



2018 Legislative & Policy Watch Weekly E-Update

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About Policy Watch E-Updates

The Legislative and Policy Watch Weekly E-Update is a project of the Kansas Rural Center.

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The Kansas Rural Center promotes the health of the land and its people through research, education and advocacy that advance an ecologically sound, economically viable, and socially just agriculture. For more information about KRC go to www.kansasruralcenter.org.



LEGISLATIVE DEADLINES

By Paul Johnson – February 2, 2018

The 2018 Kansas Legislative session started on January 8 and is closing in on the midway point when legislation has to move from one chamber to the other. The midway point is February 22 so there are two weeks left to hold committee hearings, pass bills from committee, hold debate on the House or Senate floor, and move to a final vote. The scramble is now on to select the essential legislation that deserves passage. Being an election year, the default position for this Legislature is to avoid controversy if possible. The heavy lifting of solving school finance and balancing the State budget will get pushed to the end of March or more likely into the veto session in May.

Key legislative battles start next week. On Monday, February 12, in Senate Agriculture & Natural Resources, the debate over poultry litter (labeled as the Tyson Bill) – SB 405 – begins. This bill, which changes the animal unit conversion for poultry litter, would shorten the distance for neighboring properties from 4,000 feet to 1,320 feet involving as many as 300,000 chickens. Proponents will be heard on Monday and opponents on Tuesday next week.

On Monday in Senate Utilities, the debate over net metering – SB 322 – begins. This debate will determine what rate a utility must pay for electricity generated by a solar home or a small wind system.

On Wednesday in Senate Public Health & Welfare, the debate over Medicaid expansion – SB 38 – begins again. This bill would cover 150,000 uninsured Kansans and help stabilize the finances for several small hospitals.

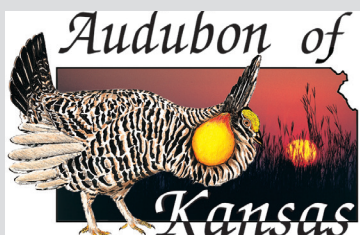
On Tuesday in Senate Ethics, Elections and Local Government, the debate begins – SB 229 – over the selection of election commissioners in the four largest counties (Johnson, Sedgwick, Shawnee and Wyandotte). Today the selection is by the Secretary of State but SB 229 gives that authority to the County Commissioners.

On Thursday in House Water and Environment, the debate begins – HB 2641 – over oil and gas drilling and seismic activity (i.e. the fracking bill). HB 2641 provides disposal limits for fluids produced from oil and gas operations to reduce induced seismic activity.

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The Kansas Natural Resource Council (KNRC) promotes environmentally responsible practices and sustainable natural resource policies to ensure the quality and abundance of these resources for future generations. For more information about our organization and programs, or how to become a member, please visit <http://www.knrc.ws/>.



Audubon of Kansas (AOK) is a statewide non-profit organization established to promote appreciation and stewardship of Kansas' natural ecosystems, with special emphasis on conservation of prairies, birds, other wildlife, and habitat. For more information about our organization and our programs, or how to become a member, please visit <http://www.audubonofkansas.org>.



Kansas Farmers Union is the state's oldest active farm organization working to protect and enhance the economic interests & quality of life for family farmers, ranchers & rural communities. For more information go to: www.kansasfarmersunion.com.

TYSON CHICKEN BATTLES

As stated above, the battle over siting distances, manure management, odor control and decreased property values begins with SB 405 and the distance of multiple chicken houses to your neighbor's home. Tyson asked the Kansas Department of Agriculture and the Kansas Department of Health & Environment (KDHE) to lessen the siting distances if Kansas wanted Tyson to come to the State.

Questions abound whether KDHE has the staff or expertise to monitor the pollution and potential run-off from tons of chicken litter? The chicken growers are responsible for any dead birds so will on farm composting become the norm and what are environmental impacts of that.

Furthermore the economics of this industry is pretty grim. Over 70% of all chicken growers are mired in poverty. Many growers never make it financially so these \$250,000/per building chicken houses are sold for cheap and Tyson will bring in outside operators.

