

A Report on the 2013 Kansas Legislative Session

by Representative Tom Sloan, 45th District

This is the 19th edition of my Annual Legislative Report summarizing the more important and interesting bills of the 2013 session signed into law and my activities on behalf of Douglas County and Kansas residents.



Being fiscally responsible is an admirable goal and one that I strive to achieve. However, when the 2012 Legislature reduced revenues significantly without a corresponding reduction in expenditures, the action resulted in continued “borrowing” money from the Department of Transportation, continued “sweeping” of fee funds and a new wrinkle in school finance requiring 10 percent of each school district’s locally raised money be counted as part of base state aid. In addition, most state agency budgets were further reduced (for Regents this has meant an approximately 18 percent reduction over the past four years) and state employees again do not receive a raise or cost-of-living adjustment.

What does the above mean to you?

The Dept. of Transportation has contributed more than \$1 billion to help balance the state’s budget over the past four years – that means slower rates of road/bridge repair, highway safety upgrades and new construction to meet traffic demands.

Sweeping fee funds means that money paid by barbers, cosmetologists and other professionals to support their regulatory boards, public health inspections and other services is used to support general state government expenditures, thereby requiring the fees to be increased, with corresponding increases in consumer costs.

Local option school budgets (LOB) are capped at 30 percent of the State’s base aid per pupil. By “capturing” 10 percent of the LOB, the State’s share of public

education appears to increase, while in reality the local contribution remains tied to the more static base state aid per pupil appropriation.

Finally, state agencies are well past the point of “cutting fat” out of their budgets and state employee vacancies continue to grow as new applicants do not apply and veteran employees seek opportunities elsewhere. What many of my legislative colleagues do not take into account is that we do not deliver services, state employees do. Fewer employees means slower tax refunds, more potholes, fewer restaurant kitchen and childcare facility inspections and longer lines to renew drivers’ licenses.

There are other examples of policy changes that impact you. For example, a majority of legislators passed the “Mandate Lite Health Benefit Plan Act” that effectively permits health insurance companies to offer a cafeteria insurance plan in which customers can select the diseases/accidents for which they want coverage to be provided. This proposal was promoted as a way to make health insurance more affordable. It costs a few dollars per month or year to cover the former mandates (e.g., pregnancies and PPK, a digestive disorder) because the costs and risks are spread among all insurance holders. It will be much more expensive for those who may need the optional insurance coverage (and how does one know if a child will have a digestive disorder?). Insurance of all types is affordable because risks are spread over a large group of people. When the pool of covered persons is reduced, the cost of coverage increases.

Regardless of whether you are pro-choice or pro-life, there should be consistency in defining when life exists and abortions are permitted (as required by the U.S. Supreme Court’s *Rowe v. Wade* decision). Legislators passed bills that define life as beginning at fertilization and when the fetal heartbeat can be detected. Those time frames/statutes philosophically conflict with each other, and with existing state law that limits abortion after a fetus is viable outside the womb. The prohibition against abortions was also extended to include situations in which the woman was raped or a victim of incest. At the same time, the Federal Drug Administration’s advisory board is promoting making the “day after” pill an over the counter product. Whether you or I are pro-life or pro-choice, we all are better off when laws and policies in Kansas and between Kansas and the federal government are coordinated.

You are invited to contact me on any of these bills, whenever you need assistance with a state agency or if you have ideas that I should promote for the 2014 legislative session.

A Perspective

What Was the Tax and Budget Debate Really About

Prior to fiscal year 1992, property/car taxes were 38.7% of total state and local revenues; sales/use taxes were 22.7%, and income/privilege taxes were 21.1%. Policy-makers sought to equalize the burdens by raising income and sales taxes and using those funds to reduce school property taxes. By FY 1998, property/car taxes were 30.9%, sales/use were 28.1% and income/privilege were 28.0% of total state and local revenues.

Economists generally believe that a diversified revenue portfolio is better able to withstand economic downturns. The Governor's Tax Equity Task Force in 1995 concluded: "The state and local tax system should be balanced and diversified. A diversified tax system offers a blend of economic tradeoffs. Because all revenue sources have their weaknesses, a balanced tax system will reduce the magnitude of problems caused by over-reliance on a single tax source. It will also result in lower rates on each tax and reduce the pressure of competition from other states that have lower rates for a particular tax."

The Governor's "Path to Zero" for the state income tax resulted in a 2012 law that eliminated the tax bracket for the highest earning Kansans, reduced the other two tax rates from 3.5% and 6.25% to 3.0% and 4.9%, and eliminated income taxes for non-wage business income for most LLCs, Sub S and Sole Proprietor types of businesses. The result is a more than \$847 plus million reduction in state revenues for fiscal year 2014. It is important to remember that the Governor proposed a reduction of itemized deductions in order to partially off-set the income tax rate decreases, but those changes were not approved by the Legislature.

The vast majority of people, dating back to the Boston Tea Party group protesting taxes on tea, believe taxes are too high. As Bob Dole noted in a recent Fox Network interview, the public supports reducing the size of government, but not the services that they individually receive.

