MEETING THE MOMENT
Kansans are reacting and working towards recovery...is their Legislature?

Robert F. Kennedy once proclaimed, “All of us might wish at times that we lived in a more tranquil world, but we don't. And if our times are difficult and perplexing, so are they challenging and filled with opportunity.”

Kennedy was speaking to the challenging times of racial inequity fifty years ago, but those words seem especially relevant right now. If you’re like me, it’s hard to wrap your head around all the tragedy, chaos, and foolishness we have witnessed together in the past year. From the unparalleled pain and loss from the COVID-19 pandemic that has taken 502,000+ American lives and at least 4,643 Kansans, to the shameful continued hate and violence against people of color, to the ugly and undemocratic attack on the U.S. Capitol, to the awful events of extreme weather disaster, and more, the level of grief and hardship (feeling low) is seemingly at an all-time high.

Unsurprisingly, many Kansans are reacting to these crises, persevering, and offering support to their neighbors and community through this most difficult time. Most Kansans are tough people. Our motto is ‘Ad Astra Per Aspera’ or ‘To the stars through difficulty’ and many of us live by that.

What is surprising is that many of our elected lawmakers are NOT embracing the moral leadership and focus we need to meet this moment.

Of the 700 bills that have been introduced and heard by committee this year, only a small fraction has anything to do with relief and recovery for everyday Kansans, nor about creating new jobs, reducing violence or racial injustice, improving health care, or tackling climate change. Instead, many leaders seem more focused on abortion, tax cuts for corporations, vouchers for private schools, sports betting, keeping cities from banning natural gas, restricting emergency powers, and so on. When most Kansans are considerately isolating themselves and wearing masks to protect others from COVID spread, there are several state lawmakers that are not. It sometimes feels like the Statehouse is an alternate universe at a time when Kansans are living a harsh reality.

That said, it’s not too late for the Kansas Legislature to change gears here. While few and far between, there are several pieces of legislation that hold promise for helping struggling Kansans. Reducing sales tax on food, increasing funds for critical social services, expanding Medicaid and health care access, lowering the cost of energy, creating green jobs, and more, can all really make a positive difference in Kansans’ lives right now.

To Kansas lawmakers: Let’s meet the moment and prioritize the policies that promise to improve lives now. To the rest of us: Let’s cheer on this dedication to overcome our current challenges. After all, true leaders will step into action during crisis; let’s ensure our elected officials do that.
OPPOSE:
SB 24 - 'Energy Choice Act' that prohibits cities from banning utility gas service [Hearing in House Energy on 3/16]
SB 172 - Creating Trespassing Crimes for Critical Infrastructure [Awaits vote in Senate]
SB 279 - Increasing Wind Setback Distances [No Hearing Scheduled]
HB 2204 - Imitation Meat Labeling [No Hearing Scheduled]
SB 22 - Corporate Tax bill [Passed Senate 24-15, No Hearing Scheduled yet on House side]

SUPPORT:
HB 2022 - Clarifying Liability for Plugging Abandoned Wells [Passed House 123-0, Awaits full Senate vote]
SB 38 - Creating the Pesticide Waste Disposal Program [Hearing in House on 2/24, Passed Senate 35-2]
HB 2103 - Creating the Pesticide Waste Disposal Program (same as SB 38); [Passed House 123-0]
SB 81 / HB 2181 - Requiring annual report of electric rates by KCC [Hearing 2/10 in Senate, 2/9 in House]
SB 101 - Approving Use of Electric-Assisted Bicycles [Hearing 2/17 in House Transportation Committee]
SB 112 / HB 2352 - Sales Tax Exemption on farm products at Farmers' Markets [No Hearing Scheduled]
SB 133 / HB 2145 - Exempting Electric Vehicle Charging from being a Utility [House vote soon, Senate Hearing 2/10]
SB 245 - Evergy’s Energy Transition Financing w/ Securitized Ratepayer-Backed Bonds [Hearing 2/18 in Senate]
HB 2091 - Providing for a refundable income tax credit for food purchases [Hearing 1/28]
HB 2291 - "Let Solar Shine Act" - Expanding Net Metering and Eliminating Fees on Solar* [No Hearing Scheduled]
HB 2310 - Creating the Healthy Soils Fund and Initiative [No Hearing Scheduled]
HB 2320 - 'CPACE' for Business Upgrades for Water & Energy Conservation, Air Filtration [No Hearing Scheduled]
HB 2321 - Requiring electric utilities to notify cities before constructing urban power lines [Awaiting House vote]
HB 2329 - Increasing penalties for violating the pipeline safety act [Awaiting House vote]
HB 2330 - Third Party Power Purchase Agreements for Solar (for Nonprofits) [No Hearing Scheduled]
HB 2381 - Creating the State Energy Plan Task Force [Awaiting House vote]

