KS Legislature Finalizes 4 Environmental Bills in Veto Session
One week into Veto Session, Kansas lawmakers are finishing up last-minute matters before getting to the big enchilada that is the State Budget. While little progress has been made in rectifying the some $500 million budget gap, the legislature has wrapped up business on four environmental bills that concern water, carbon emissions, and energy. Today’s action to push forward the last of this year’s environmental bills means that the budget is really our final concern left. Below are the stories surrounding these four bills.

Wind Industry and “Fossil Fools” Cut Deal for 20% Voluntary Renewable Energy Goal
Today, the Kansas House of Representatives voted to approve a “compromise” on the highly-contested Renewable Portfolio Standards (RPS). H Sub for SB 91 turns the 20% by year 2020 clean energy requirement on public utilities into merely a non-binding, “voluntary goal” and reduces property tax exemptions to 10 year limit, instead of a lifetime exemption, for renewable energy. The bill also alters the definition and tax bracket for renewables, classifying them as commercial entities rather than public utilities.

On Monday, The Wind Coalition, Governor Brownback, Senate and House leaders, and the “Fossil Fools” (Americans for Prosperity, Koch Industries, and the Kansas Chamber of Commerce) announced their negotiated, back-room RPS compromise in a press conference in the Governor’s Office. During questions about the deal, a reporter asked if the voluntary goal was really a goal at all - being that Kansas is above the 20% clean energy benchmark already- and the response was, “We never considered it.”

Later that afternoon, Chairman of House Energy and Environment, Dennis Hedke R-Wichita, did a “gut-&-go” on an (environmentally-positive) abandoned oil & gas well-plugging Senate bill, erasing the contents and amending in the RPS compromise language. The House committee effortlessly passed the bill on a voice vote, with mainly Democrats opposing the measure. The RPS compromise never received a public hearing in either chamber committee.

The Kansas Sierra Club expressed disappointment with the compromise and worked for an expanded goal of 25% by 2020. We said we didn’t think the deal accounted for the strong Kansan support for expanding the renewable energy mix, that the 20% goal was not an ambitious goal, and that Kansas would lag behind our neighboring states who are actively pushing ahead clean energy policy. Of all the policy options, this compromise benefits the Koch-heads more than it does Kansans.

That said, as long as the “Fossil Fools” hold up their end of the bargain (I’m not holding my breath), the renewable industry will undoubtedly continue to grow in Kansas. We have
undeniably fantastic wind and solar resources in Kansas. Contracting clean energy for utilities is quite affordable now, and the tax stability the Wind Industry negotiated for ought to continue to attract investment into our state.

It has been a long struggle in protecting the RPS in Kansas. After repeated attacks to repeal the RPS the last 4 years, we can be proud of the Kansas Sierra Club, the Kansans for Clean Energy coalition, and the Wind Coalition for holding the line as long as we did, especially against the near million dollars in campaign spending. When the political pendulum swings to more sensible leadership in state government (hopefully in 2016), we hope Kansas will “raise the roof” on renewables.

**State Agency Gets Authority to Hold Conservation Easements**
Legislators successfully sent HB 2061, dealing with conservation easements for the KS Department of Agriculture (KDA), to the Governor for final approval. The bill was necessary for “compensating mitigation” requirements by the U.S. Army Corps of Engineers to issue permits to watershed districts to build new dams. The bill would also create the Compensatory Mitigation Fund where mitigation credits would be deposited. However, the legislation specifically limits the scope of these conservation easements to only the mitigation requirements under Section 404 of the Clean Water Act.