The Governor proposed retaining the "temporary" one cent sales tax that was passed three years ago and was due to end on June 30, 2013, as a means of off-setting the income tax revenue reductions. A large number of legislators preferred to have the sales tax rate drop to 5.7% as scheduled (the other 0.4% is dedicated to funding the Kansas Department of Transportation as a partial replacement for decreased motor fuel tax collections due to increased vehicle fuel efficiency). The debate

over whether to either maintain the sales tax at some percentage of its previous level or slow/reduce the income tax rate decline resulted in the impasse.

The Governor believes that if the income tax becomes zero, then businesses will expand and relocate to Kansas, thereby improving employment and economic conditions. If others believe the state relies on sales and local governments rely on sales and property taxes to fund desired government services, the impact of recessions will have devastating impacts on revenues and during times of a booming economy, the pressure will be to avoid collecting "too much" taxes.

A recent *New York Times* real estate article reported that a \$5 million home in Laguna, CA, has a property tax bill of \$35,000; a \$5 million home in Boston, MA, has a bill of \$32,000; and a \$5 million home in Texas (the state without an income tax) has a property tax bill of \$109,000. While not directly related to the lack of a state income tax, it is indicative of the need to be cautious about changing the reliance on a mix of income-sales-property taxes-and fees to responsively fund public services at the state and local levels.

Budget: As I have noted in previous newsletters, K-12 education constitutes approximately 50 percent of State General Fund expenditures. Higher education receives 12-13 percent, social safety net programs about 20 percent. The remaining funds support state-funded agriculture, public health, aid to local governments and other programs. Our Governor and a majority of Legislators are the most fiscally conservative in decades. Even so, the State General Fund budget remains at approximately \$6 billion per year, thus indicating a "base" budget.

That means that state revenues must approximate \$6 billion per year to balance income and expenditures. We have a state law, frequently waived, requiring a 7.5% projected ending balance (budget surplus) to avoid the state having to borrow money during the course of the year to pay bills. This 7.5% ending balance recognizes that revenues come to the state at different times than payments are made.

The Kansas Supreme Court will rule late this year on the Gannon Case (adequacy of state funding for K-12 education) and most observers expect the State to lose. This will necessitate increasing state aid to education by hundreds of millions of dollars in the next fiscal year. Other relevant budget considerations concern: state employee pay and the Kansas Public Employee Retirement System (KPERs) - state employees have not had a raise in 4-5 years and employee turnover is at an all-time high, and KPERs continues to have an \$8+ billion

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actuarial deficiency. Bridge collapses in Minnesota and Washington State bring attention to the need to address the 350+ Kansas bridges with deficiencies; Medicaid and other case load costs increase every year; the state's share of the federal NIAF animal health research center at KSU; and other anticipated spending increases necessitate either further substantial reductions in the state budget or sufficient revenues to include these items.

It is not enough just to balance spending and revenues for fiscal year 2014 that started July 1,

2013. It is crucial that we prepare for obligations in future years that will substantially impact state and local government revenue needs. Remember, when the state reduces aid to local governments, those governments must either reduce their budgets/ services delivered or increase local taxes. Tax and budget policies for school districts, cities, counties and the state should be considered as a package.

A Two-Year Budget

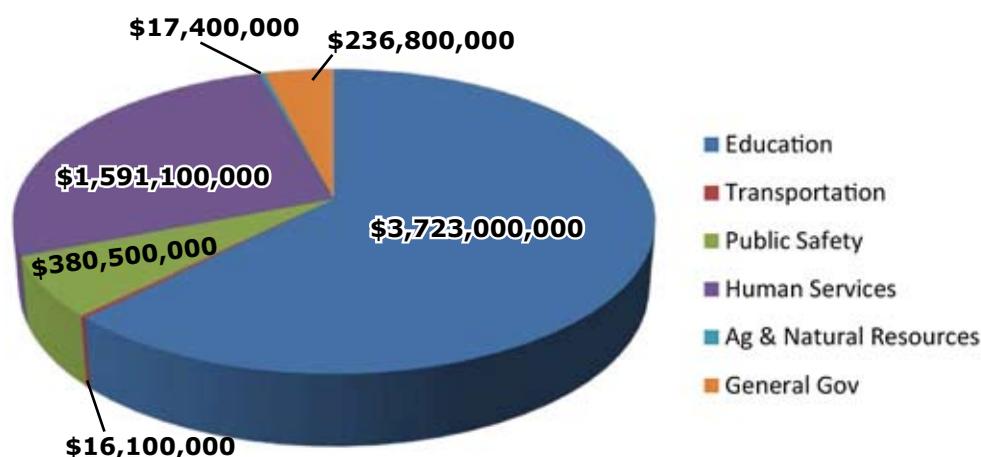
SB 171 included supplemental appropriations for the current fiscal year 2013 and new appropriations for FY 2014 and FY 2015. This two-year budget was a change from previous practices where we made budget appropriations for only one year at a time.

Key points in the FY 2014 appropriations include: \$23.3 million reduction in the Board of Regents budget, shifting of \$107.3 million from the Department of Transportation to the Department of Education to pay costs associated with transporting students, reducing Judicial Branch funding by \$5 million and reducing by \$7.3 million funds for the Department of Corrections. The Department of Transportation will provide \$3.5 million for planning a new forensic science laboratory for the Kansas Bureau of Investigation at Washburn University.

