

HIGHLIGHTS FROM

2015 LEAGUE OF WOMEN VOTERS OF KANSAS E- REPORT # 13

During the next 3 weeks, conference committees are working on bills that have passed one Chamber. All are waiting for revenue collected and projected revenue estimates in order to determine how much revenue must be raised/expenditures cut to balance the budget.

Legislation passed and signed into Law

SB 45: Constitutional carry of concealed firearms without a license

House Sub for SB 7: Block Grant to be followed by newly created funding formula

HB 2192: Environmental Stewardship Fund: to pay for remediation of contaminated sites which are not claimed by anyone.

HB2193: Voluntary Risk Management Program to enter remediation based on risk analysis by KDHE at a cost of at least \$ 2500.

SB 12: Authorizes Land purchases by Dept of Wildlife, Parks and Tourism in four counties (Legislature must approve purchases of land exceeding 160 acres. :

HB 2023: Kansas Open Records Act continues with 12 statutory exceptions.

Senate Sub for HB 2258: Makes serious, highly restrictive changes to TANF safety net assistance for the poor. This legislation is said to be the most restrictive in the nation. SHAME ON US!!

Legislature resumes April 29, 2015.

This highlight feature written by Dolores Furtado, President, League of Women Voters of Kansas.

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Paul Johnson – April 3, 2015

DELAYED POLICY DECISIONS

The regular session for the 2015 Kansas Legislature is over and the key decisions on budget and revenues have been deferred to the veto session starting April 29. The political theatre of the absurd is playing out at the Capitol when the political leadership of the Kansas House blocks any floor debate on the State budget. The procedural games go on with bills - from the other chamber- gutted and a different bill or budget is inserted. The House budget passed the House Appropriations committee but was not debated on the House floor. Instead, the Senate budget - that was inserted in a House bill – did pass the full Senate 24 to 15 but was not agreed to by the full House. So a conference committee of three Senators and three House members convened to reconcile a passed Senate bill and a House budget never discussed by the full House. The initial policy plan was to pass the State budget for 2016 and 2017 by the end of the regular session so the revenue picture would be clear at the start of the veto session.

So now the revenue picture is more clouded. Actual March revenue receipts were down \$11 million. The belief was that stronger economic growth would increase sales tax receipts to offset the income tax losses. For March, sales tax was down 3.7% (\$162.7 million instead of \$169 million) from the November consensus estimate. Corporate income tax was just \$36.7 million - \$8.2 million under the estimate and the oil/gas severance tax was down \$5 million. Come April 20, the consensus revenue estimators will forecast a new 30 month revenue projection that must be used in writing the final State budget. In the press conference yesterday, the Governor ruled out any change to the elimination of income taxes on non-wage business income for 333,000 limited liability corporations (LLC's) or sole proprietorships. Sensing that the Legislature will not pass the tax increases on tobacco or liquor, the Governor was open to an increase in the sales tax but did not provide a specific sales tax increase plan. The special interests will be at the Capitol to protect their sacred sales tax exemptions so working Kansans should be concerned that the sales tax will become more regressive for the low income.

KANSAS LAW

(Note: The bills listed here have been passed and signed by the Governor. The Kansas Legislative Research Department has now published the *PRELIMINARY SUMMARY OF LEGISLATION – 2015 KANSAS LEGISLATURE* that contains summaries of selected bills enacted by April 1, 2015. A supplement containing summaries of major bills which were enacted after April 1 will be distributed during the week of April 6. A final supplement will be available after the veto session in May. <http://www.kslegresearch.org/KLRD-web/Policy.html>)

Constitutional Carry; SB 45 amends laws concerning the concealed carry of firearms. The bill adds language allowing the concealed carry of a firearm without a concealed carry license issued by the State as long as the individual is not prohibited from possessing a firearm under federal or state law. The bill specifies the carrying of a concealed handgun cannot be prohibited in any building unless the building is posted in accordance with the rules and regulations adopted by the Attorney General.

K-12 Education Provisions; House Sub. for SB 7 makes appropriations for K-12 education for fiscal years 2015, 2016 and 2017. The bill repeals the existing school finance formula – the School District Finance and Quality Performance Act – and creates the Classroom Learning Assuring Student Success Act.

Environmental Stewardship Fund; HB 2192 creates the Environmental Stewardship Fund in the Kansas Department of Health and Environment to pay for remediation activities at contaminated 'orphan' sites: (sites with no party responsible for cleanup). It is funded by a portion of the proceeds from the environmental assurance fee, a 1 cent per gallon fee already being assessed on petroleum products other than aviation fuel. This fund has an operating minimum of \$2 million and a maximum of \$5 million. This bill also creates an incentive program for owners of single-wall underground petroleum tanks who replace those tanks with secondary containment systems.

