PANDEMIC PROTOCOLS AT STATE LEGISLATURE

by Paul Johnson

The Kansas Legislature has no complete, comprehensive pandemic response plan. The response is left to the leadership of the Kansas House and Kansas Senate. The Legislative Leadership Council (LCC) – comprised of the leaders from both chambers – would not consider a mandatory mask mandate for lawmakers (as opposed to public visitors who must wear masks). Pandemic testing is now readily available at the Capitol but not mandated for lawmakers. It seems unclear what the protocols, in terms of isolation, are for lawmakers that test positive (CDC recommends 10-14 days). As the session moves into the third week there is a sense of urgency to move key legislative priorities – such as the abortion constitutional amendment and large tax cuts - in case there is a pause or shutdown of the session.

The Kansas House has taken the concerns over the pandemic more seriously. Most members wear masks. Committee hearings (held remotely and in person) give committee members more options to ask questions, debate amendments and take final votes from their offices. Committee members attending in person are safely spaced apart thus taking up most of the committee room.

The House chamber has been configured to provide safe spacing between members sitting on the floor as well as placing members in the galleries and utilizing seating reserved for the press and other staff. This will accommodate the floor work on General Orders and final action that constitutionally must be done in person. These precautions may well limit the number of bills that will be debated and passed in this 2021 legislative session. As vaccinations become more available to the general public, shots will be offered at the Capitol for all lawmakers, and may impact the workings of this session. It is very doubtful that once vaccinations are available that getting the shots will be mandatory for lawmakers.

The Kansas Senate has taken another approach to controlling the virus. A greater number of Senators refuse to wear masks on the Senate floor. Senate floor desks have been moved to accommodate six foot spacing. Senators can sit in the gallery for more spacing but must be on the floor to vote.

There are no standardized committee rules. Committee meetings can be held remotely for committee members (from their offices) and in some committees members can ask questions remotely but any final action has to be done in person. A few Senators have already had COVID-19. The science is still unclear if that Senator can be infected a second time, and how long does immunity last and can that Senator infect other persons? Mask mandates are argued against as a threat to personal liberty but does an infected Senator have a right to spread the virus to other colleagues? The isolation question is critical to the continuation of this session. If a Senator tests positive, how long should that person be isolated and what follow-up testing required before rejoining the Senate? The Senate now offers saliva testing for members as well as staff and lobbyists. The turn-around time for this testing is 24 hours. While the testing is not mandatory – the hope is that members will be tested twice a week and that this testing will identify asymptomatic infections. [https://www.kansasvaccine.gov/158/Data](https://www.kansasvaccine.gov/158/Data)

KDHE announced this week that Phase 2 of the Kansas vaccination plan has begun. Phase 2 includes persons over age 65 and ‘essential workers’ - which totals over 1 million persons. At this point Kansas is getting 45,000 vaccines a week so it will take months for 2 shots to cover Phase 2.
**State Water Plan (SWP)**

Kansas continues to underfund the State’s share of the SWP. The promise by the State was $8 million/annually with $6 million coming from the State General Fund (SGF) and $2 million from the lottery (EDIF). This match has not been made since 2009. Combined with water use fees and agriculture fees, the hope was to meet a $25 million SWP funding target.

For Fiscal Year 2020, SWP totaled $14.7 million. For FY 2021, the total is $20.7 million and for FY 2022, the total will be $16.7. Instead of the $8 million pledge (and with the Governor’s budget SWP allotment of $2.5 million in FY 2020), the State’s contribution is a total of $4.5 million in FY 2021 and FY 2022. In comparison of priorities between water programs and highways/transportation, Kansas finds $550 million from general sales taxes for highways and $4.5 million for the SWP.

Kansas is still working on a 50-year water vision plan that was established five years ago. A select Blue Ribbon committee on water finance advocated for a SWP in the $55 to $60 million annually—in order to address current and future issues and ensure a healthy water future. The battle comes in how to finance this increase especially in this prevailing pandemic economic recession. Proposals have been made to dedicate a portion of the general sales tax (like transportation does) to the SWP. This sales tax funding would come from the existing sales tax (without an increase in the sales tax) and thus the loss of funding to other state programs such as education. While 85% of Kansas water use is crop irrigation, there is no fee attached to irrigation use, unlike the fees on municipal water use. A nickel a gallon on irrigation water use would generate $6 million a year.

