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KLPG Capitol Highlights

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2022 LEGISLATURE WEEK NINE

CONGRESSIONAL DISTRICTING LAWSUITS PROCEED

The Kansas Supreme Court refused to dismiss three lawsuits that challenge the newly drawn congressional redistricting maps. Attorney General Derek Schmidt made the request, arguing that state courts have no authority to decide disputes over redistricting for federal offices. Those challenging the congressional redistricting law say it represents partisan and racial gerrymandering that violates the Kansas Constitution. Undeterred, The AG promptly filed for a dismissal of all three complaints in the Wyandotte County and Douglas County courts where they all began using the same argument presented to the higher court.

KANSAS STANDS WITH UKRAINE

Kansas lawmakers assembled last week on the steps of the Statehouse in support of Ukraine. University of Kansas third year students Mykola Hordiichuck and Elina Shutova - both from the besieged, war-torn nation – spoke compellingly of their homeland and families as part of the event. Kansas lawmakers say they are truly united in their condemnation of the Russian invasion. The gathering stood at attention, hands over hearts, as the rally concluded with the playing of the Ukrainian national anthem. Both the Kansas House and Senate are expected to vote soon on resolutions condemning Russia for its actions.

PROPOSED CONSTITUTION AMENDMENTS TO BE DEBATED

The Senate Judiciary Committee has approved two competing proposals to amend the Kansas Constitution to change how Supreme Court justices are selected. The measures go to the full Senate for debate. One proposal would have the governor nominate new justices and require their confirmation by the Senate. The other would have prospective justices run in partisan statewide elections. Currently the process starts with a lawyer-led commission that reviews candidates for the vacancies then nominates three finalists to the Governor who then makes the appointment.

FOOD SALES TAX REDUCTION A WORK IN PROGRESS

Governor Laura Kelly wants to eliminate Kansas' 6.5 % grocery sales tax, insisting that this is the time to do it because the state has billions in surplus cash to offset the roughly \$500 million a year in lost revenue. However, the House Tax Committee is considering a different approach by only cutting the tax by half now, then whittling it down to zero over the next four years. The committee is expected to vote on the issue promptly and send the bill to the floor for debate.

PARENTAL RIGHTS MAY PREVAIL DESPITE ODDS

The Senate Education Committee has approved SB 496 that would establish an educational "bill of rights" for parents of K-12 public-school children even though only seven people supported the bill while it was opposed by more than 100, all of whom submitted testimony. The measure now goes to the Senate floor for consideration by the full chamber

NO CLEAR PATH TO VOTER REGISTRATION

Kansas lawmakers are advancing a measure to prevent the governor from entering into legal agreements that change state election practices without getting prior approval from the Legislature or its top leaders. The bill comes after Governor Laura Kelly thwarted litigation by unilaterally reaching an accord with voting-rights groups to allow Kansas residents to register to vote at state agencies that provide social services benefits. The measure now goes next to the full Senate.

FUTURE MASK MANDATES MIGHT BE BANNED

The Senate Judiciary Committee has advanced SB 541 designed to control how state and local health officials manage pandemics. The legislation would prohibit state and local mask mandates, prohibit restrictions on public gatherings and business practices, and prohibit schools and colleges from requiring vaccinations during disease outbreaks. They also approved a separate measure to require cities and counties to cut businesses' property taxes for each day they are forced to close or limit their operations because of disease or disaster and would allow property and business owners to sue governments for compensation because of any harm caused by public health orders. Supporters of the bill say it protects people from health orders that infringe on personal freedoms. But the League of Kansas Municipalities opposes the measure saying it would limit the ability of communities to respond to a health crisis. Both measures have been sent to the full Senate for debate.

FEE BREAKS FOR FIRE VICTIMS

Governor Laura Kelly directed the Department of Revenue and the Department of Health and Environment to waive fees for replacement vehicle titles, registrations, and driver's licenses as well as replacement of birth, marriage, and death certificates for residents of Reno and Harvey counties who were impacted by the wildfires of March 5th. Additionally, waivers will be granted for copies of lost tax documents and landfills fees for disaster debris. Permits for disposal of destroyed structures, debris or livestock will also be expedited. The measures are meant to help speed the recovery process and begin the rebuilding process for the fire victims.

KANSAS WILL NOT JOIN CONSTITUTIONAL CONVENTION

The Kansas House failed to pass House Concurrent Resolution 5027 which would have authorized Kansas' participation in a national constitutional convention designed to clamp down on Federal authority and impose term limits on Congress. It went down with a 76-43 vote, falling 8 short of a supermajority needed. Under the U.S. Constitution, Congress must call the convention once two-thirds of states adopted the resolution. The Convention of States Action reports that 17 states have already completed the application process. They need 17 more to move forward.

INFLUENCE OF FAA SEEN ON WIND FARMS

Senator Mike Thompson, chair of the Senate Utilities Committee, introduced a bill that would mandate a change to lighting systems on wind turbines in Kansas. The legislation calls for authorizing county commissioners to evaluate and approve which lighting system would best minimize the annoyance to the rural communities they represent, such as passive radar emitters with dimming technology so the red lights would only blink when aircraft are detected. A Kansas Power Alliance representative said they are sympathetic to the concern, but that the bill as presented is unworkable in no small part because they simply do not choose or control what lights are used - the Federal Aviation Administration does. Senator Thompson asked the KPA spokesperson to arrange a sit-down meeting for a longer discussion about how to mitigate blinking lights on wind turbines rather than move forward with what they saw as a flawed bill.

ELECTION SECURITY VERSUS ACCESS

A Senate committee passed a measure this week that would require all mail-in ballots to arrive by 7 p.m. on election day, limit the use of ballot drop boxes, and give people three fewer days before an election to register to vote. Supporters say they are trying to make elections more secure. Voting-rights advocates oppose the changes claiming they will make it harder for Kansans to vote. The bill has now been sent to the Senate floor.

FIREWORKS SALES CONTINUE TO BE LIMITED

An effort to allow retailers who are open year-round to sell fireworks year-round was a major failure this week when SB 378 received only 2 votes for and 34 against passage. Currently, all vendors may sell only from June 27th to July 5th each year. The legislation was essentially killed by an amendment that would have required counties to opt-in for firework sales, meaning no fireworks would be sold in areas where the commissioners chose to opt-out.

REPOPULATION INCENTIVES TO CONTINUE

With a vote of 32 to 5 the Senate tax committee passed a proposal that would extend the Rural Opportunity Zone program by five years and expand eligibility to any county with a population less than 40,000. The program is an effort to reverse population decline by providing designated counties the opportunity to offer income tax credits and/or student loan repayments to anyone who agrees to move and work there for a predetermined length of time. The House had already voted 107 to 16 in favor of the bill last year.

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This is a weekly legislative summary of Kansas government, and other statewide news, gathered and compiled independently from various media reports.

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