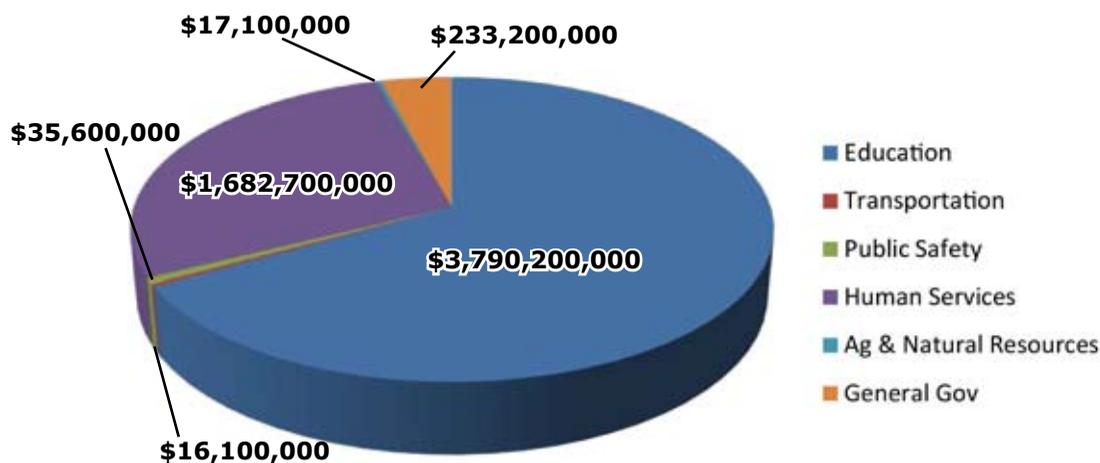
A total of 248.5 full-time employee positions were reduced, including 100 at the Department of Transportation and 50 at the Department of Revenue.

The FY 2015 budget has an increase in education and human services funding over FY 2014 but decreases for public safety.

2014 Budget = \$5,963,700,000



2015 Budget = \$5,774,900,000



Some of Tom's legislative initiatives in 2013

Open Records Exemption for Utilities: HB 2128 provides that a public agency is not required to disclose records of a cyber-security threat or attack against a utility that are provided to law enforcement, state or federal regulatory agencies, or other national and regional organizations associated with maintaining public safety and safeguarding telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

At a Department of Homeland Security workshop, I learned that most cyber attacks are not reported. HB 2128 encourages utilities to report such attacks so that other utilities and authorities will be aware, can prepare for similar attacks and can better protect our state's electric, natural gas, telecommunications and water infrastructures and services.

Licensure for Veterans: HB 2078 requires state professional licensing agencies to accept from an applicant with an honorable discharge the functional equivalent education, training or service completed in military service as meeting any educational requirements for state licensure.

Furthermore, it permits the licensing agency to issue a temporary permit so the military service member may lawfully practice his/her profession when the military service member's current license is not equivalent to Kansas standards so long as that person completes any necessary requirements in a timely manner.

The bill also authorizes the Board of Nursing to waive a requirement that an applicant graduate from an approved school of nursing if the applicant attained a passing score on the national Council Licensure Examination for Practical Nurses and provided evidence of nursing experience within the U.S. military. Similarly, a person with certification by the National Registry of Emergency Medical Technicians who completed training as a member of the U.S. military shall be granted an

Attendant's Certificate by the State of Kansas.

Veterans have a higher unemployment rate than almost any other group. HB 2078 was recognized by the Department of Defense as the most comprehensive effort in the country to facilitate civilian licensing agencies recognizing training provided in the military that is the functional equivalent of that received by civilians. Because of Kansas' and my leadership in this area, I was invited to a meeting at the Pentagon and Department of Defense officers were present in Topeka for a bill signing event with Governor Brownback.



The bill-signing ceremony for HB 2078.

Interstate High Voltage Transmission Line Compact:

HB 2101 would make Kansas the first state to join a Compact to streamline the regulatory and public review of proposed interstate transmission lines to move renewable energy from rural areas to population centers on the coasts. The proposed Compact is authorized by Congress and I was Co-Chairman of the two-year long development team. Largely based on Kansas' existing intrastate review process, the measure passed the Kansas House of Representatives too late for the Senate to consider it in 2013. It will be addressed during the 2014 legislative session.

The U.S. Department of Energy's Electricity Advisory Committee endorsed the Compact approach to improving the reliability and resiliency of the nation's electric grid and encouraged the Department to engage with other organizations and states to promote coordinated planning and implementation of a more robust transmission system.

Pre-paid wireless communications devices: HB 2104 was introduced at the request of law enforcement officers to better enable them to tie pre-paid telephone purchases to co-conspirators in cases (e.g., drug). The bill received a hearing in the House Utilities &

Telecommunications Committee, but did not advance as I worked to address concerns by retail store operators.

After developing language to address record keeping costs on the part of retailers and the KBI, the new language has been forwarded to the Kansas Judicial Council for their study and recommendations. The Council will report prior to the 2014 legislative session and I will incorporate any recommendations into a new bill.

