



# Lance Kinzer

14th District • 2009 Capitol Update

## 2010 Budget and Taxes

The FY 2010 omnibus budget that passed during the 2009 legislative session left the State with a projected ending balance of only \$17,000. I voted against this budget and noted at the time that the fiscal crisis that received so much attention during the 2009 legislative session was not resolved, but rather, the tough choices we ducked would be staring us squarely in the face in 2010. Unfortunately recent events have proven that prediction true. Indeed, it was only a matter of weeks after the budget was passed that revenue numbers led the Governor to make a further 2% cut to most areas of state government. Now we have learned that tax revenues are on course to be approximately \$130 million short of projected estimates for the current budget year and perhaps \$500 million

short in the year to come. Most telling is that the bulk of this shortfall has been the result of lower than expected personal income tax receipts. These numbers say in black and white what we can all see with our own eyes; many Kansas families are continuing to experience the financial hardships associated with the economic downturn of the last year.

It is important to note that in FY 2008 and 2009, State spending exceeded revenues by \$860 million dollars. The affect of that spending, coupled with the FY 2010 budget has been to completely exhaust the \$935 million in cash the State had on hand at the start of FY 2008. **The simple reality is that while the overall economic downturn hastened the budget crisis in Kansas it did not create the crisis. Excessive spending is the real culprit. State General Fund spending**

**increased 48 percent from 2004 to 2008, while population growth in Kansas during that same time averaged less than one-half of 1 percent per year.** If we would have simply limited spending over those years to the amount of revenue we took in we'd have a surplus of nearly \$1 billion. Instead we spent the entire surplus we had, without setting money aside in a rainy day fund. We are now facing the unpleasant realities that ultimately confront any person, family, business or government that year after year spends more money than is taken in. Resolving our budget woes will not be easy, but honestly confronting the fact that state government spent beyond its means for far too many years is a necessary first step toward arriving at a long term solution.



### The **Unclaimed Property**

**Division** seeks to return various forms of unclaimed property to the rightful owner or heirs. The State Treasurer has the authority to take possession of specified types of abandoned personal property and become custodian in perpetuity which preserves the right of the original owner or other persons to claim the property. Find out if you have unclaimed property on the web at [www.kansascash.com](http://www.kansascash.com) or by

### Helpful Numbers

phone at 1.800-432-0386 or 785-296-4165



### Do Not Call List

If you do not want to receive telephone solicitations, you may enter your telephone number into the Na-

tional Do Not Call Database by dialing 1-888-382-1222 (TTY 1-866-290-4236) or by visiting <http://www.donotcall.gov>.

If you received a telephone solicitation even though you have entered your number into the Do Not Call Database, you may file a complaint by calling the toll free number above or filling out a complaint form available at <https://donotcall.gov>.

## Kansas Supreme Court Rulings Limit Application of Laws Against Child and Habitual Sex Offenders

In 2006 Rep. Kinzer carried Jessica's Law on the House floor. This measure ultimately passed and was signed by then Governor Sebelius. Under Jessica's Law persons committing sexually violent crimes against children were subjected to a presumptive sentence of 25 years to life for a first offense.

Over the past several months the Kansas Supreme Court has issued a series of rulings limiting the application of this law. In the case of *Kansas v. Horn* the Court reduced the possible maximum sentence for criminals convicted of attempting to commit certain sex crimes against children. As part of the 2006 reforms the Legislature also established a penalty of mandatory life imprisonment for habitual sex offenders. This punishment is imposed for a third conviction of a sexually violent crime.

In the case of *Kansas v. Trautloff* the Kansas Supreme Court ruled that conviction on the same day of multiple counts, even involving multiple victims, constitutes only one prior conviction for purposes of the statute and as such determined that Mr. Trautloff, who had committed rape, aggravated criminal sodomy, aggravated indecent liberties with a child and sexual exploitation of a child, was not a habitual sex offender. Rep. Kinzer intends to introduce legislation in the 2010 session to address the situation created by both the *Horn* and *Trautloff* opinions.

## Stay Right

A new law now requires all drivers to stay in the right lane except when passing. Rep. Kinzer voted against this legislation due to concern that it was drafted in an overly restrictive fashion that could cause people to be ticketed even when driving safely. The new law requires vehicles to be driven in the right lane when two lanes of traffic are going in the same direction on a highway outside of any city. It also would require vehicles on highways with three or more lanes proceeding in the same direction not to be driven in the far left lane. Exceptions apply to both cases when a vehicle is overtaking and passing another vehicle or preparing to make a proper left turn.

The provisions would not apply to authorized emergency, law enforcement, or Kansas Turnpike Authority vehicles or to KDOT vehicles used for construction or maintenance work. Law enforcement officials are required to issue a warning citation for the first full year the bill's provisions would be in effect (until July 1, 2010). Beginning FY 2011, violators will be charged a \$60 fine.

