REDISTRICTING GUIDELINES

By Paul Johnson

While debates and votes on current bills dominate the political scene, it is easy to forget or overlook how much districting determines representation of all views and all citizens—or not. With new U.S. Census numbers gathered in 2020 (although fraught with questions and controversy), the public debate redistricting our Congressional and legislative districts will soon begin. Who and how the lines are drawn will impact State policy decisions for another ten years.

The timeline is to have redistricting maps ready by early in the 2022 legislative session so that the final maps are finished by May at the latest. In 2012 during the last redistricting, the Kansas Legislature was unable to agree on districting maps so they were drawn by three Federal District Court judges at the last minute.

Will redistricting in 2022 be any different? The Kansas House Redistricting Committee was appointed at the start of the legislative session but no meeting has been called. The Senate Rules established a Senate Redistricting Committee at the start of the session but committee members have yet to be named. The Legislative Coordinating Council (LCC) established a six member House/Senate Redistricting Advisory Committee that will recommend ‘Congressional and Legislative Guidelines’ to the House and Senate Redistricting Committees but members have not yet been named by the LCC.

It seems logical that the 2022 Redistricting Guidelines will be patterned after the 2012 guidelines. Those guidelines started with a permissible variance of population in House and Senate legislative districts. In 2012, a House district had 22,716 persons and could vary 5% plus or minus for a possible overall deviation of 2,272. In 2012, a Senate district had 70,986 persons so the overall deviation of plus or minus 5% could be 7,098. States are solely responsible for drawing state legislative districts - thus the allowed variance. Congressional redistricting is much more precise dictated by court rulings so in 2012 the target was 713,280 persons per Congressional district and the variance in the four Kansas congressional districts was just 15 persons.

The 2012 guidelines say that redistricting plans will have neither the purpose nor the effect of diluting minority voting strength. Districts should be as compact as possible and contiguous. There should be recognition of similarities of interest such as social, cultural, racial, ethnic and economic. These are generally termed as ‘communities of interest’. These may be considered but are not mandated. Contests between incumbent members of the Legislature or the State Board of Education will be avoided whenever possible. Districts should be easily identifiable and understandable by voters, although it is not clear how this is measured or calculated.

For Congressional districts the same rule for not purposely diluting minority voting strength applies. The same language for ‘communities of interest’ is used. If possible preserving the core of existing districts should be undertaken. Whole counties should be kept in the same congressional district while achieving population
equality among districts. Districts should be as compact and contiguous as possible.

Census numbers have been delayed in 2021 given the problems with outreach during the Covid pandemic plus political interference. A state total person count for Kansas (in 2019 the number was 2,913,314) should be available by the end of April. This number cannot be challenged at the U.S. Census but may be reviewed by the courts given the problems in 2020. This number will be divided by four for the congressional districts and by 40 for state senate districts and 125 for house districts. Precise county numbers are expected by the end of September.

In the fall of 2011, public meetings were held to discuss redistricting before all the final census numbers were in. It seems likely that will happen this fall in preparation to have maps drawn and ready to be presented to the 2022 Kansas Legislature. Once the Kansas Legislature passes their final redistricting maps they are sent to the Governor for her signature. In 2012, no final maps were agreed to and sent to the Governor so the Federal Court drew the final maps.

Any interest group can submit a map for consideration by the Legislature. The map has to be statewide and draw districts for all Congressional and legislative seats. The map must first be presented to the Kansas Legislative Research Department to ascertain that it meets basic standards. Kansas does not have a non-partisan commission to draw redistricting maps. Several states have established such commissions either by statute or voter initiated referendums. Kansas has never considered such an idea seriously.

Ideally good government groups in Kansas can learn from non-partisan commissions in other states to produce a balanced, fair redistricting map that does incorporate ‘communities of interest’ and civic values over partisan politics.


http://www.kslegresearch.org/KLRD-web/Redistricting.html

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SECURITIZATION LAW

**Senate Substitute for HB 2072 Goes to Governor's Desk**

This law is a classic example of how political power plays under the Dome. ‘Securitization’ is a mechanism to float mandatory ‘rate-payer backed’ bonds to retire unneeded coal plants and stretch out over a few years the inordinately high fuel costs from the February freeze. Once EVERGY had their bill written behind closed doors (SB 245) and introduced on February 12, the wheels were greased to move it along on a fast track utilizing legislative maneuvers. The bill was sent to the Senate Financial Institutions and Insurance committee rather than the logical Senate Utilities committee. It stalled under the weight of too many unanswered questions. It was revived by being sent to the Senate Federal and State Affairs committee (to get around legislative deadlines) on February 24 and then back to Senate Financial Institutions and Insurance on March 12 for hearings on March 17 and 18.

