



# 2009 Kansas Session Final Legislative Report

- Produced by the Government Affairs Committee -

To: Chamber Members

From: Larry Winn III and Rick Worrel, Co-Chairmen  
Government Affairs Committee

The 2009 Kansas Legislative session ended much the same as it began – with dire budget projections making headlines. Before the Legislature could begin to address the Fiscal Year (FY) 2010 budget or any of the other important issues of concern, work had to be completed on a rescission bill to close the gap in the FY 2009 budget.

Thus, the stage was set for the remainder of the session. With a series of projected budget gaps, the Legislature's mission became making difficult decisions related to cutting expenses or finding new sources of revenue. Ultimately, both alternatives were used to pass a FY 2010 budget projected to end the year with a balanced budget, even though it was only a \$17,000 (yes, that's seventeen thousand dollars) balance! To our dismay, projections point to very similar budget concerns for at least the next two years.

Although budget discussions dominated the session, several items of pro-business legislation passed, such as Promoting Employment Across Kansas (PEAK), Community Improvement Districts (CID) and Transportation Development Districts (TDD). Just as important, we successfully opposed the passage of legislation that would have had negative impact on the business community such as attempts to freeze further reductions in the franchise and estate taxes.

Unfortunately, because of budget issues and attempts to limit bill introductions this year, little progress was made on other top priorities of the Chamber including improvements in education funding, a new multi-year comprehensive transportation plan, additional incentives for economic development and the development of a comprehensive long-term energy plan. We expect these objectives will receive additional attention next session.

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The Chamber also spent some time playing defense against overly restrictive changes to State annexation laws and sales tax laws that would have severely impacted our county's service industry. On those two fronts, we were pleased that no new laws were enacted.

We appreciate the work of the Johnson County Delegation on behalf of the business community in Topeka this year. We know they are often required to make difficult decisions and experience personal sacrifice to fulfill the responsibilities of their elected offices.

In addition, we would like to thank the members of the Chamber's Government Affairs Committee and others who contributed their time and energy this session to the business interests of Johnson County. The Chamber tracked more than 100 bills affecting the business community this year and the committee met throughout the session to discuss and take action on key legislative initiatives.

To help all Chamber members stay informed, this report contains a summary of selected issues from the Chamber's legislative agenda and a record of how Johnson County legislators voted on those issues. Please note that it becomes increasingly difficult to evaluate votes when the legislature has multiple bills on the same topic with slight variations, bills with multiple topics, some of which we have positions on and some we do not, and/or when bill language is frequently substituted late in the session. For this reason, similar votes on issues might be evaluated using different bill numbers in the house and senate.

If you would like additional information regarding the status of bills or would like to read "Explanations of Votes" submitted by legislators, more information is available on the Kansas Legislature's website at [www.kslegislature.org](http://www.kslegislature.org). If you would like additional information regarding the votes by Johnson County legislators or would be interested in participating on our Government Affairs Committee, please contact Dave Holtwick, the Chamber's full-time lobbyist, at the Chamber office via e-mail at [dholtwick@opchamber.org](mailto:dholtwick@opchamber.org) or via phone at (913) 766-7602.



Larry Winn, III



Rick Worrell

# 2009 Government Affairs Committee

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United Community Services of John-  
son County

# SENATE

			86%	86%	71%	100%	100%	100%	86%
	<b>Senate Issues</b> Bill Number & Descriptions	OP Chamber Position	Brownlee	Colyer	Pilcher Cook	Lynn	Owens	Vratil	Wysong
05/08/09 23-11 6 NV	<b>H Sub SB 51</b> - Vote #386 on Annexation	N	Y	Y	Y	NV	N	N	Y
02/05/09 40-0	<b>SB 78</b> - Vote #54 on Transportation Development Districts	Y	Y	Y	Y	Y	Y	Y	Y
04/02/09 37-1 2 NV	<b>SB 97</b> - Vote #323 on PEAK	Y	Y	Y	Y	Y	Y	Y	NV
02/19/09 40-0	<b>SB 120</b> - Vote #128 on IMPACT	Y	Y	Y	Y	Y	Y	Y	Y
02/19/09 30-10	<b>SB 119</b> - Vote #110 on CIDs	Y	Y	Y	N	Y	Y	Y	Y
05/08/09 35-0 5 NV	<b>SB 84</b> - Vote #383 on LOP decoupling for schools	Y	Y	Y	Y	NV	Y	Y	Y
05/08/09 38-0 2 NV	<b>HB 2214</b> - Vote #378 on COBRA	Y	Y	Y	Y	Y	Y	Y	Y

