

# KLPG Capitol Highlights

## 2018 Legislature, Week One

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### 2018 SESSION OPENS

**KLPG is a bipartisan, voluntary, independent, non-profit corporation comprised of elected county commissioners in rural counties interested in preserving & strengthening constitutional government.**

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The 2018 Kansas legislative session officially got underway on the afternoon of January 8th. House Speaker Ron Ryckman, brought the House to order saying he hoped to build on the last year's progress while Senate Majority Leader Jim Denning opened his session stating he was optimistic that lawmakers could resolve the challenges facing them this year. On the legislature's immediate agenda is the need to act before April 30th to address the State Supreme Court's ruling that funding for K-12 education is inadequate, inequitable and thus unconstitutional. Attorney General Derek Schmidt is urging action by March 1st, so his staff will have time to prepare those briefs. Additionally, they are facing a new joint request from the Lieutenant Governor and Department for Children and Families Secretary for an additional \$16.5 million in funding to correct a slew of serious problems within the agency's child welfare programs. With grave concern about access to medicine and mental health services in the state's more remote areas, Medicaid expansion and mental health spending also continue to be priorities for our lawmakers, with Kansas health agencies continuing to push forward on contracts to run and expand the state's Medicaid program and a plan to privatize state psychiatric hospitals. July 1. Legislative leaders authorized an additional \$15K payment to finance lawyer Jeff King, to provide his opinion on and write a brief on the constitutionality of the new funding formula. His current 50K contract that began in April

only required him to provide unofficial advisory opinions on legal questions as they either directly or indirectly related to complying with the Supreme Court's order on school finance.

### PRESCHEDULED BILLS

There will be several matters addressed during the 2018 legislative session that will not involve budgeting, most dealing with social issues such as sexual harassment in the Statehouse and gun safety and rights. Two bills were pre-filed dealing with gun issues. Representative Highberger proposes to make it a crime for someone to abandon a gun in a public place where it would be accessible to anyone else and Representative Miller proposed a ban on "bump stocks" and similar devices that make an ordinary rifle work like a fully automatic weapon. The issue of sexual harassment is one that will likely get wide bipartisan support. Last year Senate President Susan Wagle led an effort to bring in the Kansas City-based Women's Foundation to study the Legislature's current policies, which hadn't been updated in more than 20 years and to make recommendations for reform. Their report was issued in late December 2017, suggesting a comprehensive overhaul of current policies, including mandatory sexual harassment training for all legislators, staff, interns and lobbyists, as well as hiring outside attorneys who would be charged with investigating sexual harassment complaints.

**Capitol Highlights is a weekly legislative summary of recent Kansas government, and other statewide news, gathered and compiled independently by Pinegar, Smith & Associates from news media reports.**

## STATE OF THE STATE

In his final State of the State address, Governor Brownback called for phasing in a \$600 million increase in school funding over the next five years without raising taxes with several goals to be met with those funds: a 95% high school graduation rate; a 75% matriculation of graduates to post-secondary schools; accelerating all schools into the new “Kansans Can” model recently adopted by the State Board of Education; raising the average Kansas teacher salary to higher than that of any surrounding state; adding 150 school counselors and/or psychologists. The Governor also called for amending Article 6 of the Kansas Constitution, which deals with school finance to stop the seemingly never-ending cycle of litigation on educational funding. Republican and Democratic leaders almost unanimously reacted negatively to this proposal calling it everything from a not plausible fairy tale to impossible, unrealistic and insulting. There were a few lawmakers willing to say they supported the idea in concept, but even they were skeptical that it could be done without additional revenue and cited the need for very specific details in order to proceed with any sort of serious consideration.

## RESPONSE TO ADDRESS CRITICISM

Governor Brownback emailed a statement to reporters on January 10th defending his budget proposal: “While I recognize the proposed budget has drawn criticism from legislators on both sides of the aisle, complying with the Supreme Court’s school finance decision is not optional. I support the rule of law, and I will not stand to see schools closed because of

inaction on our part. Thankfully the economy is stronger than it has been, however we recognize the additional money to schools will strain our ability to address other core government functions in future budgets. We look forward to continuing these conversations with the Legislature to find a solution that meets the Court’s demands and keeps our schools open. It is neither constructive nor wise to hold hostage other critical initiatives, due to political gamesmanship over disagreement on the school funding piece of my proposal.”

## POLICE BODY CAMERA FOOTAGE DEBATE

Some Kansas lawmakers want changes to laws concerning when police departments must release body camera footage, but they acknowledge it will be difficult to balance the concerns of several stakeholders with conflicting interests. Representative Alcala said he expects lawmakers to discuss regulation of body camera videos early in this year’s legislative session. The Kansas FOP, Kansas Association of Chiefs of Police, Kansas Sheriffs Association and the Kansas Peace Officers Association believe current state law adequately balances justice for all parties with public interest. In Kansas, body camera videos and other recordings are criminal investigations records and law enforcement agencies are cautious about releasing evidence, such as body camera footage, prior to the completion of a criminal investigation for fear that doing so could jeopardize the integrity of the investigation. The Kansas Sunshine Coalition for Open Government plans to support legislation that addresses family members of all persons killed by police having immediate access to body camera video and for public access when the investigation is no longer active.

## PERSONAL INJURY SUIT SETTLED

Legislative leaders agreed to pay \$100,000 to settle a lawsuit filed by the attorneys for Kathryn Schmidt, who was injured on May 12, 2015 in a fall caused by tripping over a concrete flower pot used to prop open an exterior door at a clothing store on the

medical and residential campus of Soldiers’ Home in Fort Dodge which is operated by the state Commission on Veterans Affairs. The State Finance Council voted to approve the settlement following an executive session at the Capitol attended by the Governor and a bipartisan contingent of House and Senate leaders. This action clears the way for dismissal of the lawsuit.

## APPOINTED REPRESENTATIVES

The opening session of the state House of Representatives introduced Eileen Horn to her new colleagues and her first official duties. She was appointed to the 10th District House seat formerly held by John Wilson, who stepped down last year. She won’t be the newest member for long, however because Greg Lakin announced his resignation that same day. He is leaving to become Chief Medical Officer for the Kansas Department of Health and Environment. Republican precinct officials in his district will meet within the next 10 days to appoint his replacement.

## NEW PRISON FACILITY FUNDING

In a meeting of the State Finance Council, which is made up of the governor and top leaders from both chambers, Senate Majority Leader Denning made a motion which was passed to table a decision on whether to approve the \$300 million contract to build a new prison facility at Lansing until January 18th citing concerns that key details of a provision in the contract detailing the terms under which the private prison company CoreCivic, would transfer ownership of the facility back to the state at the end of a 20 years lease were still not finalized. In the budget bill that lawmakers passed last year, a provision was inserted giving the Department of Corrections authority to enter into a lease-purchase contract for a new facility at Lansing, if it was reviewed by the Joint Committee on State Building Construction and approved by the State Finance Council. A Legislative Post Audit review last year concluded that the facility could be built at a lower cost by issuing bonds instead of a lease-purchase agreement. The Department of Corrections, however, rejected that idea, saying CoreCivic was able to secure private financing at interest rates competitive with the going rate for state bonds.