Kansas has no regulation of odor today so neighbors just live with a lower quality of life unable to enjoy many outside activities. Thousands of truckloads of birds become the norm as counties struggle to maintain roads and public safety. Counties have lost any local planning control over these chicken operations thanks to State preemption laws. Conservatives always claim that local governmental control is the best unless the corporations – who fund our elections today – demand otherwise.

Legislation has now been introduced – SB 364, SB 365, HB 2651, HB 2652 – that gives residents a say over the zoning for large chicken processing plants. Residents would have the right to circulate a petition to demand a county vote on such rezoning for large chicken plants. The question now is whether any of these bills will be given a hearing? Increased county authority would mess with the sweetheart subsidized economic development funding deals that KDA and the Kansas Department of Commerce give away to billion dollar behemoths such as Tyson. The county residents are kept in the dark but may well be forced to fund the new roads or sewer systems for chicken plants.

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League of Women Voters of Kansas is a grassroots volunteer political organization with nine local chapters across Ks.. For nearly 100 years, LWVK has encouraged the informed and active participation of citizens in government. For more information, contact <http://lwvk.org/>.



Climate and Energy Project (CEP) is a Kansas-based non-partisan non-profit working to find practical solutions for a clean energy future. For More information go to: www.climateandenergy.org.

How to Contact Kansas Legislators

Kansas House of Representatives, http://www.kslegislature.org/li_2014/b2013_14/chamber/house/roster/.
Kansas Senate, http://www.kslegislature.org/li_2014/b2013_14/chamber/senate/roster/.

For Kansas Legislature Committees, http://kslegislature.org/li_2012/b2011_12/committees/.

To identify your legislator, click https://openstates.org/find_your_legislator/.

STATE WATER PLAN FUNDING

The Governor talks a great game over the importance of water and funding essential water programs but again there is no financial commitment. The State Water Plan (SWP) continues to decline because the State cannot afford its \$8 million share. The annual SWP budget - since 1989 - was around \$25 million but with few state funds since 2009 the SWP budget is now under \$13 million. The State's \$8 million pledge should be \$6 million from the State General Fund (SGF) and \$2 million from lottery funds. HB 2528 proposes that the entire \$8 million come from lottery funds. The lottery generates \$77 million in revenues to the State. \$50 million is pledged to economic development initiatives and building funds.

The remaining \$27 million just reverts to the SGF for funding any program. Another option for using gambling funds is the money generated by casinos. Kansas now has four casinos and 22% of casino revenues (\$393 million) comes to the State (\$86.7 million). Most of this revenue funds state bonding debt. One authorized use in statute for these funds is 'state infrastructure improvements' so SWP funding would fit.

NOXIOUS WEED LAW UPDATE

The House Agriculture Committee held one day of hearings on HB 2583, which is the noxious weed bill requested by the Kansas Department of Agriculture. This bill is similar to bills that have been filed since 2014. This bill takes the declaration of new noxious weeds away from the Legislature and gives it to the Kansas Secretary of Agriculture via rule and regulation. The bill sharply increases the fines for 'non-cooperative' landowners and gives county/State officials uncontrolled access to all private lands to look for noxious weeds.

This bill does not define 'drift' or protect landowners who want to declare their land as a 'no spray' zone. It is unclear if counties have special liability protection from 'drift damage'. Furthermore the bill does not change the existing philosophy in Kansas to 'spray first and dispute any drift damages later'.

Contact Paul Johnson at pdjohnson@centurylink.net.

KRC RELEASES PESTICIDE AND NOXIOUS WEED PAPER

The Kansas Rural Center teamed with Zack Pistora of Sierra Club to produce a white paper, "Pesticides, Noxious Weed Control and Chemical Drift Protection In Kansas." The 29-page paper is intended as an overview of current pesticide and noxious weed law in Kansas, and provides background on pesticide use, trends and emerging problems. The paper also includes recommendations for the state's noxious weed law and calls for improvements in state general pesticide law emphasizing greater emphasis on a more holistic approach to pest management, or integrated pest management, that takes into account cultural, mechanical, biological as well as chemical solutions to pest problems, and adequately addresses drift problems. [The Executive Summary can be read here](#) and the full paper is available here - <http://files.constantcontact.com/70c50107001/07c0c8fb-31e8-4c73-9187-8012da1aabb0.pdf>, or on KRC's website.