## Offender Registry— Stay Alert

Awareness plays a key role in keeping our families safe. Under Kansas law people convicted of certain crimes must register so that law enforcement and concerned citizens can stay aware of their whereabouts. In order to determine if any offenders live in your neighborhood go online at:

<http://www.kansas.gov/kbi/ro.shtml>

A search for registered offenders living in Olathe returns approximately 90 names and addresses.

## Kansas House Stops Bill To Decrease Criminal Penalties

During the 2009 legislative session the House Committee on Corrections and Juvenile Justice passed HB 2332, a bill that included provisions that would have decrease criminal penalties for a significant number of serious crimes. Under the bill as it came out of committee, drug manufacturers and distributors, along with sex offenders who fail to register, 3rd time domestic batterers, kidnapers and many others would have faced significantly reduced criminal penalties. Rep. Kinzer led the fight against this legislation in committee offering more than 10 amendments in an effort to remove the most egregious provisions of the bill.

While many of these amendments initially passed they were latter stripped out prior to the bill being sent to the floor. Rep. Kinzer then took this issue directly to members of the full House and was successful in preventing

any further vote on the measure.

Commenting on the bill at the time Rep. Kinzer noted, **“While there are some good reforms in HB 2332 that actually strengthen and clarify criminal law and penalties, the package as a whole simply includes too many provisions that send the wrong message to some of the most serious criminals in Kansas. Crimes like methamphetamine manufacturing, drug distribution and failing to properly register as a sex offender and truly serious crimes that deserve stiff punishment. Reducing the penalties for such crimes would be a huge step backwards in the effort to protect all Kansans.”**

To search for any bill or to find out more information about the legislative process go to [www.kslegislature.org](http://www.kslegislature.org).

## Lawmakers Find Common Ground on Abortion Related Bill

While the debate over abortion is often contentious this year Kansas legislators from across the political spectrum were able to find common ground on a bill drafted by Rep. Kinzer known as the "Woman's Right to Know and See Act." Prior to being signed by the Governor this legislation was approved by veto proof majorities of more than 2/3 in both the House and Senate.

Under this new law women considering abortions will have greater access to information, including an opportunity to view a sonogram and listen to the heartbeat of their unborn child if they so

choose. Women will also now receive a list of free sonogram locations and information regarding free counseling and services for medically challenging pregnancies and contacts for free perinatal hospice services.

Additionally, the bill mandates that an anti-coercion sign be posted in the clinic so that every woman knows her legal rights. It also requires the state to create a standard information video and online website that includes modern fetal ultrasound in 2 week developmental increments.

### Bill Giving More Options to Families of Autistic Children Considered in House Committee

HB 2227 introduced by Rep. Kinzer and Kiegerl received a hearing before the House Education Committee. The bill was designed to offer more educational alternatives to children with autism. Modeled on an existing Ohio law, the legislation would have increased the flexibility parents have to decide how to spend money already being spent to educate their children.

As cases of autism continue to increase providing appropriate services for these children has become a significant challenge both for families and for school districts. In the Olathe School District 122 students cost more than \$25,000 each to educate based upon their disability, a plurality of these students have an autism diagnosis.

While we can be grateful to live in a district that makes such a significant effort to help these children, it is also clear that many of these students need a level of intense individualized care that is difficult to provide. HB 2227 would have expended the options available to families with children who need this kind of intensive assistance.



## Federal Mandates Attached to Stimulus Dollars a Cause for Concern

Rep. Kinzer has consistently expressed concern that the numerous strings attached to federal stimulus dollars will have a negative impact on Kansas.

Commenting on this issue Rep. Kinzer noted. "While many look to the stimulus bill as a solution to our state budget shortfall the reality is that acceptance of federal dollars brings with it serious long term consequences that must not be ignored. Using stimulus money to increase the size of government without a firm plan regarding what happens when those stimulus dollars go away would be irresponsible. As we consider the use of federal stimulus dollars it is important to remember that years of overspending created

## Kelsey's Law

Kelsey's Law clarifies Kansas statute to allow for the disclosure of location information to law enforcement agencies. It allows cell phone carriers to establish their own protocols for disclosing call location information, and would require the Kansas Bureau of Investigation to collect and distribute contact information for cell phone carriers.

As passed, it would require a request for location information prior to its release to a law enforcement official or agency, specify that location information be released in cases where there is danger of death or serious injury, and prevent a cause of action against a cell-phone provider who gives information in compliance with this act.

This law was named in honor of Kelsey Smith, the Overland Park teenager who was kidnapped and murdered in 2007. Kelsey's parents asked for this law in hopes that this will help find missing persons much quicker in the future.

Kansas is the first state in the nation to enact legislation of this nature.

our present crisis. Attempting to solve our current problems with yet more spending without addressing the root problem is not good public policy."

Consistent with these concerns Rep. Kinzer helped draft HB 2361 which would require state agencies to evaluate federal mandates associated with stimulus money, present a plan detailing how monies received under the federal act would be expended and explain how the state agency will address the absence of such funding after it ends. This bill remains before the House Appropriations Committee