

June 1, 2015

Legislature Surpasses 100th Day

May 30th marked the 100th day the legislature has been in session, which is nearly two weeks over the scheduled end date. Although legislators worked over the weekend, there was little accomplished on the budget or a tax plan. Each day the legislature is in session beyond the 90th day costs the state more than \$43,000 a day, and the total cost of over time to date is almost \$500,000. The triple digit days will continue into next week, as Republican lawmakers remain gridlocked on how to address the budget shortfall.

Tax Amnesty

Revenue for May is down another \$6 Million from the estimate that was made in April, making the shortfall about \$412 Million. Earlier this week the House approved a nearly hollow tax plan that would generate a meager \$30 million in revenue by allowing Kansans to pay back taxes without penalty. To fund the state agencies, programs and education at the 2015 levels we would need to spend over \$750 Million. Knowing this would not be possible the Governor and his allies have cut over \$350 Million from the 2015 and 2016 budgets already.

Both the House and Senate tax committees are considering revenue packages to fund the \$412 million budget shortfall caused by the governor's failed economic experiment. Some of the options being discussed are outlined below. We can continue to send it back to Conference Committee until the cows come home for winter at the rate we have been going. Remember, if the proposed budget is passed we still need at least \$412 million to get us to a zero bank balance.

Several lawmakers in both chambers have proposed a number of tax increases to help the state make ends meet including increasing sales taxes, raising property taxes, taxing certain kinds of income, and taxing gas, tobacco, and alcohol at higher rates. One Republican lawmaker in the House has also proposed removing the tax exemption status of public construction projects, meaning school districts, county and city governments, state agencies and some hospitals would have to begin paying taxes on new construction projects. It is still unclear if the House will adopt the measure, but as it stands now I am opposed to it because it is essentially the state taxing itself and will increase local property taxes as construction on these projects continue.

Governor's Plan

On the 100th day of the legislative session Governor Brownback finally unveiled his tax plan, which consists of six components:

1. Increasing the sales tax rate from 6.15% to 6.65%
2. Raising sales tax on cigarettes by \$0.50 a pack, raising the total tax to \$1.29

3. Eliminating almost all itemized tax deductions, and reducing the home mortgage rate and property tax deductions by 50%
4. Taxing a small portion of business income, known as guaranteed payments
5. Changing scheduled income tax breaks for personal income
6. Removing the income tax obligation on individual filers who make less than \$5,000 and couples who make less than \$12,500

The governor's plan is not a solution to the state's fiscal crisis; but a continuation of his failed economic experiment. This plan increases taxes on middle class and working families through sales taxes and fee increases to enable him to continue the a tax break for big businesses and the wealthiest of Kansans. Our state already has one of the most regressive tax codes in the country and if this irresponsible and unsustainable plan passes it would be even worse.

As proposals continue to be introduced, I will consider any plan that is fair, equitable, and sustainable and puts the needs of middle class families like yours first.

Budget

Before we adjourn we also must approve a budget. The bill has been "taking a nap" in conference committee for some weeks now while we work on the revenue to fund it. We hope to avoid making deeper cuts to critical state programs. The committee was able to reach a final agreement on the state's judicial budget this week, without the approval of the Democrats on the committee. The appropriations bill includes a component which could force the court's hand into ruling against itself in a case involving the Constitutional Authority of the Supreme Court Justice to appoint Chief Judges in each locality - as opposed to the Election of the Chief Justice as the legislature passed last year. The 2014 law has been challenged in the Court. In order to receive the funding this bill includes a provision (non-severability) that if the courts find it unconstitutional then the budget would not be funded for 2015. I voted no – but the bill passed. For me it was as matter of principle. We could have sent it back to committee for more work. I do not believe we should use extortion tactics on the Judicial Branch of Government. You can read more about the committee's actions [here](#).

Changes to Local Elections

The House voted to move local elections for offices like school board and municipal officials from the spring to November of odd numbers years. (State and county offices (partisan offices) would still be elected in the Even years.

I voted no. Our local school boards and city governments have opposed the issue, citing that it creates unnecessary challenges. Newly elected officials would take office in January, meaning their terms would start in the middle of a fiscal year where they were not part of the budgeting process.

Kobach Prosecutorial Powers

The House narrowly approved legislation that grants authority to the Secretary of State to criminally prosecute voter fraud. The bill, which was approved by the Senate earlier in the session, will now go to the governor's office where he is expected to sign it into law. I voted no because it impedes local control by allowing the Secretary of State to overstep locally elected county and district attorneys in the prosecuting process.

I am greatly opposed to another provision in the bill allowing candidates to give gifts of up to \$3.00 to a voter. Under current state statute, it is illegal and considered election bribery to distribute items of tangible monetary value. Changing the law sets a dangerous precedent, and potentially exposes the democratic process to corruption. To voters \$3.00 might seem not seem like much, but it is a matter of principle – there is no price on democracy and votes should never be bought.

Agreement Reached on Uber

After the Governor vetoed the Uber bill that was about consumer protection, the legislature overrode the veto and we negotiated a new version of the bill. He has now signed the new bill that puts into law compromises reached between the state and Uber. The agreement:

- Requires Uber drivers to purchase comprehensive and collision insurance if their car is under the lien.
- Requires background checks, and prohibits Uber from hiring drivers whose backgrounds includes conviction of certain crimes.

This legislation replaces previous legislation which the Governor vetoed, but the legislature voted to override because it protected consumers.

COMMENTS ON PUBLIC EDUCATION IN MANHATTAN

Members of the USD 383 Board of Education voted to non-renew the contracts of several teachers and an administrator. With the help of parents and community partners they have plans to cut as many as 58 more positions depending on the legislative budget that can finally be agreed to by the state legislature and governor. This decision has to be the most difficult they will make during their tenure on the board.

When the Big Red One left Kansas and enrollment plummeted, we were forced to close buildings; but we didn't have overcrowded classrooms. If forced to close school buildings due to budget cuts, we will still have the students; the result would be overcrowded classrooms.

In an attempt to fill a budget shortfall of \$750 Million dollars this year, created by the 2012 tax policy, the legislature passed and the governor signed a bill eliminating the

state's school finance formula that had been judged by the courts to fulfill our constitutional obligation to the school children. After 5 years of cutting schools, the new Block Grant policy cuts more than \$53 million from the current budgets of schools across the state. Specifically, USD 383 must absorb \$1.2 million in cuts in the next two years. Those numbers will increase if we do not pass a responsible tax plan. The USD 383 Board of Education and Administration are good stewards of taxpayers' money, and I want to commend them for the exemplary work they are doing.

The effect is clear. The Governor's economic experiment has created winners and losers. Wealthy corporations are the winners and Kansas school children and educators are among the losers. Across the state districts are facing the same challenges as USD 383. Budgets were set a year ago and now they are being forced to make drastic cuts to make ends meet. Make no mistake; the quality of education in Kansas is deteriorating. Schools have been cutting funds for operations and classroom supplies. We are losing teachers and administrators, cutting the school year short, and eliminating programs that play an integral part in preparing our students to lead Kansas into the future. Our communities and our children deserve better.

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 South, 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. You can also follow the legislative session online at www.kslegislature.org and check my website for updates at www.SydneyCarlin.com

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Rep. Sydney Carlin