Douglas County Fire Protection:

HB 2062 was introduced to solve a local control and fire protection problem. Under existing state law, if residents wish to leave

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Some of Tom's legislative initiatives, continued

one fire district and join another or form a new one, the County Commissioners must approve the action. That process works fine when the residents and fire district are in the same county, but not well when Douglas County residents wish to leave an Osage County Fire District and the Osage County Commissioners refuse to approve the request. A hearing was held in the House Local Government Committee and I subsequently revised the bill to address concerns by Osage County and the Fire Fighters Assoc. A group of legislators did not like the idea of solving a local problem by passing a law that could impact many others and urged me to make one more effort to resolve the problem without legislation.



The proposed process by which residents could vote to leave a fire district for another, protection of the interests of residents not choosing to leave and bi-county County Commissioner approvals was provided to all parties and letters of encouragement from key legislators and other stakeholders are being directed to the two county commissions. If these efforts to resolve the matter do not succeed, I will introduce legislation in 2014 to protect the interests of SW Douglas County residents.

A new session brought new office space on the first floor of the Capitol.

Major Legislation Passed in 2013 Session

Wrongful Life/Death: SB 142 creates a new section of law prohibiting civil legal actions for a claim of wrongful life or wrongful birth. Claims of wrongful birth and wrongful life are defined as a cause of action brought by a parent, guardian or individual required to provide for the support of a minor seeking damages due to a physical condition or the minor that existed at the time of birth and which claims a person's action or omission contributed to the minor's mother not obtaining an abortion.

The bill also amends the wrongful death statute to include "unborn child" within the definition of "person." Unborn child is defined as a living individual organism of the species homo sapiens in utero at any stage of gestation from fertilization to birth. Provisions of the wrongful death statute do not apply to the death of an unborn child by means of an act committed by the mother, any lawful medical procedure or the lawful dispensation of prescription drugs.

Abortion Restrictions and Declaration that Life Begins at

Fertilization: HB 2253 prohibits abortions where the person has knowledge the pregnant woman is seeking an abortion solely on account of the gender of the unborn. The bill declares the life of each human being begins at fertilization, with all state laws to be interpreted and construed to protect the rights, privileges and immunities of the unborn child, subject only to the U.S. Constitution and the judicial decisions and interpretations of the U.S. Supreme Court.

The bill further prohibits any school district from allowing an abortion services provider to sponsor or furnish any course materials or instruction related to human sexuality or sexually transmitted diseases.

Limiting Nuisance Lawsuits Against Agricultural Activities: SB 168 allows any agricultural activity conducted on farmland, if consistent with good agricultural practices and established prior to surrounding agricultural or non-agricultural activities, to be presumed reasonable and to not constitute a nuisance. The bill presumes an agricultural activity

that conforms with federal, state and local laws to be good agricultural practice. The scope of the agricultural activity may reasonably be expanded without losing protections.

If after a lawsuit, compensatory damages are awarded to a claimant from a nuisance action, the award will be passed on whether the nuisance is permanent or temporary. If the defendant makes a good faith effort to abate the alleged nuisance and the effort is unsuccessful, the nuisance is to be deemed not capable of abatement and any compensatory damages are limited to the reduction in the fair market value of the claimant's property.

Drug Screening for Cash Assistance Programs: SB 149 authorizes screening of applicants or recipients of cash assistance programs and employment security benefits (unemployment benefits) for unlawful use of controlled substances. Persons will be screened whenever there is a reasonable suspicion the person is using a controlled substance. If a screening tests positive, the person may

Major Legislation Passed, continued

request a second test at their expense. A person with a positive screening must complete a substance abuse treatment program and a job skills program. A person who fails a second time or refuses to complete either program is ineligible for benefits. An ineligible person with children may have a protective payee appointed to receive payments for the child's benefit.

Plastic Bulk Merchandise

Containers: SB 37 prohibits a recycler from purchasing more than five plastic crates, pallets or shells used for the bulk transportation or storage of retail containers of milk, eggs, bakery items or bottled beverage products without recording the seller's name, address, and government identification number. A recycler may accept more than five such items if they are not being purchased.

Juvenile justice Authority:

Governor's Executive Reorganization Order 42 abolishes the Juvenile Justice Authority and transfers the jurisdiction, powers, functions and duties to the Department of Corrections and the Secretary of Corrections.

Concealed Carry: SB 21 authorizes recognition of any valid concealed carry permit from another state for individuals traveling through or visiting Kansas and requires issuance of a 180-day receipt from the Attorney General for a new Kansas resident who possesses a permit from another state and who is required to obtain a Kansas license. Within the 180-day period, the applicant must provide proof of training to the Attorney General's Office, pass the required background check and pay all appropriate fees in order to receive the Kansas permit.

Concealed Carry II: Senate Sub. for HB 2052 permits the possession of firearms by persons authorized to have concealed carry permits in state and municipal buildings that lack adequate security measures. Such security measures are defined as metal detectors, security personnel and safeguards at any

public entrance. The State Capitol and school buildings are excluded from the bill. Furthermore, the bill provides that it is not a violation for a licensed person to carry a concealed handgun through a restricted access entrance into a state or municipal building with adequate security measures and no government agency may prohibit a licensed employee from carrying a concealed handgun at the employee's workplace unless personnel policies prohibit such actions.

