

2012 Kansas Legislative Session Final Report and Voting Record

- Produced by the Government Affairs Committee -

Dear Chamber Member,

Because many issues that impact business are decided in the halls of government, advocacy is one of the most important services the Overland Park Chamber of Commerce provides our community. The Chamber is constantly advocating for its members and playing an active pro-business role in building an environment conducive to economic growth and an enhanced quality of life. The Chamber takes positions on legislation that reflects our businesses' interests, communicates those positions to elected officials, and holds officials accountable for their votes. This year, the Chamber offered over 20 pieces of testimony on business and quality of life issues.

This 2012 Voting Record is a valuable tool for evaluating legislators' performances on business-centric issues and is a guide for acknowledging votes favorable to the Chamber's legislative agenda. It also allows us to identify votes unfavorable to our members and our community. I urge you to carefully look at this record - let it spur continued dialogue with your elected officials and help guide you in your decision-making process at election time.

This year's legislative session was marked by the largest income tax cut in our state's history – of which potential positive or negative impact to our state's budget is still to be determined – and the failure of legislators to approve federally-mandated redrawing of U.S. Congressional, Kansas Senate, Kansas House, and Kansas Board of Education districts. Federal judges ultimately were forced to set the district boundaries and the Overland Park Chamber's intervention in a related lawsuit produced an outcome for which the Chamber had advocated – fair, proportional representation in the form of three additional House seats and one new Senate seat for Johnson County.

Education, consistently viewed as our best economic development tool and a top legislative priority, received temporary relief in a final approved budget that provided about \$40 million in additional funding for K-12 from the State General Fund, resulting in about a \$60 addition to base state aid per pupil. Despite the best efforts of many Johnson County representatives, the legislature did not raise the local option budget cap or pass a local activities budget.

page 1 of 2

Also this year, the Chamber successfully worked with the Kansas Business Coalition on Immigration to kill all proposed anti-business immigration bills and e-verify mandates, and we helped defeat proposed legislation to tax professional services.

On behalf of the Overland Park Chamber of Commerce and its members, I want to extend sincere appreciation to members of the Johnson County Delegation for their hard work and dedication this legislative session. They often are required to make difficult decisions and experience personal sacrifice to fulfill the responsibilities of their elected offices.

I also want to thank our Government Affairs Committee members and others who contributed time and energy advocating for the business interests of Overland Park. I would also like to express my appreciation for the hard work throughout the legislative session put in by the Chamber staff, especially Tracey Osborne and Jennifer Bruning. This year, the Chamber tracked more than 130 bills affecting the business community, and the committee met throughout the session to discuss and take action on key legislative initiatives.

For additional information regarding the status of bills or to read "Explanations of Votes" submitted by legislators, please visit the Kansas Legislature website at www.kslegislature.org.

If you would like additional information on the Chamber's advocacy efforts, or if you are interested in participating in our Government Affairs Committee, please contact Jennifer Bruning, Vice President of Government Affairs, at (913) 766-7602 or jbruning@opchamber.org.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Robinett Jr." The signature is written in a cursive style with a small dot above the letter 'i' in "Robinett".

Tom Robinett, American Academy of Family Physicians
2012 Chairman, Government Affairs Committee of the Overland Park Chamber of Commerce

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Mr. Dave Helling
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Mr. Michael Henry
Time Warner Cable Business Class

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Mr. Dave Kocour
URS Corporation

Mr. Bill Land
Blue Valley NEA

Ms. Stephanie Lim
Menorah Medical Center

Mr. Korb Maxwell
Polsinelli Shughart PC

Mr. Brent McCune
Compass Financial Resources

Ms. Lurena Mead
Johnson County Developmental Supports

Ms. Darci Meese
WaterOne

Mr. Jeff Melcher
NetStandard

Mr. Ronnie Metsker
Parakaleo Group

Mr. Gus Meyer
Rau Construction Company

Mr. Jason Meyers
Burns & McDonnell Engineering

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Parris Communications, Inc.

Mr. Gary Nevius
Nevius Serig Palmer Architecture

Mr. Ed O'Connor
PC Partners, Inc.

Ms. Kerry Oliver
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Mr. Steve Peppes
Delta Dental of Kansas

Mr. Dallas Polen
Children's Mercy South

Mr. Tom Robinett
American Academy of Family Physicians

Mr. Clint Robinson
Black & Veatch

Mr. Neil Shortlidge
Stinson Morrison Hecker LLP

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Best Buy

Mr. John Skubal
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TranSystems

Mr. Ward Symons
Blue Valley NEA

Mr. Mick Urban
Kansas Gas Service

Mr. Tim Van Zandt
Saint Luke's Health System

Mr. Robert Vancrum
Vancrum Law Firm, LLC

Mr. Allison Darling Vogel
GoalGETTERS

Mr. Chuck Vogt, Jr.
All Star Awards & Ad Specialties, Inc.

Senator John Vratil
Blue Valley School District

Mr. Mike Waters
QC Holdings, Inc.

Mr. Paul Weida
Black & Veatch

Mr. Richard Wetzler
Martin, Pringle, Oliver, Wallace & Bauer, LLP

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Prescription Solutions

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**Foland, Wickens, Eisfelder,
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Waddell & Reed, Inc.

Mr. Tim Wilson
Prescription Solutions

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BHC RHODES

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Shawnee Mission School District

Mr. Dennis Wolf
Wells Fargo Advisors

Mr. Greg Wolf
SNR Denton

Mr. Rick A. Worrel, P.E.
Affinis Corporation

Ms. Karen Wulfskuhle
**United Community Services of Johnson
County**

Mr. Brian Yates
QC Holdings, Inc.