ENERGY EFFICIENCY AND NET METERING

by Dorothy Barnett, Climate + Energy Project, Contact Dorothy at barnett@climateandenergy.org.

SB 347, a bill to advance utility scale energy efficiency programs had a hearing on February 6th in Senate Utilities. Dr. Marty Kushler with ACEEE gave an overview of the benefits of energy efficiency along with examples from Michigan, a state that ranks among the highest for providing energy efficiency. Kansas is among the worst. Michigan utilities invest \$250 million dollars annually in customer programs that help save consumers \$4.35 in utility system costs for every dollar spent on energy efficiency programs.

Four organizations presented testimony in support of SB 347, including Climate + Energy Project, Kansas Interfaith Action, and Sierra Club along with written support from Building Performance Institute, E4TheFuture, Home Performance Coalition, US Green Building Council, USGBC Central Plains, Nest, KS Assoc. of Community Action Programs, KC Chapter NAACP and Metropolitan Energy Center.

The Citizen Utility Ratepayer Board (CURB) presented neutral testimony, agreeing that energy efficiency could be good for Kansans but they don't want the utility to be able to profit from those investments.

The hearing was continued on Wednesday with opponents, which included the investor owned utilities, natural gas utilities, the KCC, AFP, the Kansas Industrial Consumers and KEPCO – all who said energy efficiency was good but that the utilities should not be forced to meet certain targets and ultimately the KCC is the appropriate place to determine if programs are cost effective.

Proponents of the bill are working on language to meet some of the opponents concerns in order to find common ground and move energy efficiency forward in Kansas.

A hearing for SB 322, a bill to protect distributed generation (rooftop solar and small wind) started on 2/7 in Senate Utilities, and will continue on Monday, February 12th. Westar filed a request last week with the KCC to add demand charges to residential solar customers. From October-May, DG customers would pay an extra \$3.15 per kW and June-September \$9.45 per kW. Average customer demand in Kansas is between 5-8kW per household. This kind of charge would be the end of residential solar in Kansas.

INDUSTRIAL HEMP

by Zack Pistora, Kansas Chapter Sierra Club

On a unanimous vote on January 30th, the Senate Agricultural and Natural Resources Committee passed a bill to launch agricultural research and pilot economic development project for industrial hemp in Kansas. Senate Bill 263, named the "Alternative Crop Research Act" (Act), allows the Kansas Department of Agriculture (KDA) to license individuals, companies, and others, to grow and cultivate industrial hemp for research purposes. Growers cannot be convicted of drug felonies, and must get fingerprinted, let the Kansas Bureau of Investigation do a background check, and pay a licensing fee, should they be permitted by the KDA.

State colleges and universities can study the crop and analyze the research in coordination with willing growers. Should Senate bill 263 pass, the Kansas Department of Agriculture will be required to develop rules and regulations for the bill by the end of 2018, as well as submit a report to the legislature by the beginning of next year. Finally, as the bill is currently written, Russell County would be solely permitted to undergo a pilot program focusing on the commercialization and marketing of industrial hemp. Senate bill 263 proceeds to the full Senate for debate should Senate President, Susan Wagle, choose to allow it. The Kansas House passed their version of an industrial hemp bill last year, 103-18.

CEP LIVESTREAM FACEBOOK INTERVIEW SCHEDULE

The Climate and Energy Project (CEP) is live streaming interviews with leading Kansas Advocacy organizations whose missions include one of the WEALTH topics (Water, Energy, Air, Land, Transportation, and Health). Tune in to CEP LIVE on Facebook every week for the latest! The interviews will take place on Tuesdays at 2PM CST. See schedule below. The first three weeks are available; see links below, with more interviews to come!

