Welcome to KRC’s 2021 Kansas Legislative Session Weekly Updates

Welcome to the first issue of the 2021 KRC Legislative Policy Watch. Updates will be issued at the end of each week from now to the end of the session in May or when adjourned. Paul Johnson, KRC’s Policy Analyst, (with editing and assistance from Mary Fund, KRC’s former Executive Director) will monitor farm, food, environmental, and energy issues as well as provide information and analysis on state budget and revenue issues in collaboration with other co-sponsoring organizations. (See list below). The Updates will provide notice of critical legislative committee hearings, summaries of bills, and overviews of the issues.

2021 promises to be an even more challenging year than last year, in light of the changes or limitations Covid-19 places on in-person access to the Statehouse and legislative proceedings. The Updates will advise on remote attendance or participation opportunities and how to contact your legislators. In some ways the new technology added to the Statehouse expands citizens access as all committee hearing rooms now offer improved video and audio, and allow for remote testimony. Stay tuned for additional information on the rules and protocol of the 2021 session.

Mary Fund, Editor

2021 PUBLIC POLICY PULSE

by Paul Johnson

The elections are over at long last, and indeed elections do have consequences. Governor Laura Kelly will finally have a sane federal government to govern with and a coordinated national pandemic response plan. At the state legislative level, the corporate conservative forces – with unlimited ‘dark money’ campaign contributions – have bought a Republican super majority in the Kansas House and Senate. The policy agenda has thus been purchased.

‘Alternate facts’ will drive the legislative debate arguing that unaffordable tax cuts to the largest corporations and the wealthiest individual filers always pay for themselves, and that working families will benefit equally from these tax cuts. With the purposeful reduced revenues and the questionable pandemic economic recovery in 2021, there will be no extra funding to expand Medicaid or restore some of the arbitrary budget cuts to social services, public health, public safety and higher education made since the Great Recession of 2011.
A substantive public ‘Kansas commonsense’ direction would chart a new path through a spirited bipartisan debate on health care, housing, energy planning, sustainable economic & agricultural development and lessening hunger in the bread basket of the world.

The Governor is the highest elected official in the State and thus has a unique public platform on policy priorities and the budget. Governor Kelly’s State of the State address will be delivered virtually on January 12 at 7 pm. Look for it on your local PBS station (KTWU, KPTS, Smoky Hill Public Broadcasting), or view it on Facebook at www.facebook.com/GovLauraKelly.

In her State of the State address, the Governor will address the State’s response to the COVID-19 pandemic and future response plans. She will promote once again the necessity of Medicaid expansion to cover 130,000 uninsured Kansans and the critical importance to struggling rural hospitals and health care providers.

The Governor’s budget will be made public the following day. The State budget is in better straits than the dire pandemic revenue projections of last April. Unfortunately to balance the current FY 2021 budget (that ends on June 30, 2021), the Governor made $374 million in budget cuts reversing some minor restorations to social services, public health and mental health programs. The 2022 budget (beginning July 1, 2021) has a projected manageable deficit at this point that would worsen with unaffordable tax cuts over the Governor’s veto. Other priorities by the Governor may be a housing plan, an independent Kansas energy office, and racial justice initiatives.

The Republican super majority issues have been secured. The agenda will start with a constitutional amendment permitting governmental interference in women’s health with a public vote scheduled for a low turnout primary election in August of 2022. Another top issue will be efforts to pass tax cuts for the largest corporations and the wealthiest individual tax filers. Voter participation will be discussed with some effort to further tighten election procedural rules.

The ‘partisan’ pens will be out in full force as mandatory redistricting is calculated in the 2021 session, and the cherry-picked maps will be passed in the 2022 session. Committee chairs and committee assignments are controlled solely by the Speaker of the House and the President of the Senate so permission will be required to move any issue. Will there be much public policy substance outside of just trying to embarrass the Governor over the next two years?

This stalemate comes at a critical time for Kansas and the impact on the quality of life. There are structural issues that necessitate a public debate. Kansas has not had a statewide housing plan for some 25 years. Economic development and rural community revival depends on affordable housing. Kansas is one of only eight states without a state energy plan that could lower utility costs and keep those millions in utility savings reverberating in the State’s economy.

Kansas exports a sizeable share of the billions spent on food that redirected could directly benefit both urban and rural communities economically through local and State farm/food system planning. Hunger is
very real in Kansas and further showcased by the economic plunge and the run on food banks during the Covid pandemic. Kansas could certainly improve its use of federal nutrition programs compared to most states. Covid-19 has also shown a spotlight on the disparities and struggles of health care from local health departments to the stability of nursing homes and hospitals. Legislative time and focus is vital. It needs to be fully utilized to address these substantive issues confronting Kansans.

VIRTUAL LEGISLATIVE SESSION
http://kslegislature.org/li/

The above website for the Kansas Legislature is the key to accessing information about how to contact your legislators, committee assignments, schedules, bills introduced, and most importantly in the time of Covid - how to access hearings etc. remotely.