SENATE

			89%	29%	28%	28%	94%	22%	94%
	Senate Issues Bill Number & Descriptions	OP Chamber Position	Huntington	Lynn	Merrick	Olson	Owens	Pilcher Cook	Vratil
03/27/12 27-13	S Sub for HB 2382 - Vote #294 on STAR Bonds Sunset Date Extension	Y	Y	N	N	N	Y	N	Y
03/21/12 23-17	S Sub for HB 2157 - Vote #271 on Single-Factor Sales Apportionment; Unitary Treatment; HPIP Threshold	Y	Y	N	N	N	Y	N	Y
03/21/12 33-6 I P	SB 371 - Vote #266 on E-Fairness (relating to sales nexus)	Y	Y	Y	Y	Y	Y	N	Y
03/15/12 38-2	Sub for HB 2207 - Vote #175 on Series Limited Liability Companies	Y	Y	Y	Y	Y	Y	Y	Y
03/21/12 39-1	Sub for SB 433 - Vote #288 on Mega Budget (with K-12 \$ increase; no \$ taken from KDOT)	Y	Y	Y	Y	Y	Y	Y	Y
05/20/12 22-13 5 NV	H Sub for SB 294 - Vote #405 on Omnibus Budget (\$40m increase in K-12; no \$ taken from KDOT)	Y	Y	N	N	N	Y	N	Y
03/21/12 20-20	S Sub for HB 2117 - Vote #270 on Governor's Income Tax Reduction Bill	N	N	Y	Y	Y	N	Y	N
"03/21/12 29-11	S Sub for HB 2117 - Vote #279 on Reconsideration of Action on Governor's Income Tax Reduction Bill	N	Y	Y	Y	Y	N	Y	N
03/20/12 10-30	S Sub for HB 2117 - Vote #259 on Amendment to Reduce Sales Tax to 5.3% and Eliminate KDOT Portion	N	N	Y	Y	Y	N	Y	N
03/20/12 16-24	S Sub for HB 2117 - Vote #262 on Amendment to Restore Spending Lid	N	N	Y	Y	Y	N	Y	N

SENATE

			89%	29%	28%	28%	94%	22%	94%
	Senate Issues Bill Number & Descriptions	OP Chamber Position	Huntington	Lynn	Merrick	Olson	Owens	Pilcher Cook	Vratil
03/21/12 19-21	HB 2606 - Vote #289 on Redistricting Amendment - "For the People 6" Map	N	N	Y	Y	Y	N	Y	N
05/01/12 21-19	S Sub for HB 2371 - Vote #336 on Redistricting Bill - "Ad Astra Revised" & "Cottonwood I"	Y	Y	N	N	N	Y	N	Y
05/01/12 19-21	S Sub for HB 2371 - Vote #335 on Redistricting Amendment - "For the People 12" Map	N	N	Y	Y	Y	N	Y	N
05/01/12 8-28 4 P	S Sub for HB 2371 - Vote #334 on Redistricting Amendment - "Wheat State I" Map	Y	N	Y	Y	Y	N	Y	N
05/18/12 21-17 2 NV	S Sub for HB 2087 - Vote #397 on Redistricting Bill - "Buffalo 30 Revised"	Y	Y	NV	N	N	Y	N	Y
03/21/12 31-9	HB 2200 - Vote #272 on K-12 Education (increase in BSAPP; LOB increase with vote)	Y	Y	N	N	N	Y	N	Y
05/19/12 36-0 4 NV	SB 11 - Vote #399 on School Finance (school districts can access unencumbered balances; alternative formula for calculating LOB).	Y	Y	Y	Y	Y	Y	Y	Y
02/23/12 17-22 1 P	SB 83 - Vote #127 on Judicial Selection Process	N	N	Y	Y	Y	N	Y	N

NV = Not Voting, which means the Senator was not present in the Senate Chamber for this vote.

P = Present, which means the Senator was present in the Chamber for the vote but chose not to take a position. Only votes in opposition to the Overland Park Chamber's position reduce the % rating.

HOUSE

			68%	42%	58%	85%	50%	40%	47%	35%	44%	44%	53%
	House Issues Bill Number & Descriptions	OP Chamber Position	Bollier	Brown	Bruchman	Colloton	Denning	Donohoe	Grosserode	Hildabrand	Kiegerl	Kinzer	Kleeb
05/20/12 80-26 19 NV	S Sub for HB 2382 - Vote #395 on STAR Bonds Sunset Date Extension	Y	Y	N	Y	Y	NV	N	N	N	NV	N	Y
"5/10/12 103-21 1 NV	H Sub for SB 59 - Vote #341 on Property Tax Exemption of Commercial and Industrial Machinery and Equipment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
03/12/12 101-23 1 NV	HB 2609 - Vote #168 on Local Ad Valorem Tax Relief Fund & Assessed Valuation Increases	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
03/16/12 116-1 8 NV	H Sub for SB 294 - Vote #198 on Amendment to Mega Budget to take \$29m from KDOT for K-12	N	Y	Y	Y	Y	Y	Y	Y	Y	NV	Y	Y
05/08/12 99-17 9 NV	Sub for HB 2768 - Vote #321 on Amendment to Omnibus Budget (\$50m taken from KDOT for K-12)	N	Y	N	Y	Y	Y	N	Y	Y	Y	N	Y
05/08/12 51-68 6 NV	Sub for HB 2768 - Vote #329 on Amendment to Omnibus Budget (restore \$25m from SGF to KDOT)	Y	Y	N	N	Y	N	N	N	N	NV	N	N
05/20/12 80-35 10 NV	H Sub for SB 294 - Vote #389 on Omnibus Budget (\$40m increase in K-12; no \$ taken from KDOT)	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y
05/08/12 84-35 6 NV	Sub for HB 2768 - Vote #323 on Amendment to Immigration Policy Mandating E-verify	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
03/26/12 55-66 4 NV	HB 2767 - Vote #262 on Tax Credits for Educational Scholarships (School Vouchers)	N	N	Y	N	N	N	Y	Y	Y	Y	Y	Y
05/18/12 100-12 13 NV	SB II - Vote #376 on School Finance (school districts can access unencumbered balances; alternative formula for calculating LOB).	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
05/10/12 67-50 5 NV, 3 P	H Sub for SB 102 - Vote #349 on Senate Redistricting Map - "For the People 13b"	N	N	Y	N	N	N	Y	N	Y	Y	Y	NV
02/09/12 109-14 2 NV	HB 2606 - Vote #20 on Redistricting Bill - House's "Cottonwood I" map	Y	Y	Y	Y	Y	NV	Y	Y	Y	Y	Y	Y

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House Voting Record continued on the next page.

