



Kansas Rural Center Legislative Policy Watch

Issue No. 7, February 16, 2024

Legislative Policy Watch is a weekly online publication of the Kansas Rural Center (KRC) during the State of Kansas legislative session. KRC is a private, non-profit organization that promotes the long term health of the land and its people, through education, research and advocacy that advance an ecologically sound, economically viable, and socially just agriculture.

Policy Watch is produced by Paul Johnson, KRC Policy Analyst, pjohnson@centurylink.net



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Legislative Insights

The 2024 Kansas Legislative session is trudging along – barely. Come next Friday, this session will be at its midway point, with certain legislation having to move to the second chamber. While a few committees are normally busy (Judiciary, Ways & Means, Federal and State Affairs), quite a few committees have had a very relaxed schedule. This was in the second year of the biennial session, with 511 Senate bills and 800 House bills filed. Floor action in both the House and Senate has been extremely light (even though there are dozens of bills on General Orders in the House and Senate from 2023 but never coming above the line for debate). Next week, starting Wednesday through Friday, there will be marathon floor debates to move some legislation. It seems more sensible and doable to have scheduled more floor debates by this time. Now, the ‘culture war’ issues (fetal personhood, border wars in Texas, eliminating ballot drop boxes, abortion restrictions, death penalty poison gas, etc.) are surfacing and taking limited, precious time. The Governor has signed one bill this session and vetoed the ‘flat tax.’

Fossil fuel special interests continue to have a stranglehold on policymakers under the Dome. The oil and gas industry is prominently promoted (as the natural gas and oil reserves continue to substantially decline). Even though Kansas became the first state in the country to get its largest share of electricity from renewables (primarily wind), the energy battles in the Capitol are to put barriers in the way of more renewable energy expansion. Bills are now being debated to tie the hands of the Kansas Corporation Commission (KCC) to retire the older, more expensive fossil fueled plants. The outrage over the February 2021 natural gas cost calamity (Feb. 1 - \$3.50/mcf gas cost – Feb. 17 - \$600/mcf cost) has been forgotten while the KCC has allowed over \$600 million in ratepayer-backed bonds to pay off this robbery. There have just been five lawsuits filed in federal court in Kansas City – using the Kansas Consumer Protection Act that restrains price hikes to 25%. The KCC has been an impediment to revealing the actual gas contracts and speculators that benefitted. These five lawsuits have been consolidated and those contracts will be examined in the proceedings.

The debate over a State Energy Plan has stalled so far. Former House Representative Annie Kuether was confirmed by the full Senate on a 36 to 1 vote. Her term is for four years. Annie was a strong proponent for a State Energy Plan and authored legislation for its development which was never passed. The KCC needs to develop its own State Energy Plan by the Kansas Energy Office within the KCC. The KCC receives a federal Department of Energy grant (\$600,000 annually) that should be used to develop an energy plan that can document energy efficiency investments for ratepayers. EVERGY will file this summer their energy plan (filed as an Integrated Resource Plan – IRP) projecting their future investments in powerplants, renewables and transmission. This IRP will have little, if any, consideration of energy efficiency investments in comparison to power production expansion. By law, ‘investor-owned’ utilities (IOU’s) are required to provide ‘reasonably efficient and sufficient service’ to be given their public monopoly status of defined service areas and captive ratepayers. The law says ‘service’, not electricity or natural gas. The KCC desperately needs its own independent analysis of ‘demand side management’ energy efficiency programs to compare to the IRP.

Housing discussions in the Kansas Legislature have vanished. After passing some legislation for state low-income housing tax credits (to match the federal credits) and using some of the one-time federal pandemic funds for medium-income rural housing, there is no follow-up in this session. There is no formal annual report on the status and affordability of Kansas housing (while 40% of all renters are housing cost burdened and 20% of homeowners) as there was in previous administrations in the 1990’s. As interest rates have risen (in the 7+ % range), Kansas is not using its \$310 million in Private Activity Bonds (federal income tax exempt bonds) for First Time Home Buyer loans (at a 5% rate). The national average for this use is 30% which for Kansas would be close to \$100 million annually. To activate this program in Kansas, it will take parking \$20-30 million in reserves in the State Housing Trust Fund and eliminating the law that prohibits the Kansas Housing Resources Corporation (Kansas’s statewide housing agency) from issuing such loans. The Governor and legislative leaders need to create a Kansas Housing Commission that would bring an annual policy & funding report to the Kansas Legislature (comparable to the annual report on water by the Kansas Water Authority).

Water policy and planning is on hold this session compared to the lively debate and increased funding from the last couple sessions. The State Water Plan Fund has been increased from \$20-25 million annually to around \$60 million. Grant programs for planning and infrastructure have begun, but the requests from small cities across Kansas total hundreds of millions, while the present funding is \$17 million. Water is every bit as important as highways (which Kansas spends \$1 billion annually - for the last 35 years). Water rights and crop irrigation seem undiscussable. Kansas now has 5,315 farms (9.5% of all farms) irrigating 2,344 million acres (out of 20 million harvested crop acres) and using 85-90% of the water in Kansas.

The truth be told that Kansas issued too many water rights (from the 1950s to the 1970s), and since these water rights are considered ‘property rights,’ Kansas will need to buy back certain water rights to extend the life of the Ogallala aquifer. What drives this crop irrigation is the Farm Bill that heavily subsidizes (via commodity payments & crop insurance) certain crops (corn, soybeans, wheat, sorghum), and landowners with their bankers farm the Farm Bill. Another particular challenge is that while Kansas has 44.7 million acres in farms, owned land totals 20.4 million acres, while rented or leased land is 24.3 million acres. Renters have fewer options in terms of conservation planning and water stewardship.

