



# 2020 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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## CORRECTION TO KANSAS WIND ENERGY UPDATE ARTICLE

Please note the following correction to the Kansas Wind Energy Update article below:

Reno County has not adopted a moratorium on wind. In fact, a request for a permit was denied.

Residents in the area where a permit was sought by NextEra Energy successfully petitioned to require a unanimous planning commission vote to grant a permit, and the vote was 2-1 in favor, so the permit was denied.

The case is now in district court. The county planning commission may take up more stringent citing regulations this year.

## STATE WATER PLAN FUNDING STATUS

*by Paul Johnson*

Kansas continues to tread water in regards to fully funding an adequate State Water Plan (SWP). The previous Governor's Blue Ribbon Task Force recommended a funding level of \$55 million annually. Governor Kelly supports the 50 year water vision but funding continues to be a challenge. By statute, Kansas is supposed to contribute \$6 million from the State General Fund and originally \$2 million from lottery proceeds (which has now been lowered to \$800,000).

If this funding was committed along with water user fees and agricultural fees, normal SWP funding levels would be around \$25 million/ annually. In 2019, SGF & EDIF (lottery funds) amounted to \$3.25 million. In 2020, the total is \$4.5 million as well as for 2021. In terms of total SWP expenditures, it was \$13.5 million in 2019, \$19.8 million in 2020 and \$16.3 in 2021.

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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 [knrc.weebly.com](http://knrc.weebly.com).



**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](http://www.kansasfarmersunion.com).

Because the Ogallala Aquifer is declining and reservoirs are filling with sediment, a team was established to seek input from water users, compile data and produce a final report by November 2014 that was titled: The Long Term Vision for the Future of Water Supply in Kansas (Vision) that can be found today on the Kansas Water Office's website. <https://kwo.ks.gov/water-vision-water-plan/water-vision>

The Kansas Water Authority (KWA) - in coordination with the Kansas Water Office (KWO) develops an annual 'Kansas Water Plan' that continues to update the Vision. The Kansas Water Authority's new chair - Connie Owen - will present their KWA annual report to the Senate Agriculture and Natural Resources committee on January 28 at 8:30 am in Room 159-S (followed by the new President of the Kansas Development Finance Authority (Kansas' bonding agency) Rebecca Floyd reporting on the Beginning Farmer Loan Program administered by her agency.)

When you decrease SWP expenditures from \$19.8 million in 2020 to \$16.3 million in 2021, various programs have to be cut. KWA must take the lead to recommend new revenues and program expansions. In comparison to water, Kansas lawmakers prioritize highway funding and will develop a new 10-year transportation plan and funding sources will be found this year.

Future generations will question the vital importance of a water supply and why this generation hesitated for decades to plan and fund a sustainable water future? Policy Watch will report on KWA's annual report and the development of the SWP in future weeks

(Note: All committee rooms are now connected to the internet so one can listen into the hearings over the web by first going to the Kansas Legislature website: <http://www.kslegislature.org/li/> and clicking on the particular committee at their meeting time.)

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## KANSAS WIND ENERGY UPDATE

This update comes from a Kansas Power Alliance report by Kimberly Gencur Svaty to the House Energy, Utilities and Telecommunications committee. The Kansas Power Alliance has more than 35 members with interests in wind farms, purchase power agreements, and manufacturing facilities.



**League of Women Voters of Kansas** is a grassroots, volunteer, non-partisan political organization with nine local Leagues across the state. For nearly 100 years, LWVK has encouraged the informed and active participation of citizens in government and has influenced public policy through education and advocacy. The League never endorses candidates or political parties. For more information, contact [lwvk.org](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](http://www.climateandenergy.org).



**Friends of the Kaw (FOK)** works to protect and preserve the Kansas River for present and future generations. For more information go to: [www.kansasriverkeeper.org](http://www.kansasriverkeeper.org)



**Audubon of Kansas** is a statewide, non-profit organization established to

Kansas is the number 1 state in the wind energy share of electricity generation at 36.4% in 2018 followed by Iowa at 33.7%. Kansas' first operating wind farm was in Montezuma in 2001 developed by Florida Power & Light. Today there are nearly 40 operating wind farms. There are now 6,100+ megawatts (MW) of installed wind capacity with 1,200 MW under construction and 1,020 MW in advanced development.

