

STATE OF KANSAS

TOM SLOAN
REPRESENTATIVE, 45TH DISTRICT
DOUGLAS COUNTY

STATE CAPITOL, 149-S
300 SW 10TH AVENUE
TOPEKA, KANSAS 66612
(785) 296-7654
1-800-432-3924

772 HWY 40
LAWRENCE, KANSAS 66049-4174
(785) 841-1526
tom.sloan@house.ks.gov



TOPEKA
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: VISION 2020

MEMBER: AGRICULTURE AND NATURAL
RESOURCES
TRANSPORTATION

Newsletter 3: 2014

During debate on a bill to recognize our state's cowboy heritage, one of my colleagues read the Code of the West. I believe that the Code continues to have great applicability today and reflects the values with which most of us were raised.

*Live each day with courage
Take pride in your work
Always finish what you start
Do what has to be done
Be tough but fair
When you make a promise, keep it
Ride for the brand
Talk less and say more
Remember that some things aren't for sale
Know where to draw the line*

Renewable Energy: As I reported in a previous newsletter, the campaign by Americans for Prosperity and the State Chamber of Commerce to depict the state's renewable energy portfolio (RPS) requirement as being responsible for large electric rate increases in incorrect. The Kansas Senate inserted language into a House bill that would repeal the RPS (HB 2014); the full House rejected that effort 75-44. Public support for renewable energy certainly played a part in defeating the bill, but so did the fact that the facts do not support the underlying anti-RPS argument. The Kansas Corporation Commission that regulates electric and natural gas rates reports that the RPS has increased rates by 1.6%, far less than EPA regulations on existing power plants.

Despite the initial rejection of the effort to repeal the RPS by the House, several subsequent attempts were made to accomplish the same objective. Those too were unsuccessful, though more are likely to be attempted before we finally adjourn for the year.

Education Funding: The Kansas Supreme Court ruled that the Legislature and Governor have not adequately funded school district equalization requirements under existing law. This category of state aid reflects that some school districts are wealthier than others and can raise sufficient funds with very low tax increases, while others have low population density and low property valuations meaning that very high tax increases are necessary to raise appropriate funds.

The struggle in determining how the approximately \$130 million will be paid was between those who wanted to use reserve funds and those who wanted to shuffle money within the existing education budget (e.g., move “transportation” aid). A secondary issue concerned inclusion of school regulations (e.g., changing the manner in which teachers are certified) that had nothing to do with the Court-ordered state aid. Many constituents contacted me asking for a “clean” funding bill. The reality was that in order to secure a majority of legislative votes, a balance of state funding and policy positions were necessary. The goal was to minimize the disruptive policies.

I am pleased that because of the work of my House Traditional Moderate Republican colleagues and me, the final funding bill that passed the House did not contain the onerous public policy and funding cuts to essential education programs that were initially proposed. While no funding bill ever is fully satisfactory, the final House product was much, much better than any of its predecessor drafts.

The larger issue of whether the state is adequately funding educational opportunities was remanded to the District Court for determination. The Supreme Court specified the criteria by which the District Court will review the data on student performance and ability to succeed in life, work, and academia after high school. The District Court will make its determination later this year and any conclusions will be considered during the 2015 legislative session.

Education Funding, Part II: The conference committee on education funding submitted a proposed solution to the House for consideration, debate, and a vote. The Republican and Democrat Caucuses discussed the bill for 1 ½ hours beginning at 9:00 p.m. The House then debated the measure for 2 ½ hours before rejecting House Sub. for SB 218. The House members then sat around the Chamber for more than 2 hours before adjourning, while another conference committee developed a “new” plan for consideration.

There were three contentious policy issues included in House Sub. for SB 218 from the Senate: a) a property tax credit up to \$2,500 per family who home school their children or send them to private schools; b) elimination of “due process” hearings and pay scales for teachers; and c) a tax credit for businesses that provide scholarships for children to attend private schools. The second conference committee report was on Senate Sub. for HB 2506 and eliminated the proposed property tax credit language. A majority of House members believe that the State Constitution precludes using state funds to support non-public schools and that even if the Courts ultimately found such actions acceptable, that the Legislature would not sufficiently fund public schools to offset the loss of state revenues resulting from the loss of property tax revenues.

The “due process” section in the conference committee’s report on Senate Sub. for HB 2506 was extensively debated by House members. Under the proposed language, school districts could negotiate with each teacher individually about pay and other working conditions (i.e., there would be no “master contract”) and teachers could be terminated without explanation or appeal opportunities. While this is common within the business community, because teachers have unique

responsibilities under contracts negotiated with school boards, many legislators opposed the stripping of their current contractually guaranteed rights.

