



**2022 Kansas Legislative Session
Weekly Legislative & Regulatory Update**

At a Glance

2022 Legislative Session Opens

State of the State speech to outline the proposed budget addressing large surplus

Redistricting Committee begins meeting

Looking Ahead

11 January – Governor Kelly’s State of the State Speech

11 January – KCC Presentation to House & Senate Utilities on February weather event

12 January – Proposed budget presented to budget writing committees

Welcome Back and Hello 2022

The Kansas Legislative Session is set to convene on Monday, January 10th. Legislative sessions are usually measured in twos - the first session after an election cycle, and then the second session that occurs before another election cycle. Legislation that is introduced in the first session and not worked can carry over into the second session, but all legislation that has not been signed into law will "die" following the second session. This is the second of two sessions, and all the members of the House will be up for election after this session, as well as the Governor and other statewide officeholders. The Senate is not up for election during the 2022 election cycle.

2022 Session Calendar

Monday, January 10 th	Session Begins
Tuesday, January 11 th	State of the Judiciary by the Chief Justice of the Kansas Supreme Court
Thursday, February 24 th	State of the State speech by Governor Laura Kelly
Wednesday, March 23 rd	First Turnaround – Non-exempt bills must pass house of origin
	Second Turnaround – Non-exempt bills must pass the second house
Friday, April 1	First Adjournment
Monday, April 25 th	Veto Session Begins
Tuesday, May 10 th	The “90 th Day”

The Kansas Legislature to You

The Legislature aims to complete its session work by the 90th business day. There have been sessions shorter than 90 days. Procedural maneuvers exist allowing a session to extend beyond 90 days. In recent years, the Legislature has gone 111 days and 115 days.

COVID expedited live, virtual access to Statehouse proceedings. Whereas, in previous years, the public could merely listen to the House and Senate proceedings, now there is the ability to watch House and Senate proceedings live on the Legislature's YouTube channel. Committees are also available on the Legislative YouTube page and some committees allow for virtual testimony as well. On the Kansas Legislature webpage, click on the Audio/Video link in the right-hand corner to be directed to your AV choices.

[Welcome | Kansas State Legislature \(kslegislature.org\)](https://kslegislature.org)

Redistricting

The drawing of legislative districts happens after each ten-year census, will occur this year. The last time the State House, Senate, State Board of Education and US House of Representatives seats were reshaped, in 2011, the final maps ended up being dismissed by the Courts when the Legislature and then Governor Brownback could not agree on the district maps. In the end, the District Court was tasked with drawing a new set of maps which were issued the Friday before the Monday filing deadline. The districts will continue their decades-long transition toward the more urban areas, where Johnson County will again likely pick up one or two new House seats and a Senate seat. The Sedgwick County area will also likely gain a House seat and the SGO Senate districts will likely become more compact. "Picking up" a seat means that a district somewhere else in the state will be collapsed with more territory added to different legislative districts. Some rural districts will collapse. Perhaps the largest redistricting fight will be what to do with the 3rd Congressional District, currently represented by Sharice Davids, a Democrat. The 3rd encompasses the fastest growing part of Kansas, so a portion of that district will be shifted to another congressional district to balance the populations, and the fight over the portion - whether it is a Democratically leaning portion or a Republican leaning portion - will be the central fight of the mapping process.

Budget

The state is also currently experiencing an unprecedented windfall of money, both from federal sources and also increased tax revenues within the state. There are several proposals associated with the increased revenue - the highest profile is the move to eliminate or reduce the state's sales tax on food. Eliminating the 6.5% state sales tax on food would carry an annual \$400M - \$450M budget impact. Both the current Governor and the leading Republican candidate for Governor support this policy. Questions remain as to whether the state can fully eliminate the sales tax on food or if county and local food sales tax would remain. With a more than \$2 billion budget surplus, lawmakers will bring forth suite of other ideas on how to designate funding. A large tax reform package is expected.

COVID

The Legislative Session begins as the state and parts of the nation are undergoing the strongest surge of COVID. Evening events are being postponed, cancelled or scaled back. The public is allowed to return to the Statehouse this session and COVID protocols that were implemented last session at least in the House are not apparent. The Senate has said this session will be

“business as usual” with no COVID protocols. The Governor has issued a state of emergency for health care workers which lasts fifteen days, but the Legislature will likely consider extending the emergency order a bit longer to relax regulations around front line health care workers at least this spring. The Legislative Coordinating Council (LCC) which must review and approve any Executive Orders related to COVID, did approve EO 2022-01 and 2202-02.

