

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

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**NOTE: This is a re-issue with notes from Ernestine per 3/2/12.**

**2012 LEAGUE OF WOMEN VOTERS OF KANSAS E-REPORT #9**

February 24, 2012

By Paul Johnson for the League

And notes from Kansas Action for Children

**TURNAROUND**

The legislative session is halfway over as of today. With only a few exceptions, any bill not passed in the house in which it originated is dead for this session. The Legislature will return next Wednesday for the second part of the session.

**KANSAS LEGISLATIVE RESEARCH DEPARTMENT (KLRD)  
APPROPRIATION COMMITTEE & SUBCOMMITTEE REPORTS**

This website allows a person **to follow the subcommittee and full committee** budget reports as they are accepted by the House Appropriations or Senate Ways & Means committee. There are also the write-ups done by KLRD staff on the specific state agency budgets proposed by the Governor. Good for all of you following particular legislative topics and bills. We appreciate you!

[http://skyways.lib.ks.us/ksleg/KLRD/Approp\\_Subcomm\\_links.html](http://skyways.lib.ks.us/ksleg/KLRD/Approp_Subcomm_links.html)

**TAX POLICY UPDATE**

**Earned Income Tax Credit**

The Governor's tax proposal has undergone many changes in the Kansas House Taxation committee's proposal

The House Tax Committee passed a bill on Monday that would cut the EITC in half (from 18 percent of the federal EITC to 9 percent) and make it non-refundable. The House tax plan had originally just cut the EITC in half, but an amendment from Rep. Caryn Tyson on Monday made the credit non-refundable, dramatically reducing the effectiveness of the credit and ensuring that only the recipients with the highest incomes would be able to use the EITC. After the Tyson amendment, the only income group paying more under the House tax proposal is families earning \$25,000 or less. Expect a full Kansas House debate sometime in the next two weeks.

The Kansas Senate Tax policy committee appointed by the president of the Kansas Senate decided not to develop its own tax proposal. **The Kansas Senate will wait to see what tax policy will pass the Kansas House.**

The Kansas Senate has concerns over reducing the revenue from income tax in Kansas. Many Senators are opposed to a hard 2% cap on state spending since this may force further reductions to public schools or vital social services. The battle over the State budget and tax policy will occupy several hours of debate on both the Senate and House floor over the next month. Moderates and Democrats are pressing for more property tax relief as opposed to income tax reductions. The Governor wants to retain the existing 6.3% state sales tax while the Kansas House wants to reduce the state sales tax to 5.7% and lower individual income taxes but must take \$310 million from the highway plan to accomplish their plan.

The House passed a bill to allow **individuals to contribute to arts funding** by an income tax check-off, in line with Brownback's ideas that all arts should be privately funded.

### **SCHOOL FINANCE**

The Governor's school finance proposal is slowly being reviewed while the Governor's tax proposal has gained some traction. On school finance, the Governor's proposal is being reviewed in the Senate Education committee but there are many, many questions that are being researched.

The Kansas House Education committee did not introduce the Governor's school finance proposal and are waiting on what may come from the Kansas Senate. Hearings were held and the Senate Education committee was trying to decide what parts of the Governor's proposal they could adopt and what parts needed to be changed. In the Governor's proposal, there is no special funding given for at-risk students.

- One amendment in the Senate Education committee would have added an extra \$100 million for at-risk students although the definition of at-risk was altered.
- A second amendment would have allowed counties the option to increase the sales tax to support their schools since many poorer school districts have limited ability to raise much money from increased property taxes.
- A third amendment would help with the higher transportation costs faced by many rural districts.

The Senate Education committee has requested more time to fully understand the ramifications of the Governor's proposal. The Governor's 2013 budget has no increase in per student funding. The 2014 funding under the Governor's school proposal would equal per student funding at the 2007 level.

### **EARLY CHILDHOOD BUDGET/CIF**

Budget work continued this week on the Children's Initiatives Fund in the House and Senate. The House Social Services Budget Committee made recommendations for the SRS budget on Monday. The committee expressed an interest in restoring funding for CIF programs

during the Omnibus appropriations process, which is after the state will have received its annual tobacco settlement checks. KAC and the Parents as Teachers Association testified on Tuesday before the Senate Ways and Means Subcommittee on Education regarding the restoration of the governor's CIF cuts. Senators expressed their intent to accept the governor's recommendation for CIF spending with the understanding that they would revisit the issue during Omnibus. Next Wednesday, the House Education Budget Committee will hold hearings on education budget.

### **NEWBORN SCREENING**

Senate Bill 436 was introduced this week. It proposes a newborn screening fee fund, paid for by the HMO premium tax, that would provide the critical newborn health program with a stable source of funding. The bill is scheduled for a hearing in Senate Ways and Means on Wednesday, Feb. 29.

**THE MANDATORY REPORTING OF CHILD ABUSE** passed the House which would broaden who must report and strengthen the penalty for not doing so.

### **ELECTION LAW AND CITIZENSHIP**

#### **BILL TO MOVE PROOF-OF-CITIZENSHIP UP TO JUNE PASSED HOUSE**

HB 2437 passed the Kansas House 81 to 43 on Friday. This bill changes the date from January 1, 2013 to June 15, 2012 for requiring proof of United States citizenship for newly registered Kansas' voters. This bill also would extend the provision of a free Ks. certified copy of a birth certificate to any person who is 17 years of age or older for the purposes of voting. However, to register to vote, those born out of state or married women (even those born in Ks) with name changes will be required to show marriage licenses and must pay for these documents on their own. The League contends that this represents a poll tax—a payment to be able to vote.

This bill would add an ID card issued by an Indian tribe to the list of acceptable photo ID forms, one of which is required to vote in person.