HOUSE

			45%	47%	40%	50%	45%	45%	53%	40%	75%	80%	74%
	House Issues Bill Number & Descriptions	OP Chamber Position	Meigs	Montgomery	O'Hara	Rubin	Schwab	Siegfreid	Slattery	Smith	Spalding	Wolf	Worley
05/20/12 80-26 19 NV	S Sub for HB 2382 - Vote #395 on STAR Bonds Sunset Date Extension	Y	N	NV	N	Y	Y	Y	NV	N	Y	Y	Y
5/10/12 103-21 1 NV	H Sub for SB 59 - Vote #341 on Property Tax Exemption of Commercial and Industrial Machinery and Equipment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
03/12/12 101-23 1 NV	HB 2609 - Vote #168 on Local Ad Valorem Tax Relief Fund & Assessed Valuation Increases	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
03/16/12 116-1 8 NV	H Sub for SB 294 - Vote #198 on Amendment to Mega Budget to take \$29m from KDOT for K-12	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
05/08/12 99-17 9 NV	Sub for HB 2768 - Vote #321 on Amendment to Omnibus Budget (\$50m taken from KDOT for K-12)	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y
05/08/12 51-68 6 NV	Sub for HB 2768 - Vote #329 on Amendment to Omnibus Budget (re-store \$25m from SGF to KDOT)	Y	N	N	N	N	N	N	NV	N	Y	Y	Y
05/20/12 80-35 10 NV	H Sub for SB 294 - Vote #389 on Omnibus Budget (\$40m increase in K-12; no \$ taken from KDOT)	Y	Y	Y	N	Y	Y	Y	NV	Y	Y	Y	Y
05/08/12 84-35 6 NV	Sub for HB 2768 - Vote #323 on Amendment to Immigration Policy Mandating E-verify	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
03/26/12 55-66 4 NV	HB 2767 - Vote #262 on Tax Credits for Educational Scholarships (School Vouchers)	N	N	Y	Y	Y	N	Y	N	Y	N	N	N
05/18/12 100-12 13 NV	SB II - Vote #376 on School Finance (school districts can access unencumbered balances; alternative formula for calculating LOB).	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
05/10/12 67-50 5 NV, 3 P	H Sub for SB 102 - Vote #349 on Senate Redistricting Map - "For the People 13b"	N	N	N	Y	Y	Y	Y	N	Y	N	N	N
02/09/12 109-14 2 NV	HB 2606 - Vote #20 on Redistricting Bill - House's "Cottonwood I" map	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y

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	House Issues Bill Number & Descriptions	OP Chamber Position	Bollier	Brown	Bruchman	Colloton	Denning	Donohoe	Grosserode	Hildabrand	Kiegerl	Kinzer	Kleeb
03/29/12 81-43 1 NV	H Sub for H Sub for SB 176 - Vote #283 on Redistricting Bill - House's "Cottonwood 2" map	Y	Y	N	Y	Y	Y	N	Y	N	Y	N	Y
05/02/12 43-72 10 NV	S Sub for HB 2371 - Vote #302 on Redistricting Bill with Senate's "Ad Astra" map & House's "Cottonwood 1" map	Y	Y	NV	N	N	N	N	N	N	N	N	NV
05/09/12 64-59 2 NV	S Sub for HB 2117 - Vote #340 on Governor's Income Tax Reduction Bill	N	NV	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
03/14/12 68-56 1 NV	H Sub for SB 177 - Vote #178 on House GOP Tax Bill with 3% Spending Lid	N	N	Y	Y	N	Y	N	Y	Y	Y	NV	Y
03/13/12 50-58 17 NV	H Sub for SB 177 - Vote #174 on Amendment to Eliminate Income Tax by 2020	N	N	Y	NV	N	Y	Y	NV	Y	NV	NV	N
02/15/12 89-35 1 NV	HB 2207 - Vote #31 on Series Limited Liability Companies	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
02/20/12 85-36 4 NV	HB 2531 - Vote #55 on Creating the Workers Compensation and Employ- ment Security Nominating Committee	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NV
02/23/12 85-39 1 NV	HB 2638 - Vote #114 on Employ- ment Security Law	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

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	House Issues Bill Number & Descriptions	OP Chamber Position	Meigs	Montgomery	O'Hara	Rubin	Schwab	Siegfried	Slattery	Smith	Spalding	Wolf	Worley
03/29/12 81-43 1 NV	H Sub for H Sub for SB 176 - Vote #283 on Redistricting Bill - House's "Cottonwood 2" map	Y	N	Y	N	Y	Y	Y	N	N	Y	Y	Y
05/02/12 43-72 10 NV	S Sub for HB 2371 - Vote #302 on Redistricting Bill with Senate's "Ad Astra" map & House's "Cottonwood 1" map	Y	N	N	N	N	N	N	Y	N	Y	Y	Y
05/09/12 64-59 2 NV	S Sub for HB 2117 - Vote #340 on Governor's Income Tax Reduction Bill	N	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
03/14/12 68-56 1 NV	H Sub for SB 177 - Vote #178 on House GOP Tax Bill with 3% Spending Lid	N	Y	Y	N	N	Y	Y	N	Y	Y	Y	Y
03/13/12 50-58 17 NV	H Sub for SB 177 - Vote #174 on Amendment to Eliminate Income Tax by 2020	N	Y	Y	Y	Y	Y	Y	N	Y	N	N	NV
02/15/12 89-35 1 NV	HB 2207 - Vote #31 on Series Limited Liability Companies	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
02/20/12 85-36 4 NV	HB 2531 - Vote #55 on Creating the Workers Compensation and Employment Security Nominating Committee	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
02/23/12 85-39 1 NV	HB 2638 - Vote #114 on Employment Security Law	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y

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Voting Record Bill Explanations

The Overland Park Chamber's legislative positions are shown in red italics.