NV = Not Voting, which means not present in the Senate chamber for this vote. Only votes in opposition to the Overland Park Chamber's position reduce the % rating.



# HOUSE

			80%	90%	100%	70%	80%	100%	100%	90%	80%	80%	100%
	<b>House Issues</b> Bill Number & Descriptions	OP Chamber Position	Olson	Quigley	Rardin	Schwab	Siegfreid	Slattery	Spalding	Talia	Wolf	Worley	Yoder
03/25/09 77-48	<b>H Sub SB 51</b> - Vote #188 on annexation	<b>N</b>	N	N	N	Y	N	N	N	N	Y	N	N
05/08/09 81-31 1 present 12 NV	<b>H Sub SB 51</b> - Vote #306 on annexation	<b>N</b>	Y	N	NV	NV	Y	N	N	N	N	Y	N
03/12/09 75-47 3 NV	<b>Sub HB 2029</b> - Vote #104 on annexation	<b>N</b>	N	N	N	Y	N	N	N	N	N	N	NV
03/30/09 77-46 2 NV	<b>SB 204</b> - Vote #226 on annexation	<b>N</b>	Y	Y	N	Y	Y	N	N	Y	Y	Y	N
03/25/09 123-2	<b>SB 78</b> - Vote #192 on Transportation Development Districts	<b>Y</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
04/02/09 124-1	<b>SB 97</b> - Vote #254 on PEAK	<b>Y</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
02/19/09 125-0	<b>SB 120</b> - Vote #196 on IMPACT	<b>Y</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
04/03/09 110-13 2 NV	<b>HB 2324</b> - Vote #277 on CIDs	<b>Y</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
05/08/09 112-6 7 NV	<b>SB 84</b> - Vote #303 on LOB decoupling for schools	<b>Y</b>	Y	Y	NV	NV	Y	Y	Y	Y	Y	Y	Y
05/08/09 115-4 6 NV	<b>HB 2214</b> - Vote #302 on COBRA	<b>Y</b>	Y	Y	NV	NV	Y	Y	Y	Y	Y	Y	Y

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# Voting Record Bill Explanations