Kansas legislative leaders have spent a few million of the federal CARES Act funds on upgrading online visual and audio systems at the Capitol. Given the uncertainty of the pandemic and improving public access remotely, each of the 13 committee rooms now have improved sound quality and three cameras to view the committee and presenters. There will be three monitors in each committee room to facilitate virtual links for staff and testimony remotely. The internet speed has been upgraded for clearer visual and audio production. There is still discussion over public access to the galleries of the two chambers, committee rooms and the Capitol itself. Rules for the House and Senate will be adopted early in the session to clarify committee and chamber procedures in this pandemic world.

There are many challenges. Some House committees have 23 members and certain rooms are only so large so how to space committee members at a safe distance and have any public seating left? Conference rooms have now been wired with cameras and audio equipment so will staff or committee members attend remotely? Committee meetings can be done remotely. But according to the Attorney General and the State Constitution, final action by the Legislature must be done in person and in Topeka (but not necessarily at the Capitol). If it is at the Capitol - spacing for 125 House members in the chamber is a challenge so will members be summoned in groups from their offices or the public galleries closed just to House members? There is still just one camera for the House chamber and one for the Senate (which has not been changed). All in all, the House and Senate procedures and rules are still being debated so stay tuned.

The Kansas Legislature operates on a two-year cycle so after an even number Fall election, the following odd year legislative session (such as 2021) starts anew. There are no bills carried over from the previous year, and House and Senate will adopt rules for the following two years. One can go to the Kansas Legislature’s homepage at http://kslegislature.org/li/ and on the right side of the page you can click on the House and Senate pre-filed bills. (As of Jan. 4 – there were 31 pre-filed House Bills starting with 2001 while there were 8 pre-filed Senate Bills starting with 1.)

House and Senate Calendars are published every day of the session listing the committees and the committee’s agenda as well as legislation that has passed out of a committee and may be debated or final
action taken on the floor. On Thursdays, calendars also list committee hearings for the next week. These can be found at http://kslegislature.org/li

To view and listen into a given committee, 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.

NOXIOUS WEED CONTROL UPDATE

The Kansas Legislature has abdicated its legislative role in regards to noxious weeds. While the Kansas Department of Agriculture (KDA) - along with the counties - has had primary administrative noxious weed responsibilities since the 1930’s, the Kansas Legislature did pass legislation to put a weed on the state’s noxious weed list. Two years ago the Kansas Legislature gave up even this task and turned complete control over to KDA. The agro-chemical lobby won and Mother Nature lost at least for now.

KDA’s Secretary –as the new State weed czar – has emergency power to declare any plant a noxious weed for up to 18 months before having to consult with the pliable, newly legislated Noxious Weed Advisory Committee. Counties can also work with the KDA Secretary to declare any plant in their county a noxious weed and chemically spray at will.

To implement the new legislation, final administrative rules and regulations by KDA concerning noxious weeds were published in the Kansas Register on December 16, 2020. That initiated a 60-day public comment period before a final mandatory public hearing to be held on February 16, 2021, at KDA’s office in Manhattan or available remotely.

While KDA may respond to any public comments and provide a written reaction, KDA is in control to adopt or reject any public amendments. KDA sets the noxious weed rules and regulations for the counties even though KDA provides no funding to the counties for weed control. The County weed supervisor (director) has to be approved by KDA. County commissions have to approve annual weed reports and management plans from the county weed department by March 15 and submit the documents to KDA. These documents may or may not be on the county’s homepage and if submitted in paper form to KDA will not be publicly available without a public information request. In instances of weed control that mandates eradication (as opposed to just maintenance or control), chemical spray - instead of mechanical or biological control - is the only accepted option.

In essence - for landowners who want their property to be a ‘no spray’ zone it will be up to the landowner to be proactive. The landowner must make contact with the county weed director to see how one’s land can be protected and acceptable weed control methods agreed to. Some counties provide ‘no spray’ signs to be posted while some counties use the ‘Drift Watch’ website to list protected parcels electronically.
In Kansas’ noxious weed or pesticide law, there is no definition of ‘chemical drift’ so if you get ‘drifted’ you are on your own to wrangle with the perpetrator (if identifiable) or try your luck in court (along with the related legal costs). KDA will come out and take tissue samples and probably tell you the chemical cause but KDA will play no role in trying to identify the violator or work to settle spray damages. These incidents will continue to increase as the older more lethal herbicides (2-4D, Dicamba) are used more often to counter the weeds that have now become resistant to glyphosate (Round-Up) as this chemical has been greatly over used since commercial introduction in 1996. Legislatively - there must be a broader debate defining ‘drift’, sprayer liability and create administrative remedies within KDA to settle chemical drift damages. All of this is essential if Kansas wants to expand specialty crops (like grapes) and organic production that is surging in consumer demand.

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.

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

If you are on KRC’s list and wish to opt out of receiving the Updates, contact Joanna Will at jwill@kansasruralcenter.org

2021 Co-Sponsors

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Contributors to KRC are automatically on the Policy Watch e-list. If they provide an e-mail address, KRC provides updates to the sponsoring organizations including League of Women Voters of Kansas, Kansas Natural Resource Council, Kansas Farmers Union, and Climate and Energy Project who make the updates available to their memberships.

If you are receiving KRC Policy Watch through one of these organizations and have questions, contact the organization directly.