Representative Ann Mah did a masterful job in questioning how many problems Kansas is having in implementing just the new Voter Photo ID law. To layer this new citizenship change on to a struggling election system will disrupt elections in Kansas even further. Another serious complication is the fact that the districts for the Kansas House, Kansas Senate and Congressional districts have yet to be completed so election officers will have to educate voters on where they will vote and what district they will be in. The right to vote for thousands and thousands of new voters will be jeopardized by these last minute election law changes..

**The Senate is holding back on Kobach push to implement citizenship proof** before the fall elections. They are waiting for assurance that the motor-vehicle computer system (to simplify ID proof) will really be ready by June 15—just three and a half months away. Ethics and

Elections Committee Chair, Terrie Huntington, R-Fairway, said about the DMV computer system, "They're thinking it might be, but they cannot guarantee that it will [be ready in time.]"

### **COURT OF APPEALS SELECTION PROCESS HOLDS FAST**

As you may remember, foes of merit selection in Kansas have been pushing a bill that would eliminate the nominating commission for the Court of Appeals and give the governor the power to appoint judges directly, pending federal-style Senate confirmation. The measure passed in the House last year, but stalled in the Senate. The League of Women Voters has been carefully monitoring its status, and Thursday, the Senate finally revisited the bill, under pressure from advocacy group Kansans for Life.

Facing bipartisan opposition, the proposal **\*\*failed\*\*** on a 17-22 vote, with legislators citing concerns about maintaining the separation of powers. Sen. Tim Owens, R-Overland Park, chairman of the Senate Judiciary Committee, said, "Make no bones about it, if we pass this bill and give this authority to the governor or any other governor, what we are doing is giving the executive branch control of the third branch of government." Others, such as Sen. Jeff King, R-Independence, pointed to the federal system as an unenviable, gridlocked mess. Still others argued that the new method would not, as suggested, further the pro-life cause: one anti-abortion senator noted that the federal process appointed the judges who ruled in *Roe v. Wade*.

### **AGRICULTURAL LEGISLATION**

**SENATE BILL 375** – SB 375 allows the Kansas Department of Health and Environment to authorize persons to carry out activities without a solid waste permit, which includes allowing the disposal of solid waste generated by drilling oil and gas wells through land spreading. The land spreading would be done in accordance with best management practices and maximum loading rates developed by KDH&E. The solid waste disposed of through land spreading would be required to be incorporated into the soil in areas that receive over 25 inches of rain yearly. No land spreading would be allowed to occur on any area where the water table is less than 10 feet below the surface or on an area where there is documented contamination as determined by KDH&E. Senate vote: 39 to 1.

**SENATE BILL 357** – deals with complaints over wind erosion. Upon receiving a complaint that dust, any plant or weed is blowing from any particular land in the county, a board of county commissioners would first inspect the land to determine if there is any extreme and immediate physical danger to public safety. If an extreme and immediate physical danger is found, the board of county commissioners would order corrective action which would include any recognized method of dust control in NRCS's field office technical guide. If no danger were found, the board of county commissioners would refer the complaint to the local conservation district. Senate vote: 40 to 0.

**SENATE BILL 302** – this Kansas Meat and Poultry Inspection Act updates all statutes pertaining to the 90 small meat plants in Kansas. This bill retains the state inspected program administered by Kansas and ensures that Kansas is in compliance with the rules and regulations from the United States Department of Agriculture. This ensures that USDA and the Kansas Department of Agriculture (KDA) will share equally the \$2.4 million cost of the state inspection

program. This bill allows more flexible work schedules for KDA inspectors to fit the needs of state inspected and custom plants. Senate vote: 40 to 0.

**HOUSE BILL 2502** – this bill changes the approval process by County Commissioners to allow corporate swine facilities in their county. If a County Commission passes a resolution allowing or denying corporate swine or dairy facilities, a protest petition - garnering 5% of electors in the last general election in 60 days - will force a vote on the resolution. HB 2502 passed the House 106 to 8. The bill has been heard before the Senate Agriculture committee but has not been voted out of the committee yet.

### **USDA'S COMMUNITY FOOD PROJECTS PROGRAM**

The primary goals of the Community Food Projects program are to (1) meet the food needs of low-income individuals; (2) increase the food self-reliance of low-income communities; (3) promote comprehensive responses to local food, farm and nutrition issues; and (4) meet specific state, local or neighborhood food and agricultural needs. On February 15, USDA announced 27 grants to local organizations to build community food systems and fight hunger. The new projects totaled \$4.8 million. Cultivate Kansas City (formerly known as Kansas City Center for Urban Agriculture) received \$124,587. <http://www.cultivatekc.org/>

### **USDA ANNOUNCES BEGINNING FARMERS AND RANCHERS WEBSITE**

On February 16, USDA announced the launch of an online tool to support beginning farmers and ranchers. <http://start2farm.gov/>, a collaboration between USDA's National Library and the American Farm Bureau Federation provides information on funding, training, networking, and legal and technical assistance. The site also chronicles beginning farmer and rancher success stories.

### **KANSAS CORPORATE FARMING LAW CHALLENGE**

Representative Sharon Schwartz has requested that Kansas Attorney General Derek Schmidt compare the similarities between the Kansas Corporate Farming Law to similar laws in South Dakota and Nebraska that have been held to be unconstitutional and in violation of the dormant commerce clause by the Eighth Circuit Court of Appeals. There are different opinions on the enforcement of the dormant commerce clause and the role of states in regulating commerce.

(Creighton Law Review – Vol. 37 – 2004: South Dakota Amendment E Ruled Unconstitutional – Is There A Future For Legislative Involvement In Shaping The Structure of Agriculture? – Roger McEowen & Neil Harl)