



2018 Legislative & Policy Watch Weekly E-Update

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About Policy Watch E-Updates

The Legislative and Policy Watch Weekly E-Update is a project of the Kansas Rural Center.

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The Kansas Rural Center promotes the health of the land and its people through research, education and advocacy that advance an ecologically sound, economically viable, and socially just agriculture. For more information about KRC go to www.kansasruralcenter.org.



2018 KANSAS LEGISLATIVE PROGRESS REPORT

By Paul Johnson – February 2, 2018

SCHOOL FUNDING STALL

Until school funding is settled there will be no final budgets for the rest of the Kansas budget. The Senate and House education committees are meeting occasionally but everyone is waiting for a legislative commissioned cost study by Dr. Lori Taylor from Texas. At the same time the Legislature is lawyering up by hiring Jeff King to represent the Senate and a lawyer to be named for the House. The cost study is to be delivered on March 15 and then subjected to lawmaker review before final conclusions are drawn.

The timing is important since the Kansas Supreme Court has ordered oral arguments on April 30 to debate the new school funding plan and rule on its constitutionality by July 1. Kansas' new Governor Jeff Colyer promised that schools would be properly funded and in no case would public schools close down after July 1. Governor Colyer will give his own version of a 'State of the State' address before the Legislature on February 7. Hopefully at that time there will be a specific funding proposal.

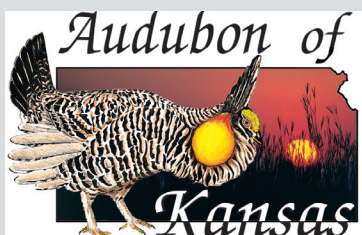
Governor Brownback's budget proposed new school funding of \$513 million over five years. Mark Tallman, Kansas Association of School Boards (KASB) Associate Executive Director/Advocacy, spelled out a plan by KASB to provide an additional \$600 million over three years. \$255 million would enhance programs for at-risk students, increase the graduation rate and help students better prepare to succeed after high school thus responding to the Kansas Supreme Court's concern over underperforming students.

\$90 million would be used to increase teacher salaries that have fallen behind several neighboring states. The remaining \$255 million over three years will simply keep up with a projected inflation rate of 1.9% on the state school budget of \$4.4 billion. Average Kansas teacher salaries declined from \$52,237 in 2010 to \$47,984 – a loss of \$4,253 due to inflation for the 37,812 teachers and licensed support positions. Mark Tallman's report was released on January 24 and can be seen at www.kasb.org.

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The Kansas Natural Resource Council (KNRC) promotes environmentally responsible practices and sustainable natural resource policies to ensure the quality and abundance of these resources for future generations. For more information about our organization and programs, or how to become a member, please visit <http://www.knrc.ws/>.



Audubon of Kansas (AOK) is a statewide non-profit organization established to promote appreciation and stewardship of Kansas' natural ecosystems, with special emphasis on conservation of prairies, birds, other wildlife, and habitat. For more information about our organization and our programs, or how to become a member, please visit <http://www.audubonofkansas.org>.



Kansas Farmers Union is the state's oldest active farm organization working to protect and enhance the economic interests & quality of life for family farmers, ranchers & rural communities. For more information go to: www.kansasfarmersunion.com.

Noxious Weed Law Scramble

The rush is now on to push through fundamental change to noxious weed law in Kansas. House Bill 2583 – and a similar Senate Bill – SB 344 were introduced last week. The Kansas Department of Agriculture (KDA) had plans to re-introduce these bills back in October when they held a special stakeholder conference which included county weed supervisors, agricultural and environmental organization representatives, researchers, and county officials. At their KDA legislative forum held on January 3, KDA told the audience of organizational and industry representatives that these noxious weed bills were coming. The hearing before the House Agriculture committee is set for Thursday – February 8 – at 3:30 pm in Room 582-S. Anyone wishing to testify for or against HB 2583, needs to email the Committee Assistant – John Willey – at john.willey@house.ks.gov.

HB 2583 is much the same legislation that has been debated the last four years. The basic plan is to take the declaration of noxious weeds away from the Legislature and give that authority to the Secretary of Agriculture along with a state noxious weed advisory committee. The Secretary would have special emergency powers to declare any plant a noxious weed for up to 18 months without the approval of the advisory committee or issuing a rule and regulation.