The ‘flat tax’ is clearly the highest priority for the Republican leadership. That is why it was rushed through in the first weeks of this session. The Governor vetoed the bill, and it was sent back to the legislature on Jan. 29. For the veto override, it first goes to the House. The House has just 30 days for the override. If it is going to happen, it has to be next week. Given that over the last four months, State tax revenues have fallen below the projections that were established in November – there may be some second thoughts on State finances a few years out. If the House is successful with the veto override, it goes to the Senate, which would have 30 days to act.

Kansas Secretary of State Comments

The Kansas Secretary of State – Scott Schwab – gave an informational overview of his office to the Senate Transparency and Ethics Committee. He started with an update on the computer system that has taken five years to transform and broaden its capacity. The upgrade started with the Business Division, which is the largest in his office. The SOS office is completely funded by fees. Business reports that used to be annual have now been put on a two-year cycle. Election and campaign finance reports will be the next area to be updated. The Secretary has requested that any changes to elections and voting not be made in an election year like 2024. The presidential preference primary - coming up in March - was not his choice. These party events should be funded by the parties and not taxpayers (at a cost of \$2.5 million). With this presidential primary, there will be three rounds of elections in 2024. There are four names from each party on this primary ballot. If a candidate pays the fees to be on the ballot, they stay on the ballot even if they have terminated their campaign (like Ron DeSantis). Parties determine their delegates to the national conventions, not this primary.

There were several questions on voting and election procedures. The Secretary is a strong believer in drop boxes run by the counties. Postal service is a challenge in Kansas since most mail processing centers are now located outside of Kansas. So, take Liberal, which has the courthouse and the post office across the street. When a ballot is put in the mailbox, it is taken to Santa Fe, New Mexico, for processing before returning to Liberal. One-third of the Kansas population utilizes mail ballots, and Kansas would be on questionable legal grounds to severely limit mail ballots. Oregon has gone to only mail ballots with no in-person voting. Electronic voting is just too unsafe. Kansas has a law prohibiting voting machines from being connected to the internet. The Secretary is no fan of ranked-choice voting. It takes a few weeks for final results. Kansas would have to spend millions of dollars to pay counties to all have the same equipment. Scott Schwab is now the president of the National Association of Secretary of State’s. He is the fifth Kansan to hold this position.

2022 USDA Agriculture Census - Kansas

The United States Department of Agriculture conducts this census – not the U.S. Census. This census is done every five years, and farmers are required to participate. This census is by far the best snapshot of agriculture and its trends over the decades. It is hard to overstate the consolidation and concentration in Kansas’ agriculture. There were 55,734 farms in 2022, with total farm sales of \$23.9 Billion. 2,374 farms – 4.3% of the farms – accounted for 75% of these farm sales (Table 41). As stated earlier, owner-operated land is 20.4 million acres, while rented/leased acres total 24.3 million. Table 1 has historical highlights going back to 1992. In 1992, there were 2,155 dairy farms with 85,132 milk cows, while in 2022 there were just 234 dairies with 176,106 milk cows. There are more details on irrigation and farmland. Tables 9, 10 & 11 show that 5,315 farms (9.5%) are irrigating 2,344 million acres. Kansas has 1.6 million acres in various conservation and wetlands reserve programs.

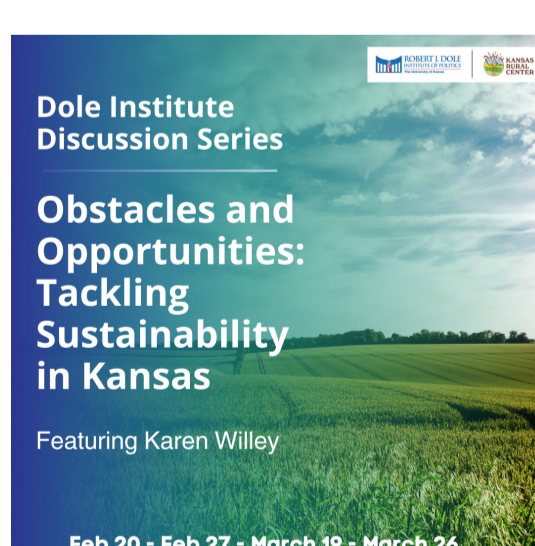
[2022 Census Volume 1, Chapter 1: State Level Data](#)

Upcoming Events



During the legislative session, the *League of Women Voters of Kansas (LWVK)* hold weekly zoom calls at **4pm on Fridays** with their policy observers. The League has offered to open up these calls for interested Policy Watch readers. Cille King is the policy coordinator for the League.

You will need to email Cille at advocacy@lwvk.org to be added to the notice list. Agendas will come out a day or so before the call.



The Dole Institute series, "Obstacles and Opportunities: Tackling Sustainability in Kansas," will be held Tuesdays this spring at the Dole Institute. This four-part series will be moderated by our Spring 2024 Dole Fellow, and KRC board member, Karen Willey.

Some of the most refreshing events are weekly discussion groups at the Dole Institute. Hosted by Dole Fellows, each weekly discussion focuses on a specific topic or issue and features an expert in that field. These events are oriented toward KU students, but are also open to the public. All presentations will be hybrid. These small discussion groups provide hands-on knowledge and direct interaction with experts.

[Learn more here](#)

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[See Previous Editions of Policy Watch](#)

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

If you wish to be removed from the KRC list, contact info@kansasruralcenter.org

For questions about Policy Watch content, contact Paul Johnson at pjohnson@centurylink.net