Energy

The House Utilities Committee has had a change in leadership. Nine-year committee chairman, Joe Seiwert was removed from his position and replaced by the Speaker Pro Tem, Blaine Finch. This is a significant shift in the leadership of the committee and will certainly mean a different direction for the committee. The Senate Utilities Committee is still chaired by Senator Mike Thompson. Chairman Thompson and several other Senators held meetings with Kansas legislators this fall to discuss energy issues for the upcoming legislative session. He told his fellow lawmakers they had six pages of ideas so we expect a very busy and deliberative session when it comes to energy policy. On Tuesday, January 11, both the House and Senate committees will receive testimony from the Kansas Corporation Commission (KCC) regarding natural gas costs during last year’s February weather event.

Taxation

Senator Caryn Tyson has been working on substantial overhauls of the state's property tax laws. Those include tying property tax increases to inflation or requiring a 2/3 vote of the county for a county to increase the property tax levy. The Senator is running for State Treasurer as well, so we expect her committee to be busy this session. Since the Kansas Senate is not on the ballot this year, the Senator can run for State Treasurer and not jeopardize her Senate district if not successful or if successful, she will move across the street to the State Treasurer’s office and an election will be held to backfill her seat. Public/private competition will continue to be an issue deliberated by the Senate Assessment & Taxation Committee. On Wednesday, there is a Legislative Post Audit meeting to discuss the findings of their recent audit on the matter.

Water

Chairman Highland, Chair of the House Water Committee, began a process of looking at water agencies and laws last session, and intends to have a significant water "overhaul" bill introduced this year. We also anticipate other water law changes coming along with that. The Kansas Water Appropriations Act is not frequently opened or adjusted, so the 2022 session could be a significant one in terms of water policy. There are indications that the Chairman wants to create a singular water agency to streamline all water issues, including the Division of Water Resources currently housed in the Kansas Department of Agriculture and the environment division housed in the Kansas Department of Health and Environment.

Health

We expect more activity out of Senate Health this session as the Chair, Richard Hildebrand, establishes his mark on the committee that he chaired for the first time last session. COVID and the associated and necessary actions to handle front line staffing problems will likely be session priorities. The House Health and Human Services Committee continues under the leadership of Representative Brenda Landwehr.

Local Government

Several issues remain outstanding for local government. Counties continue to raise concerns about a lack of constitutional home rule protection, which cities enjoy. Also both cities and counties are worried about what "dark stores" - large retail stores that are classified by the owner in such a way that they do not pay property tax - are doing to the local government's property tax burdens. There also remains from last session the issue of public entities "competing" against private business. This argument is mostly a personal feud between the owners of Genesis Health Clubs not wanting to pay property tax similar to YMCAs, but has managed to grow into a larger conversation about public vs private services.

Members running for higher office

There are several members of the Legislature running for office this session, which creates different dynamics as session progresses. If the legislator is a member of the House, they will either vacate their seat or they would have to quit running for the higher office and refile for their current seat. If they are a senator, they can lose the other race and remain in the legislature. To date, we know of the following, though there may be more.

Attorney General: Senator Kellie Warren (R-Overland Park)

State Treasurer: Senator Caryn Tyson (R-Parker)

Representative Steven Johnson (R-Assaria)

Interestingly, Senator J.R. Claeys (R-Salina) is the campaign manager for Steven Johnson's State Treasurer race and Kris Kobach's race for Attorney General.

Closing Thoughts

Election years, particularly when the Statewide office holders are up for election, greatly impact the tone and tenor of the Legislative session. 2022 is no different. Governor Kelly has put forth two large policy proposals including eliminating the sales tax on food and a one-time \$250.00 payment to all Kansas taxpayers. The House and Senate are under Republican leadership and will work to pass legislation helpful to election efforts Attorney General Derek Schmidt who the leading Republican candidate for Governor. Republican leaders have stated they hope for a brief and efficient session focusing on passage of the new legislative maps, action on the food sales tax and a tax reform package of some sort. There will be no shortage of ideas that will see limited action but will make their way onto postcards this election season.

Josh and I look forward to continuing to serve the Kansas Municipal Utilities communities. Please contact us anytime this legislative session with any questions, thoughts or concerns.

Here is to a happy, healthy and productive 2022,

Kimberly & Josh Svaty

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