SENATE

Final Action on Senate Sub for House Bill 2382 – Vote #294: Economic Development - STAR Bonds Sunset Date Extension Bill SIGNED INTO LAW

Strong state economic development tools are vital for local business recruitment and retention. The Chamber strongly encourages lawmakers to support and protect proven economic development programs that are critical tools used to stimulate employment and leverage private investment.

Senate Sub for HB 2382 extends the sunset date for Sales Tax and Revenue (STAR) Bonds from July 1, 2012, to July 1, 2017. The bill also extends the sunset date for the maximum stated rate of interest that may be fixed on fixed-rate or variable-rate bonds issued by a municipality or taxing subdivision of Kansas from July 1, 2012, to July 1, 2017. STAR Bonds have been most notably utilized locally in the Kansas Speedway project in Kansas City, Kansas and the Prairie Fire project in Overland Park.

Final Action on Senate Sub for House Bill 2157 – Vote #271: Economic Development – Single-Factor Sales Apportionment Formula, Unitary Treatment & HPIP Threshold Changes BILL PASSED SENATE

The Chamber supports elective, market-based, phased-in option for companies to use single sales factor formula of tax apportionment. Reform the definition of corporate unitary income tax liability as to not penalize a corporation locating further facilities or personnel in Kansas. Strong state economic development tools are vital for local business recruitment and retention. The Chamber strongly encourages lawmakers to support and protect proven economic development programs that are critical tools used to stimulate employment and leverage private investment.

Senate Sub for HB 2157 would authorize an optional single-factor (sales) income tax apportionment formula beginning in tax year 2013 as an exception to the normal three-factor (property, payroll, and sales) formula for certain corporations relocating to Kansas which employ ten or more full-time employees. Taxpayers making the election would be prohibited from also claiming certain tax benefits pursuant to the Promoting Employment Across Kansas (PEAK) Program and the High Performance Incentive Program (HPIP).

A decision to use the sales-only apportionment formula would be required to remain in effect for ten tax years.

Finally, additional provisions would relate to the HPIP program. Certain language would allow sharing of HPIP credits under certain circumstances between and among members of a unitary group of corporations. A second provision would repeal a provision enacted in 2011 that increased the HPIP minimum investment threshold in five urban counties (Douglas, Johnson, Sedgwick, Shawnee, and Wyandotte) from \$50,000 to \$1 million.

Final Action on Senate Bill 371 – Vote #266: E-Fairness - Relating to Sales Nexus BILL PASSED SENATE

Regulatory framework that results in consistent and predictable application of state policies, procedures and regulations.

This bill expands the definition of a retailer doing business in Kansas to include “click-thru” provisions in which a retailer would be responsible for collecting and remitting use tax. Current law states that the collection of any local sales tax is required for all brick and mortar and retail stores that exist in Kansas. Many consumers though buy their goods on the Internet where they believe their purchases are tax-free, but the consumer is actually legally required to pay a “use tax” equivalent to the sales tax in the state when they file their tax returns - or risk being audited or penalized. However, most citizens do not pay for various reasons, including unawareness and the tediousness and difficulty of the process. And while online vendors usually have the technology to collect sales tax at the point of sale, they choose not to. It is estimated that closing this tax loophole could bring in millions of lost revenues to the state.

Final Action on Sub for HB 2207 – Vote #175: Series Limited Liability Companies Bill SIGNED INTO LAW

The Chamber supports periodic updates of the Kansas Corporation Code to remain competitive with neighboring states.

This bill allows for the formation of a business entity known as a series limited liability company (series LLC). Pursuant to the bill, an operating agreement can establish or provide for the establishment of one or more designated “series” of members, managers, or LLC interests. The series can have separate rights, powers, or duties with respect to specified property or obligations of the LLC or with respect to profits or losses associated with specified property or obligations. Additionally, the series can have separate business purposes and investment objectives to the extent provided in the operating agreement. The bill also allows for limitation of liability for each series and includes other provisions concerning their formation, operation, and dissolution.

Final Action on Sub for Senate Bill 433 – Vote #288: Mega Budget Bill with K-12 funding increase; no funding taken from KDOT SIGNED INTO LAW

On a statewide basis, the Chamber supports:

- *Protecting existing transportation funding sources (sales tax, fuel tax, bonding, vehicle registration fees, etc.), and opposing any diversion of funds from the Kansas Highway Fund.*

The House passed a \$6.067 billion Mega appropriations budget bill, which due to the “pay-go” rule in the House, contained a \$29 million

cut to the State Highway Fund to fund an unforeseen shortfall in K-12 school funding. In contrast, the Senate's Mega budget financed the shortfall utilizing \$31.6 million in State General Fund (SGF) revenue. This difference was worked out in conference committee on the Omnibus budget.

Adoption of conference committee report for House Sub for Senate Bill 294 – Vote #405: Omnibus Budget Bill with \$40 million increase in K-12; no funding taken from KDOT SIGNED INTO LAW

On a statewide basis, the Chamber supports:

- *The ten Guiding Principles for School Finance Reform proposed by the Committee for Excellence.*
- *Protecting existing transportation funding sources (sales tax, fuel tax, bonding, vehicle registration fees, etc.), and opposing any diversion of funds from the Kansas Highway Fund.*

The 2012 Legislature approved FY 2013 expenditures of \$14.303 billion, including \$6.171 billion from the State General Fund (SGF). This is an all funds decrease of \$448.2 million, or 3.0 percent, below the FY 2012 revised amount, and a State General Fund increase of \$44.9 million, or 0.7 percent, above revised current year amount. The FY 2013 approved budget includes the addition of \$40.0 million from the SGF for the Department of Education to increase Base State Aid Per Pupil by \$58, from \$3,780 to \$3,838, and \$3.7 million, all from the Children's Initiatives Fund, for the Parents as Teachers program (\$2.2 million), and the Kansas Preschool program (\$1.5 million). No money was diverted from the State Highway Fund into other budgets.

Final Action on Senate Sub for House Bill 2117 – Vote #270: Tax – Governor's Income Tax Reduction Bill. BILL FAILED IN SENATE ON FIRST VOTE

The Chamber supports a balanced and reasonable approach to tax reform that continues to provide or enhance a positive business climate. Proposals to lower income tax should carefully consider the impact on the economy and the likely shift of tax burden among Kansans and local jurisdictions. Tax cuts should be weighed in terms of their impact on funding essential government services.