$42.5 million of the lottery revenues (EDIF) are dedicated by a 1986 statute for economic development purposes. A recent Legislative Post Audit showed that just $22 million now meet the purposes in statute and $20 million is sent back to the SGF. A portion of these funds should be dedicated to the SWP. The Kansas House has now established a new Water Committee to handle specific water issues and hopefully find a SWP funding formula.

**Tax Legislation Transparency**

The complete ‘tax cut wish’ package has now been bundled into Senate Bill 22 that is on the predictable fast track. This bill primarily benefits the larger corporations and allows 10% of individual Kansas income tax filers to itemize deductions at the State level.

What is less transparent is the impact of the substantial corporate tax cuts at the federal level in 2017 and how those tax savings were used to buy back stock or buy out the competition as opposed to plant expansion and more employment. At the federal level - this tax cut accelerated the increase in the national debt as the federal government debt financed the revenue reductions. Now the quest is for the same bite of the apple in Kansas but Kansas cannot deficit finance to cover the revenue loss, so other programs will bear the brunt. The Fiscal Note for SB 22 in FY 2022 is $329 million and $145 million annually in future fiscal years. This revenue gamble comes at a time of great economic uncertainty as to the full impact of the pandemic and the time needed to regain some level of normal economic growth. It is important to read the fiscal note to SB 22.


The local government transparency bill is Senate Bill 13. This bill does take off the property tax lid for local units of government but installs a ‘revenue neutral’ formula for county governments so that if property values exceed consumer inflation that a vote will be required for any extra revenues gained by the county from the increasing property values. Property tax is the largest source of income to local governments with sales tax coming in second. The Kansas Legislature has prohibited local governments from voting on additional revenue sources such as an earnings tax or higher fuel taxes.

Even worse are state revenue promises to local governments to assist with lowering local property taxes (Local Ad Valorem Property Tax Reduction – LAVTRF) and the County City Revenue Sharing (CCRS) to offset lost local revenues from cigarette and liquor sales. Both of these programs were halted in 2004.

There is also the Special City-County Highway Fund (SCCHF) that was funded by motor vehicle property tax that was terminated in 2009. These three revenue sources promised by the State to help fund local governments would have totaled $2.591 Billion since 2004. In 2006, commercial machinery property taxes were eliminated. For a couple years, the State contributed to local...
governments to cover some of that loss but that has since been eliminated. The basic question here is how are county and city
governments going to survive economically and cover all essential public and infrastructure services with their limited revenue
options and decreasing support from State government?

Bill Introductions
As of today 59 Senate bills have been filed, and 118 House bills filed. Each bill has a title to indicate the subject matter. One can
go through the list of Senate and House bills and click on the bills of interest. Bills introduced in this 2021 session will carry over
to the 2022 session to be considered. The House and Senate Calendars that come out on Thursday list the committee schedules for
the following week. These schedules are not written in stone and can be changed (usually with 24 hour notice). Some committee
chairs just use ‘agenda to be announced’ so one has to track the calendars daily. Most ‘committee assistants’ have an email list (for
interested parties) to send out committee schedules and any changes.

2021-2022 House Rules
The final House Rules were adopted by a House vote of 110 to 12 on January 21. There were some rule changes to clarify the
actual sponsors of legislation and sponsors of procedures to gut certain bills and insert other legislation.

HOW TO ACCESS STATE COMMITTEE HEARINGS, SCHEDULES, BILLS

To access House and Senate Calendars:
Published daily; and on Thursdays, calendars are published for the next week. They provide Committee
Schedules, list bills or informational hearings to be heard, and possible votes.
Go to http://kslegislature.org/li

To access copies of bills introduced:
Go to the Kansas Legislature’s homepage at http://kslegislature.org/li/ and on the right side of the
page click on the House and Senate pre-filed bills.