On March 22, **HB 2072** (which dealt with risk-based capital insurance requirements and passed the House 123-0) was gutted in Senate Financial Institutions and Insurance committee and **SB 245** was inserted becoming **Senate Sub. for HB 2072**. This bill was then debated on the Senate floor on Thursday March 25 and final action taken the same day passing 33-7.

On Monday March 29, **Sen. Sub for HB 2072** was taken to the House floor for a vote to concur with the Senate changes. This bill now has a completely different title and subject matter. It is up to the Speaker of the House to determine whether a bill has been ‘materially altered’ and thus must be sent first to a House committee. The
House Rules are structured such that the Speaker could make this determination but it is at the Speaker’s sole discretion. There are no guidelines defining ‘materially altered’. By the Speaker staying quiet - approval to vote on concurrence was in order. No House committee held a hearing on ‘securitization’.

This bill and this decision could involve hundreds of millions of dollars over several years that ratepayers will be liable for, if the Kansas Corporation Commission approves the bond issuances. The House ended up voting 113-9 with little floor discussion to pass this bill onto the Governor for her signature.

Securitization can be a plus for ratepayers if done right. Bad debt from the inordinate February freeze can be stretched out for a few years at low interest rates. One key question is whether particular customers will repay the higher costs over time or whether Kansas Gas Service will bundle most of the bad debt and force all ratepayers to cover the costs?

In terms of retiring unneeded coal plants, it is cheaper for ratepayers to float bonds at a 2-3% interest rate rather than paying 8-10% rate of return on these plants. EVERGY has seven coal plants under consideration – 2 at LaCygne, 3 at Jeffrey’s Energy Center and 2 at Lawrence. As wind power continues to increase at a lower power cost than coal, these coal plants are often running at 50% capacity.

The fundamental question is whether it will be ratepayers or investors that reap the greatest benefit? The Kansas Corporation Commission (KCC) plays in a sandbox where Wall Street and the speculative investment investors must be satisfied or the bonding agencies such as Moody’s will lower the utility’s credit rating thus driving up the cost of borrowing funds in the future. What defines ‘risk’ for out of state speculative investors with a privately-owned Kansas public utility that has a defined service area, captive customers and no competition? For now, the KCC will make these critical securitization decisions without a State Energy Plan that could define the least cost options of energy efficiency and renewable energy for the future.

(For more explanation and information on S sub for HB 2072, see Ks. Sierra Club explanation HERE.)

**LEGISLATIVE NOTES**

**Tax Cuts:**

*Senate Bill 50* has now passed the House and Senate and sits on the Governor’s desk for her consideration. Corporations got the enhanced tax breaks they demanded after the windfall from the 2017 federal tax legislation. Individual filers in Kansas can now take the higher federal standard deductions without itemizing but can itemize deductions at the State level. A new interstate sales tax is placed on out of state merchants with sales over $100,000. Kansas Department of Revenue had started collecting this sales tax on out of state merchants with no minimum sales threshold so this law will forego millions in on-line sales. The standard deduction in Kansas was raised from $3,000 to $3,500 for individual filers.

The fiscal cost to Kansas for 2022 is $94.3 million, for 2023 it is $93.9 million and $96 million for 2024. Since the Senate concurred 30 to 10 for this House tax bill, the question remains whether more tax cuts will be coming in the veto session? The House passed this tax cut bill 81-43. To override a Governor’s veto, it takes 84 votes in the House and 27 votes in the Senate.

**State Budget:**

The House has now passed a State Budget in two parts – one for public education and one for the remainder of the State Budget. The Senate passed a complete State Budget in one bill a week ago. Now the Senate Ways & Means and House Appropriations conference committee of six members will start meeting next week to sort out the differences and find a compromise.