The bill provides a four-year exemption for any state or municipal building if the governing body follows specified procedures for exempting public medical care facilities, public

Organization (RICO) Act makes it a crime for any person who is a criminal street gang member or associate, has engaged in human trafficking or has engaged in the unlawful manufacturing, cultivation or distribution of controlled substances to receive money from such enterprises or proceeds from using such money to invest in real property or business. Modeled on the federal RICO Act, the penalties for violating the law include fines, confiscation of properties and prison terms. Criminal street gang membership is established by a person meeting three or more criteria, including frequenting a criminal street gang's area; adopting such gang's style of dress, colors,



HB 2278 increases penalties for the theft of firearms. Among those at the bill signing were Todd Thompson, Leavenworth County Attorney and a former intern for Rep. Sloan. The new law will help prosecutors more adequately punish persons for stealing weapons which may subsequently be used to commit other crimes.

adult care homes, community mental health centers, indigent health care clinics and post-secondary educational institutions. Also prohibited is the release of records that disclose the name, home address, zip code, e-mail address, telephone number or other contact information of any person licensed to carry concealed handguns or who is an applicant for a license.

RICO Act: SB 16 creates the Kansas Racketeer Influenced and Corrupt

use of hand signs or tattoos; or associating with known criminal street gang members.

Distribution of a Controlled Substance Causing Great Bodily Harm or Death: HB 2044 creates two new crimes related to a person suffering great harm or death as the result of someone else providing a controlled substance. The fact that the user of the controlled substance contributed to the user's own great

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Major Legislation Passed, continued

bodily harm or death is not a defense to either crime.

Female Genital Mutilation:

HB 2217 creates a severity level 3, person felony for performing or permitting the performing of circumcising, excising or infibulating the labia majora, labia minora or clitoris of a female under 18 years of age, unless performed by a licensed physician for medically necessary reasons.

Statute of Limitations for Rape and Sexually Violent Crimes:

HB 2252 removes all time limits on when prosecution for rape or criminal sodomy may occur. The bill allows prosecution of a sexually violent crime to commence within one year of the date the identity of the suspect is conclusively established by DNA testing or within 10 years of the date the victim turns 18, whichever is later; or within 10 years when the victim is 18 or over at the time of the attack.

Equal Access Act for Professional Employee Organizations:

HB 2221 requires local boards of education to give equal access for all professional employees' associations to the employees' physical or electronic mailboxes and allow equal access to new teacher or employee school orientations and other meetings. The definition of professional employees' organizations is expanded to include those existing for the purpose of professional development or liability protection.

Payroll Deductions by Employers:

HB 2022 changes the Professional Negotiations Act and the Public Employer-Employee Relations Act by restricting the partisan or political purposes of professional employees' organizations and public employee organizations. The bill defines partisan or political purposes to mean an act done with the intent to directly or indirectly influence a person to vote for or against any candidate for public office. The employer is not required to collect and remit a portion of an employee's wages for the above purpose.

Public Employer-Employee

Relations: HB 2083 shifts the costs associated with public employee elections and fact-finding or mediation from the Department of Labor to the parties involved. When the Public Employee Relations Board administer a secret ballot to determine if a unit of public employees wishes to be represented by an employee organization, the Board shall charge the costs of the election to the requesting party. Costs for fact-finding or mediation services shall be assessed equally to the parties involved in the dispute.

Maximum Mortgage Interest

Rate: SB 52 increases the maximum annual first mortgage interest rate from 1.5 percentage points to no more than 3.5 percentage points above the Federal Home Loan Mortgage Corporation's monthly floating index rate on the yield of 30-year fixed-rate conventional home mortgages committed for

delivery within 61-90 days.

Physical Therapists' Scope of Practice:

HB 2066 permits physical therapists to initiate treatment

without referral from a licensed health care practitioner. Continued treatment requires a referral if after 10 patient visits or a period of 15 business days after the initial treatment visit the patient is not progressing toward documented treatment goals as demonstrated by objective, measurable or functional improvement. The physical therapist must provide self-referral patients written notice that a physical therapy diagnosis is not a medical diagnosis.

Appointment of Court of Appeals Judges:

HB 2019 amends the current procedure (requiring submission of three named candidates) for the appointment of Court of Appeals Judges such that the Governor may appoint a qualified person, subject to confirmation by the State Senate. The Senate must vote on the consent within 60 days or, if the Senate is not in session, within 20 days of the next session.

Kansas Preservation of Religious Freedom Act:

HB 2203 provides that government shall not substantially burden a person's civil right to exercise religion, even if the burden results from a rule of general applicability, unless the government demonstrates by clear and convincing evidence that such action is a compelling governmental interest and is the least restrictive means of furthering that interest. The Act applies to all state and local laws, ordinances, rules, regulations and policies and to their implementation, whether enacted before or after the Act's effective date.

Open Records Exemptions Related to Law Enforcement and Concealed Carry Permit Holders:

SB 81 provides that law enforcement officers, court officials and prosecutors may request that their home address and home ownership records be exempt from the Kansas Open Records Act. Furthermore, the bill prohibits a public agency from disclosing the name, home address, e-mail address, phone numbers or other contact information for any person licensed to carry concealed

Pages Abby Hosek, Hanna Grubbs, Mekki Santee and Natalie Grubbs with Rep. Sloan and Gov. Brownback.



Major Legislation Passed, continued

handguns, any person enrolled in weapons training or any person who has applied for a concealed carry permit.

Native American Day: SB 111 designates the first Wednesday of February as "Native American Legislative Day at the Capitol" and changes the title of American Indian Day to "Native American Day," which continues to be recognized on the fourth Saturday of September.