To view and listen to a committee hearing:
Go to the very top of the Legislature’s homepage http://kslegislature.org/li/ and click on the Audio-
Visual tab and scroll down to ‘Statehouse Live & Archive’. There will be a listing of the committees for
that day and the start time. In order to testify on a bill before a given committee, you will need to contact
the ‘committee assistant’ (listed in the Calendar) a day or so before the hearing to be able to testify in
person or virtually.

To view Senate & House Chambers in session:
Go to http://kslegislature.org/li/ Audio/Video Broadcast and click on House or Senate.

FEDERAL FARM AND FOOD NEWS

GOVERNMENT FUNDING BILL – SUSTAINABLE AGRICULTURE WINS
(From NSAC Jan. 15, 2021)
With the country facing an imminent government shutdown, the President signed the $2.3 trillion Emergency
Coronavirus Relief Act of 2020 on December 28th, and includes $23.4 billion in discretionary funding for food and agriculture
programs. This bill includes both badly needed emergency COVID-19 relief aid as well as regular fiscal year (FY) 2021
appropriations. Overall, NSAC is very pleased with the final FY 2021 appropriations for agriculture spending and the $217
increase above the FY 2020 enacted level. One of the biggest highlights for NSAC is the inclusion of $40 million for
the Sustainable Agriculture Research and Education (SARE) program, the U.S. Department of Agriculture’s (USDA) only
competitive research program focused entirely on sustainable agriculture. The $40 million provided to SARE is a record high for
the program, which is authorized at $60 million. For a more detailed breakdown of appropriations for NSAC core issue areas,
Read more here
https://sustainableagriculture.net/blog/fy2021-appropriations-wins/?emci=e44263d7-cc5c-eb11-a607-
00155d43e992&emdi=92927a46-d35c-eb11-a607-00155d43e992&ceid=2026853
NASS 2020 LOCAL FOOD MARKETING SURVEY NEEDS FARMER INPUT  
(From NSAC Jan. 21, 2021)
In 2015, The National Agricultural Statistics Service (NASS) launched its first-ever Local Food Marketing Practices Survey to produce data on farmers’ local food marketing practices and fill in the data gaps on local and regional food economies. The 2015 survey analyzed producers’ consumer marketing practices across specific marketing channels among direct-to-consumers retail, intermediaries, and institutions across local, regional, and national food systems.

At the beginning of January 2021, NASS delivered the 2020 Local Food Marketing Practices Survey to 36,500 farmers nationwide to obtain new data on local and regional food production and marketing practices. The second round of the survey is currently underway through February 16, 2021. Results from the survey will be released in November 2021. For more information, go to: https://sustainableagriculture.net/blog/nass-2020-local-food-marketing-survey-needs-farmer-input/?emci=e44263d7-cc5e-eb11-a607-00155d43e992&emdi=92927a46-d35c-eb11-a607-00155d43e992&ceid=2026853

CORONAVIRUS BILL CONTAINS BILLIONS FOR FARMERS AND FARM PROGRAMS  
(From NSAC Jan. 15, 2021)
On December 28th, President Trump signed the Emergency Coronavirus Relief Act of 2020, averting a looming government shutdown. This $2.3 Trillion dollar, 5,500 page, package of funding and legislation combined a $900 billion Coronavirus response bill and a $1.4 Trillion annual appropriations bill for FY21 into a single, must-pass “omnibus.” In this blog NSAC provides a general overview of the provisions in the Coronavirus response section of the bill relevant to sustainable agriculture.

While no bill is perfect, this fourth coronavirus response bill (referred to as C4) contains a number of major improvements over the previous coronavirus package that lift up NSAC priorities and programs that could support more sustainable, equitable, and just food systems. Specifically, the bill contained nearly $26 Billion in support for agriculture to be split equally between Hunger and Nutrition and Farm and Food programs. Read details here
https://sustainableagriculture.net/blog/cfap-3-0/

The Legislative Policy Watch Update is a project of the Kansas Rural Center. KRC 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.

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