Beyond the 18 months, there would have to be advisory committee approval and new rules and regulations developed. There is no new underlying mission statement so Kansas stays with a 'spray first/ dispute drift damages later' approach to chemical trespass. The proposed advisory committee is the same select basic group as in past years: two representatives of the agribusiness retailers and the grain/feed cooperatives (both sell agricultural chemicals), two weed scientists from Kansas State University or Extension, one natural resource agency rep from Kansas Department of Wildlife, Parks and Tourism, three private landowners, two county weed supervisors, and one county commissioner.

No independent environmental group is represented; and there are no specialty crop growers such as grape growers listed, and there are no certified organic farmers. One could argue that they could be one of the three private landowners, but chances of that are slim to none unless it is required by the statute. County weed departments are well represented, as they will continue to expand sales of chemicals.

Once again there is no definition of 'drift' in pesticide or noxious weed law. Chemical drift should be declared the 'property crime' that it is and landowners should be able to call the authorities – KDA – to document the scene of the crime immediately and start to identify the perpetrator to collect damages.

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League of Women Voters of Kansas is a grassroots volunteer political organization with nine local chapters across Ks.. For nearly 100 years, LWVK has encouraged the informed and active participation of citizens in government. For more information, contact <http://lwvk.org/>.



Climate and Energy Project (CEP) is a Kansas-based non-partisan non-profit working to find practical solutions for a clean energy future. For More information go to: www.climateandenergy.org.

How to Contact Kansas Legislators

Kansas House of Representatives, http://www.kslegislature.org/li_2014/b2013_14/chamber/house/roster/.
Kansas Senate, http://www.kslegislature.org/li_2014/b2013_14/chamber/senate/roster/.

For Kansas Legislature Committees, http://kslegislature.org/li_2012/b2011_12/committees/.
To identify your legislator, click https://openstates.org/find_your_legislator/.

Noxious Weed Law Scramble, continued

Once again there is no definition of 'drift' in pesticide or noxious weed law. Chemical drift should be declared the 'property crime' that it is and landowners should be able to call the authorities – KDA – to document the scene of the crime immediately and start to identify the perpetrator to collect damages.

While county weed departments actually enforce noxious weed law, there is legal uncertainty if county weed employees or the county itself has special liability protection. The penalty for landowners --who are notified that they must spray noxious weeds but don't and the county steps in and sprays - is increased from 10% of the county's cost over 10 years on your property tax to up to 50%. Nonpayment of these increased costs could result in 'chemical eminent domain' property sales. County, township board, state and city officials will have the freedom to trespass on anyone's property looking for noxious weeds.

Landowners who object could face a \$200 per day fine with no cap on the fines. There is nothing in this bill to find that correct public health balance of cultural, biological controls (mowing, burning, crop rotations, intensive grazing, non-toxic chemicals) and synthetic, highly toxic chemicals. Kansans deserve better.

Related to the noxious weed debate is pesticide use overall. Twenty years of glyphosate has resulted in 'super weeds' resistant to the "wonder-herbicide" Round-Up. This has led to stronger more toxic chemicals- primarily 2,4-D and Dicamba. On Monday February 5 the House and Senate Agriculture committees will hold informational hearings on Dicamba the herbicide whose tendency to drift has created so much conflict and concern across the country.

Food Sales Tax Reduction Resolution Reintroduced

SCR 1604 was introduced by State Senator Tom Holland and co-sponsored by both Republican and Democratic senators. SCR 1604 would gradually reduce the current state sales tax on food and food items now at 6.5% down to 4% starting July 1, 2019 and to 2% by July 1, 2020. The revenue loss would be \$152 million in 2020 and \$294 million in 2021. Kansas has the highest state sales tax on food in the Midwest and is second overall in the entire United States.

There were many proponents giving testimony. This state sales tax reduction does not impact local sales tax rates. So, Johnson County has an average sales tax on food countywide of 9.194%. Missouri has a sales tax on food of 1.225%.

Tyson Chicken Battles

The bill requested by the Kansas Department of Health & Environment to lower animal conversion units so multiple chicken houses can be sited much closer to neighboring property is SB 337. State law establishes a conversion unit for calculating animal waste and determining concentration of animals. Current law states a .01 conversion unit for poultry based on wet litter production. SB 337 changes that to .005 units to account for changes in the industry to dry litter. What this means is that the set back distances for poultry growers barns from neighbors can be reduced from current 4000 feet to ¼ mile. The bill has not been scheduled for a hearing before the Senate Agriculture & Natural Resources committee.

