KS Sierra Club is ‘Busy as a Beaver’

This Legislative Session

Environmentalists lobby lawmakers on several eco-related bills

For those who might have thought this election-year session was going to be quick and easy (so state lawmakers can transition to campaign mode), think again! Last week marked “Turnaround”, or the halfway point of the regular session in which legislation is traditionally passed from one chamber to the other. Even at this year’s halfway mark, the number of bills is outpacing last year’s total (548 bills already this year versus last year’s 682). A small, but significant fraction of these bills deals directly with environmental matters. For example, in the last 6 days of committee business, the KS Sierra Club testified on 5 occasions. A few of these matters have become high-profile too. [Story continues, page 3]

Committee forwards bill to prohibit local govts from enacting plastics laws:

Kansas Representatives will decide whether to preserve local control to reduce plastic pollution in March

“Our home on the range is getting trashed with plastic.” That was the statement I offered the House Committee on Commerce, Labor, and Economic Development when HB 2625 had its hearing on 2/20. HB 2625 would prohibit cities and counties from adopting local ordinances aimed at reducing plastic pollution like plastic bags, straws, foam, etc. through bans and fees. [Page 4]

KCC Proposal on abandoned oil & gas wells may abandon state duties to protect water

KS Sierra Club works to amend HB 2536 to safeguard existing law

The Kansas Corporation Commission, on behalf of the industry-heavy Oil and Gas Advisory Committee, offered a bill that would have provided both sweet & sour changes to Kansas law regarding the responsibility of plugging Kansas’ thousands of abandoned oil and gas wells. [Page 5]

Victory! Bill to limit KS endangered species list goes extinct

House Committee realizes state-level protections are best for rare wildlife

Threatened and endangered species caught a big break when the House Agriculture chairman let HB 2669 die in committee last week. KS Sierra Club testified that the bill would’ve had the opposite effect of its legislative intent. [Page 5]

Wealth Day sees biggest turnout yet!

Kansans convene at Statehouse to demonstrate broad support for environmental improvements

Around 400 people and 43 organizations attended WEALTH Day on February 10th at the KS Capitol [Page 6]
**ZACK’S 2020 BILL TRACKER**

[Bill number, Topic, Sierra Club Stance, Vote Count/Action taken]

**Local Control:**
HB 2625 – Prohibiting local plastic pollution laws [OPPOSE] Passed House Commerce, ‘blessed’ to avoid deadlines (still alive)
HB 2703 – Prohibiting local building codes stronger than national standards [OPPOSE] Died in Committee
HB 2461 – Prohibiting local governments from using contingent fees lawsuits (class-action) [OPPOSE] ‘blessed’ (still alive)
  - This bill will likely get amended to keep local govt. legal ability, but allow the State Attorney General time to intervene

**Land and Wildlife:**
HB 2669 – Eliminating state protections for T&E species not listed federally [OPPOSE] Died in Committee
HB 2623 – Creating a ‘pollinator-friendly habitat’ registry for solar farms [SUPPORT] Died in Committee
SB 152 – Amending law to safeguard fee funding on Class 1 and 5 Underground Injection Wells [SUPPORT] Passed Senate 35-4
SB 153 – Clarifying protocol and fines for KDHE Emergency Spill Response [NEUTRAL] Passed Senate 37-3
HB 2575 – Amending the KS Drycleaner Response Act [SUPPORT] Passed House 95-29
  - This bill allows KDHE to proactively investigate drycleaner-related contamination, increase tax assessments, and increase certain deductibles for drycleaner operators.

**Energy:**
HB 2534 – Merging the Well Plugging Assurance Fund into the Abandoned Oil & Gas Well Fund [NEUTRAL]
HB 2535 – Repealing the 1982 KCC-KDHE Agreement on Oil & Gas Operations [NEUTRAL]
HB 2536 – Amending current law to clarify liability on abandoned oil & gas wells, & create a reimbursement program [OPPOSE]
  - These 3 bills will likely be combined into one bill. KS Sierra Club is currently working to amend the bill to be favorable.

HR 6031 – Rejecting ERO 46 (State Energy Office) [OPPOSE] awaiting action in the House
ERO 46 – Creating an independent State Energy Office [SUPPORT] Rejected by House Committee, goes to full House to be decided (if no action is taken by either chamber to disapprove, ERO 46 will go into effect)

SB 431 / HB 2679 (and new bills coming soon)– Amending the Energy Efficiency Investment Act [TBD] Hearings happening soon
  - Evergy wants to bring their Energy Efficiency programs to KS. While KS Sierra Club would like to see these EE programs in KS, we want to make sure 1) customers can have on-bill financing & 2) the programs don't overpay utilities.