Major components of this bill include:

- Collapses the current three bracket structure for individual income taxes (3.45%, 6.25%, and 6.45%) into a two-bracket system with income tax rates of 3.0% for an individual's first \$30,000 of income and 4.9% for income above \$30,000.
- Standard deduction amount for single head-of-household filers increases from \$4,500 to \$9,000; and for married taxpayers filing jointly from \$6,000 to \$9,000.
- Non-wage business income is exempt from individual income tax for sole proprietors and owners of limited liability and Subchapter-S corporations. Taxpayers utilizing this exemption cannot receive other tax credits designed to eliminate tax liability of certain resident individuals (including expensing).
- Repeals tax credits currently allowed to individuals (but not to corporations) for food sales tax rebate; abandoned well plugging; adoption expenses; agritourism; alternative fuel equipment expenditures; assistive technology; child and dependent care expenses; child day care expenses; disabled access expenditures; environmental compliance expenditures; individual development account contributions; law enforcement training center contributions; small employer health benefit plan contributions; swine facility improvement expenditures; port authority contributions; small employer health benefit plan contributions; swine facility improvement expenditures; telecommunications property tax payments; venture capital contributions; and certain temporary assistance to family contributors.
- Eliminates a subtraction modification for certain long-term care insurance expenditures.
- Repeals the two-year new pool severance tax exemption on all oil production from pools producing in excess of 50 barrels per day.
- Renters are no longer eligible to participate in the Homestead Property Tax Refund program
- The proposed state ending balances for each year following enactment of this tax bill are as follows:
 - o Estimated FY2013
\$507.8 million (8.3%)
 - o Estimated FY2014
(-\$270.3) million (-4.4%)
 - o Estimated FY2015
(-969.9) million (-15.4%)
 - o Estimated FY2016
(-1,585.0) billion (-24.6%)
 - o Estimated FY2017
(-2,084.8) billion (-31.7%)
- These projections assume revenue increases of 4.0% each year; \$367 million in Medicaid savings over the next five years from KanCare implementation; that the court (which convenes June 4) will not force the Legislature to fund schools at a higher level as now mandated by Kansas' statute; and that the federal government will not force Kansas to reduce the waiting lists for disability services.

The Chamber believes this bill does not comply with our agenda that tax policy reform should be balanced and reasonable. Also, the likelihood that this bill would just shift the tax burden from our state to local jurisdictions is great, thus negatively impacting appropriate funding of essential government services which our businesses and citizens rely upon such as transportation, education and quality of life offerings.

**Reconsideration of Final Action on Senate Sub for HB 2117 – Vote #279: Tax – Governor’s Income Tax Reduction Bill
SIGNED INTO LAW**

This is a reconsideration vote taken a day after the final action vote on the Governor’s income tax bill listed directly above. Several legislators changed their vote after the Administration asked them to reconsider their positions in an effort to bring a tax bill to conference committee where the details could be further negotiated.

**Agreeing to the amendment to reduce sales tax to 5.3% and eliminate SHF portion on Senate Sub for House Bill 2117 –
Vote #259: Tax – Governor’s Income Tax Reduction Bill. AMENDMENT FAILED**

On a statewide basis, the Chamber supports:

- *Protecting existing transportation funding sources (sales tax, fuel tax, bonding, vehicle registration fees, etc.), and opposing any diversion of funds from the Kansas Highway Fund.*

This amendment would return the state sales tax to 5.3% on FY2014 rather than the 5.7% dictated in current state statute, effectively eliminating the .04% that was to be directed to the State Highway Fund to pay for the T-WORKS program (Kansas’ comprehensive transportation plan).

**Agreeing to the amendment to restore spending lid on Senate Sub for House Bill 2117 – Vote #262: Tax – Governor’s
Income Tax Reduction Bill. AMENDMENT FAILED**

The Chamber believes the responsibility to appropriate funds lies with the democratically elected legislature and strongly opposes efforts to limit that authority. The Chamber opposes all constitutional amendments or statutes that restrict legislative authority to make decisions regarding taxing or spending. The Chamber opposes tax and spending lids on local government.

This amendment would restore formulaic individual income tax rate reductions (spending lid) beginning in tax year 2013 based on the extent to which a certain specified group of State General Fund (SGF) tax sources have increased over the previous fiscal year. This provision had been part of the Governor’s original tax bill proposal, however, the Senate Tax Committee removed it. All revenue growth exceeding 2 percent would be used to buy-down income taxes until they eventually are eliminated. To ensure our elected representatives’ ability to govern effectively, the Overland Park Chamber has had a long-standing opposition to tax and spending lids of any kind.

**Agreeing to the amendment on House Bill 2606 – Vote #289: Redistricting – Senate Map “For the People 6”
AMENDMENT FAILED**

The Chamber supports a redistricting plan that appropriately provides Johnson County the representation it deserves based upon its past decade of population growth. The Chamber does not have a position on any particular map, but we are absolute in our support for proportional representation for Johnson County, which should deliver at least three new House districts and one new Senate district.

This map does not give Johnson County an 8th Senate seat and creates oddly shaped districts that meander across political boundaries in total disregard of the diverse interests of the would-be constituents.

**Final Action on Senate Sub for HB 2371 – Vote #336: Redistricting – Senate Map “Ad Astra Revised” & House Map
“Cottonwood 1” BILL PASSED SENATE**

Both of these maps are constitutionally sound and supported by strong redistricting policy. “Ad Astra” gives Johnson County one additional Senate seat, and “Cottonwood 1” gives Johnson County three new House districts.

**Agreeing to the amendment on Senate Sub for House Bill 2371 – Vote #335: Redistricting – Senate Map “For the People 12”
. AMENDMENT FAILED**

This map does not give Johnson County an 8th Senate seat and creates oddly shaped districts that meander across political boundaries in total disregard of the diverse interests of the would-be constituents.

