOL FUNDING?

Senate Concurrent Resolution 1608, to amend the state constitutional to say that **only the Kansas Legislature determines school funding.** Vote was 27 to 13, the absolute minimum number of votes needed. It is in retaliation to the three-judge panel ruling in January that stated the Legislature isn't meeting its constitutional duty to provide funding for K-12 education. It attempts to nullify the recent court decision that requires Kansas to put \$480 million more into K-12 education. SCR 1608 would change the Kansas Constitution to read,

“The financing of the educational interests of the state is exclusively a legislative power under article 2 of the constitution of the state of Kansas and as such shall be established solely by the legislature.”

If approved by 2/3 of the House and Senate, the amendment would go to Kansas voters for approval. The common belief around the Statehouse is there are not enough votes in the Kansas House to pass the proposal. In essence, the Senate is sending a message to the Kansas Supreme Court to back off from forcing the Kansas Legislature to fully fund public education by the amount of an additional \$620 per student as stipulated by the standards passed into state law by the same legislature. (By the way, the state currently pays \$3,838 per pupil, only \$200 per pupil above what was funded for each pupil in 1992!) The question remains what happens if the Supreme Court orders the extra funding and the Kansas Legislature ignores the court order? This situation has happened in other states and courts have given up.

TAX OR CUT

The taxation and budget battles have remained unsettled. Right now, there are not the votes in the House **to pass a permanent 6.3% state sales tax and eliminate the mortgage interest deduction.** The House Speaker has said a portion of the \$450 million ending balance - that the Governor wants - could be used to balance the 2014 State budget without further draconian program cuts. This works for 2014 but using the ending balance is a one-time budgetary fix. It does not solve the 2015 budget and the reductions in income taxes continue to dig a deeper hole for 2015 and on. If past history is any guide, these tough, controversial decisions on taxation and budgets will be left for the veto session in May.

WIND IS CHEAPER THAN EVEN NATURAL GAS: RENEWABLE ENERGY PORTFOLIO STANDARDS

Kansas **Senate Bill (SB) 82** and Kansas **House bill (HB) 2241** are aimed at weakening our state's policy that has set moderate requirements for our state utilities to provide electricity from wind power and other renewables. Kansas established renewable energy portfolio standards (RPS) of 15% of electrical generation by 2016 and a 20% standard by 2020. SB 82 - that has passed out of Senate Utilities committee - delays these standards by 2-3 years. HB 2241 eliminates the 20% by 2020 standard altogether. Kansas would be the first state of 29 to reverse course on these standards. It is very possible the wind industry - which spent \$3 Billion in Kansas in 2012 - would locate to more friendly states such as Oklahoma, Nebraska or Texas. **SB 82 will be debated on the Senate floor next week. Very likely, HB 2241 will be voted out of committee on Monday and debated on the House floor before March 1.**

Notes from our friendly ally organizations

KANSAS Action for Children (KAC)

Early Childhood Funding: The budget for early childhood programs supported by the Children's Initiative Fund (CIF) is slowly moving through the legislative process intact. Of note – this week the Parents as Teachers and Pre-K budget were worked in the House Appropriations Committee and the committee's recommendation supports the program in its current state without the proviso requiring means-testing by FY 2015.

KIDS Higher Education Savings Match Program: The House Appropriations Committee introduced a bill this week to abolish the KIDS program. House Bill 2371 will receive a hearing next Tuesday in the House General Government Budget Committee. Kansas Action for Children has long supported the KIDS program as an innovative strategy to help low-income families save for post-secondary education and ultimately break the cycle of poverty. KAC will testify against HB 2371.

Firearm Regulations: The Federal and State Affairs Committee held hearings Tuesday and Wednesday on House Bill 2199, a measure regarding firearm regulations. Kansas Action for Children testified in opposition of a provision that **would disallow physicians to ask patients or, in the case of children, patients' parents about gun ownership.**

Drug Screening for Welfare Recipients: Hearings were held Wednesday in the Commerce Committee on **Senate Bill 149**, a bill that would require random **drug testing** for Kansans who receive cash assistance or unemployment benefits. Hearings are scheduled for Tuesday in the Social Services Budget Committee on another bill regarding drug screenings, House Bill 2335.

KanCare: The House Health and Human Services Committee passed out to the full House the KanCare oversight bill, House Bill 2025. The bill **ensures legislative oversight of KanCare**, the new name for HealthWave and Medicaid, which provides health insurance for more than 260,000 Kansas kids. The full House is expected to vote on the bill next week.

HB 2029--A SLIM CHANCE-- would exempt Developmentally Disabled from being forced into the KanCare/three insurance company handling of their cases. Introduced into the Health and Human Services Committee by Jim Ward or Wichita, at the hearing. Brownback staff testified

that the state simply can't afford the cost of exempting the Developmentally Disabled from KanCare. The human cost was not addressed by the Brownback staff. Without the passage of HB 2029 Developmentally Disabled who have been receiving State services through the former Medicaid are in danger of losing doctor familiar with the case, specialists (many do require specialists) case managers, day programs, and even one's group home.

Fluoride: House Bill 2372 requires that any city that adds fluoride to its water include a disclaimer that fluoride lowers the IQ of children. Kansas Action for Children is in strong opposition to this bill. Fluoridated water is the most cost-effective way to boost the oral health of children. Dental decay is the No. 1 chronic childhood illness. At this time, no action on the bill is scheduled.

