

February 5, 2016



**NEWS FROM THE CAPITOL**

# Sydney Carlin

## State Representative 66th District

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### **Open Government Event**

On Wednesday, a group called Open Kansas staged an event at the Capitol with the goal of raising awareness and advocacy of government transparency.<sup>1</sup> The group was started as a result of the lack of transparency in state government. In the last few years we have seen the Governor's staff conduct state business on personal email, members of the legislature push back against having committee hearings streamed online, and a lack of government records available as open records. The launching of this group was perfect timing as just last week the Democrats in the Legislature presented several bills aimed at increasing government transparency and accountability. Kansans deserve a more open and transparent government and I signed the transparency pledge.

### **Judicial Power Grab Defeated**

#### HCR 5005 Constitutional Amendment

We missed the opportunity to attend the State of the Judiciary speech by Chief Justice Lawton Nuss on Wednesday because we were debating a Constitutional Amendment which if passed by a super majority in the House and the Senate would take a referendum to the public to see whether we should return to the pre-1960 system of the Governor having full appointment power of Supreme Court Justices. It would follow the Federal Model and his/her appointments would be subject to Senate approval. Under the Kansas Constitution, a nine (9) member Supreme Court Nominating Commission first reviews the qualifications of persons who wish to be appointed. That commission, made up of representatives of the legal profession, and citizens from all four Congressional Districts in Kansas, chooses the three most qualified applicant to the Governor who selects one of the three to sit on the Supreme Court. This is the "merit Selection system." Kansans developed this system to ensure that selection of justices is not a political decision and that justices are not subject to the prevailing political winds and instead focus on the law itself.

Kind of ironic that we were trying to pull the rug out from under the Judicial Branch at the same time they were making their public address to the state and the legislature. But, after a healthy debate the bill advanced to Final Action for Thursday with not nearly enough votes for the super majority (84) required. So on Thursday when HCR 5005 came up for final vote it was defeated 68-54. That should take care of the issue for this session. I look for the Governor to try again next year. I voted no, because the people of Kansas took care of this problem in 1958 after Governor Hall abused his privilege of appointing Justices.

### **The Governor has not signed the bill.**

The House and Senate passed the first bill of the session which was to eliminate the non-severability clause from the Judicial Budget. The clause was added to the budget bill late last year in an attempt to coerce the judges into a decision on the school finance case that would be more "friendly" to the Governor and the Kansas Chamber of Commerce. He has 10 days to sign bills and is still within that time limit but must decide whether to sign it or let it become law without his signature. It makes no difference. The Legislature did hang together on this and made an independent decision. Hallelujah!

### **Docking Building Capitol Complex Utility Power Plant**

Governor Brownback has made a deal with Bank of America for about \$16 Million to finance a new Capitol Complex power plant with a lease purchase agreement – ignoring the process of bringing the final product before the Joint Committee on Building Construction. Legislators are visibly very unhappy at this

<sup>1</sup> <http://kcur.org/post/nonprofit-groups-launch-open-kansas-government-initiative>

attempt to circumvent the Legislative Branch by the Executive Branch. Checks and Balances are an integral part of our Democracy. These issues continue to plague the state. This item was in the news last week and following are some links: <http://www.kansas.com/news/politics-government/article55475160.html> and <http://cjonline.com/news/2016-01-20/legislators-blast-20-million-deal-power-plant-topeka> and [www.kshs.org/resource/ks\\_preservation/2011v33n1.pdf](http://www.kshs.org/resource/ks_preservation/2011v33n1.pdf).

### Revenue Misses the Mark Again

The January revenue numbers were released this week and the news was not good. Yet again, revenue did not meet expectations and the state was short \$6.8 million in January.<sup>2</sup> With the exception of November, revenues haven't beaten estimates since February 2015. It's time for Governor Brownback and Republicans in the Legislature to admit that what we're doing isn't working. We can take our state in a new direction, but only if and when they are willing to do so. We are half way through the current fiscal year and until the root cause of the revenue shortages are addressed, I expect continued large budget shortfalls. And a budget shortfall means more budget cuts by the legislature and the Governor. The state is constitutionally prohibited from running a deficit, so creating a balanced budget is a top priority and the state needs a predictable revenue stream to accomplish that.

### Budget Changes Reflect Crisis Fixes in State

Also this week, in the Appropriations Committee, several amendments were made to the Governor's budget proposal. For instance:

- Department of Corrections officers were given a 2.5% pay increase
- The Children's Initiative Fund was protected from being moved into the State General Fund
- Money was added to Osawatomie State Hospital<sup>3</sup> in hopes of getting back our federal accreditation.

While those changes are generally good, they are only needed due to the mismanagement of our state by Governor Brownback and the Republican Legislature. Corrections officers need a pay increase to prevent the high turnover in the prison system that has led to real safety concerns for our officers. Our state hospitals have been mismanaged to the point that they no longer receive Medicare reimbursements, costing our state \$1 million a month.

The changes also included:

- Punishing the University of Kansas for seeking bonding authority outside the state by restricting how the University can use their funds – this action would affect all Regents Schools
- The Parents as Teachers program will remain means tested requiring parents to help foot the bill
- Money was taken out of the KPERS disability fund which provides funds to injured and disabled workers

The changes made to the budget this week does nothing to reverse course and get the state back on track. The state and the budget have been mismanaged by Governor Brownback and the Republican Legislature so much the last few years and I am still reviewing all of the changes made, but I fear the changes only continue the cycle of mismanagement. It is expected the budget will be debated on the House floor next week.