CEP LIVE on Facebook Schedule

1/16/18 Dorothy Barnett, CEP; <https://www.facebook.com/CEPheartland/videos/1566576993458825/>

1/ 23/18 Zack Pistora, Sierra Club; <https://www.facebook.com/CEPheartland/videos/1573871599396031/>

1/30/18 Scot Anglemeyer, Ks. Association of Community Action Agencies; <https://www.facebook.com/CEPheartland/videos/1581837078599483/>

2/6/18 Paul Johnson, Kansas Rural Center;
<https://www.facebook.com/CEPheartland/videos/1589152247867966/>

2/13/18 Spotlight on Integrated Voter Engagement

2/20/18 Jessica Lucas, Clean Energy Business Council

2/27/18 A Visit to the Statehouse 101

3/6/18 Mitzi McFatrach, Kansas Advocates for Better Care

3/13/18 Dawn Buehler, Friends of the KAW

MARK YOUR CALENDARS FOR MARCH 15!

2018 WEALTH (Water, Energy, Air, Land, Transportation, and Health) Day of Education and Advocacy at the Capitol March 15, 2018.

RSVP - bit.ly/2018WEALTHDay

FEDERAL FARM BILL

What the Federal Budget Deal Means for Agriculture

From National Sustainable Agriculture Coalition Feb. 9, 2018

After months of negotiations, the House and Senate have finally reached a two-year budget deal to keep the government running, increase annual discretionary spending caps for defense and non-defense programs (\$300 billion), and provide disaster relief (\$89 billion). The Senate passed the bill 71-28 around 2am this morning, and the House followed shortly thereafter with a vote of 240-186. The agreement paves the way for the next critical step in the government funding process, appropriations.

The budget deal sets the parameters within which Congress can fund particular programs, but it does not dictate how much money each discretionary program will receive – the allocation of funds is left to the congressional appropriators. In a normal budgetary cycle, new appropriations bills would be passed annually before September 30, which is the end of the federal fiscal year. However, when appropriations are delayed, Congress typically passes a “Continuing Resolution” (CR), which keeps federal programs running at the previous fiscal year’s funding levels. Because there has been no overall budget deal until this week, the government has been operating under a series of CRs for the past four months, since the beginning of FY 2018. By raising the discretionary funding caps for two years, Congress has dramatically improved the odds that congressional appropriators will be able to finalize appropriations legislation for FY 2018, as well as for FY 2019 later this year.

In addition to raising spending limits, the deal includes yet another CR, the fifth since last October, extending FY 2017 funding levels through March 23. This timeline should give the Appropriations Committees time to hammer out the details of an omnibus appropriations bill that adjusts spending upward to the new budget caps.

In the sections below, we lay out some of the main takeaways from the nearly 700-page budget bill, including potential implications for the next farm bill. Click http://sustainableagriculture.net/blog/budget-analysis-2-2018/?utm_source=roundup&utm_medium=email.

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In 2018, KRC is partnering with the Kansas Natural Resource Council (KNRC), Audubon of Kansas (AOK), Kansas Farmers Union (KFU), League of Women Voters of Kansas (LWVK), and Climate and Energy Policy (CEP) to send Policy Watch to their members. We thank them for their support.

To opt out of receiving Policy Watch as a member of one of these organizations see the following.

- If you are receiving Policy Watch because you are an Audubon of Kansas member or want more information about AOK, or to be removed you need to contact Ron Klataske at ron_klataske@audubonofkansas.org.
- If a member of KNRC, contact Joanna Will at jvoigt@kansasruralcenter.org.
- If a member of KFU contact Mercedes Taylor-Puckett at kfu.mercedes@gmail.com.
- If a member LWVK , contact lww.kansas@gmail.com.

If you have any questions about Policy Watch, contact Mary Fund, editor, at mfund@kansasruralcenter.org, or contact Paul Johnson at pdjohnson@centurylink.net.

To learn more about the Kansas Rural Center, please visit our website at www.kansasruralcenter.org.

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