## SENATE

Bill Number	Description
Final Action on Conference Committee Report for House Sub for Senate Bill 51 – vote #386	<p>This was the only annexation vote in the senate this year. This bill revises annexation statutes to require a city proposing to annex land unilaterally to submit a copy of the city's plan for extending services to the new area to the board of county commissioners at least 10 days prior to the required public hearing on the proposed annexation. The bill also modifies current law by reducing the timeframes for conducting a review to determine whether services were provided as scheduled.</p> <p>This legislation also prohibits the annexation of any portion of any un-platted agricultural land of more than 65 acres without the written consent of the landowner. It also requires any city that annexes land under the unilateral annexation statute (KSA 12-520) or the county commissioner's approval stature (KSA 12-521) to spend all the proceeds from the property taxes levies against the land for one year from the date of annexation to provide municipal infrastructure and municipal services to the annexed area.</p>
Final action on Senate Bill 78 – vote #54	<p>This allows transportation development districts to pay for projects from the revenue derived from a development district sales tax. This payment provision will be an alternative to the issuance of bonds. If bonds are issued, assessments may be reduced or eliminated after sufficient revenue has been raised from the development district sales tax, additional funds appropriated by the municipality, or both. A sales tax levied on the behalf of a transportation district expires once sufficient revenue is raised for the project.</p>
Final action on Conference Committee Report on Senate Bill 97 (PEAK) – vote #323	<p>The bill was introduced as HB 2365 and authorizes diversion of employee withholding taxes under certain circumstances to "qualified" companies or third parties performing services on behalf of such companies. Qualified companies generally would include those which have closed down an existing business entity outside the state and have relocated the entity in Kansas and have made available to full-time employees adequate health insurance for which the companies would pay at least 50 percent of the premiums. Companies meeting these criteria which also locate in a metropolitan county (Douglas, Johnson, Sedgwick, Shawnee, Wyandotte) and hire at least 10 new employees within two years or locate in a non-metropolitan county and hire at least five new employees within two years would be eligible to retain 95 percent of new employee withholding taxes for a period of five to seven years, provided such employees are compensated at a rate equal to at least 100 percent of the county average wage. Certain "high-impact" projects resulting in the hiring of at least 100 new employees within five years, regardless of location, could qualify for withholding tax diversions of 95 percent for seven to 10 years.</p>
Final action on Senate Bill 120 (IMPACT) – vote #128	<p>This expands the definition of program costs under the Investment in Major Projects and Comprehensive Training (IMPACT) Program to include wages for new or retained employees during education or retraining.</p>
Final action on Senate Bill 119 (CIDs) – vote #110	<p>This allows the governing body of any municipality to create a "community improvement district" for the purpose of financing projects, upon presentation of a petition. The bill defines CID projects to include capital improvements, infrastructure, and certain operational costs and allows for CID sales tax, in any increment of 0.1 percent or 0.25 percent, but not to exceed 2.0 percent.</p>
Final action on Conference Committee Report on Senate Bill 84 – vote #383	<p>This amends the current cash-basis law to create an exception for school districts when expenditures exceed current revenues due to the late payment of general or supplemental general state aid. The bill allows the state to make the balance of its fiscal year 2008-2009 state aid payments to a school district after June 30 without the school districts violating current cash-basis law. The provision does not identify a school year in which it would sunset, allowing it to be on-going.</p> <p>The bill also provides an alternative formula for the calculation of the local option budget of a school district. The bill authorizes a school district to calculate its local option budget using a base state aid per pupil (BSAPP) of \$4,433 (the amount of BSAPP for the current school year) in any school year in which the BSAPP is less than that amount. The bill also authorizes a school district to calculate its local option budget using an amount equal to the amount appropriated for state aid for special education and related services in school year 2008-2009. (A school district may enact a local option budget up to a maximum of 31 percent of the district's state financial aid, which includes the BSAPP multiplied by a district's adjusted enrollment, and state aid for special education.) This provision expires on June 30, 2012.</p>

Final Action Conference Committee Report on House Bill 2214 – vote #378	The bill was used as a vehicle to merge several different bills and address several different issues by the conference committee. It establishes the Controlled Insurance Programs Act, amends the Kansas Fairness in Private Construction Contract Act, makes amendments to the Kansas Mental Health Parity Act, and amends the continuation of health insurance coverage requirements. The fundamental change that we were most supportive of was related to COBRA coverage which reversed requirements changed last session. This bill will once again require that a terminated employee pay his or her premiums to the insurance carrier instead of the employer, reducing administrative loads on businesses.
Conference Committee Report to Substitute for House Bill 2412	This bill is entitled "The Economic Stimulus Act of 2008" and contains the IMPACT provisions as mentioned above as well as the following, which the Chamber has no position on: Creates a Gardner Intermodal Transportation Revolving Fund; allows the Holcomb Coal-Fired power plants to be built in Western Kansas; and allows for a sales tax refund on telecommunications machinery and equipment.
Conference Committee Report for Senate Substitute for House Bill 2434	This bill has multiple tax-related provisions unrelated to the business community but does include a reduction in the top corporate income tax rate, which is effective for taxable incomes above \$50,000. It will be reduced from 7.35 percent to 7.10 percent, effective for tax year 2008; 7.05 percent for tax years 2009 and 2010; and to 7.00 percent for tax year 2011 and thereafter. This bill passed both chambers and was sent to the Governor.

