



2018 Legislative & Policy Watch Weekly E-Update

Issue No. 8

February 23, 2018

In This Issue

Tyson Chicken Legislation
Amended Noxious Weed Legislation
Public School Funding Formula
Election Commissioner Budget
CEP Live Facebook Interviews
Schedule Week of February 23
Private Activity Bonds
About Policy Watch

About Policy Watch E-Updates

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

Editor: Mary Fund
ksrc@rainbowtel.net
Paul Johnson, Policy Analyst
pdjohnson@centurylink.net

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.



TYSON CHICKEN LEGISLATION

by Paul Johnson

Kansas State Senators dutifully bowed to corporate chicken in passing Senate Bill 405 by a vote of 29 – 10. When corporate chicken clucks, state lawmakers jump. What could possibly go wrong with placing 10 '500 foot' chicken barns holding over 300,000 chickens just a ¼ mile from your neighbor's house or four chicken barns containing 100,000 birds just 100 feet from the neighbor's property line? State law has preempted counties from any local control over public health or public safety issues regarding the siting of Confined Animal Feeding Operations (CAFO's). It will be the county officials who will deal with the complaints of odor, flies, litter hauling and falling property values.

Kansas is in such a hurry to please Tyson before fully examining the quality of life and environmental impacts on those who will live close to the complex of production barns near a processing plant. Since Tyson was not welcomed in Leavenworth County, they could possibly put a poultry processing plant in Miami County (with the State's economic incentives) and the 40 mile impact zone of 400 chicken houses (to supply over 1 million broilers a week) would impact Johnson County, Douglas County, Franklin County and a few other counties. These County Commissions would have no say but would deal with the social service, public safety and environmental consequences while State lawmakers hide away in Topeka. For the counties that want this Tyson facility, let's have a public debate and include the neighboring counties that will also be impacted.

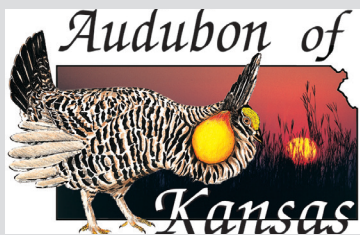
Why such a rush given that Tyson just announced they are building their next poultry facility in Tennessee? The chicken growers will be responsible for the tons of litter and disposing of all dead birds (usually on farm).

continued on next page...

Policy Watch Sponsors



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.

TYSON CHICKEN LEGISLATION

continued from page 1...

Does the Kansas Department of Health & Environment have the staffing and expertise to monitor the excessive amounts of litter and will neighboring fields become over fertilized resulting in greater water pollution? Oklahoma and Missouri have both been forced to sue poultry companies over water pollution. An Ohio Department of Health study concluded that residents who live in close proximity – within a half-mile – had 83 times the average number of flies compared to other households. John Hopkin's Bloomberg School of Public Health reported on these environmental impacts in 2016.

Senate Bill 405 should be tabled until a study is commissioned to estimate health impacts for Kansans within ¼ mile of these large poultry facilities. The issue of local control by counties should also be fully debated before moving ahead with this bill.

AMENDED NOXIOUS WEED LEGISLATION

The noxious weed bill – House Bill 2583 – was amended in the House Agriculture committee and passed the full House on a vote of 101 – 16. The amendments were helpful but the fundamental change of taking noxious weed authority from an elected Kansas Legislature and giving that authority – via rule and regulation – to the unelected Kansas Secretary of Agriculture remains the same.

In regards to listing and controlling noxious weeds, HB 2583 does not state the clear intent of the Legislature as this power moves to the executive branch. A clear intent would list a standard on declaring a plant a noxious weed and a clear intent would direct the Secretary - in regards to public health - to first examine biological and cultural control of noxious weeds before automatically turning to synthetic herbicides.

There is no definition of drift in this bill or a legal right for landowners to post their land as a 'no-spray' zone. Chemical drift is a 'property crime' and as such there should be simple administrative remedies for the victim to recover damages instead of waging a costly court battle.

continued on next page...

Policy Watch Sponsors



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.

AMENDED NOXIOUS WEED LEGISLATION

continued from page 2...

To fund the research on biological controls and establish the administrative remedy, a fee could be assessed on the sales of glyphosate (18.8 million lbs. in 2014), 2,4-D (7.2 million lbs.) and Dicamba (1.5 million lbs.). If glyphosate-resistant 'super weeds' are labeled noxious, maybe they should be called 'Monsanto' weeds with accompanying funding?

The amendments improved the bill partially. The Noxious Weed Advisory Committee is expanded to 13 by adding a Kansas farmer that grows non-traditional crops and a member appointed by the Kansas Biological Survey. One of the two KSU weed scientists must have knowledge of non-chemical methods of weed control and that recommended changes to the official methods for weed control made by the Advisory Committee include both non-chemical and chemical options.

Public land holders are given more latitude to control noxious weeds by submitting a plan to the County Commissioners before control methods begin. The bill requires notice be given by any state or county individual conducting an inspection of the property thought to contain noxious weeds. The cost of county weed control to 'non-cooperative' landowners still increases from 1/10th the cost on your property tax over 10 years to possibly full payment in two years.