Senator Tom Holland (D-Baldwin City) and Sen. Jim Karleskint (R-Tonganoxie) introduced legislation on Thursday that would give residents in a county the right to petition to stop large chicken processing facilities (over 250,000 birds/annually). The legislation would bring the poultry industry under the same public scrutiny as hog and dairy facilities, which have the option to petition for a local vote.

Kansas State University associate professor of animal science and industry provided a decidedly upbeat but one-sided picture of current poultry production and the vertically integrated industry at an informational hearing last week to both House and Senate Agriculture committees. You can listen to the archived hearing by clicking:

<http://sg001-harmony.sliq.net/00287/Harmony/en/PowerBrowser/PowerBrowserV2/20180201/-1/3021#info>

Net Metering and Energy Efficiency

The Senate Utilities Committee has scheduled hearings Tuesday and Wednesday, February 6-7, on two bills important to Kansas clean energy advocates.

Senate Bill 322 would nullify changes made in 2014 to the Net Metering and Easy Connection Act, which applies only to investor-owned utilities. This bill is good for growing solar and other distributed generation systems in Kansas.

SB 322 returns reasonable size limits (25kw for residential customers and 200kw for commercial and industrial customers, plus schools, cities, and churches) and gives customers one-to-one credit for the generation they create and use annually. SB 322 also keeps the 1% net meter cap to protect utilities and returns protection to customers from being charged additional fees just because they self-generate some of their electricity. Read more about the changes in SB 322 on the Climate + Energy Project website by clicking here:

<http://www.climateandenergy.org/blog.1050388.legislative-update-hearing-scheduled-on-net-metering-bill?act=view>.

Senate Bill 347 would establish energy-efficiency goals for Kansas utilities, including annual reductions in electricity and natural gas use. Kansas ranks 48th for energy efficiency, so the potential for effective policies that encourage energy efficiency is great.

The committee will hear testimony from supporters at 1:30 p.m. Tuesday, February 6, in Room 548 South of the Kansas Statehouse. Opponents are scheduled to testify at 1:30 p.m. Wednesday, February 7.

Economic Development Incentives Debate

The debate over economic incentive programs for business development continues to expand. The Department of Revenue works closely with the Department of Commerce in monitoring the growth of certain programs that divert revenue away from the State General Fund (SGF) or otherwise reduce SGF receipts. Sales Tax and Revenue Bonds (STAR) divert retail sales and compensating use tax in ten separate development districts across Kansas. In 2017, the cost to Kansas was \$36.6 million. The Promoting Employment Across Kansas (PEAK) diverts individual income taxes and the cost to the SGF in 2017 was \$32.7 million. The High Performance Incentive Program (HPIP) is targeted to employers that pay above-average wages and this program diverts income tax from the SGF. \$51.7 million in HPIP credits were claimed in tax year 2015 and approximately \$632 million in unused HPIP credits were being carried forward to apply against liability in subsequent tax years.

There are questions over measuring the economic benefits to the State as opposed to the local development area. Is there really new employment as opposed to just transferring employment from one area to another? How does one define the outcomes and measure the benefits & costs to the entire state? What defines success with these incentive programs? In Kansas, much of the reporting - by businesses on number of jobs or employee pay produced by these incentives - is considered proprietary so the public is left in the dark. Legislation will be introduced to open up some of these business records and tighten the measurement of the cost of these incentives.

Week of February 5 - 9

Senate Agriculture and Natural Resources: Monday – February 5 at 8:30 am in Room 159-S: Briefing on: Dicamba Herbicide

Senate Utilities: Tuesday – February 6 at 1:30 pm in Room 548-S: Hearing on (proponents) SB 322 – Utilities and the net metering act – SB 347 Kansas Energy Efficiency Act – Wednesday – February 7: Hearing on (opponents) SB 322 & SB 347

House Water and Environment: Thursday February 8 at 9:00 am in Room 582-N Hearing on HB 2528 – State Water Plan fund and economic development initiatives fund

House Agriculture: Monday February 5 at 3:30 pm in Room 582-N: Presentation on Dicamba Herbicide – Thursday February 8 – Hearing on HB 2583 – Relating to the control and eradication of noxious weeds in the state of Kansas

CEP Live-streaming Facebook Interviews

Curious about what's going on in the Kansas legislature this year and how you can make a difference? The Climate and Energy Project (CEP) is live streaming interviews on Facebook with leading Kansas Advocacy organizations whose missions include one of the WEALTH topics (Water, Energy, Air, Land, Transportation, and Health). Tune in to CEP LIVE on Facebook every week for the latest! The interviews will take place on Tuesdays at 2PM CST. See schedule below.

