

2014 LEAGUE OF WOMEN VOTERS OF KANSAS E-REPORT #9

Paul Johnson – March 14, 2014

LET THE REAL POLITICAL GAMES BEGIN NOW

The complete spectrum of political gamesmanship by the Kansas Legislature will be on full display the last three weeks of the regular session. Next week the last of the regular committee hearings will be held. The following week will be a blend of floor debates in both chambers and endless conference committees working to find compromise on legislation passed both by the House and the Senate. Political priorities will be on display in the choice of legislation that will be allowed to be debated by the two chambers. Political tactics will be on display to force legislators to vote on certain bills so those votes can be used for 'postcard' mailings in the upcoming elections. The Governor will work hard behind the scenes to avoid having to sign or veto or comment on certain controversial bills as he ramps up his re-election campaign.

The political issues to be publicly debated will be carefully chosen if possible. The Kansas Supreme Court has scrambled part of this careful plan in ruling that school funding needs fixing. The gun debate will be in full public view as an amended bill has been reported out by the House Federal & State Affairs committee. Local control of 'open carry' of guns will be terminated so Kansans can have a loaded gun on one hip and a sword on the other. There will be a debate over sex education and the role that school districts have in providing those courses. The oil & gas industry has ordered a debate and a repeal of renewable energy standards so the beholden leadership in the Kansas Legislature is jumping to that demand. Federal employees enforcing the Endangered Species Act to protect the habitat of the lesser prairie chicken could be subject to arrest and fine under legislation passed by the Kansas Senate. Navigators assisting Kansans with obtaining health insurance under 'Obamacare' will have to be fingerprinted and pay a registration fee thanks to legislation passed by the Kansas Senate but declared unconstitutional by a federal court in Missouri. Under a health care compact with other states, Kansas would take over the administration of Medicare if Congress approves. This bill has passed a House committee and awaits debate on the floor. The debate over improving the Kansas' economy, encouraging higher paying jobs and fixing the evolving tax revenue shortfall in Kansas will be hard to find.

SCHOOL FUNDING FORMULA SCRAMBLE

The Kansas Supreme Court has spoken. The Court ruled that the lower district court had properly found that the existing school funding formula has created "unconstitutional, wealth-based disparities" among school districts. Under the existing funding formula, an additional \$129 million in new spending would be required with \$25.2 million for capital outlay and \$104 million for school operations. The Court rejected the State's argument that school funding is solely a political question beyond the court's reach. The Court stated emphatically that it was wholly for the Court to decide whether an issue was within its purview.

In the larger and more costly debate over base state aid per pupil, the Court found that the lower court's determination of 'inadequacy' was improperly drawn and sent that portion back for reconsideration. By statute, Kansas should be funding base state aid per pupil at \$4,400 but the existing State budget spends only \$3,838 per student – a shortfall of \$440 million. The lower court did note that in 2012 the Kansas Legislature approved the largest tax cuts in state history while school spending continued to decline. The Supreme Court mandated to the lower court a different legal test on determining 'adequacy' of base state aid per pupil.

The school funding issue is now in the hands of the Kansas Legislature. The Kansas Supreme Court ordered the lower court to give the Legislature a deadline of July 1 to fix the \$129 million disparity with additional funding or change the existing laws. The Senate Ways & Means committee and the House Appropriations committee have been assigned the task of solving this 'disparity' problem identified by the Court. All other spending decisions such as classified state employee pay increases will be placed on hold as the school funding issue is resolved and

a proper ending balance for the 2015 budget is determined. This process will take a couple weeks and may not be settled by the end of the regular session on April 4. The consensus revenue estimators will meet around April 15 and their new state revenue projections may force drastic action if the revenue projections are negative. The reporting on this school issue has weeks to go.