NEUTRAL or TBD:
SB 40 - Updating provisions of the Division of Conservation [Passed Senate 37-0, hearing in House 2/18]
SB 80 / HB 2180 - Changing the Transmission Delivery Charge [Hearing in House 2/11]
HB 2025 - Protecting private property from certain unauthorized surveillance [Hearing in House 2/4]
HB 2032 - Prohibiting artificial light for hunting wildlife [No Hearing Scheduled]
HB 2155 - KDHE response operations for water and soil pollutant release/spill [Passed House 85-36]
HB 2156 - Allowing on-farm retail sale of raw milk given certain labeling [No Hearing Scheduled]
HB 2172 - Modifying multi-year flex accounts [Passed House 122-0, awaits Senate Committee hearing]
HB 2117 - Adjusting income tax rate and sales tax on food and feminine hygiene products [No Hearing Scheduled]
HB 2290 - 'Carbon Tax for Universal Basic Income' - [No Hearing Scheduled]

Highlighted bills are top priority issues and/or are timely for economic relief and recovery.
* = bills written with assistance of KS Sierra Club
Kansas WEALTH Day brings together organizations, advocates, and legislators to connect on issues impacting Kansas Water, Energy, Air, Land, Transportation, and Health - Kansas WEALTH!

Join the Kansas Sierra Club and friends at Kansas WEALTH Days (a virtual event this year due to the pandemic) on March 16th, 17th, & 18th. More information to come.
MAJOR STORIES ON KANSAS ENVIRONMENTAL ISSUES:

KS SIERRA CLUB ADVOCACY FOCUSES ON RELIEF & RECOVERY
Green Jobs, Energy Savings, and Eliminating Tax on Local Food

For those that have followed my Kansas Legislative News in previous years, you may have noticed I have not included an ‘Eco-Bingo’ card of legislative options. That’s not to say there isn’t a buffet-line of pro-environment policies that couldn’t be enacted, but I felt especially compelled to prioritize legislation that would be most valuable during this time of hardship. Fortunately, there are several bills that could create much-needed green jobs and reduce household and business costs like taxes on food and energy bills. To meet the moment, the Kansas Sierra Club will prioritize policies that bring economic and social relief. More than ever, we must help our elected do all they can to improve both the human and natural environment.

GAS’ ENERGY CHOICE ACT IS BLOATED
Recent Grid Collapse in Texas Reveals Shortcomings of Natural Gas

It’s nice that the weather is warming up and that we have exited the deep freeze that was last week’s polar vortex. However, we cannot look past the devastation that many in Texas are still feeling from the damaging cold and subsequent collapse of their energy system. More insight and analysis will soon come forward about exactly all that happened, but we do know that complications with natural gas systems were a leading factor.

The failure of gas power in Texas and its price volatility even before the recent freeze – as well as its problems relating to inducing earthquakes, methane emissions, water contamination, and deadly explosions – highlights the trouble with mandating cities continue fossil gas service in the future, per SB 24, dubbed the Energy Choice Act. New technology has already made new all-electric homes cost-competitive, but the opportunity to utilize clean energy sources as a substitute for gas service can help communities be more resilient and better impact the environment. That is not to overshadow the important argument that SB 24 erodes the spirit of the Kansas Constitution to allow cities to determine the best interest for their community, especially absent a conflict with a patchwork of local regulation.

There is no problem with energy choice in Kansas. SB 24 is part of a national effort by gas companies to lock-in fossil fuel service at a fear of losing profits to more sustainable energy systems. We know fossil fuel utilities will become more expensive, particularly if environmental harms and emission prices are appropriately assigned. Kansas lawmakers should not trap Kansans into costly fossil fuel dependence if they – through their elected local leaders – opt for a different direction.

COULD KANSAS FINALLY GET A STATE ENERGY PLAN?
House Committee Advances Bill Creating Energy Plan Task Force

On Tuesday, February 23rd, the House Energy, Utilities, and Telecommunications Committee heard HB 2381, which would create a task force to develop a state energy plan. The Kansas Sierra Club joined numerous others in supporting the creation of a state energy plan, as it was one of the top recommendations from a recent legislative study by London Economics on lowering electric rates. Kansas is one of eight states that does not currently have a state energy plan, according to the National Association of State Energy Officials. Such a plan would be most beneficial as Kansas strategically adapts and guides policy to meet challenges and capitalize on opportunities with our rapidly changing energy sector. A state energy plan would make Kansas more equipped and better coordinated in advancing energy-related economic development, security, and environmental quality. HB 2381 advanced out of committee and will soon be voted upon by the full House chamber. You can read more about this hearing courtesy of the Topeka Capital-Journal.
KCC RULING A WIN FOR SOLAR AND CUSTOMERS
Regulatory Agency Rejects Discriminatory Fees for Solar AND Rate Hikes for All Customers
On Thursday, February 25th, the Kansas Corporation Commission (KCC) unanimously rejected Evergy’s proposed rate changes for residential solar customers, denying the utility’s attempt to impose a discriminatory charge on customer-owned solar as well as the utility’s proposed alternative plan to impose a $35 minimum bill for all customers (Docket No. 18-WSEE-328-RTS). The Climate + Energy Project, the Sierra Club, and Vote Solar opposed both proposed changes.

