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Representative Lance Kinzer
STATE OF KANSAS HOUSE OF REPRESENTATIVES

Representing You in Topeka!

It is an honor and a privilege to serve as your Kansas State Representative for the 14th District.

Inside, you will find an overview of the 2008 session. For more in-depth coverage of legislative issues, please send a request to lance@lancekinzer.com to subscribe to my e-newsletter.

Lance Kinzer
Kansas State Representative
14th District



2008 Capitol Update

State of Kansas House of Representatives

Rep. Kinzer's Bill On Open Courts Becomes Law

On April 14, 2008 Gov. Sebelius signed HB 2825 into law. Rep. Kinzer introduced HB 2845 in order to limit the instances where a Court can close a hearing or allow pleadings to be filed under seal. Commenting on his bill Rep. Kinzer noted, **"It is an unfortunate reality that many of the most important public policy issues facing our state are being decided by courts. As such it is more important than ever that our judicial process be open and accessible."**

Rep. Kinzer Carries SB 477, Expanding Kansas Offender Registry

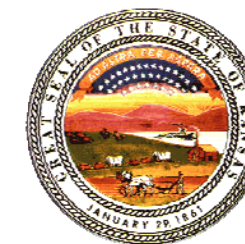
On April 11, 2008 Gov. Sebelius signed SB 477 into law. Rep. Kinzer carried HB 477 on the House floor. This bill amends current law to add electronic solicitation to the list of sexually violent crimes requiring post release registration pursuant to the Kansas Offender Registration Act. The Kansas Offender Registry is an online resource that alerts citizens to offenders living in their community. To view the Offender Registry please visit: <http://www.accesskansas.org/kbi/ro.shtml>.

Immigration Reform Efforts Falter

In February of 2008 Rep. Kinzer and 22 co-sponsors introduced HB 2836 which, among other things, would have imposed penalties on employers who knowingly hire illegal aliens and would deny illegal aliens access to public benefits. During committee action on the bill Rep. Kinzer's legislation was assigned a new bill number and became known as House Substitute for SB 329.

As passed out of committee **Rep. Kinzer's bill would have:**

- Made it unlawful for a Kansas business to knowingly hire an unauthorized alien.
- Implemented a three year phase in requiring all Kansas employers, including government entities, to participate in the federal e-verify system in order to determine the immigration status of potential employees.
- Establish license suspension as the penalty for repeat offenders who knowingly hire an unauthorized alien.
- Require state and local law enforcement to inquire into the immigration status of persons arrested for violation of any law.
- Prohibit the establishment of sanctuary cities.
- Direct the AG to enter into an agreement with the Department of Homeland Security to designate specific state law enforcement officers as qualified to exercise enforcement powers of federal immigration officers
- Deny public benefits (except for those required by federal law) to persons not lawfully present in the United States .
- Creates the crime of employment identity fraud making it a level 8 nonper-



The State Seal of Kansas

- son felony to willfully present false or misleading identification documents to an employer for purposes of obtaining employment.
- Requires the Dept. of Revenue not to issue a drivers license to an alien unless verified as lawful pursuant to 8 U.S.C. 1327(c).
- Increases the penalty for dealing in false identification documents (level 6 nonperson felony), and vital records identity fraud (level 7 nonperson felony).
- Provides that when a non-citizen is charged with a crime their immigration status must be verified. If the person is an unauthorized alien then their shall be a

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K-12 Finance Reform for Olathe Schools

On April 1, 2008 Rep. Kinzer joined 18 other members of the Johnson County House delegation in voting no on Senate Bill 531. This bill, while adding some state dollars to the bases state aid amount, would have perpetuated and in some

ways worsened the current inequitable distribution of K-12 funding in Kansas. **Prior to the final vote on SB 531 Rep. Kinzer offered two floor amendments that would have reformed the current school finance formula to deal**

more equitably with suburban school districts. In particular Rep. Kinzer offered a proposal to reallocate proposed increases in K-12 funding away from base aid (which disproportionately benefits

See Finance Formula (pg #2)

Late Term Abortion Amendment

Rep. Kinzer authored House Substitute for SB 389, the Comprehensive Abortion Reform Act (CARA), a bill vetoed by the Governor. If signed the bill would have substantially amended and clarified late-term abortion regulations as well as informed consent and parental notification provisions in existing Kansas law.