There are more than 3,000 turbines in operation capable of powering 2 million Kansas homes. 4.7 Billion gallons of water saved annually. The cost of wind electricity has dropped from 6 cents per kilowatt hour (Kwh) to 1 cent per Kwh today.

The Kansas State Fair has signed contracts with EVERGY to be fully powered by wind. Soldier Creek (300 MW) is under construction but contracts have been signed for full power to Kansas University, Kansas State University, the city of Manhattan and USD 501 in Topeka.

Siting guidelines were established in 2005. Known as the 'Flint Hills Box', 16 counties were a moratorium area. There was an expansion in 2011 to 33 Kansas counties. With a court case favoring local control, counties now have more authority over the siting of industrial wind farms. Reno and McPherson counties have adopted moratoriums.

**CORRECTION: Reno County has not adopted a moratorium on wind. In fact, a request for one was denied. Residents in the area where a permit was sought by NextEra Energy, however, successfully petitioned to require a unanimous planning commission vote to grant a permit, and the vote was 2-1 in favor, so the permit was denied. The case is now in district court.**

**The county planning commission may take up more stringent citing regulations this year.**

The Grain Belt Express is a 'direct current' high voltage transmission line from Spearville, Ks through north central and northeast Kansas on to Indiana that will transmit 4,000 MW's of wind electricity to the east coast. Siting challenges in Missouri are still stalling the project. These large wind turbines and electrical distribution systems have over 25,000 parts with 80% of these parts now made in the U.S.

There are still challenges with older outdated windmill blades and how to recycle. Original wind farms were property tax

promote appreciation and stewardship of Kansas' natural ecosystems, with special emphasis on conservation of prairies, birds, other wildlife and their habitat. For more information about our organization and programs, please visit [www.audubonofkansas.org](http://www.audubonofkansas.org)

### Stay Up-to-Date

For live audio streaming, information, calendars, schedules and Bills, go to: <http://kslegislature.org/li/>

### Find Your Legislator

*Don't know your legislative district number?*  
Click [Here](#) to find your district and identify your legislator.

### Contact Your Legislator

For Kansas House 2020 members click [HERE](#).

For Kansas Senate 2020 members click [HERE](#).

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exempt for the life of the facility. Projects on line after January 1, 2017 now have a 10 year exemption. All wind farms have signed -payments in lieu of taxes (PILOT) - agreements with counties. Landowner payments in 2019 totaled around \$30 million.

Counties require a bond or escrow account to handle future decommissioning costs. Some of the older wind farms are repowering by increasing the power production on the same poles.

Kansas is part of the 14 state Southwest Power Pool (SPP) that coordinates high voltage transmission from 790 power suppliers in these states. At 2:08 am on April 21, 2019, 70% of the electrons on the SPP grid came from renewables (primarily wind). With the expansion of wind farms, Kansas will come very close to 50% of the electricity produced renewably in 2020. As battery storage exponentially expands in the near future, intermittent wind and solar electricity will gain the reliability to completely replace existing baseload coal plants.

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## LEGISLATIVE NOTES

**Control of the Legislative Agenda.** The President of the Senate and Speaker of the House totally control the legislative agenda and process. Committee chairpersons serve at the pleasure of the President and Speaker, and can be replaced for any reason as can committee members. When these leaders demand action, committees respond.

Thus - the resolutions that amend the Kansas constitution to undermine women's health - were put on the fast track with little public notice, expedited one-day hearings, and votes the following day to send Senate Concurrent Resolution 1613 and House Concurrent Resolution 5016 to floor votes next week. Other issues can wait.

Slow walking the session with fewer committee hearings and little action on bills held over from the 2019 session is the protocol along with avoiding most controversial issues in an election year.