SB 437 / HB 2691 – Utility Asset Refinancing with Securitized Ratepayer-Backed Bonds: [SUPPORT] no hearing yet, ‘blessed’ & alive
Commercial Property Assessed Clean Energy, ‘C-PACE’ Financing (Energy & Water Savings) [SUPPORT] Informational Hearing 2/24

**Food and Farming:**
HB 2578–Sales Tax Exemption for Farm Products Sold at Farmers’ Markets [SUPPORT] No hearing yet; still alive
HB 2432 – Creating the Pesticide Recycling Program [SUPPORT] Passed House 122-0, Now in Senate Ag & NR committee
SB 300 – Prohibiting on-farm sales of raw milk [OPPOSE] Died in Committee
SB 308 – Regulation/Labeling of on-farm sales of raw milk [SUPPORT w/ amendments] Passed Senate 37-3
HB 2437 – Creating new labeling requirements for plant-based, meat substitutes [OPPOSE] Passed House Ag committee, ‘blessed’

**Transportation:**
HB 2460 – Tax Credit for Short Line Railroads [SUPPORT] Hearing 2/3; still alive in House Tax committee
  - Short line railroads are estimated to offset 545,000 trucks annually and save $23-56 million in annual road damages.

HB 2499 – Tax Credit for Electric Vehicle Charging Stations [SUPPORT] Hearing 2/11, still alive in House Tax
  - Oklahoma created a statewide electric vehicle charging infrastructure with a similar tax law to help rural communities.


HB 2577 – Authorization for counties to impose a local motor fuels tax with voter approval [SUPPORT] No hearing yet, still alive

**Climate Change:**
HCR 5022– Recognizing the Global Climate Crisis [SUPPORT] No hearing yet, but still alive in House Fed & State committee

Legislative bills can be researched at the Kansas Legislature’s website: http://www.kslegislature.org/li/b2019_20/measures/bills/
MAJOR STORIES ON KANSAS ENVIRONMENTAL ISSUES:

KS Sierra Club is ‘Busy as a Beaver’ this Legislative Session [Continued from Front Page]

The issues that have been getting the most media attention in Kansas this year involve state preemption of local government control (namely the right of local governments to reduce plastic pollution), as well as labeling of food products (raw milk and plant-based meat substitutes). Because several of the bills listed on my Bill Tracker have been ‘blessed’ and exempted from headline restrictions, I expect a busy March too. We shall see what bills will move forward, but so far, Kansas lawmakers have sided with the eco-friendly sides of policy proposals. That's probably a smart political move for legislators seeking reelection; recognizing environmental sentiment is becoming increasingly important for voters of both parties, particularly among younger voters.

Fortunately, as environmentally related matters have surfaced, so too have Sierra Club members and supporters in voicing their opinions on the bills. The level of support for environmental matters – whether its fully funding the State Water Plan Fund, advancing Kansas solar or energy efficiency, asking for climate action, or opposing preemption bills like preventing local governments from reducing plastics – has been awesome and quite valuable in persuading lawmakers to our positions. If you haven't already, please reach out by phone or email to your legislators and encourage your state Representative or Senator to vote our way (for a better Kansas). You can find out who you legislators are, as well as their contact information, by typing in your address at ksleglookup.org.

Governor’s Renewal of State Energy Office Gets Stuck in Partisan Politics

On February 11th, the House Energy, Utilities, and Telecommunications Committee voted to disapprove the Governor's reorganization of the State Energy Office, ERO 46, and send a resolution of opposition to the full House for consideration (HR 6031). ERO 46 follows the Governor's wishes to pull the State Energy Office out of the Kansas Corporation Commission and make it a stand-alone, independent office (as it was prior to 1983). Unfortunately, today's move seems to be based on partisan politics in retaliation of the Governor, rather than based on logic and good public policy.

It's clear that partisan politics (probably due to the abortion political tug-of-war between the Governor and House leadership) is why the House committee voted – without any vocal stakeholder opposition and offering no compelling reasons to disapprove ERO 46 – to block a reorganization of government that essentially makes state government work better on energy policy.

As it stands now [in the KCC], the State Energy Office is effectively neutered with less than a full-time employment employee equivalent. Realizing that the State needs a more robust effort on energy, like creating a State Energy Plan, lowering electric rates, and growing the energy economy of Kansas, the Governor’s office has decided to reinvigorate that State Energy Office to make it more like the Kansas Water Office. With current levels of federal funding that come into Kansas earmarked for the State Energy Office, it's my understanding that the State Energy Office could have up to 5 full-time employees.