The Senate pulled some $550 million of state funds for public education and might try to substitute federal education funds for those state funds.
coronavirus relief funds. (For more on education funding click HERE.) Federal guidelines on the coronavirus relief funds state they cannot be used for state tax relief, but attorney generals in a dozen states, including Kansas AG Derek Schmidt, have filed a lawsuit challenging this. (See more at https://kansasreflector.com/2021/04/02/kansas-attorney-general-files-lawsuit-to-break-chilling-effect-on-state-tax-cuts/)

The House budget first fully funded public education in compliance with the Kansas Supreme Court case but did substantially increase tax credits for private schools and ‘educational savings accounts’ for parents to redirect public funding for their student to parochial or private schools. However, the final House budget version this week cut 2% across the board from the state general fund which exacted $48.8 million from public education thus undercutting the Kansas Supreme Court ruling.

The conference committee will go through many rounds to find a passable budget that may or may not be approved by the Governor. Questions remain on if and how many federal relief act dollars can substitute for state dollars? and will State tax cuts derail any of the federal assistance? It seems certain that the final, final budgetary decisions on spending and taxes will carry over to the veto session that will start May 3.

Next Friday, April 9, is the date of First Adjournment and a break until the veto session.

WIND ENERGY & PROPERTY TAXES

In a story last week on wind development in Kansas, we stated that wind developers are exempt from paying property taxes in Kansas. However, this is only partly true and is more complicated, with some developers providing Payment in lieu of taxes to counties. Passage of a 2015 law (SB 91) limits the property tax exemption for applications received after Dec. 31, 2016 to a period of ten years, same as for any new coal or gas plant. In order to fully explain this, we will explore the question in more detail in the next issue of Policy Watch.

FIELD NOTES

BROWNS COUNTY POULTRY FACILITY PERMIT WITHDRAWN

According to Public Notice from the Kansas Department of Health and Environment (KDHE) Glacial Hills Poultry in Brown County has withdrawn its application for a proposed confined feeding facility with capacity for 224,000 head (672 animal units) of broiler chickens. The withdrawal came after local residents, the county commissioners, and Rural Water District No. 2 raised concerns about the facility. It is not clear if the applicant will continue to search for other possible locations.

PASA REPORT HIGHLIGHTS SOIL HEALTH INSIGHTS

The Pennsylvania Sustainable Agriculture Association (PASA) has released a report on soil health. The report reviews their findings to date of an ongoing Soil Health Benchmark Study—the largest and most diverse community science project studying soil health in the country.

Since they began the study in 2016, they worked with partners including the Cornell Soil Health Laboratory, Future Harvest and the Million Acre Challenge, Penn State Extension, Rodale Institute, and Stroud Water Research Center, as well as more than 100 pastured livestock, row crop, and vegetable farmers in Pennsylvania and Maryland, to collect and analyze soil samples and field management records. Collectively, these soil samples and field records shed light on the nuanced soil health strengths and challenges that can exist simultaneously within the same field—and what farmers can do about it. Here’s what they found. Click here.
SOIL HEALTH ALLIANCE FORMED IN KANSAS

The Kansas Soil Health Alliance is a recently formed nonprofit organization that has been established to be a trusted partner and valuable soil health resource for Kansas growers. The Alliance is led by a board of Kansas farmers and ranchers supported by five partner organizations. The alliance seeks to promote the benefits of soil health principles to Kansas growers, provide up-to-date science-based information pertaining to soil health and educate Kansas growers about system-based soil health production methods.

The Kansas Soil Health Alliance’s mission is to improve and protect Kansas soils. The alliance invites all growers — no matter the farming operation size or current farming and ranching practices — to utilize resources and learn more about Kansas soil health efforts and events. The alliance will also connect experienced Kansas growers who are working to improve soil health with growers new to the effort.

“We are excited to work with Kansas farmers and ranchers to provide information and learning events focused on building more resilient soils. A resilient soil will help provide a steady income through extreme weather events.” according to Michael Thompson, chair of the Kansas Soil Health Alliance.

The board members of the Kansas Soil Health Alliance are: Michael Thompson, Almena, Kansas; Brice Custer of Hays, Kansas; Rock Ormiston of Kismet, Kansas; Nick Gutterman of Spring Hill, Kansas; Mary Howell of Frankfort, Kansas; Cade Rensink of Minneapolis, Kansas; and Lucinda Stuenkel of Palmer, Kansas.

The farmer-led, farmer-driven alliance is supported by the Kansas Department of Health and Environment, Kansas Grazing Lands Coalition, Kansas Soybean, No-till on the Plains and General Mills.

For more information about the alliance, visit the Kansas Soil Health Alliance at KSsoilhealth.org or contact Jennifer Simmelink, association coordinator, at Jennifer@KSsoilhealth.org.
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