If this fundamental power change is inevitable, the Kansas Rural Center supports waiting till next year with the new Secretary of Agriculture (who will have to implement these changes) and there should be a five year sunset so that in five years the Kansas Legislature has to revisit this change and see if it is working for all Kansans.

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/.

PUBLIC SCHOOL FUNDING FORMULA

Most of the debate on developing a new school funding formula has been going on behind closed doors not in open committees. The one bill – HB 2445 - introduced to fix the Kansas Supreme Courts concerns over inequity has languished as well. Everyone is waiting for a Texas A&M cost study to be released on March 15 followed by a two week review by an independent peer.

The revenue picture remains uncertain given the tax changes in Kansas and Washington so what extra revenue will be available for schools and other essential state services? When the block grant was developed two years ago to fund public schools, there was talk of implementing certain efficiencies to save money for the State. The three key items were group health insurance for all school employees, combining purchases of school districts and lowering ending balances of school districts.

The group health insurance option has been thoroughly examined and the conclusion is that it would not be practical given the existing differences in school health plans today. On combining purchases, the research shows that school districts are doing a reasonable job today so little savings are to be realized. Ending balances by school districts are still discussed but the State struggles with its own ending balance to pay bills. If a 5% ending balance is mandated, school districts should have the time to hit that target as opposed to an immediate State usurpation.

ELECTION COMMISSIONER BUDGET

House Bill 2509 clarifies that County Commissioners have control over the budgets submitted by the four Election Commissioners (in Johnson, Sedgwick, Shawnee and Wyandotte counties) that are selected by the Secretary of State. This bill passed the House by a vote of 77 to 40. There will be a spirited debate on this bill in the Senate and whether the counties should select the Election Commissioner? Or should the State fund those four election offices or should these appointed Election Commissioners by the Secretary of State be subject to Senate confirmation?

SCHEDULE FOR WEEK OF FEBRUARY 23

The Legislature is off next week until Wednesday February 28. This week was the turn around for bills in house of origin. Go to kslegislature.org/li for detailed calendar.

The next few days would be a good time to attend those coffees and town hall meetings your local legislator has scheduled in the home district!

CEP LIVESTREAM FACEBOOK INTERVIEW SCHEDULE

The Climate and Energy Project (CEP) is live streaming interviews 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. The first three weeks are available; see links below, with more interviews to come!

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;
<https://www.facebook.com/CEPheartland/videos/1589152247867966/>

2/13/18 Spotlight on Integrated Voter Engagement
<https://www.facebook.com/CEPheartland/videos/1596397640476760/>

2/20/18 Jessica Lucas, Clean Energy Business Council
<https://www.facebook.com/CEPheartland/videos/1605956759520848/>

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

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

PRIVATE ACTIVITY BONDS

Administered by the Kansas Department of Commerce (KDOC), Private Activity Bonds (PAB's) are federally tax-exempt bonds allocated to Kansas by the United States Treasury. In 2017, Kansas was authorized to issue \$305 million in PAB's. Kansas primarily uses these PAB's for exempt facility bonds (sewage facilities, mass commuting facilities, qualified rental projects), the beginning farmer loan program, small issue bonds (or industrial revenue bonds) - for constructing/equipping new facilities and remodeling/expanding existing facilities -, and mortgage revenue bonds (first-time home buyer loan program). The Beginning Farmer Loan program is located at the Kansas Development Finance Authority and has increased beginning farmer loans from \$6.5 million in 2013 to \$10 million in 2017.

There is no accounting in the Governor's budget or KDOC's website of the yearly use of these PAB's. Last year, Leavenworth County - with KDOC's approval - offered Tyson Chicken \$500 million in 'industrial revenue bonds (PAB's) to build a chicken processing facility. There were no public hearings on this governmental action involving Leavenworth County and KDOC. Why does a billion dollar corporate giant like Tyson need or deserve these tax-exempt bonds? These bonds could be used for a wide range of regional economic development activities. There should be a public hearing and process to set priorities for the use of these PAB's.

In the last five years, only \$25 million of these PAB's have been used for the listed purposes above. What is not allocated is converted to mortgage revenue bonds that can be used for first time home buyer loans statewide. Of all 50 states, Kansas is the only state that allocates these mortgage revenue bonds to two counties - Sedgwick and Shawnee - to administer a statewide program for qualified first time home buyers. In 2017, that allocation was \$140.5 million for each county. There is no reporting back to KDOC or the Kansas Legislature on the progress of these loan programs.

Lack of 'affordable housing' is a key impediment to economic development projects statewide and a major barrier to repopulating so many rural counties. KRC testified to the Senate Ways & Means Subcommittee on General Government (that handles the KDOC budget) that Kansas needs a public process on setting priorities for PAB's and a report back to the Kansas Legislature on the first time home buyer loan program.

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.

The Kansas Rural Center
4021 SW 10th Ave. #337
Topeka, Ks. 66604
866-579-5469
info@kansasruralcenter.org
www.kansasruralcenter.org