**Lawmakers Approve Water Legislation, But Offer No Real Solution for Water Crisis**
Kansas lawmakers have sent ahead “the Mega-Water Bill” to Governor Brownback to sign into law. SB 52 combined four different water bills that flew smoothly through the Statehouse with nearly unanimous approval. The legislation allows for augmentation, basically pumping of groundwater into streams, in the Rattlesnake Creek Subbasin. Secondly, the bill makes changes to the 5 year water plans, called Multiple Year Flex Accounts (MYFA), in areas of use and to allow a water right to rollover leftover water savings into a followup MYFA. SB 52 authorizes the Chief Engineer of KDA to give due consideration of prior water conservation measures by water right holders when determining further water right curtailments. Finally, the bill amends the interest rate for Public Water Supply Storage in Class I, II, and III projects under the Multipurpose Small Lakes Act.

These measures, as sponsored by the KS Water Office and KS Dept. of Agriculture, are recommendations sent forward out of the Governor’s Water Vision. These minor policy changes do not address the larger problems of over-appropriated water rights and over-withdrawal of the Ogallala-High Plains Aquifer. With Western Kansas falling victim to a self-created water crisis, The Kansas Sierra Club encourages the legislature to get serious about curtailing water-intensive animal and crop agriculture so our future generations of Western Kansans have water.

**Legislature Likely to Pass Bill to Set Forth Process to Reduce State Carbon Emissions**
Legislators are polishing the final touches on HB 2233, an effort to detail the process by which state officials will come up with a State Implementation Plan (SIP) to reduce carbon pollution under the Clean Power Plan (CPP). Later this summer, the Environmental Protection Agency will release their final rules in the first ever national plan to reduce carbon dioxide levels contributing to the ongoing climate crisis. HB 2233 allows for the KS Dept. of Health and
Environment (KDHE) to design a state plan in collaboration with the Kansas Corporation Commission (KCC). The agencies will then submit the plan to a legislative Joint Study Committee, composed of 11 Senate and House members, to review the plan. The Joint Study Committee will help analyze the impacts of the SIP on grid reliability and its use of low-cost energy resources. The Attorney General’s Office will also examine the legal aspects of the SIP. The bill specifies that KDHE must submit its latest plan version to the EPA 4 days in advance of the final deadline.

**Members of Kansas Sierra Club Can Take Pride in Lobby Work Done this Year**

We all knew that this year was going to be an uphill battle for the environmental crowd as the Radical Republicans, tied with the corporate power of fossil fuels and industrial agriculture, held the reigns on our state government. Nonetheless, the Kansas Sierra Club and other environmental allies stepped up to meet the challenge and even offered positive legislation of our own.

This session we successfully introduced concepts to improve our State Water Plan and opposed two bills that threatened endangered Kansas wildlife policies. We introduced legislation to provide financial relief for victims of induced earthquakes from fracking operations, which helped lead to a eventual order of reduced wastewater injection in Harper and Sumner counties. We reintroduced the FRACK Act, as well as new legislation for low-interest loans for clean energy upgrades. The Kansas Sierra Club testified on a bill to help improve safety on oil trains, we testified against new taxes on renewable energy, and stepped up to publicly critique the back-door agreement on the RPS. With your participation and the help of our environmental allies, we organized the biggest Clean Energy lobby day that we’ve had since 2009.

More than ever, I am really proud of our work here at Kansas Chapter of Sierra Club. It is evident that we are a much-needed voice in the KS Statehouse. More broadly, we are a much-needed voice for Kansas. Thank you to all of you who continue to embrace the significance of our mission to explore, enjoy, and protect the planet. A special thanks to those who donate to our Kansas Chapter of Sierra Club – we really count on your financial contributions to keep our work going. If you haven’t written a check or donated on our website to “Kansas Sierra Club”, please do so right away. Your financial support, along with your participation at our group meetings, writing to legislators, and sharing your eco-friendly knowledge and lifestyles with your community, are so important. I ask you to keep up the good work, and continue to teach others, especially our youth, on how important it is to be a Sierra Club member and advocate for our environment. Thank you my eco-friends.

Expect a final report from me with analysis on the budget and my top 5 lists to be out soon!

Your proud lobbyist,

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