**Agreeing to the amendment on Senate Sub for House Bill 2371 – Vote #334: Redistricting – Senate Map “Wheat State 1”
. AMENDMENT FAILED**

This map gives Johnson County an 8th Senate seat.

**Final Action on Senate Sub for House Bill 2087 – Vote #397: Redistricting – Senate Map “Buffalo 30 Revised”
. BILL PASSED SENATE**

This map is constitutionally sound and supported by strong redistricting policy, and it gives Johnson County an additional Senate seat.

Final Action on House Bill 2200 – Vote #272: K-12 Education Funding – Increase in BSAPP and LOB with Vote BILL PASSED SENATE

The Chamber recognizes that high quality public education, from pre-K through post-secondary, leads to a high quality workforce. Educational excellence is one of the single most important reasons that companies have selected Johnson County and Overland Park as their place of business, thus leading to the creation of jobs in our region and economic prosperity in Kansas. The Chamber supports:

- *The ten Guiding Principles for School Finance Reform proposed by the Committee for Excellence.*

Senate Sub for HB 2200 would amend the current school finance formula by setting the base state aid per pupil (BSAPP) for the 2012-2013 school year at \$3,854 (a \$74 increase) and \$3,928 for the 2013-2014 school year. However, the increases in BSAPP would only go into effect if the aggregate amount of appropriations for supplemental general state aid (equalization aid) for school year 2011-2012 equaled 92.5 percent of the amount of supplemental general state aid school districts were entitled to receive under current law. Likewise, the BSAPP increase for the 2013-2014 school year would not go into effect unless the appropriation of supplemental general state aid in school year 2012-2013 equaled 100 percent of the amount districts were entitled to receive. In the event the requirements of the bill related to the appropriation of supplemental general state aid would not be met, the BSAPP would be \$3,780.

The bill would allow local boards of education to increase the local option budget authority up to 32 percent in school year 2012-2013 and to 33 percent in school year 2013-2014; however, the increases would be contingent upon the aggregate amount of appropriations for supplemental general state aid for school year 2011-2012 equaling 92.5 percent of the amount of supplemental general state aid school districts were entitled to receive under current law. Likewise, the local option budget authority increase for the 2013-2014 school year would not go into effect unless the appropriation of supplemental general state aid in school year 2012-2013 equaled 100 percent of the amount districts were entitled to receive.

Increases in local option budget authority above 30 percent for both school years would not become effective unless submitted to and approved by a majority of the qualified electors of the school district.

Adoption of the conference committee report on Senate Bill 11 – Vote #399: School Finance: Accessing of Unencumbered Balances; Alternative Formula for Calculating LOB. SIGNED INTO LAW

The Chamber supports fundamentally reforming the school finance formula by utilizing local authority to better relate to the actual cost of providing services, incenting operational efficiencies and expanding local flexibility over how education funds are raised and spent.

SB 11 deals with transportation of non-resident pupils, the special education state aid formula, an alternative formula for calculating the local option budget, flexibility in the use of unencumbered funds, and balances in the contingency reserve fund.

The bill would provide an alternative formula for calculation of the local option budget of a school district. The bill would allow a school district to choose the 2008–09 special education state aid or the current year’s special education state aid, whichever amount is greater, to calculate the amount of state aid that the district would receive for its local option budget. The bill would also allow a school district to continue to transfer unencumbered cash balances for the 2012–2013 school year from each of the following funds: at-risk, bilingual, contingency reserve, driver training, preschool-aged at-risk parent education program, professional development, summer program, textbook and student materials, special education, virtual education, and vocational education for general operating expenses of the district.

Motion to concur in House amendments on Senate Bill 83 – Vote #127: Judicial Selection Process. MOTION FAILED IN SENATE

The Chamber supports a merit-based system of selecting judges in Kansas.

This bill would provide for the selection of Kansas Court of Appeals judges by the Governor, with confirmation by the Senate. When a vacancy occurs, the Clerk of the Kansas Supreme Court would be required to give notice to the Governor. The person selected by the Governor would then have to be approved by a majority vote of all the members of the Senate. The Senate would be required to vote on the appointment within 60 days. Failure to do so would be deemed consent. If not in session, the Senate President would be required to convene the Senate for the sole purpose of voting on the appointment. If the appointee is not confirmed, the Governor would be required to appoint another within 60 days to be considered by the Senate in the same way.

HOUSE

Motion to concur in Senate amendments for Senate Sub for House Bill 2382 – Vote #395: Economic Development - STAR Bonds Sunset Date Extension Bill. SIGNED INTO LAW

See Senate explanation.

Final Action on House Sub for Senate Bill 59 – Vote #341: Economic Development - Classification of Certain CIME for Purposes of Property Taxation BILL PASSED HOUSE

Strong state economic development tools are vital for local business recruitment and retention. The Chamber strongly encourages lawmakers to support and protect proven economic development programs that are critical tools used to stimulate employment and leverage private investment. We oppose efforts to dilute the effectiveness of such programs...

In 2006 the Legislature passed a property tax exemption on commercial industrial machinery and equipment (CIME) which has been a beneficial economic development tool for Kansas. The problem today is that some counties in Kansas are attempting to tax business machinery & equipment as “real” property in order to compensate for loss of revenue from new machinery and equipment purchases, defeating the original intent of the 2006 Legislature. Counties in question are hiring out-of-state appraisers to reclassify CIME as “real property.” This bill is designed to ensure uniform tax appraisals throughout Kansas and assure such changes cannot be made for two years while the Legislature completes a study to determine clear language defining in law what is “real” and “personal” property.

Final Action on House Bill 2609 – Vote #168: Local Ad Valorem Tax Relief Fund & Assessed Valuation Increases. BILL PASSED HOUSE

The Chamber opposes:

- *Artificial limits on appraised valuation growth such as the “Proposition K” legislation introduced in the 2009 session.*
- *Requiring a 2/3 “supermajority” vote by state or local governing bodies to approve tax increases.*

This bill would provide for transfers from the State General Fund to the Local Ad Valorem Tax Reduction Fund (LAVTRF) for FY 2013 and FY 2014 in the amount of \$45 million for each year. Additional language would require local units to reduce property taxes below the prior year’s level by the amount of the LAVTRF distributions.