From newsletter by Bernie Koch (not related to THE Kochs) and KEPC (Kansas Economic Progress Council)

Open records hearing draws many The House Judiciary Committee held a lengthy hearing on HB 2188, having to do with open records. **HB 2188** would require non-profit organizations receiving public funds, and the issuing public agency, to publish detailed expenditure transactions on their website. The expenditure detail would be required to be available in a searchable format and would include the following information: check number, expenditure date and amount, the payee, and a description of the expenditure. The organizations exempted under current law would continue to be exempt.

This bill was requested by Rep. Steve Brunk (R-Wichita), apparently at the request of Wichita Libertarian blogger Bob Weeks and the Kansas Policy Institute.

MORE FROM PAUL

Next week will see a lot of action on the House and Senate floor as they debate and vote on bills before "turnaround,"

Ways & Means, Federal & State and Taxation are exempt from Turn Around Day deadline of Mar 1 so bills blessed by these committees can be moved at any time up to the end of the session. Next Wednesday, Thursday and Friday, the House and Senate will spend most of their time in amending and passing legislation during floor action. Quite honestly, if the leadership of the House or Senate wants a particular piece of legislation - a path can always be found to avoid deadlines

There have now been 218 bills introduced into the Senate and 377 bills introduced into the House. With the two unexpected snow days for the Legislature, there will be more of a scramble next week to work bills in committees and pass those bills on to floor action before the turnaround date of Friday March 1. You can view all of the introduced bills on the Kansas Legislature website <http://www.kslegislature.org/li/> . **The best way to stay up with committee hearings and floor action next week is to look at the House and Senate calendars - on this listed website - daily.**

The legislative process is not always very transparent. I, Paul, was sitting in the Senate Ethics, Elections and Local Government committee watching the hearing on SB 177 that I reported on earlier. After that hearing was over, the Committee Chair decided to work on Senate Bill 100 that dealt with eliminating a requirement by lobbyists – who spend less than \$100 on lobbying expenses – from filing a year-end report unless more than \$100 had been spent. A motion was made to meld Senate Bill 98 into SB 100. SB 98 states that city, county, or school board candidates that spend less than \$1,000 on their campaign can file an affidavit stating such and be exempt from filing anymore campaign forms with the state. There was no notice in the Senate Calendar that SB 100 was possibly going to be worked. More disconcerting is that no hearing had even been held on SB 98 so the issue on filing campaign reports could be debated. Since 1974, the limit had been \$500 so the lawmakers thought it was time to increase the amount to \$1000 but the public had no opportunity to provide any input.

HB2118 would require most if not all Kansas non-for-profits who receive \$350 or more in public funds (this could be revenue derived from hosting conferences, fundraising events or membership dues as well as contracts with any public entity) to include on their website in a searchable database how they expended those funds including check registers and any other allocation accounts such as credit cards. The nonprofit would need to not only include check information but also provide details of how such expenditure applied to the public fund revenues. This legislation is harsh - a big stick swatting at we don't know what - and could dramatically increase your cost of doing business with a public entity. The law applies only to 501(c) corporations and is not applicable to for-profit businesses.

Women's Health

On the docket for this session is **over 90 pages** of anti-abortion legislation, most introduced in the last week. This legislation includes:

§**House Bill 2253, the Anti-Abortion Omnibus Bill**—A reprisal of similar legislation that failed to pass last year, this bill is a monster in every sense. In 70 pages, it accomplishes 3 things: 1) Creates a “personhood trigger” stating that, pursuant to the Constitution, life begins at fertilization. **This means that if the Supreme Court gives the power to decide abortion legality to the states, abortion will be illegal in Kansas. No exceptions.** 2) Massively expands scripts and written materials given to women considering abortion in order to shame and coerce women. The most offensive change? **Women would be told that abortion causes breast cancer and future miscarriages.** Both claims have been proven false by every credible medical authority. 3) **Creates taxes on abortions and items used for abortions that invade your privacy and hurt healthcare providers.** As you can imagine, we’re watching this bill very closely and will let you know when you need to call your legislator and show in force at the Statehouse.

§**Senate Bill 142, the Let Doctors Lie Bill**—Another encore that Kansas women didn’t ask for, this bill lets doctors lie to women about their pregnancy, plain and simple. **It protects doctors who discover that a baby will be born with a devastating condition and deliberately withhold that information from patients.** This bill is the ultimate example of Kansas politicians inserting

themselves into your doctor’s office, and its effects would be horrific. As with the omnibus bill, we’ll need all hands on deck when this bill makes its way into a committee hearing.

And that’s not all! Also up for debate is a bill that **ostensibly bans sex-selective abortions**, but is really just another encroachment on privacy that does nothing to solve an existing problem or support gender equality in Kansas—economic opportunity and strong public education, anyone? There are also the old classics, a **personhood constitutional amendment** that grants full legal rights to fertilized eggs, and extreme **“heartbeat” legislation** that’s intended as a challenge to Roe v. Wade.

Toll free legislative hotline available to Kansas residents

Powered by the State Library of Kansas

Topeka, KS, — Kansas residents can access information on state government, legislation, public policy issues and more by calling 1-800-432-3924. Calls are answered by experienced reference/research librarians at the State Library of Kansas and kept confidential. Lines are open weekdays 8 a.m. to 5 p.m.

Callers can also leave brief messages to be delivered to legislators as well as request copies of bills, calendars, journals, committee agendas, voting records, and other legislative documents.

In addition to calling the hotline, residents can also text questions to 785-256-0733 (standard text message rates may apply), instant message at www.kslib.info/ask-a-librarian, or visit the State Library. The State Library is located in the north wing, on the third floor of the Kansas Capitol Building.