Taxation of Watercraft: SB 83 changes, among other things, the property tax rate on watercraft from the current 30 percent assessment level to 11.5 percent in tax year 2014 and then to 5 percent in tax year 2015 and thereafter. The minimum amount of annual tax levied will never be less than \$12. Watercraft are those vessels requiring numbering pursuant to KSA 32-1110 and their trailers.

Sand and Gravel Pits Using Washwater Ponds: HB 2363 requires rules and regulations adopted by the Dept. of Health & Environment to prevent surface water, subsurface water and soil pollution to not apply to land-based sand and gravel pits utilizing washwater ponds. Such ponds consist of dredge return flows, flows generated from aggregate classification or flows from washing aggregate and the water used is returned to the dredge pit or washwater pond.

Workers Compensation Board and Hearing Procedures: SB 187 The existing Administrative Law Judge selection process consisting of one member appointed by the Kansas AFL-CIO and one by the Kansas Chamber of Commerce is replaced by a seven-member Workers Compensation and Employment Security Boards Nominating Committee. This Committee consists of the Secretary of Labor and representatives from the Kansas Chamber of Commerce, National Federation of Independent Businesses, Kansas AFL-CIO, Kansas State Council of the Society for Human Resource Management,

Kansas Self-Insurers Association and a member from either an employee organization or a professional employees' organization.

Roofing Contractor Registration Act: Sub. for HB 2024 creates the act and makes it part of the Kansas Consumer Protection Act administered by the Attorney General. The Act requires: the name, address, telephone number of the applicant; a statement of experience and qualification; proof of Workers Compensation coverage and self-insurance; proof of liability insurance; and other information as required by the

Pages Maggie Kessler and Megan Posey with Rep. Sloan and Gov. Brownback.

Attorney General. The registered contractor shall maintain registration in good standing and display on all written materials, advertisements and vehicles; pay all appropriate taxes; and engage in responsible business practices.

Unauthorized Voting Disclosure: SB 122 makes it illegal to intentionally disclose or expose the name of any voter who has cast a ballot, whether provisional or regular, except as ordered by a court.

Search Warrants: Sub. for HB 2017 provides authorization for a magistrate to issue a search warrant for the installation, maintenance and use of a tracking device. The device and data collection may not be longer than 30 days from installation without renewing the search warrant.

Human Trafficking: Senate Sub. for HB 2034 creates a new crime of commercial sexual exploitation of a child in which any person younger than 18 years of age is recruited

or otherwise induced or coerced into sexual activities; owning or maintaining a property where sexual relations are offered for sale by such persons; and transporting such persons for sexual purposes. Law enforcement officers may take a child into custody if he/she reasonably believes the child is a victim of human trafficking or commercial sexual exploitation.

School Finance Mill Levy Reauthorization: SB 23 reauthorizes the state-wide school district property tax mill levy for 2013-2015 and delays the \$20,000 residential property tax exemption



to the end of tax year 2014. Furthermore, school districts are authorized to use capital outlay funds for various other uses with prior authorization from the Director of the Budget and Director of Legislative Research certification to the Secretary of State that capital outlay state aid is fully funded at 100 percent of the amount a district is entitled to receive.

Children's Internet Protection Act: HB 2109 requires all school districts and public libraries that provide access to a computer to implement technology measures to ensure no minor has access to visual depictions that are child pornography, harmful to minors or obscene.

Coalition of Innovative Districts Act: HB 2319 authorizes up to 10 percent of the state's school districts at any one time to opt out of most state laws and rules

Major Legislation Passed, continued

and regulations in order to improve student achievement. School districts seeking such designation shall apply with a description of the educational programs to be offered, parental and community interest and support, specific goals and measurable pupil outcomes to be achieved, and how pupil performance in achieving the specified outcomes will be measured, evaluated and reported.

Second Amendment Protection

Act: SB 102 excludes from federal regulation any personal firearm, firearm accessory or ammunition manufactured commercially or privately and owned in Kansas so long as such items remain within the borders of Kansas. The bill permits county or district attorneys or the Attorney General to seek injunctive relief in court to enjoin certain federal officials from enforcing federal laws regarding the above items owned and remaining within Kansas.

Uniform State Law for Knives:

HB 2033 prohibits municipalities from regulating the transportation, possession, carrying, sales, transfers, purchases, gifting, licensing, registration or uses of a knife or knife-making components. The bill authorizes the ownership of switchblade knives.

Midwest Stem Cell Therapy

Center: SB 199 requires the University of Kansas Medical Center to establish the Midwest Stem Cell Therapy Center that would advance adult, cord blood and related stem cell and non-embryonic stem cell research and therapies for patient treatment. Furthermore, the Center shall partner with the Blood and Marrow Transplant Center of Kansas to foster a regional network of physicians trained in stem cell therapy applications.

Mandate Lite Health Benefit

Plans: HB 2107 defines a mandate lite health benefit plan as an individual or group sickness and accident insurance plan that does not contain one or more of the Kansas-mandated benefits other than coverage for optometrist, dentist or podiatrist services, and

for reconstructive breast surgery. The plan may offer pharmaceutical, chiropractic, acupuncture, holistic medical, psychiatric, allergy or other coverages.