### School Consolidation Proposed

The House Education Committee held a hearing this week on a bill (HB 2504) to consolidate school districts. The bill requires all counties with 10,000 or less students to have one unified school district. Districts with less than 1,500 students would be required to merge. With the median enrollment of around 550 students per district, it is estimated that of the 105 counties in Kansas, 98 of them would face mergers. Currently there are 286 school districts and this bill would reduce that number to 132.<sup>4</sup>

**Current # of School Districts:**  
**286**

**School Districts left under HB 2504:**  
**132**

At the committee hearing on Wednesday (Feb. 3<sup>rd</sup>) there were 41 conferees in opposition including the KNEA, school districts, and school board members. Only three conferees testified in favor of the proposed bill: the Representative who wrote the bill Representative Bradford; Walt Chappell; and a retired businessman.<sup>5</sup> Supporters of this bill claim it would save the state money but it does not.<sup>6</sup> Our communities count on having a local school district and not shipping their children to another community for their education. This bill affects local control of our schools and I am strongly against it.

<sup>2</sup> <http://www.ksrevenue.org/CMS/content/02-01-2016-January-Revenue.pdf>

<sup>3</sup> <http://www.kansascity.com/news/state/kansas/article58370388.html>

<sup>4</sup> [http://www.kslegislature.org/li/b2015\\_16/measures/documents/fisc\\_note\\_hb2504\\_00\\_0000.pdf](http://www.kslegislature.org/li/b2015_16/measures/documents/fisc_note_hb2504_00_0000.pdf)

<sup>5</sup> <http://cjonline.com/news/2016-02-03/kansas-school-district-consolidation-hearing-draws-impassioned-pleas>

<sup>6</sup> [http://www.kslegislature.org/li/b2015\\_16/measures/documents/fisc\\_note\\_hb2504\\_00\\_0000.pdf](http://www.kslegislature.org/li/b2015_16/measures/documents/fisc_note_hb2504_00_0000.pdf)

## Interesting Bills

- In the House, a measure that would order the Department of Revenue to attach to state income tax forms a line (and an explanation) devoted to compensating use tax.
- In the House, a bill setting damages for those convicted of a felony that they later prove they didn't commit: the damages are the federal minimum wage times 2,080 hours per each year in prison – currently \$15,080 per year).
- In the House, a bill that would eliminate from eligibility for Temporary Assistance for Needy Families welfare children who, with parental permission, drop out of school.
- In the Senate, a resolution that would give voters this November a chance to prohibit-by constitutional amendment- any transfer of Kansas Department of Transportation money to anything not related to roads.
- In the Senate, a bill that would require cities and counties who receive 10% over their operating funds and traffic fines, to the State, ending up in the General Fund.

## Page Information

If you know of someone who would like to page for me, I have one open date. Please either call my office at 785-296-7657 or email my assistant, Dixie Sypher at [dixie.sypher@house.ks.gov](mailto:dixie.sypher@house.ks.gov) for more information.

## Library Information

### Small Business Reference Center

Download startup kits (with pre-made Excel files), watch Harvard Business School lecture videos, and read up on business basics (including human resources). The article search also lets you limit to "forms" - so if you are a landlord, for example, and need a sample lease agreement, it is easy to pull up.

<http://kslib.info/SmBiz>

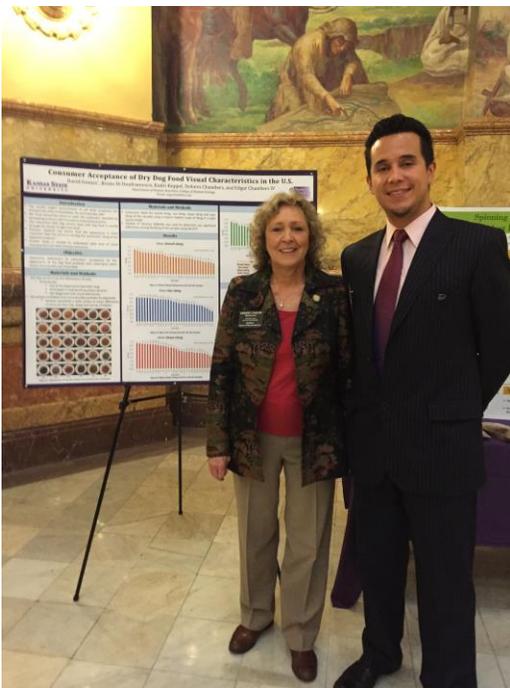
If the page above asks for a Kansas Library eCard number, you may get one at any library in Kansas. Most people will be automatically recognized as inside Kansas and will not need this step. Questions: [kslc@library.ks.gov](mailto:kslc@library.ks.gov) or 785-296-3296.

**Job & Career Accelerator** gives job seekers of all ages a comprehensive online collection of resources: tools for creating resumes, instructions for writing cover letters, and preparing for an interview and follow-up. The Occupation Matcher helps job seekers find the careers that best fit their interests and experience. Easy registration and self-supplied password will help you keep your place.

[www.kslib.info/JCA](http://www.kslib.info/JCA)

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## KSU Graduate Students were in the Capitol this week.



## **Keep in Touch**

It is a special honor to serve as your state representative. I value and need your input on the various issues facing state government. Please feel free to contact me with your comments and questions. My office address is Room 451-S, 300 SW 10th, Topeka, KS 66612. You can reach me at (785) 296-7657 or call the legislative hotline at 1-800-432-3924 to leave a message for me. Additionally, you can e-mail me at [sydney.carlin@house.ks.gov](mailto:sydney.carlin@house.ks.gov). You can also follow the legislative session online at [www.kslegislature.org](http://www.kslegislature.org). I'm working on my website, [www.sydneycarlin.com](http://www.sydneycarlin.com). You can connect to my Twitter & Facebook pages through Icons on the site. Even if I haven't posted, there are plenty of interesting news items there.

*Sydney Carlin, 66<sup>th</sup> District*