INDUSTRIALIZED HOGS

Thanks to the great engineering work and reporting by Craig Volland of the Kansas Sierra Club, the 50% expansion of Seaboard's Greely County 'Ladder Creek' hog operation to as many as 396,000 hogs - as permitted by the Kansas Department of Health and Environment – has finally received some public attention. This operation will be the second largest in the United States and generate roughly twice as much waste as the city of Wichita. Water is a critical issue with this site. The Kansas Geological Society has reported that the aquifer at this site is 'effectively exhausted'. In normal operation, the hog waste is pumped into large lagoons and diluted with large amounts of fresh water so that the affluent can be pumped on crop fields. KDHE allowed Seaboard to skip this permit requirement that the lagoons be filled to a certain level with fresh water to reduce odor. KDHE responded to the Sierra Club's water supply concerns by stating they are not required to verify that sufficient water is available at the site. KDHE further stated that the regulations do not mandate that Seaboard has access to enough water to properly operate the waste management system. The Sierra Club objected that KDHE has not taken into account the odor generated by such a massive hog operation and that by not diluting the hog waste the odor from this operation will increase significantly.

ELECTION LAW UPDATES

House Bill 2210 is now headed to the Governor's desk having passed the Senate 27 to 12. This bill prohibits a person from changing his or her party affiliation from the time of the candidate filing deadline (June 1) through the time when primary election results are certified by the Secretary of State (on or before September 1). Existing law allows a person to change or establish a party affiliation up to 14 days prior to the date of a primary election. The bill would also delete a current statutory provision that prohibits a voter from receiving a ballot of any political party other than the party with which the voter is affiliated.

Senate Bill 99 has passed the full Senate and has now passed out of House Elections committee. This bill increases the threshold, from \$100 to \$500 in any calendar year, below which a person spending money on activity that meets the definition of lobbying would not be required to register as a lobbyist. The current exemption of personal travel and subsistence expenses from this threshold amount would remain intact. The current threshold amount of \$100 was established in 1974.

The Senate Ethics & Elections committee has passed an amended House Bill 2141 that contains the contents of Senate Bill 211 that moved spring elections to the fall. This amended bill keeps local elections non-partisan, moves the elections to odd-numbered years and fills vacancies on school boards and city councils by calling district wide conventions of all precinct persons to choose a successor. All community college elections along with certain Johnson County elections were kept in the spring. This amended bill must now pass the full Senate and be reconciled with House Bill 2227.

CHALLENGES TO THE RENEWABLE ENERGY PORTFOLIO STANDARDS

In 2009, Kansas passed a law mandating that the investor-owned electric utilities have 20% of their electric power plant capacity be from renewable power sources such as wind, solar, biomass or hydropower. Senate Bill 433 would repeal the renewable energy standards act. SB 433 will be heard before the Senate Utilities committee next Wednesday March 19 at 1 pm in Room 548-S. A similar measure in the Kansas House has been tabled in committee so the request was made of Sen. Ty Masterson to introduce this bill in the Senate Ways & Means committee and have the Senate Utilities committee hold a hearing. It is very likely that the Senate

Utilities committee will vote the bill out of committee and the real fight will take place on the Senate floor. Kansas would be the first state to completely repeal this portfolio standard. Senate Bill 435 would limit property tax exemptions on renewable energy projects such as wind farms to 10 years. Presently, there is no property tax paid by wind farms but there are agreements to pay fees to the counties where the wind farms reside.

WEEK OF MARCH 17 – 21, 2014

House Appropriations on Monday March 17 at 9:00 a.m. in Room 112-N: Informational briefing on docket fees, budgets for judicial districts and election of Chief Judges by the District Judges and the Court of Appeals. On Tuesday March 18 and Wednesday March 19: Discussion on School Finance.

House Commerce, Labor and Economic Development on Monday March 17 at 1:30 p.m. in Room 346-S: Hearing on SB 311 – increasing the noneconomic damages cap; changing rules related to evidence of collateral source benefits.

House Elections on Monday March 17 at 1:30 p.m. in Room 281-N: Hearing on SB 274 – political action committees, legislative leadership; SB 343 – Government ethics; public funds used for lobbying.

Senate Ways & Means on Tuesday March 18 at 10:30 a.m. in Room 548-S: Subcommittee reports on: Department of Education and Higher Education.

Senate Utilities on Wednesday March 19 at 1:00 p.m. in Room 548-S: Hearing on SB 433 – Repealing the renewable energy standards act.

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