This ruling is a victory not only for clean and renewable energy in Kansas, but for all of Evergy’s customers, as they will now avoid Evergy’s unfair and unnecessary minimum bill proposal. While there is certainly more conversation and needed improvements ahead when it comes to justice for utility customers, improving the grid by expanding clean energy, and fair rates for solar, what the KCC ruled was big.

Members and supporters of the Kansas Sierra Club deserve credit for helping fund our legal efforts, as well as contributing to the popular public comment requesting fair rates for solar customers of Evergy. Over 1000 Kansans sent in supportive comments to the Kansas Corporation Commission. We have been waiting for a long time for solar customers to be treated fairly and not be penalized with extra charges. We thank the KCC for returning solar customers to regular rates and protecting all customers from a minimum bill.

However, for many Kansas solar customers, the ruling fell short of true justice as Evergy was not required to refund customers for previous bills associated with the unlawful rates. *How is a public utility allowed to keep unlawful charges for 11 months on their residential solar customers and not refund them when it’s all over?* Doesn’t sound right to me. Evergy – which makes a half billion dollars in profit every year – shouldn’t get away with thieving their solar customers. Our biggest utility should do the right thing and refund those thousands of dollars in charges immediately.

RIVERKEEPER CONFIRMED FOR KS WATER AUTHORITY CHAIR
Dawn Buehler is a great choice to lead State advisory group on water issues
Congratulations to Dawn Buehler, our Kansas Riverkeeper and Director of Friends of the Kaw. Buehler was recently confirmed by the Kansas Senate (thank you Senators) to head the Kansas Water Authority. The Kansas Water Authority was established in 1981 to provide oversight and leadership to ensure that water policies and programs address the needs of all Kansans, including approving the annual Kansas Water Plan. We wish Dawn and the Kansas Water Authority the best in their most important work.

SPILL BILL PASSES HOUSE, BUT FAILED THE SNIFF TEST FOR DEMS
KDHE Emergency Response Legislation Exempts Manure and Crop Waste From Being ‘Pollutant’
It was an unusual situation in the House last week, when Democrats objected to a bill promoted by the Governor’s administration. HB 2155, known casually as the ‘Spill Bill’, would consolidate and clarify the statutory authority for the Kansas Department of Health & Environment (KDHE) to manage The Spill Response Program and immediately react and clean up accidental spills of pollutants. According to KDHE, the bill would give clear direction on the threshold for responding to a spill release, assign responsibility, and levy fees. However, the concern for House Democrats, and understandably so, was that the bill exempts animal or crop waste or manure from being considered a ‘pollutant’ when ‘on an agricultural operation or in an agricultural facility’ and excludes ‘normal agricultural activities’ from the definition of ‘release’. Obviously, we all know that animal and crop waste can pollute water resources and we cannot blame Democrats for being on high alert and opposing this legislation’s making an exception for agriculture...
in this way. On the other hand, animal or crop waste that is responsibly applied to farmland can be a positive soil amendment and thus is not a pollutant in that respect.

Ultimately, it seemed like a lack of communication from KDHE to the House Democrat Caucus is the primary reason for explaining this unique turn of events. Admittedly, I should have done more myself to educate legislators about this environmentally related bill. Often, when KDHE is on the proponent side of a bill, I can often turn my lobbying attention to other pressing pieces of legislation, given that KDHE is our regulatory agency and full of professionals dedicated to protecting and improving the health and environment of all Kansans. Nevertheless, this was a good lesson in why it’s important to collaborate and communicate with all stakeholders and legislators throughout the political process.

In talking with KDHE after the vote, I confirmed that the Clean Water Act and Safe Drinking Water Act would still be enforceable should the animal or crop waste were to leave the farm and impair water resources. Furthermore, any abnormal agricultural events, like leaks or breaks in animal waste lagoons, would still trigger an emergency spill response. However, with the potential for negative impacts due to overapplication or oversaturation of manure or crop waste on an agricultural operation, even if done in accordance with normal activities, there may be a need to provide additional language to limit/prevent pollution from happening, versus responding after the fact.

HB 2155 passed the House 85-36 and will go to Senate Agriculture and Natural Resources Committee on or after March 10th.

THANK YOU FOR YOUR ATTENTION AND COMMITMENT TO OUR ENVIRONMENT

Legislators: I am at your service for accurate information, partnership, and constituent support on all issues affecting the environment. Please reach out to me at the contact info below if I can be of any help.

Sierra Club members/supporters: Let me thank you for your help in encouraging our legislators to consider our views and stand up for our environment. Your financial support to the Kansas Chapter directly benefits our work in the Statehouse. I appreciate each and every one of you. 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.