



2016 KANSAS LEGISLATIVE E-REPORT #12

Paul Johnson - March 25, 2016

SPRING BREAK

The 2016 Kansas Legislature has rushed to finish the regular session and leave town. The veto session will begin on April 27. The watch is on to see what happens with revenues collected in March and what the consensus revenue experts on April 20 will estimate for state revenues for the next 30 months. It is rumored that March collections will be down from the November consensus estimates similar to February collections off \$54 million and the April consensus estimates will also be lowered – maybe \$150 million - putting the 2017 state budget further under water. If this happens, the veto session will be a blame game of who is responsible and should the Legislature find a balanced solution or leave this mess to a lame duck Governor?

Before leaving town, the Senate and House passed school funding legislation dealing with equity in regards to capital outlay state aid and local option budget aid to the 286 school districts - as ordered by the Kansas Supreme Court. There was no new money added to the school block grant for 2017 just money moved - from the 'extraordinary needs fund' - to hold all school districts harmless for 2017. There is debate over the true equity of this formula for poorer school districts versus the wealthiest. While the wealthiest districts in Johnson County supported the bill, Wichita and Kansas City, KS opposed the bill. They believe this bill - **Senate Sub for House Bill 2655** - has the potential to widen the gap between property rich and property poor districts by reducing equalization aid for local operating budgets. The Governor is expected to sign this bill and it will then be presented to the Kansas Supreme Court for their judgement. Since this legislation redistributes dollars without new funding, schools are self-funding this plan and districts like Wichita – the largest in Kansas with 51,000 students – are considering layoffs because of increased costs and flat funding.

VOO-DOO LEGISLATING

After a leisurely regular session with fewer committee meetings than normal and even fewer floor debates, the rush is on at the end of the session to pull out the legislative ploys to limit full debates by both chambers. The strategy starts with taking a bill that has passed one chamber, gutting the contents of that bill and inserting a different bill. This gutted bill is then passed by the second chamber and sent back to the first chamber for a vote to concur with this new bill or send it to a conference committee consisting of three House members and three Senators. This conference committee has the chairpersons and vice-chairs of the appropriate committees along with the ranking minority members. Numerous bills on the same topic that have usually passed one of the chambers can be candidates to be packaged into one mega-bill. This effort allows marginal or controversial bills to be linked to very popular bills and passed by many members holding their noses. Such was the case with the school funding equity bill that the Senate shoved into a House Bill and sent it back to the House for an up or down vote on simple concurrence without the ability to amend the bill on the House floor. Conference committee reports can be amended and fine-tuned in the conference committee but cannot be amended on the floor. The first conference committee report requires complete agreement by all six members. If that agreement is not reached, a second conference committee is appointed and it takes only four votes by the majority party to bring the conference report to the floor.

One example of this voo-doo legislating is the insertion of **Senate Bill 384** – an act to eviscerate the 1975 Kansas Nongame and Endangered Species Conversation Act – into **House Bill 2547** that names a small KDWPT-owned bison herd after a former legislator. This combination bill passed the Senate 39 to 1 but the House will not hold a full committee hearing on SB 384 and study its potential impact on endangered species. The new HB 2547 was not concurred to by the House so it has been placed into a conference committee that will start meeting in the veto session. Special language was added in the Senate committee to exempt for a Threatened and Endangered permit - 'registrations and certifications'. There is no definition of what this means and the Kansas Department of Wildlife, Parks and Tourism is unsure what the special interests are trying to exempt. This may preclude the review of substantial feedlot expansions and other activities on the landscape or tie up challenges in endless litigation. Unless there is clarity on the definition and purpose, this language should be removed in conference.

A second example of this type of legislating is the water bill – **Senate Substitute for House Bill 2059**. This started out as Senate Bill 322 and was inserted into House Bill 2059 in the Senate Natural Resources committee. This bill sets up a regulatory process for the Kansas Department of Agriculture to appropriate surface waters that would

otherwise leave the state. This bill was requested by groundwater management districts in southwestern Kansas where the Ogallala aquifer is rapidly declining. This bill could start a water war with Missouri and other downstream states. No one knows how much of the Missouri River can Kansas claim. A proposed 360-mile aqueduct is estimated to cost \$18 billion to build and another \$400 million annually to maintain. The Kansas Water Office would rather develop a compact with neighboring states before giving Kansans the right to divert water. Under current law, the application fee for 1 million acre-feet of water would be \$200,000 but under this bill it is only \$1,400 with a provision allowing the Chief Engineer to request additional expenses. This bill passed the Senate on a close vote of 22 to 18 and has now been placed in a conference committee for the veto session.

LEGISLATION TO THE GOVERNOR

Senate Bill 314 extends the 'local food and farm' task force for one more year. The task force will produce a second report for the Kansas Legislature to be delivered next January. While Kansans spend over \$770 million annually on fruits and vegetables, only \$32 million (4%) is grown in Kansas. This task force will also research opportunities for local meat processing. Kansas has 45 state inspected meat plants where meat can be sold commercially in Kansas and 40 custom plants where meat is processed but cannot be sold commercially. Kansas has very few meat processors that handle live poultry.

Senate Bill 338 gives cities more options to deal with the rehabilitation of abandoned property. This legislation took several years of hearings and discussion before it passed this year. This bill passed the Senate 32 to 8 and the House 79 to 44.

Senate Bill 367 is a fundamental rewrite of the juvenile justice system. After two years of work by a special work group of legislators and stakeholders plus research provided by the Pew Charitable Trust, this bill passed the Senate 40 to 0 and the House 118 to 5. Finding adequate funding for community and alternative settings for juvenile offenders will be a challenge.

LEGISLATION IN THE VETO SESSION

House Bill 2479 is legislation to change noxious weed law in Kansas. The House bill took the authority of listing noxious weeds away from the Legislature and gave it to the Kansas Secretary of Agriculture via rule and regulation. It gave the Secretary and the counties special emergency powers to list new weeds for a limited time. The Senate Natural Resources committee gutted the House bill and left the authority with the Legislature but expanded some of the enforcement powers of the counties. This bill is now sitting on General Orders in the Senate awaiting the veto session.

Senate Sub. for House Bill 2088 is a property tax lid on cities and counties starting January 1, 2017 with certain exemptions for law enforcement and emergency service personnel. Another example of a senate bill (SB 316) put in a house bill and sent back to the House on a vote of the Senate 24 – 16. This bill was put in a tax conference committee that will be handled in the veto session.

Senate Bill 439 expands the grounds of impeachment for justices and certain statewide executive officeholders such as the Governor. Kansas would be the first state in the country to list impeachment offenses such as usurping the power of the other branches of government, subverting fundamental laws, introducing arbitrary power or being discourteous towards certain persons. This bill barely passed the Senate 21 to 19 and has now been referred to the House Judiciary committee for a fate uncertain.

House Bill 2595 would reserve to the Legislature the regulation of food nutrition information and prohibit the State and local units of government from establishing or enforcing policies pertaining to a license or permit issued on condition of food nutrition information or food-based health disparities. The locations where food is grown, distributed, sold or served would be regulated by the Legislature. On the House floor, an amendment was accepted taking the zoning provisions out of this bill. There is great uncertainty on what this bill actually does now. It passed the House 89 to 34 and has been assigned to the Senate Commerce committee during the veto session.