**The future of the Docking State Office Building (DSOB) and the Kansas Health and Environmental Laboratories (KHEL) is now being fully debated.** The Kansas Department of Administration commissioned two separate contracts to provide future options for these facilities. DSOB sits nearly empty across from the Capitol after the previous administration moved most programs from the 10-story building to assorted sites across Topeka. The plan was to simply demolish DSOB - but not the connected \$100 million power plant that provides steam to the Capitol complex.

The debate has now turned to restoring the building in some form and consolidating certain state agencies at one location. The debate turns on restoring the full 10 stories at DSOB or downsizing to 3 stories and adding 3 new stories. DSOB has good bones (structural integrity) for such retrofits.

The other debate is over the Kansas Health and Environmental Laboratories (KHEL). Today, KHEL occupies a 1950's era military hospital at Forbes Field in Topeka that was renovated in the 1970's to house the Kansas Department of Health and Environment (KDHE) laboratories.

The conclusion of the facility review was that this structure is inadequate and it is not feasible to renovate. Three sites were proposed - construction near the existing site, the Kansas Neurological Institute campus in Topeka, or a stand-alone facility a couple blocks from the Capitol. The discussion has broadened to debate a combined DSOB and KHEL at 6 or 10 stories. The Joint Committee on State Building Construction will deliberate on the options starting next week and make recommendations for the full legislature. Cost is in the range of \$150 -200 million so funding options such as bonding must be resolved.

**Industrial hemp** continues to expand, thanks to state legislation and the 2018 Farm Bill passed by Congress. In 2019 in Kansas, 250 various licenses were issued by the Kansas Department of Agriculture (KDA) covering 5,700 acres in 70 counties. Since July 1, 2019 there has been a 40% increase in new planters for 2020. Since 2018, KDA and KSU have provided hemp educational programs to over 2,900 individuals.

On January 29, **Legislative Post Audit (LPA) will publicly release an audit of the Private Activity Bond (PAB's) program** in Kansas administered by the Kansas Department of Commerce. PAB's are 'federal income tax exempt' bonds - not a block grant of funds from Washington. Kansas is allocated \$316 million annually by the United States Treasury. These bonds must be used for certain federally defined projects to attain the tax exempt status. Cities and counties use these bonds as 'industrial revenue' bonds for certain prescribed projects.

The funding for the Beginning Farmer Loan Program at the Kansas Development Finance Authority comes from PAB's. Revenue mortgage bonds come from PAB's and are the funding mechanism for First Time Home Buyer Loans. LPA was requested to audit how Kansas uses its PAB's compared to other states and to audit the status of the First-Time Home Buyer Loan program. Most lawmakers have never heard of PAB's and how they are used. This audit correlates with other audits of economic development programs in Kansas.

HB 2437 to **revise Kansas food labeling law regarding "plant based foods"** was introduced this week to stop "outright deceiving labeling practices." The Kansas Livestock Association, responding to the proliferation of non-meat plant based foods now on the market, argued in support of legislation that would require packages of plant-based foods that reference an "identifiable meat term" to declare "this product does not contain meat" on the packaging, or describe the product as "imitation." Opponents argued that no one is being mis-led or deceived by current labels, so no change is needed. Read more [Here](#)

**Rural Relief.** House Republican leadership unveiled a five-bill package to provide \$50 million in rural hospitals, tax relief for high-income elderly residents, technical school scholarships and tax breaks for first-time home buyers. These are in part being touted as beginning steps to help rural Kansas. See more [Here](#)

## **CALENDARS AND SCHEDULES**

For next week's committee schedules, go to "Calendars" on the Menu at: <http://www.kslegislature.org/li/>

## **FEDERAL POLICY**

### **Roll Back of WOTUS Announced**

This week EPA Administrator Andrew Wheeler announced replacement of the Obama-era WOTUS rule. The final rule removes millions of miles of streams and roughly half the country's wetlands from protection under the Clean Water Act, which requires industries to obtain permits to discharge pollution or fill in wetlands and imposes fines for oil spills. According to Politico, this is the largest rollback since the Clean Water Act was passed in 1972, and goes much farther than simply repealing Obama administration rules.