CEP LIVE on Facebook Schedule

1/16/18 Dorothy Barnett, CEP; <https://www.facebook.com/CEPheartland/videos/1566576993458825/>

1/ 23/18 Zack Pistora, Sierra Club; <https://www.facebook.com/CEPheartland/videos/1573871599396031/>

1/30/18 Scot Anglemeyer, Ks. Association of Community Action Agencies: <https://www.facebook.com/CEPheartland/videos/1581837078599483/>

2/6/18 Paul Johnson, Kansas Rural Center

2/13/18 Spotlight on Integrated Voter Engagement

2/20/18 Jessica Lucas, Clean Energy Business Council

2/27/18 A Visit to the Statehouse 101

3/6/18 Mitzi McFatrach, Kansas Advocates for Better Care

3/13/18 Dawn Buehler, Friends of the KAW

WEALTH Day at the Capitol

MARK YOUR CALENDARS FOR MARCH 15!

2018 WEALTH (Water, Energy, Air, Land, Transportation, and Health) Day of Education and Advocacy at the Capitol March 15, 2018.

RSVP: bit.ly/2018WEALTHDay

LEGISLATIVE PUBLIC FORUMS SCHEDULED AROUND THE STATE

Please check your local papers for town hall or public forums scheduled in your communities with your local legislators. Here is a list—by means comprehensive-- that we have:

Feb. 10: Rep. Hibbard and Sen. Givens: (Three public forums sponsored by the county Farm Bureau Associations. The first will be at 8:30 a.m. in Eureka at the public library, then at 10:30 a.m. we will be in Yates Center at the fire house on the east side of the square; and at 1:00 p.m. we will be in the courthouse basement in Fredonia.)

Feb. 17, 9AM, Karleskint: VFW Hall, 910 E 1st ST, Tonganoxie KS, 66086

Feb. 17, 8:30AM; Salina Chamber of Commerce, Chamber Annex

Feb. 24, 9AM, Kessinger: Leawood City Hall, 4800 Town Center Dr., Leawood, KS 66211

Feb 24, 9AM: Senator Lynn Rogers

March 3, 8AM, Karleskint: Riverfront Community Center, 123 E. Esplanade St. Leavenworth KS 66048

March 3, 9AM, Eplee: Atchison Chamber of Commerce in the Depot, 200 S 10th, Atchison, KS 66002

March 17, 8:30AM; Salina Chamber of Commerce, Chamber Annex

March 24, 9AM, Kessinger: Leawood City Hall, 4800 Town Center Dr., Leawood, KS 66211

April 7, 9AM, Eplee: Atchison Chamber of Commerce in the Depot, 200 S 10th, Atchison, KS 66002

April 7, 9AM: Senator Lynn Rogers

May 19, 8:30AM; Salina Chamber of Commerce, Chamber Annex

June 2, 9AM: Senator Lynn Rogers

About Policy Watch and Sponsors

Contributors to KRC are automatically on the Policy Watch list, if they provide an e-mail address; or you can subscribe just for the Updates for \$25. KRC will send complimentary copies to non-contributors for several issues upon request. To get information on how to support Policy Watch, contact Mary Fund at 866-579-5469 or mfund@kansasruralcenter.org.

In 2018, KRC is partnering with the Kansas Natural Resource Council (KNRC), Audubon of Kansas (AOK), Kansas Farmers Union (KFU), League of Women Voters of Kansas (LWVK), and Climate and Energy Policy (CEP) to send Policy Watch to their members. We thank them for their support.

To opt out of receiving Policy Watch as a member of one of these organizations see the following.

- If you are receiving Policy Watch because you are an Audubon of Kansas member or want more information about AOK, or to be removed you need to contact Ron Klataske at ron_klataske@audubonofkansas.org.
- If a member of KNRC, contact Joanna Will at jvoigt@kansasruralcenter.org.
- If a member of KFU contact Mercedes Taylor-Puckett at kfu.mercedes@gmail.com.
- If a member LWVK , contact lww.kansas@gmail.com.

If you have any questions about Policy Watch, contact Mary Fund, editor, at mfund@kansasruralcenter.org, or contact Paul Johnson at pdjohnson@centurylink.net.

To learn more about the Kansas Rural Center, please visit our website at www.kansasruralcenter.org.

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