Crimes and Criminal Procedures:

HB 2093 makes it unlawful for any person to knowingly and without authorization to disclose a number, code, password or other means of access to a social networking website or personal electronic content. The bill also amends the definition of identity theft to include obtaining, possessing, transferring, using, selling or purchasing any personal identifying information or document belonging to another person with intent to subject that person to economic or bodily harm.

Citizenship of Prospective

Jurors: HB 2164 requires a jury commissioner to submit to the Secretary of State the full name, current and prior addresses, age, telephone number and date of birth of a prospective juror who provided citizenship-related information that potentially disqualifies that person as a juror.

Prohibiting Certain Compensation Policies by Local Governments:

HB 2069 prohibits local governments from requiring private employers to provide leave with or without pay, pay compensation for any leave, pay compensation or wages at a higher rate than the state or federal minimum wage, offer any employee benefit. Any such policies, ordinances or other requirements in existence are declared void.

Telecommunications

Deregulation: HB 2201 creates the Telecommunications Study Committee to examine the Kansas and Federal Universal Service Funds, feasibility of establishing a Kansas Broadband Fund and other issues. Furthermore, the bill removes for electing carriers the carrier of last resort requirement, rate parity for rural and urban local exchange access lines, price cap regulation for lifeline services and providing single residential local exchange access lines. In addition, participating telecommunications companies

are no longer subject to Kansas Corporation Commission regulations concerning minimum quality of service standards and statewide long distance price regulation and may withdraw from participation in the Kansas Lifeline Service Program. Such participating carriers are no longer regulated relating to pass through of access charge reductions to consumers and geographical averaging of basic toll prices statewide.

The Kansas Universal Service Fund (KUSF) is reduced for each type of telecommunications company and the Kan-Ed program shall collect user fees for services previously covered through the KUSF.

Kansas Turnpike: HB 2234 names the Secretary of Transportation as the Director of Operations of the Kansas Turnpike Authority, fully responsible for the daily administration of the toll roads, bridges, structures and facilities operated by the Authority. The bill provides for increased authority to contract for services between the Turnpike Authority and the Dept. of Transportation. Turnpike funds may only be used according to existing law, including maintaining and operating the Turnpike, paying principal and interest on bonds and entering into contracts.

Revisions to Alcoholic Beverage

Laws: Senate Sub. for HB 2199 allows the serving of complimentary alcoholic or cereal malt beverages on the unlicensed premises of a business that is hosting a nonprofit organization promoting the arts. Such activity must be authorized by the governing body of the city, county or township. A sample contains not more than one-half ounce of distilled spirits, one ounce of wine or two ounces of cereal malt beverage and no more than five samples may be served to any individual per visit. No cover or entry fee may be charged during the business day in which free samples are provided.

Driving Under the Influence:

HB 2218 prohibits the operation, or attempt to operate, any vessel when the driver has an alcohol

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Other Leadership Activities

My service on national and federal advisory committees permits me to learn about innovative policies and programs and bring the best ones to Kansas. It also permits me to bring our common sense approach to problem solving and innovation to federal policy-makers and legislators from across the country.

The **Department of Defense** recognized Kansas' and my leadership in supporting veterans' education and employment opportunities at a National Conference of State Legislatures' (NCSL) meeting. The Department's representatives also mentioned my leadership on developing environmental and political sustainability partnerships between Kansas and Ft. Riley.

Department of Energy (DOE): I remain the only state legislator serving on the U.S. Department of Energy's Electricity Advisory Committee (EAC) and the GridWise Architecture Council (GWAC). On the EAC, I serve on the Transmission and Smart Grid Subcommittees and am Vice Chairman of the Electricity Storage and Workforce Development Subcommittees. For GWAC, I was

part of the Transactive Energy Workshop Organizing Committee. Both committees enable me to bring new ideas to Kansas and to convey Kansas' common sense approach to problem solving to national energy discussions.

Federal Communications Commission (FCC): I am the active state legislative member of the Intergovernmental Affairs Committee and organized a subcommittee hearing in Kansas on the transition from legacy copper wires to next generation technologies by the telephone/telecommunications companies. The information received at the Topeka hearing was conveyed in a report to the FCC Commissioners and is part of their deliberations on how to protect consumer interests.

National Legislative Organizations: In the National Conference of State Legislatures (NCSL), I am a member of the Energy Supply Task Force, the Military & Veterans Affairs Task Force and the Environment Committee. With the Council of State Governments (CSG), I Co-Chair the Interstate Electric Transmission Siting Compact Task Force and serve on the Energy & Environment Task Force.

What People Say About Tom

"Although I'm not in your district, I've long admired your bi-partisanship and willingness to apply your time and energy to serious long-term, but often unglamorous, problems facing Kansas." TH

"I had a chance to read your newsletter today and we really appreciate all that you do for us and I am sure many people in the state of Kansas feel the same way. Too bad some other people in politics are not as sincere as you are." LW

"I extend my thanks for your support of the anti-human trafficking bill. I believe that by supporting this legislation you have shown that you prioritize the well-being of Kansas youth." JB

"Thank you for all you do for persons with disabilities. You have always been a 'hero' in your support of Cottonwood and those they serve." PW



Many of you know that I enjoy baseball, both playing and watching. While visiting my daughter and her family in North Carolina earlier this summer, we took in a Durham Bulls game. That's Caden, 6, to my left, then the mascot Woolly Bull. Sloan, 11, is just off the frame. Caden and I also enjoyed a little batting practice (inset).



