

KANSAS LEGISLATIVE NEWS

MONDAY, JUNE 12, 2017 - KLN BY ZACK PISTORA, STATE LOBBYIST



2ND-LONGEST LEGISLATIVE SESSION ENDS WITH PASSING BUDGET & TAX VETO OVERRIDE

Lawmakers address water problems with more funding, but that's about it.

Kansas Lawmakers ended the 2017 Legislative Session after 113 days, making this session the second-longest in state history, shy of 2015's session by one day. Most everyone knew the session would go long, as major changes to school funding, taxes, and future budgets were needed, along with a significant influx of newly-elected legislators. However, in my examination, the 2017 Legislature underperformed in many areas, including making progress to help the environment.

Certainly, the Legislature did have some praise-worthy accomplishments. State lawmakers, after five years, ended the Brownback Tax Experiment and reinstated a fiscal balance of revenue and taxes for the foreseeable future. Of course, this accomplishment is huge, especially as the state's budget holds the funding for all the state's programs and services, including protecting Kansas' natural resources. The Legislature also increased state funding for Kansas schools by \$295 million over the next two years (which is better than before), yet we will see if that satisfies the Kansas Supreme Court criteria for a 'Constitutionally-adequate' amount. Finally, with regards to environmental issues, State lawmakers did dedicate an extra \$1.2 million of taxpayer money for the State Water Plan Fund to address issues like increased sedimentation and blue-green algae problems in our streams and reservoirs. With a loss of over \$50 million to the State Water Plan Fund over the past 7 years, this small piece of additional money is sorely needed.

Despite the big turnaround on the tax situation and the small achievement for water issues, the 2017 Legislature didn't do much for Kansas, nor the environment. This year's Legislature enacted the fewest amount of laws in the last five years, with no significant legislation helping our ecological standing. Lawmakers continue to sit idle while extreme weather / natural disaster events harm our homes and businesses. I'm talking about back-to-back wildfires, a late-season snow storm, and more manmade earthquakes across Kansas. I am also disappointed Kansas does not do more to safeguard our natural resources for future generations by holding industries more accountable. In 2018, we hope lawmakers will come to terms with some of these major issues: Kansas earthquakes and oil & gas's fracking-waste, increasing electricity rates, agricultural chemical use and its pollution of our rivers and streams, the lack of Kansas' fruit and vegetable production, the lack of energy transmission and storage, and irrigation's heavy consumption of water.

MAJOR STORIES ON KANSAS ENVIRONMENTAL ISSUES:

Water: We have good news on the 'water front': Kansas lawmakers passed an extra \$1.2 million for the State Water Plan Fund for FY 2018! After a dozen or so committee hearings in newly created House Water and Environment committee, the House added the supplemental funding on a floor amendment from Rep. Russ Jennings (R-Lakin) that mostly carried over after the House-Senate Conference Committee. Streambank Stabilization gets most of the money (a million of the total)

while \$100,000 each goes for Kansas river alluvial aquifer observation well network and biological research on reservoirs. Unfortunately, part of the original bargain by Rep. Jennings for increased funding this year was to lower future funding obligations from the State General Fund to the State Water Plan Fund; however, it is unclear to me right now if those stipulations also carried over after the Conference Committee. Lawmakers also increased permit fees for water use. However, lawmakers have done little to curb the near-future depletion of the Ogallala-High Plains aquifer in Western Kansas.

2017 Environmental Bills Passed & Signed into Law:

SB 46 – Managing Water Rights and Impairment Problems through Notice and Administrative Procedure

- *This bill requires any person with a valid water right or permit to divert and use water to first exhaust the administrative remedies available to the person before seeking a court-ordered injunction to stop the impairment of the person's water right by the activity of another entity without prior right to the same water. Furthermore, this bill provides notice and management plan requirements surrounding a "Water Conservation Area", which is a voluntary water-use reduction strategy for water right holders.*

Passed House 114-0, Senate 38-0

HB 2140 – Adopts the Great Plains Interstate Fire Compact to promote prevention /control of Wild Fires

- *HB 2140 authorizes the KS Governor to enter into coordination with Colorado, Nebraska, New Mexico, North Dakota, Saskatchewan, South Dakota, and Wyoming, to fight wild fires in the Great Plains.*

Passed House 124-1, Senate 40-0

HB 2312 – Establishes Administrative Appeals Process for Certain Fertilizer and Water Orders

- *The bill requires a notice and potential hearing under the Kansas Administrative Procedure Act before final action may be taken on certain fertilizer orders (i.e. custom blending of fertilizers, ammonium nitrate dealers, and fertilizer brand registration). In addition, the bill codifies current rules and regulations that allow for review of water orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.*

Passed House 121-4, Senate 38-1

H Sub for SB 60 – Extends schedule of agriculture fees on pesticides, fertilizers, dairy products, and certain dam inspection fees. *Fertilizer and pesticide applicator fees, chemigation user fees, and reporting penalties all increased, as did use and diversion fees for water rights.*

Passed House 107-11, Senate 32-7

THANK YOU FOR READING THIS KS LEGISLATIVE NEWS UPDATE:

I appreciate all your help in engaging our legislators to consider our views and your financial support for me to continue our work in the Statehouse. Your membership in Sierra Club matters! I'll be hard at work in the off-season doing strategic planning and having policy discussions with legislators and stakeholders in preparation for the 2018 session. If you have any ideas or want to lend a hand, please reach me below. As always, please contact me if I can be of any help. Thank you.

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The Sierra Club is the largest grassroots environmental organization dedicated to preserving, protecting, and enjoying our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.