Committees Consider Environmental Bills this Week as Legislators Wrap Up Regular Session

With two weeks until the end of the 2016 regular session, legislators are finalizing deliberations on committee bills that deal with a number of environmental topics. This week is particularly important as it’s the last week for committees to decide which bills will advance to their chamber floors for full debate.

After ~23 environmentally-related bills were introduced early in the session, only a handful of major topics have shaken out to become our focus as we near the home-stretch. Many of the very worst bills – such as ending habitat protection for threatened and endangered wildlife and eliminating conservation easements and land-trust holdings in perpetuity – are being considered this week in the Senate Natural Resources committee. Fortunately, after reconciling with the major flaws in the legislation, lawmakers are offering significant amendments to reduce the bills’ ill-consequences. Read further to hear more details about these bills and how YOU can take action to influence legislators’ stances this week.

This week also includes our “Go Green Lobby Day” at the Statehouse on Thursday, March 17th! We invite you to join our grassroots lobbying efforts in the Capitol as we urge our legislators to support water, energy, land, and food policies as they conclude business this year. Check out our flyer later in my report.

Here is what’s happening with our bills organized by location:

**Active Legislation by Location:** (Green (+) is favorable, Red (*) we oppose, Orange is Neutral)

**Senate Natural Resources (will meet Wednesday & Thursday, 8:30am, Rm 159-S):**

- **HB 2479** – Amendments to Kansas Noxious Weed Law (Amended Significantly)
- **SB 384** – Amending the KS Nongame and Endangered Species Act*
- **SB 425** – Eliminating Conservation Easements/ Land Rights in Perpetuity*

**House Agriculture and Natural Resources (will meet Mon-Wed, 3:30pm, Rm 346-S):**

- **SB 314** – Extending the Local Food & Farm Task Force+ (Hearing Monday, 3:30pm, Rm. 346-S)
- **SB 329** – Changes in application to Multi-year Flex Accounts for Water Conservation+
- **SB 330** – Establishing the KS Conservation Reserve Enhancement Program+

**House Commerce, Labor, and Economic Development (meets all next week, 1:30pm, 346-S):**

- **SB 365** – Enacting the Contaminated Property Redevelopment Act+
- **HB 2634** – Enacting the Alternative Crop Research Act (Industrial Hemp)+

**On General Orders (i.e. bills ready for full debate and consideration from the whole chamber)**

- **House: SB 318** – Abolishing KETA & efforts on Clean Power Plan*
- **House: HB 2595** – Regulating Food and Nutrition Programming and Labelling*
- **House: SB 337** – Creating a penalty for failure to report annual water use+
- **Senate: HCR 5008** – Creating the Constitutional Right to Hunt, Fish, and Trap
Zack’s Analysis: Most bills will advance, but major amendments make bills easier to swallow

As the lawmakers review these bills listed above in committee, I expect them to make many changes to be made to lessen the negative impacts of the bills. However, legislators are likely to advance these bills to offer changes to current law if they see as helping their stump speeches during election campaigning over the summer and fall. Many of the amendments, especially on the bad bills, are in response to the arguments in our testimony and will alter the bill in our favor. For example, Senator Carolyn McGinn offered a successful amendment to add a definition of ‘chemical drift’ and give more protection to organic and sensitive crop growers from the wrongful spraying of chemical pesticides by County weed departments. Senator Marci Francisco helped keep legislative authority over the designation of Noxious Weed listing, but allowed for emergency powers by the Kansas Dept. of Agriculture Secretary.

On the Senate side, we expect SB 384 (concerning the Act on KS threatened and endangered species) to be significantly rewritten to strike many sections that ended habitat protections for species without recovery plans. I do not think SB 425, concerning conservation easements, will have any broad support to advance without serious revision. HB 2479 has a good shot at passing into law if the KS Dept. of Agriculture gives its blessing. A new bill dealing with water rights impairment, SB 491, is likely to die or be tabled in committee. Earlier this week, the Senate Natural Resources committee struck down S Sub for HB 2059, dealing with water.

On the House side, I expect the House Ag and Natural Resources Chairwoman, Rep. Sharon Schwartz, to combine a bill dealing with subtle changes to water law including SB 329 and SB 330. The House should pass non-controversial laws such as SB 365 and HB 2634 as they both offer opportunities to help spur economic gains across Kansas. Unfortunately, because many lawmakers continue to search under the cushions of state government for nickels and dimes to add to the “broken budget” kitty, I expect the bill that eliminates important planning for our renewable energy future, SB 318, to easily advance unless our House members can stand up and speak out for the benefits of renewable energy and transmission planning on the House floor. I also expect our PACE bill, HB 2649, to stall in committee unless we get a blessing from the Kansas Bankers.

Thank you for supporting our Lobbying efforts in Topeka.

Your support of the Kansas Sierra Club helps fund our Statehouse lobbying efforts in Topeka. With your financial backing, our Chapter is able to keep Zack doing the important work of advocating on behalf of us and preserving crucial Kansas policies that help our environment. He is the only lobbyist that works on all issues dealing with our environment: fracking, climate change, water, wildlife, toxic pollution, agriculture, and more.