Other provisions of the bill would require a municipality to reduce its mill levy in the event of an increase in assessed valuation of property such that the total amount of ad valorem property taxes levied would not increase. New construction is excluded from the comparison of the current year to the year prior, as is property from newly added jurisdictional territory and property which has changed in use. Also excluded from the computation would be certain property taxes levied to pay principal and interest on bonds. Finally, the 21.5 mills in state property tax levies would be excluded. In the event of a decrease in total taxable real property valuation in any municipality, the mill levy could still be raised by the municipality, subject to statutory restrictions.

The bill also would add community colleges and unified school districts to a law requiring other taxing subdivisions to adopt an “acknowledgment” resolution or ordinance when adopting budgets funded by revenues from increased property taxes. An additional section would allow persons 65 years of age or older to decelerate their property tax payments on their principal place of residence such that the first 25 percent would be due December 20; a second 25 percent would be due February 10 of the next ensuing year; a third 25 percent would be due April 10; and the final 25 percent would be due May 10. Under current law, the first 50 percent is due December 20 and the second 50 percent is due May 10 of the next ensuing year.

Agreeing to the amendment to divert \$29 million from SHF for K-12 on House Sub for Senate Bill 294 – Vote #198: Mega Budget Bill AMENDMENT PASSED HOUSE

On a statewide basis, the Chamber supports:

- *Protecting existing transportation funding sources (sales tax, fuel tax, bonding, vehicle registration fees, etc.), and opposing any diversion of funds from the Kansas Highway Fund.*

Making amendments to the \$6.067 billion Mega appropriations bill proved to be extremely difficult because of a pay-go rule put in place last year that limits all legislators from adding any item to the budget unless he or she finds an equal cut in the budget somewhere else. This rule led to an amendment being offered to cover a \$29 million shortfall in K-12 school funding by taking the money from the State Highway Fund. This created a bind for the Chamber due to our support for more funding for K-12 schools but adamant opposition of using KDOT as the bank to cover the State’s shortfalls. The author of the amendment relied on assurances by the Senate Leadership that the issue would be fixed in conference committee.

Agreeing to the amendment to divert \$50 million from SHF for K-12 on Sub for House Bill 2768 – Vote #321: Omnibus Budget Bill AMENDMENT PASSED HOUSE

On a statewide basis, the Chamber supports:

- *Protecting existing transportation funding sources (sales tax, fuel tax, bonding, vehicle registration fees, etc.), and opposing any diversion of funds from the Kansas Highway Fund.*

This amendment diverted \$50 million from the State Highway Fund to help finance K-12 education. This created a bind for the Chamber due to our support for more funding for K-12 schools but adamant opposition of using KDOT as the bank to cover the State’s shortfalls.

Agreeing to the amendment to restore \$25 million to KDOT from SGF on Sub for House Bill 2768 – Vote #329: Omnibus Budget Bill AMENDMENT FAILED IN HOUSE

On a statewide basis, the Chamber supports:

- *Protecting existing transportation funding sources (sales tax, fuel tax, bonding, vehicle registration fees, etc.), and opposing any diversion of funds from the Kansas Highway Fund.*

This amendment would restore \$25 million to the State Highway Fund from the State General Fund.

Adoption of conference committee report for House Sub for Senate Bill 294 – Vote #389: Omnibus Budget Bill with \$40m increase in K-12; no \$ taken from State Highway Fund. SIGNED INTO LAW

See Senate explanation.

Agreeing to the amendment to mandate e-verify for state agencies and state contractors on Sub for House Bill 2768 – Vote #323: Immigration – E-verify Mandate AMENDMENT PASSED HOUSE

The Chamber supports a balanced immigration policy created and enforced at the federal level. The Chamber opposes state action that creates additional costly or time-consuming mandates for employers or that imposes unreasonable penalties on employers who unintentionally hire undocumented workers.

This amendment, which was attached to the House budget bill, mandated state agencies use the federal E-verify system starting FY2013 to verify all employees are in the United States legally. Our opposition to the mandate stems from the provision to require contractors with state contracts over \$50,000 to provide a sworn statement that their business is enrolled and participating in E-verify and the requirement of general contractors to verify their subcontractors are enrolled as well. This \$50,000 provision would have applied to companies receiving incentives from Kansas, hampering our local economic development efforts to bring companies and new jobs to Kansas.

Motion to recommend favorably for passage House Bill 2767 – Vote #262: Education – Tax Credits for Educational Scholarships – School Vouchers BILL FAILED IN HOUSE

The Chamber recognizes that high quality public education, from pre-K through post-secondary, leads to a high quality workforce. Educational excellence is one of the most important reasons that companies have selected Johnson County and Overland Park as their place of business, thus leading to the creation of jobs in our region and economic prosperity in Kansas. The Chamber supports:

- *The ten Guiding Principles for School Finance Reform proposed by the Committee for Excellence.*

This school voucher bill would establish the Kansas Education Liberty Program Act to provide eligible students with an opportunity to attend qualified schools of their parents’ choice by receiving scholarships, which are funded by taxpayer contributions. Taxpayer contributions for these scholarships would be eligible for a 100% state income tax credit for eligible students in the state’s 18 “high density at-risk” school districts. While this bill wouldn’t directly affect Johnson County, it is the proverbial “camel’s nose under the tent” - possibly leading to more broad based voucher bills. The Chamber has long opposed school voucher programs in order to protect public funding for K-12 education.

Adoption of the conference committee report on Senate Bill 11 – Vote #376: School Finance: Accessing of Unencumbered Balances; Alternative Formula for Calculating LOB SIGNED INTO LAW

See Senate explanation.

Final Action on H Sub for Senate Bill 102 – Vote #349: Redistricting – Senate Map “For the People 13b” BILL PASSED HOUSE

See Senate explanation.

Final Action on House Bill 2606 – Vote #20: Redistricting – House Map “Cottonwood 1” BILL PASSED HOUSE

This map is constitutionally sound and supported by strong redistricting policy, and it gives Johnson County three new House districts.