ERO 46 is about making state government work more effectively on energy policy with dedicated staff and expertise it deserves. Perhaps some lawmakers do not want to see Kansas improve its energy policy and lower electric rates, but I’d say most do. This reorganization of the State Energy Office will pursue a state energy plan and proactively work on energy policy, per the advice of the London Economics report that recommended ways to lower electric rates, as hired by the Legislature last year. I am optimistic that the full House will be wise enough to reject the Committee’s disapproval of ERO 46 and realize that an independent State Energy Office will both be a much better use of government resources and be more proactive on Kansas energy policy.
MAJOR STORIES ON KANSAS ENVIRONMENTAL ISSUES: (CONT.)

**House Bill (HB 2625) to prohibit local govts from enacting plastics laws:**

[Continued from Front Page]

The Kansas Chamber of Commerce, which represents petroleum and plastics industries, and its offshoot, the Kansas Retail Council (representing Walmart, Target, and Hyvee to name a few) have warned legislators that local ordinances on plastics are driven by appetites for ‘taxation’ and that the laws will create a nightmare ‘patchwork’ of regulations across the state. First, clearly the handful of cities that are exploring ways to reduce plastic pollution are not doing so out of greed, but out of desires by constituents and leaders to be more responsible, less wasteful, and reduce litter. Cities are being democratic and diligent in engaging the community and stakeholder businesses to cooperatively address the problem. Regarding the ‘patchwork’ argument, it seems overly dramatic to me that a retail store or restaurant that deals with unique taxes, demographics, product demand and supply, market forces, etc., cannot also adapt to special community concerns regarding plastics as well. Seemingly, these big retailers have found ways to continue doing business in other states and cities that have already enacted laws on plastics.

Certainly, we’re in a bad situation with the amount of plastic trash we have in Kansas’ pastures, roadsides, farms, parks, rivers and streams, and neighborhoods. It’s even more sad to see the unbelievable amounts of plastics in the bellies of our wildlife, in our oceans, and on our coastlines, globally. Texas-sized plastic ‘garbage patches’ exist in vortex-ocean zones of our planet nowadays. Plastic kills millions of animals every year, according to National Geographic. Much of the plastic pollution started from single-use, disposable items that have been produced in the last few decades. It’s a shame and a disgrace. Something needs to be done; someone needs to take responsibility. If the State of Kansas and its retailers aren’t going to do anything anytime soon, then certainly we should allow willing communities to do what they can at the local level to make some sort of positive impact. After all, isn’t this America? Shouldn’t Kansas lawmakers respect our citizens’ rights of democracy and allow local ordinances created by the people, for the people? Just saying...

If House leadership indeed feels the need for debate on HB 2625, you can expect a vote to happen in the next 2 weeks.

**Evergy’s Carbon Reduction Goal is NOT as Good as it Sounds**

On Thursday, Jan 30th, Evergy announced a goal of achieving 80% carbon-free power by 2050. This may not sound too bad until one looks at where we are now. In 2020, compared to 2005 levels, Evergy has already reduced carbon emissions by 40% (due to smart investments in wind power and transmission). So, with 80% by 2050, Evergy is telling us it’s going to take twice as long (30 years) to reduce that same 40%? Even with clean energy technologies dropping to their lowest prices ever (lower than coal), this is the best our utility can do? Evergy doesn’t even factor in upcoming energy storage technology in their 2050 plan, which would revolutionize energy systems by giving renewables capacity-reserve capability.

While Evergy did unveil another 660 megawatts of wind power with the announcement, (which we applaud), the utility’s plan discloses the continued operation of its large fleet of coal plants until 2040-2050. We know that burning Wyoming coal is continuing to cost Kansas environmentally and economically. Between 2015-2018, Evergy’s coal plants lost $267 million dollars of Kansan ratepayer money compared to what Evergy could have acquired with cheaper power off the regional wholesale market, the Southwest Power Pool. If Evergy’s coal plants continue the next 20 years, it is estimated to cost us $847 million more.

Of course, the climate crisis requires serious changes too. Scientists are clear that we must stop burning coal by 2030 if we are going to have any chance of reducing the number of catastrophic wildfires, prolonged droughts, and flooding along our rivers from intense storms. Our current situation demands more than Evergy’s business-as-usual approach. By not planning to retire its coal plants and go with 100% clean energy by 2030, Evergy’s ‘Goal’ means Evergy is simply blowing smoke.
**MAJOR STORIES ON KANSAS ENVIRONMENTAL ISSUES: (CONT.)**

**Victory! Bill to limit KS Endangered Species List goes Extinct** *(from p.1)*

HB 2669, brought forward by Rep. Kyle Hoffman (R-Coldwater) on behalf of a constituent, would have essentially trimmed the Kansas threatened and endangered (T&E) species list to only species federally listed. The Kansas Department of Wildlife, Parks, and Tourism, KS Sierra Club, and Audubon of KS all testified at the hearing against the bill, recognizing that state managers, not federal workers, are in the best position to understand and protect our state’s rare wildlife.