Under the bill women would have had the opportunity to see an ultrasound and hear the fetal heart tone of their unborn child. Additionally, women would have received a copy of the written medical diagnosis being used to justify an abortion after 22 weeks gestation, as well as receiving free perinatal hospice and medical services information thirty minutes prior to the procedure.

The bill also included provisions to stop predators from bringing pregnant minors into Kansas abortion clinics to destroy evidence of statutory rape. The bill would have strengthened ID requirements, abuse reporting, and clarified the right of custodial parents to receive notice of their daughter's intent to have an abortion. By allowing the Attorney General and local prosecutors to review Kansas Department of Health and Environment reports the bill would have substantially strengthened existing law.

Unfortunately, the Senate was two votes short of the votes necessary to override the Governor's veto. I fully expect to see legislation addressing this important issue next year.

Immigration (from pg. 1)

rebuttable presumption that they are a flight risk for purposes of granting an appearance bond.

- Creates a new crime of inducing or aiding a person to vote who is not lawfully registered. This crime, as well as voting if not lawfully registered, are both level 9 nonperson felonies.

During debate on the House Floor many of the most important provisions of House Substitute for SB 329 were removed from the bill and substituted with language drafted in a back room by the very industries the legislation had been designed to regulate. Responding to this development Rep. Kinzer led a coalition of legislators who are committed to meaningful immigration reform in opposing the amended version of House Substitute for SB 329.

In voting no Rep. Kinzer stated, **“As amended this bill fails to provide meaningful immigration reform, indeed it is likely to make the situation worse. This bill is drafted in a fashion that ensures its employer sanction provisions,**

already weak on their face, will never be enforced; they are both practically unworkable and almost certainly preempted by federal law. Furthermore the public benefits restrictions in the amended bill are actually weaker than existing law. For the first time Kansas will be creating a statutory right for unauthorized aliens to receive any and all state financed medical care, no questions asked. This bill is a façade.”

Adding insult to injury the House also voted against an amendment that would have reversed the current Kansas policy of granting in-state tuition to unauthorized aliens. During floor debate on this issue Rep. Kinzer noted that this policy violates federal law (8 USC 1623), and creates an incoherent situation where students who obey the law and get a valid student visa pay a higher rate of tuition than those who lack lawful status.

As a practical matter the amendments to House Substitute for SB 329 and similar action in the Senate brought and end to hopes for real immigration reform during the 2008 session.

Finance Formula (from pg. 1)

rural and high density urban districts) and toward high enrollment weighting. Rep. Kinzer further offered an amendment that would have linked enhanced high enrollment weighting to future increases in base state aid. Under current law rural districts receive up to 100% weighting above base state aid, thus creating a windfall when that aid is increased. On the other hand large suburban districts receive no more than 3% weighting under similar circumstances.

After these amendments failed Rep. Kinzer joined his Johnson County Colleagues in the following explanation of vote:

“MR. SPEAKER: We vote no on SB 531. This bill does not address the inequities in funding that our schools suffer in Johnson County. A school funding formula that pays some school districts much more than 100% of actual costs while denying adequate funding to others should be amended. We have for so long argued and voted for more money for all Kansas schools although Johnson County continues to be number 269 out of 298 in per pupil funding. We can no longer support a flawed funding formula.— Kay Wolf, Sheryl Spalding, Terrie Huntington, Ron Worley, Arlen Siegfried, Anthony Brown, Kevin Yoder, Jill Quigley, Mike Kiegerl, Lance Kinzer, Pat Colloton, Jeff Colyer, Rob Olson, Thomas Owens, Ben Hodge, Ronnie Metsker, Judy Morrison, Ray Merrick.”