## HOUSE

Final Action on House Sub for Senate Bill 51 – vote #188	This was the first house vote on SB 51 which was much the same bill as House Bill 2029 except that it applied to the entire state. Along with many of the components that ended up in the Conference Committee Report on House Sub for Senate Bill 51 (see Senate explanations), this bill would have required a vote in the area to be annexed before annexation could occur and it would have prohibited the annexation of any portion of any un-platted agricultural land of more than 21 acres without the written consent of the landowner.
Final Action on Conference Committee Report on House Sub for Senate Bill 51 – vote #306	See first item on senate explanation page.
Final action on Sub for H 2029 – vote #104	This was the first house vote on annexation. This bill was the most restrictive bill to pass the house and it contained voting requirements, acreage limitations and reduced timeframes for review of infrastructure provisioning. An amendment added on the House Floor limited the scope of this legislation to Johnson, Sedgwick and Shawnee counties, likely rendering it unconstitutional, although that was never tested.
Final action on Senate Bill 204 – vote #226	This bill contained HB 2032 as passed by the House Local Government Committee and the House. It allowed the county commission 30 days to veto most any unilateral annexation by a city. The county would not have to review the annexation based on 14 factors included in K.S.A. 12-521(c) as currently required but simply show the annexation would have "adverse effect" on the county to overturn an annexation.
Final action on Senate Bill 78 – vote #192	See senate explanations for SB 78.
Final action on Conference Committee Report on Senate Bill 97 – vote #254	See senate explanations.

Final action on Senate Bill 120 (IMPACT) – vote #196	See senate explanations.
Final action on HB 2324 (second vote) – vote #277	This was the only vote in the house on Community Improvement Districts. See Senate Bill 119 on senate list.
Final Action on Conference Committee Report on SB 84 – vote #303	See senate explanations.
Final Action Conference Committee Report on House Bill 2214 – vote #302	See Senate explanation.

## Lifetime Voting Records

SENATE	Year Elected	2009	Lifetime
Karin Brownlee	1996	86%	80%
Jeff Colyer	2009*	86%	81%**
Mary Pilcher Cook	1996	71%	65%
Julia Lynn	2006	100%	89%
Tim Owens	2009*	100%	96%**
John Vratil	1999	100%	96%
David Wysong	2004	83%	94%

\* Year elected to the Senate after serving in the House.

\*\* Lifetime record includes sessions served in the House.

HOUSE	Yr. Elected	2009	Lifetime
Lisa Benlon	2008	100%	95%*
Anthony Brown	2004	30%	63%
Pat Colloton	2004	100%	98%
Owen Donohoe	2006	60%	73%
Dolores Furtado	2008	100%	100%
Terrie Huntington	2002	80%	93%
Mike Kiegerl	2004	50%	72%
Lance Kinzer	2004	40%	62%
Marvin Kleeb	2008	100%	100%
Ray Merrick	2000	60%	76%
Cindy Neighbor	2006	100%	89%**
Rob Olson	2004	80%	81%
Jill Quigley	2007	90%	92%
Gene Rardin	2006	100%	85%
Scott Schwab	2008	57%	71%***
Arlen Siegfried	2002	80%	82%
Mike Slattery	2008	100%	100%
Sheryl Spalding	2006	100%	97%
Milack Talia	2008	90%	90%
Kay Wolf	2005	80%	96%
Ron Worley	2006	80%	96%
Kevin Yoder	2002	100%	97%

\* Lifetime record includes previous sessions served in the House (1990-2002).

\*\* Lifetime record includes previous sessions served in the House (2003-2004).

\*\*\*Lifetime record includes previous sessions served in the House (2002-2006).



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