As always, thank you for being part of our Kansas Chapter of Sierra Club, for caring about our environment, and for reading my update. Without your support, we’d be without a strong defender of environment. Thank you for contributing to Kansas Sierra Club and a better world! Please contact me if I can be of any help.

Your proud Kansas Lobbyist,

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If you haven’t donated to the KS Sierra Club recently, please do so by clicking HERE or visit our website at <www.kansas.sierraclub.org>. 
Join KS SIERRA CLUB at GO GREEN Lobby Day on Thurs, Mar 17th from 9am-4pm.

Kansas Water, Energy, Land, and Food Forum

Day of Advocacy & Education at the Capitol

Thursday, March 17th 2016 from 9:00am-4:00pm

Register by Monday, March 14th by 4:00pm for a Free Local Lunch
RSVP online: http://tinyurl.com/WELF2016

View Details & Agenda:
http://climateandenergy.org/page.50.water-energy-land-and-food-forum

People from all over Kansas will gather at the Kansas State House to learn about and advocate for water, energy, land, & food policy in Kansas. Go Green at the Capitol this St. Patrick's Day!

Let's show our state leaders we care about Kansas!
• Get up-to-date on current environmental advocacy
• Visit the Solutions Showcase
• Enjoy a Local Foods Lunch (RSVP required)
• Sample New Ideas at the Cookies & Conservation Conversation
• Meet with your legislators

Directions & Parking: http://www.kshs.org/p/kansas-state-capitol-parking/11708

Event Sponsors include: Climate + Energy Project, Kansas Rural Center, Kansas Farmer's Union, Kansas Sierra Club, King Solar, Flint Hills Renewable Energy & Energy Efficiency Cooperative, Stanion Wholesale, Friends of the Kaw, Kansas Natural Resources Council, Kansas Land Trust, Kansas Alliance for Wetlands and Streams, Kansas Green Party, The Merc Coop, Kansas City Food Circle, Cultivate KC, Lawrence Ecology Teams United in Sustainability, True Blue Women, Citizen's Climate Lobby, Kansas Interfaith Action, Sustainable Sanctuaries Coalition, Lake Region Resource Conservation & Development, and Audubon of Kansas and more...

Please call or text Zack at (785) 865-6503 if you have any questions/ trouble.

If you cannot attend: please utilize the Legislative Hotline to help our efforts that day. Call the number below this week and have the operator transfer you to your House and Senate legislators to leave a message with the lawmaker or secretary. Then, use the bill cheat-sheet to ask for the legislators’ support to our positions on the bills you care about.

Thank you!

Call the Legislative Hotline: 1-800-432-3924
Summaries of Priority Bills – For Water, Land, Energy, Food Forum at GO GREEN Lobby Day

**Bill Number:** SB 314  
**Legislative Status:** In House Committee  
**Category:** Food

*Extending the Local Food & Farm Task Force*

**Summary:** The Local Food & Farm Task Force prepares policy and funding recommendations for expanding and supporting local food systems in Kansas. This past year, task force members listened to food and farming grassroots advocates, organizations, and business leaders to learn about the complex and the unique issues and opportunities around local foods in Kansas. Kansans support the vision of better incorporating Kansas farms into the Kansas food supply chain thereby strengthening Kansas’s economy, community, environment, and health status. The Local Food & Farm Task Force helps implement this vision. Increasing production of fruits, vegetables, other marketable food products grown, raised and made in Kansas for local markets would help diversify and thereby strengthen Kansas agriculture, the Kansas economy, and access to healthful foods. The task force has been a great success in bringing together grassroots, community groups, organizations and business from all sectors of the food and farming worlds. The continuation of their work will help ensure the vision Kansans support for farm and food future in Kansas.

**Bill Number:** SB 318  
**Legislative Status:** On General Orders in House  
**Category:** Energy

*Abolishing the Kansas Electric Transmission Authority (KETA) & Clean Power Plan (CPP) efforts*

**Summary:** SB 318 abolishes KETA (1) and forbids development on the CPP (2). (1) KETA has steadily improved Kansas’ transmission infrastructure. Through active engagement in Southwest Power Pool (SPP) meetings, KETA ensures that Kansas has a robust voice in transmission planning and cost allocation decisions that benefit the entire state. The SPP Integrated Marketplace, FERC Order 1000, and the Clean Power Plan (CPP) are all important topics impacting transmission in Kansas. By abolishing KETA, Kansas not be represented at those critical meetings. (2) SB 318 forbids the development of a state Clean Power Plan, in response to the recent Supreme Court stay. A new amendment allows the Attorney General to continue working on a legal strategy and allows state agencies to respond to questions about the CPP. While CPP is on hold, it’s important for Kansas to have a plan in case the CPP regulations are reinstated.