Capitol Building, Topeka, KS

House and Senate Pass Crime Provision Co Sponsored by Rep. Kinzer

Early in the 2008 legislative session Rep. Kinzer co-sponsored HB 2732, a bill that would prohibit judges from granting probation to people convicted of committing crimes of extreme sexual violence and would restrict the ability of judges to reduce the prison time required by the Kansas sentencing guidelines for such crimes. The need for such reform in Kansas is evidenced by several recent cases. For example:

- Orlando Paul Cisneros, a 38-year-old Topeka man convicted by a jury of 17 counts of raping and sodomizing a 14-year-old girl, received a sentence of only a three-years probation.
- Probation was granted to Nicholas Lee Crites after he was convicted of

aggravated indecent liberties against a 15-year-old girl. Sentencing guidelines called for a prison term of nearly five years.

- Federico Mendoza, a 34-year-old man convicted of electronic solicitation of a child was sentenced to only three-years of probation.

HB 2332 passed the House but stalled in the Senate. As a member of the judiciary conference committee Rep. Kinzer pushed the Senate to include the provisions of HB 2732 in a new bill. At the end of the 2008 session the Senate agreed and passed a new bill HB 2707 that included these important new restrictions.

A Personal Note from Rep. Kinzer on Energy Policy

A great deal of media attention has been directed to the Holcomb power plant issue. Regardless of the political rancor associated with this issue one positive is the opportunity this discussion provides to address long term energy policy for Kansas. I do not think that our current 75% reliance on coal is sustainable or desirable over the long term. As such I have long advocated for a state energy policy that works to incentivize development and implementation of alternative energy technologies. While I believe that the proposals considered by the legislature this year could have been improved in many ways I did vote in favor of House Substitute for SB 148 and SB 327. To understand why I think it is helpful to first give consideration to the actual provisions of these bills, summaries of which can be found here:

<http://www.kslegislature.org/supplemental/2008/SN0148.pdf> & <http://www.kslegislature.org/supplemental/2008/SN0327.pdf>.

It is my sincere belief that these bills would have done much more to move Kansas away from long term dependence on coal than any existing provision of Kansas law. In all candor, I also believe these bills addresses a real abuse of power by the Kansas Department of Health & Environment in failing to properly apply existing law to the permit applications by Sunflower. **All this having been said, for me the**

crucial question is one of good stewardship. Regardless of the potential economic benefits of Holcomb, or the political ramifications of voting one way or another, the higher obligation was to ask how SB 148 and SB 327, taken as a whole, interact with our obligations to act with care in the use of natural resources, and with due concern for the implication of our actions on posterity.

With this in mind I truly do believe that SB 148 & SB 327 would have hastened the transition to renewable energy and as such were in the best interests of the citizens of Kansas. Of course I fully understand and respect the fact that people of good will can reach different conclusions on this matter.

Regardless of one's opinion as to these specific bills I think most people can agree that the heightened attention given to energy policy in Kansas is a good thing and provides us with a valuable opportunity in the coming months to step away from the politics of the Holcomb issue and give serious consideration to comprehensive energy policy in Kansas.

Budget Transparency

HB 2707 creates a searchable public website containing data from the state's central accounting and payroll systems.

The website will include financial data from FY 2002 forward. Transparency in funding encourages accountability to Kansas taxpayers and forces improvements in how tax dollars are spent.

HB 2707 builds on the Kansas Taxpayer Transparency Act of 2007 and is the first of its kind in the nation. The website is up and going and can be found at: <http://www.kansas.gov/kanview/>



Kansas Budget Growth Slows—Still Outpaces Revenue

Rep. Kinzer voted against the FY 2009 state budget. The FY 2009 budget passed by the legislature provides for general fund expenditures of over \$6.4 billion.

This represents an increase of 5.2% over FY 2009 and is certainly an improvement over the 8% and 9% increases that have become common in recent years. That having been said this budget still spends some \$414.5 million more than projected state revenue.

The result is a budget that reduces cash reserves to a dangerously low level and sets the stage for a fiscal crisis in FY 2010.

Commenting on the budget situation Rep. Kinzer has noted, **“Everyday Kansas families make the tough choices necessary to live within their means. The failure of our state government to make these same tough choices is simply unacceptable.”**