Final Action on House Sub for House Sub for Senate Bill 176 – Vote #283: Redistricting – House Map “Cottonwood 2” BILL PASSED HOUSE

See previous explanation.

Motion to concur in Senate amendments for Senate Sub for HB 2371 – Vote #302: Redistricting – Senate Map “Ad Astra” & House Map “Cottonwood 1” BILL FAILED IN HOUSE

See Senate explanation.

Motion to concur in Senate amendments for Senate Sub for HB 2117 – Vote #340: Tax – Governor’s Income Tax Reduction Bill SIGNED INTO LAW

See Senate explanation.

Final Action on House Sub for Senate Bill 177 – Vote #178: Tax – House GOP Tax Bill with 3% Spending Lid BILL PASSED HOUSE

The Chamber believes the responsibility to appropriate funds lies with the democratically elected legislature and strongly opposes efforts to limit that authority. The Chamber opposes all constitutional amendments or statutes that restrict legislative authority to make decisions regarding taxing or spending. The Chamber opposes tax and spending lids on local government.

The House GOP bill would implement a number of major changes in income taxes, including many of the same as proposed in Senate Sub for HB 2117; expand the Rural Opportunity Zone (ROZ) program; and enact a sales tax exemption for certain food and food

ingredients. One major part of the bill would provide for formulaic individual income tax rate reductions (spending lid) beginning in tax year 2013 based on the extent to which a certain specified group of State General Fund (SGF) tax sources have increased over the previous fiscal year. All revenue growth exceeding 3 percent would be used to buy-down income taxes until they eventually are eliminated. To ensure our elected representatives' ability to govern effectively, the Overland Park Chamber has historically had a long-standing opposition to tax and spending lids of any kind.

Agreeing to the amendment to eliminate income tax by 2020 on H Sub for SB 177 – Vote #174: Tax – House GOP Tax Bill AMENDMENT FAILED

The Chamber supports a balanced and reasonable approach to tax reform that continues to provide or enhance a positive business climate. Proposals to lower income tax should carefully consider the impact on the economy and the likely shift of tax burden among Kansans and local jurisdictions. Tax cuts should be weighed in terms of their impact on funding essential government services.

The Chamber does not support increases in individual and corporate income tax rates.

The Chamber feels this amendment does not follow our agenda guidelines that tax policy reform should be balanced and reasonable. The likelihood that this measure would shift the tax burden from our state to local jurisdictions is great, thus negatively impacting appropriate funding of essential government services our businesses and citizens rely upon such as transportation, education and quality of life offerings.

Final Action on HB 2207 – Vote #31: Series Limited Liability Companies Bill SIGNED INTO LAW

See Senate explanation.

Final Action on HB 2531 – Vote #55: Creating the Workers Compensation and Employment Security Nominating Committee BILL PASSED HOUSE

The Chamber supports returning the Employment Security Trust Fund to solvency within a reasonable amount of time, while balancing the cost to employers.

The Chamber supports protecting the integrity and affordability of the workers' compensation system so it fairly provides for employees legitimately injured while performing job duties without increasing employer costs.

This bill reforms the nomination process for administrative law judges, work comp appeals board members, and unemployment insurance review board members from a two-member nominating committee led by the Kansas Chamber and the AFL-CIO to an expanded panel comprised of two business representatives (Kansas Chamber, National Federation of Independent Business); two labor representatives (AFL-CIO, public employee); and one representative from each of the following organizations: Kansas Society for Human Resource Management, Kansas Self-Insurers Association, and the Secretary of Labor.

Final Action on HB 2638 – Vote #114: Changes to Employment Security Law BILL PASSED HOUSE

The Chamber supports returning the Employment Security Trust Fund to solvency within a reasonable amount of time, while balancing the cost to employers.

This proposal modifies the inclusion of holiday pay as a type of wage when claiming unemployment insurance benefits and reduces benefits for an employee who receives a lump-sum separation or severance payment. The bill will also reduce the unemployment insurance contribution rates starting in 2014, fostering more economic growth and investment in the state (rate reduction would not kick in until 2015 when the UI fund is solvent once again). The Department of Labor must also now give businesses notice of their next year's Unemployment Insurance (UI) rate bill by November 1, giving employers more time to budget for their UI taxes.

Lifetime Voting Records

SENATE	Year Elected	2012	Lifetime
Terrie Huntington	2010*	89%	93% ¹
Julia Lynn	2006	29%	63%
Ray Merrick	2011*	28%	67% ²
Rob Olson	2011*	28%	67% ³
Tim Owens	2009*	94%	97% ⁴
Mary Pilcher Cook	2008*	22%	51% ⁵
John Vratil	1998	94%	96%

* Year elected to the Senate after serving in the House

¹ Lifetime record includes sessions served in the House (2003-2009)

² Lifetime record includes sessions served in the House (2000-2010)

³ Lifetime record includes sessions served in the House (2004-2010)

⁴ Lifetime record includes sessions served in the House (2002-2008)

⁵ Lifetime record includes sessions served in the House (2004-2006)

HOUSE	Yr. Elected	2012	Lifetime
Barbara Bollier	2010	68%	83%
Anthony Brown	2004	42%	57%
Rob Bruchman	2011	58%	67%
Pat Colloton	2004	85%	95%
Jim Denning	2011	50%	60%
Owen Donohoe	2006	40%	58%
Amanda Grosserode	2011	47%	57%
Brett Hildabrand	2011	35%	44%
Mike Kiegerl	2004	44%	64%
Lance Kinzer	2004	44%	57%
Marvin Kleeb	2008	53%	73%
Kelly Meigs	2011	45%	53%
Robert Montgomery	2011	47%	55%
Charlotte O'Hara	2011	40%	47%
John Rubin	2011	50%	53%
Scott Schwab	2008	45%	62% ¹
Arlen Siegfroid	2002	45%	70%
Mike Slattery	2008	53%	82%
Greg Smith	2011	40%	47%
Sheryl Spalding	2006	75%	90%
Kay Wolf	2005	80%	91%
Ron Worley	2006	74%	89%

¹ Lifetime record includes previous sessions served in the House (2003-2006)



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