**Bill Number:** SB 384  
**Legislative Status:** in Senate Committee  
**Category:** Land

*Amending the KS Nongame and Endangered Species Act*

**Summary:** The bill narrows protections for Kansas threatened and endangered species by altering the definition of “critical habitat.” The new alteration to law restricts protections to only its current occupied, marginalized territory, rather than the traditional consideration of its historical range and potential habitat at full population health. Such a limit restricts the KDWPT’s ability to undertake appropriate conservation measures for listed species. SB 384 also ends habitat protections for 32 species without recovery plans (only 19 of the state’s 51 designated threatened and endangered species have published recovery plans.) No occupied (critical) habitat could be designated protected until a species recovery plan is completed. Current budget and staff resources at KDWPT are not sufficient for completing additional recovery plans in a timely fashion. Confining species' protections to occupied habitats invites federal oversight. Impediments to population recovery may exacerbate population loss, triggering federal listing of the jeopardized species. The Kansas Dept. of Wildlife, Parks, and Tourism already successfully working with project developers to minimize habitat interference and avoid federal intrusion. This bill would constrain our state in doing its job, and offers no advantages to our state’s current handling of endangered wildlife management.

**Bill Number:** SB 425  
**Legislative Status:** in Senate Committee  
**Category:** Land

*Eliminating Conservation Easements/ Land Rights in Perpetuity*

**Summary:** SB 425 would drastically change the regulation of a conservation easement, which is a legal agreement that retires development rights in favor of permanent land conservation. The bill would first grant new authority powers of county commissioners to regulate conservation easements, and would limit...
conservation easements to only the lifetime of the easement grantor, not in perpetuity. When a landowner wishes to keep their legacy family farm from being developed, a conservation easement allows the ability for a third party to protect that land long after the owner is gone. The bill removes landowner’s current right to protect his or her land for future generations and gives that right to county governments. County commissioners will then decide on the terms of an easement. With no standards or guidelines for governing easements at the county level, each county may establish its own rules for instituting conservation easements. For land that may cross county boundaries, conflicting rules will put county governments at odds with each other. SB 425 will restrict a landowner’s ability to protect land that he or she has cared for, and to pass that land on to future generations of Kansans – land that provides for wildlife, open space, healthy soil, and clean water.

**Bill Number:** SB 2479  
**Legislative Status:** in Senate Committee  
**Category:** Land  
**Amendments to Kansas Noxious Weed Law**

**Summary:** The bill initially would have transferred regulatory authority of noxious weeds from the KS legislature to the Secretary of the Dept. of Agriculture and a selected weed advisory board. The Secretary shall determine any species of plant a “noxious weed” by rule and regulation. Counties can publish a list of weeds to be controlled in addition to the noxious weeds list and can search for noxious weeds at any private property. There is in no legal protection in statute today to protect landowners who post their land as “no spray” zone. The bill does not adequately protect our state’s organic and specialty crop producers or landowners who wish to establish native wildlife habitat on their property. HB 2479 has the potential to fast track noxious weed declarations without consideration for ‘best practices’ or using the least toxic chemicals first. Overuse of chemicals have already created herbicide-resistant “super-weeds” and have damaged sensitive crops and ecosystems without much recourse against counties and applicators. HB 2479 opens the door for more chemical herbicides to by counties to control noxious weeds.

**Bill Number:** HB 2595  
**Legislative Status:** On General Orders in House  
**Category:** Food  
**Regulation of nutrition labeling for food menu items in restaurants and vending machines.**

**Summary:** HB 2595 is an over reach of state government into local government entities and local food and nutrition. This bill will halt existing growth and momentum’s of food policy councils and other local initiatives that support increased access to healthy food and local food systems across Kansas. Efforts to expand local food systems including farmers markets, community gardens, hoop house production, or other community efforts that support the growth of farm to consumer food access are all at risk of mired growth and economic vitality with this bill. This bill would take away a community’s ability to adequately and appropriately address food-based health disparities and solutions tailored to their needs. It is critical that local governments have the ability to improve population health through food policy councils and other initiatives.

**Bill Number:** HB 2649  
**Legislative Status:** In House Committee  
**Category:** Energy  
**The Kansas Energy Efficiency Act (PACE financing)**

**Summary:** Passage of this legislation would enable Kansas to join the 32 other states who have established Property Assessed Clean Energy (PACE) programs. This legislation is an innovative approach to improving energy efficiency, while also reducing the cost of electricity for businesses. One of the biggest barriers to implementing energy efficiency improvements is the high up-front costs required to achieve long-term savings. PACE removes these barriers by allowing customers to repay costs back over time in the form of property assessments. PACE could stimulate interest in energy efficiency improvements statewide. PACE promotes local job growth and economic development in Kansas. This bill provides local governments the flexibility to implement legislation that maximizes the benefits of energy efficiency while minimizing the costs. PACE financing supports job growth, saves money, and promotes clean energy in Kansas. Currently the bill faces significant opposition from the Kansas Bankers Association because of the superior lien status of these loans.

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