The bill permits local school districts to increase their property tax mill levy by 2 mills to offset reductions in state aid. This is an example of how reductions in state revenues mean reduced state aid to school districts and other local governments, thereby resulting in increased property taxes. I did not support Senate Sub. for HB 2506.

Legislative Schedule: During the normal part of the Session, our first meetings are at 8:00 a.m. and our last committee adjourns around 5:00 p.m. I seldom leave the Capitol until after 6 p.m. as I return e-mail and telephone messages, read bills, prepare amendments, and do other tasks.

As we move to conclude the regular part of the Session, our work hours expand. On the Thursday before we adjourned for 3 weeks we convened at 10:00 a.m. and adjourned after 11:00 p.m. On Friday we worked from 10:00 a.m. until 8:30 p.m. Saturday was much longer as we convened at 8:00 a.m. and adjourned at 3:00 a.m. Sunday. Sunday the House gathered at noon and adjourned at approximately 10:30 p.m.

Prairie Chickens: Kansas is home to the Lesser and Greater Prairie Chickens. The U.S. Fish & Wildlife Agency has designated the Lesser Prairie Chicken as Threatened (this is a category below Endangered). The Governors and wildlife agencies of five states have developed a plan to restore the Prairie Chicken numbers by engaging with landowners in voluntary programs. Because of the "Threatened" designation, that cooperative plan is now at risk.

A number of legislators supported an effort by the Secretary of State to confront the U.S. Fish & Wildlife staff members by declaring that only the state can manage this non-migratory bird and that state law enforcement officers should cite or arrest federal agents who attempt to enforce federal regulations regarding the Lesser Prairie Chicken. A majority of committee members agreed with me that this was unwarranted, especially as the Governor joined other Governors and filed suit against the U.S. Fish & Wildlife Agency to prevent them from categorizing the Lesser Prairie Chicken as "Threatened." The objective remains to permit the states and landowners to collaboratively develop appropriate programs that enable the Prairie Chicken to recover from the effects of the drought and development.

End of Session: The Legislature traditionally takes first adjournment early in April. During the three week break, the Consensus Estimating Group (an economics professor from KU, KSU, WSU; the Governor's Budget Director, and the Legislature's Director of Legislative Research) meet and estimate what revenues will be for the current year. This is an update of estimates made in November of the previous year on which the Governor and Legislature developed the budget. When the Legislature returns at the end of April each year, we adjust the budget, if necessary, to reflect the new revenue projections. It also allows the legislative staff to send all bills passed to the Governor for his/her consideration.

The end of session "Veto Session" for decades was restricted to a few days to consider any bills that the Governor might have vetoed. For the past decade or more, the Legislature uses these days to complete Conference Committee work (3 House and 3 Senate members resolving differences in versions of bills that passed both legislative chambers) and complete more complex issues (e.g., tax reform in 2013).

Unlike during the regular session when committees meet and we debate bills on the House Floor, during the end of session days we frequently have multiple recesses during the day. During these recesses, conference committees meet to resolve differences, legislative staff complete descriptions of what the conference committees have decided, Republican and Democrat caucuses meet to learn about the proposed agreements, and then we return to the House Floor to debate whether to accept the proposed conference committee agreements. If we do not accept the conference committee agreement, the conference committee meets again in an effort to achieve an agreement that will pass both chambers.

Concluding Comments: This newsletter is being written before the Legislature adjourns until next year so that my Secretary/Assistant can help process it. A full report of legislative actions will be provided in my annual Legislative Report that is distributed through the Lawrence Journal World in mid-summer. I hope that you find this and previous newsletters informative and share them with family, friends, and neighbors. I believe that constituents should understand the legislative process, know what their elected officials are doing, and that elected officials should know what constituents are thinking. As always, please contact me whenever you have information that will better enable me to serve our residents and the State.

I will seek re-election, so please also contact me with your ideas about issues on which I should work during the 2015 legislative session. I will continue my work to appropriately fund educational opportunities at all levels, ensure our long-term water supplies, expand our ability to develop our renewable energy production opportunities for export to other states, support job creation in our community and across the state, and use common sense to represent our collective long-term best interests.

You may contact me at tom.sloan@house.ks.gov, write me at 772 Hwy 40, Lawrence, 66049, or call my home at 841-1526.

Tom