At the left is Sloan showing off a loaf of "Grandpa Bread." For the record, "Grandpa Bread" contains raisins, cinnamon and pecans.

Major Legislation Passed, continued

concentration of 0.08 or more. Such a person is prohibited from operating or attempting to operate a water craft vessel for three hours.

Education (misc.): HB 2261 designates the week containing September 17 as "Celebrate Freedom Week" during which public schools are required to teach grades K-8 the history of the country's founding, with particular emphasis on the Declaration of Independence and the U.S. Constitution.

The bill further states that it is the public policy goal of the State of Kansas that at least 65 percent of the aggregate expenditures must be expended in the classroom or for instruction. The bill also allows districts to continue transferring unencumbered cash balances for general operating expenses from at-risk, bilingual, professional development, summer program and other special funds.

Historic Property Reviews: HB 2249 limits historic reviews by the State to proposed projects that would directly involved, damage or destroy a property included in the National Register of Historic Places or the State Register of Historic Places.

Prohibiting Use of State Moneys for Gun Control: HB 2162 prohibits the use of state appropriated money for publicity purposes relating to gun control or preparation or distribution of any form of materials designed to support or defeat enactment of legislation or regulation before any governing body relating to gun control. These prohibitions include any activity to advocate any proposed tax increases or restriction relating to gun control.

Sales and Income Tax Reform: HB 2059 sets the sales and use tax rate at 6.15 percent on July 1, 2013. The rate since July 1, 2010, has been 6.3%, but had been scheduled to be reduced to 5.7% on July 1, 2013.

Relative to the individual income tax, the deduction for gambling losses is repealed altogether. Except for the deduction for charitable contributions, most other itemized deductions are reduced by 30 percent in tax year 2013; 35% in tax year 2014; 40% in tax year 2015; 45% in 2016; and 50% in 2017 and thereafter. Kansas standard deductions for married taxpayers filing jointly and for single heads-of-household are set at \$7,500 and \$5,500 respectively beginning in tax year 2013. Individual income tax rate

cuts begin in tax year 2014 when the current bottom bracket of 3.0% is reduced to 2.7% and the current top bracket of 4.9% is reduced to 4.8%. In tax year 2015, the top bracket is further reduced to 4.6% and the two tax rate brackets are set at 2.4% and 4.6% respectively in tax year 2016; 2.3% and 4.6% in 2017; and 2.3% and 3.9% in 2018.

Future income tax rate relief could be provided as early as tax year 2019 based on the extent to which a specified group of State General Fund revenues has increased over the previous fiscal year by two percent or more. The food sales tax rebate program, which had been repealed by the 2012 law, was reinstated as a nonrefundable credit.

It is estimated that between fiscal years 2014 and 2018, the income tax will raise between \$193 and \$244 million per year, the changes in income tax deductions will raise between \$107 and \$166 million per year, and the change in standard income tax deductions will result in between \$56 and \$68 million being raised per year. The five-year total of approximately \$2.1 billion will offset the estimated \$1.2 billion in income tax revenue reductions, though fiscal year 2018 does project a deficit between revenues and expenditures.

Successful public officials have the support of their neighbors and community residents.

Financial contributions from persons who know me and believe that I am making a positive difference for our community and state are essential. Your support is appreciated.

I wish to contribute.

Name: _____

Address: _____

City, State, Zip: _____

Email: _____

Phone: _____

Contribution Amount: (Checks payable to **Citizens for Sloan**)

\$50 \$100 \$250* \$500* Other \$ _____

* Kansas Election Law requires political committees to report the name, mailing address, occupation and employer for each individual whose contributions aggregate in excess of \$200 per calendar year.

Employer: _____ Occupation: _____

If you wish to use a credit card, see the website:

www.tomsloan.org/donate.html.

Thank you your support

Readers are encouraged to visit my website, www.tomsloan.org, for additional information about my legislative-related activities and how my work at the national level benefits Kansans. You may email me at tom.sloan@house.ks.gov concerning legislative issues.

My legislative efforts are guided by life experience, such as the responsibilities we have for our families – children and parents and grandchildren. Gail and I both lost our remaining parents during the past 12 months and it is a continuing reminder of the role government must play to assist those who are most vulnerable.



A request for your continued support

Most legislators rely on support from PACs to win their elections. While I accept such contributions, I rely much more heavily on the people I represent – people like you who believe in investing in responsible and accountable public officials. It costs money to provide reports like this, to run political campaigns and to represent Kansas interests on U.S. Department of Energy and other federal agency advisory committees.

I have already been told that because of my support for a responsible state tax policy, investing in education, protecting our drinking water supplies and my belief in equality that I will be heavily targeted in 2014 by some special interest groups. These groups make large contributions to candidates, but also make repeated mailings of campaign literature that misrepresent legislative votes cast. If my common sense approach to governing is important to you, please help by making a contribution.

This publication was produced for the people of Douglas County and paid for by:

Citizens for Sloan

Dr. Herschel Lewis, and John Ross, Co-Chairmen • David Bunker, Treasurer

Citizens for Sloan

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