Environmental Remediation; HB 2193 establishes the Voluntary Risk Management Program and amends law regarding the Voluntary Cleanup and Property Redevelopment Act. A responsible party who chooses to participate in the Voluntary Risk Management Program enters into an enforceable agreement with KDHE to carry out remediation activities agreed to in a risk management plan and pay a one-time fee of at least \$2,500. Regarding the Voluntary Cleanup and Property Redevelopment Act, KDHE can issue a determination that no further remedial action is needed at a site based on the results of a risk analysis that evaluates the property and surrounding properties as a whole. Under prior law, sites could not be closed if contamination exceeded state standards, regardless of the risk to human health or the environment.

Land Purchases; SB 120 exempts the Kansas Department of Wildlife, Parks and Tourism (KDWPT) from law regarding certain land purchases in four counties – Cherokee, Crawford, Labette and Neosho. It allows purchase of up to 640 acres in these counties with Natural Resource Damage and Restoration Funds. Statewide, purchases of over 160 acres – down from 320 acres - by KDWPT must now be approved of by the Legislature.

Continuation of Exceptions to the Kansas Open Records Act; HB 2023 continues in existence 12 statutory exceptions to the Kansas Open Records Act.

PUNISHING THE POOR

Senate Sub. for HB 2258 makes serious changes to public assistance programs in Kansas. This bill puts the Temporary Assistance for Needy Families (TANF) program into statue as opposed to being administered through rule and regulation by the Kansas Department of Children and Families (DCF). This bill reduces the lifetime utilization of TANF from 48 to 36 months. This bill caps child care subsidies to a lifetime maximum of 24 months. The damage to these programs by this Governor since 2011 has been great during a serious recession. The number of TANF families served has fallen from 15,000 in 2011 to 6,546 today. The number of TANF children has declined from 26,000 in 2011 to 11,395 today. Kansas has a record number of children in foster care. A social security number match could tell Kansans how many children have moved from TANF to more costly foster care but I doubt that number has been developed by DCF. Child care subsidies have fallen from 19,734 children in 2011 to 12,360 today while poor families are administratively pushed off TANF to find employment. With this new law, there will be no systematic tracking of what happens to these struggling families.

While the Kansas Legislature cannot find the time to debate the expansion of Medicaid or pass a State budget, there is unlimited time to further shrink the safety net for our poorest and hardest to serve families. Most employment for these challenged families will be minimum wage that does not purchase affordable housing or some utility service. The poverty rate for Kansas children continues to increase as Kansas looks to further reduce basic public assistance. If the Governor truly cares about the real life plight of thousands of struggling families, he would veto this bill that locks these draconian provisions into statue. DCF must have the rule and regulation flexibility to tailor the TANF program to the real world of low paying jobs and unaffordable

rents. The Senate Public Health and Welfare committee gutted HB 2258 – on mortgage registrations – and put in these public assistance changes on March 23. By April 2, the Senate is passing this bill 30 to 10 and the House is rushing to leave town for Easter passing it 87 to 35. In this season of renewal and forgiveness, the Governor’s compassion and true concern over childhood poverty will be tested.

POTENTIAL HEALTH EFFECTS of CHANGES to the Kansas Corporate Farming Law: Impacts related to a possible increase in the number of large-scale swine and dairy operations

The Kansas Health Institute (KHI) conducted a health impact assessment (HIA) to examine how changes to Kansas’ corporate farming laws might positively or negatively affect the health of Kansas residents. The goal of the HIA was to examine potential health effects associated with an increased number of large-scale swine and dairy operations in Kansas within a larger framework of social, economic and physical factors that could impact health. These factors included employment, property values/taxes, population, water quantity, amount of waste produced and antibiotic use. Special attention was given to populations with respiratory conditions and those living close to large-scale livestock operations. Recommendations included expanding the separation distances from .76 miles to three miles, providing health insurance to employees, compensating neighboring property owners for negative externalities, developing a Kansas-specific siting tool, monitoring the use of antibiotics and restricting subtherapeutic antibiotics used solely for growth promotion.

http://www.khi.org/assets/uploads/news/13520/aghia_final.pdf

ELECTION LAW UPDATE

The debate over moving spring elections to the fall is still alive. A House-Senate conference committee packaged three bills in HB 2104. SB 230 repeals presidential primaries in Kansas. SB 171 moved local elections from the spring to the fall with non-partisan elections in odd-numbered years and partisan elections in even numbered years. The conference committee adopted the House’s position to move school board and city elections to the fall of even numbered years but keep these races non-partisan. The original HB 2104 deals with filling vacancies of nominees after the primary. Since this bundled bill is a House bill, the next step is for the Senate to vote on this conference report in the veto session. If it passes the Senate, the House would than vote on it.