Drawing upon the expertise of Elaine Giessel, our Kansas Sierra Club wildlife expert and Conservation Chair, our Sierra Club testimony stated that “current processes of identifying Kansas species at risk and using the best available science to address habitat conservation issues at the state level have been well-tested and have proven effective because our wildlife experts understand best what is going on here. KDWPT staff work effectively with landowners and municipalities to resolve problems regarding critical habitat designation and protection. Some species, not currently on the Federal list, need protection at the state level, especially at the edges of their normal ranges. Failure to do so, further restricts the range and long-term viability of the species. Protecting species at the state level helps to prevent future population decline.”

With the bill not passing the House Ag committee before Turnaround, HB 2669 basically became extinct.

**KCC Bill on Abandoned Wells May Abandon State Duties to Protect Water** *(from p.1)*

On February 13th, the House Appropriations committee heard a trio of bills aimed at streamlining and creating flexibility for the Kansas Corporation Commission (KCC) to better manage the plugging of the state’s long list of abandoned oil and gas wells (or so was said). Because Kansas has over 5,000 abandoned wells that require action, state officials and industry representatives came up with a way for landowners and operators to plug more wells faster via HB 2536; by establishing a reimbursement program. Along with the reimbursement program, the KCC aims to clarify liability for those responsible for plugging wells before the well becomes ‘abandoned.’ Both changes may have some benefit for helping expedite and expand well-plugging, which is ultimately better in preventing environmental contamination.

However, HB 2536 also does a whole bunch of what I call, ‘funny business’, by deleting words and substituting slippery language that undermines KCC’s mission to protect against pollution and potential risks created by abandoned wells. First, the KCC wanted to change its duty of ‘shall conduct an investigation’ to ‘may’. Next, the KCC wanted to reduce the scope of designating abandoned wells to wells that were already causing pollution instead of wells that could cause pollution by proposing to strike the language ‘is likely to cause pollution’. Finally, the KCC and industry wanted to eliminate a whole section of law that deems unplugged abandoned wells as threats to water supply (which they are).

Look at the stricken language to the right: See what I mean? I guess it’s not-that-funny of business when you’re talking about water.

Fortunately, the KCC, industry, committee members, and KS Sierra Club are seeking a compromise on HB 2536 that will allow the reimbursement and liability pieces of the legislation, but retain original parts of the law that define a better regulatory authority of the KCC to protect water. If all goes as planned, the House Appropriations committee will aim to work (and pass) the bill on March 5th; hopefully with these aforementioned amendments.
WEALTH DAY GETS BIGGEST TURNOUT YET!

(Excerpt from Climate + Energy Project’s 2/25 Press Release)

On February 10, 2020, WEALTH Day convened organizations, advocates, and legislators to connect on Water, Energy, Air, Land, Transportation, and Health. Over 400 Kansans and 43 organizations attended this year!

WEALTH Day attendees participated in making history at the Comprehensive Climate Hearing that brought together a bipartisan, bi-chamber committee featuring experts [from several organizations]. Discussions included the science of climate change, the impact on our agriculture, the economy, human health and environment, as well as solutions and strategies for resilience. The Climate Hearing was video recorded by Loud Light; it can be viewed online on YouTube.

Following the hearing, participants heard from Senator Tom Hawk; CEP’s Dorothy Barnett; and KS Sierra Club’s Zack Pistora at the Climate Rally.

A big THANK YOU to all those who took time to be there on WEALTH Day, including the volunteers and sponsors who helped with tabling, organizing, and donating to this great event. This event is continually meaningful in amplifying the notion that environmental issues really matter in Kansas.

Pictured right: WEALTH Day Climate Rally participants hear about the different ways to take Credit. Jerry Jost, Kansas Land Trust

Thank you for your attention and commitment to our environment:

I am at your service for accurate information, partnership, and constituent support on all issues affecting the environment. Sierra Club members/supporters: I appreciate all your help in encouraging our legislators to consider our views and stand up for our environment. Your membership in Sierra Club really makes a difference. If you have any questions at all, or if I ever can be of service, please give me a call at the phone number below.

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The Sierra Club is the oldest and largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state’s strongest grassroots voice on environmental matters for over forty years.