EPA finalized the rule despite its scientific advisory board raising concerns in late December that it was "in conflict with established science ... and the objectives of the Clean Water Act." Environmental groups and Democratic states have already said they'll sue over the new rule.

Read the Union of Concerned Scientist response to the WOTUS Rule repeal: [Here](#)

## **Mark Your Calendar - WEALTH Day February 10**

**WEALTH DAY (Water, Energy, Air, Land, Transportation and Health)**

**February 10, 2020**

**STATE CAPITOL**

WEALTH Day is a collaborative effort to highlight environmental, resource, agricultural, transportation and health issues at the Statehouse. Host include: Climate + Energy Project, Kansas Rural Center, Kansas Interfaith Action, Kansas Natural Resources Council, Kansas City Chapter NAACP, Grassland Heritage Foundation, Metropolitan Energy Center, and Friends of the Kaw.

Join Kansans to learn about and advocate for critical environmental, resource, and social issues at the Kansas State Capitol Building on Monday February 10. Held at the Visitor Center Classroom and Auditorium and on the 1st and 2nd Floor rotundas of the Capitol.

- Get up-to-date on current environmental issues
- Visit the Solutions Showcase featuring leading environmental organizations
- Enjoy the local foods luncheon (\$10 donation suggested)
- Join the Interfaith Climate Prayer Vigil
- Meet with your legislators!

For more information and to register go to CEP's webpage at:

<http://www.climateandenergy.org/page.59.wealth-day>

## **Mark Your Calendar - League of Women Voters of Kansas Day of Action**

**February 13**

**at the State Capitol 8 a.m. to 5 p.m. (time tentative)**

LWVK will have a couple of hours of presentations and time to meet with state legislators about critical issues. Members are encouraged to wear white.

"Women have played a fundamental role in shaping an inclusive and active electorate. Women have powered -- and continue to power -- the vote. On the 100th birthday of the League of

Women Voters, we are keeping in line with the fact that we were born from the suffrage movement and are centering our 2020 Day of Action around the theme: Women Power the Vote. "

Stay tuned for further details.

[www.lwvk.org](http://www.lwvk.org)

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### **About Policy Watch and Sponsors**

Contributors to KRC are automatically on the Policy Watch list, if they provide an e-mail address; or you can subscribe just for the Updates for \$25. KRC will send complimentary copies to non-contributors for several issues upon request. To get information on how to support Policy Watch, click [HERE!](#)

In 2020, KRC is partnering with the Kansas Natural Resource Council (KNRC), Kansas Farmers Union (KFU), League of Women Voters of Kansas (LWVK), Climate and Energy Policy (CEP), and Friends of the KAW 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 a member of KNRC, contact Joanna Will at [jvoigt@kansasruralcenter.org](mailto:jvoigt@kansasruralcenter.org).

If a member of KFU, contact Mercedes Taylor-Puckett at [kfu.mercedes@gmail.com](mailto:kfu.mercedes@gmail.com).

If a member LWVK, contact [lww.kansas@gmail.com](mailto:lww.kansas@gmail.com).

If a member of AOK contact Ron Klataske at [ron\\_klataske@audubonofkansas.org](mailto:ron_klataske@audubonofkansas.org)

If you are on KRC's mailing list, and would like to opt out of receiving KRC Weekly Updates, please contact Joanna Voigt at [jvoigt@kansasruralcenter.org](mailto:jvoigt@kansasruralcenter.org).

**If you have any questions about Policy Watch, contact Mary Fund, editor at [mfund@kansasruralcenter.org](mailto:mfund@kansasruralcenter.org), or contact Paul Johnson at [pdjohnson@centurylink.net](mailto:pdjohnson@centurylink.net).**

**To learn more about the Kansas Rural Center, please visit our website at [www.kansasruralcenter.org](http://www.kansasruralcenter.org).**

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