

HIGHLIGHTS FROM

2015 LEAGUE OF WOMEN VOTERS OF KANSAS E-REPORT # 6

February 13, 2015

Diverting Attention from the Deep Budget Hole

- SB 85 More abortion restrictions
- SB 45 Concealed carry without license
- SB 37 Enhanced Foster Care – more restrictions with higher pay
- HB 2270 Medicaid Expansion defines eligibility, work requirement and provider fees
- House Committee Debates tightening no fault divorce

Elections

- SB 171 Moving local city and school board spring elections to fall as partisan even years
Remaining local county special elections in fall of odd years; non-partisan Committee Chair Holmes limits notice of hearing; cramps testimony despite crowd interest and pushed to expand hearing another day.

Water

- Aquiduct proposed to pump water 360 miles from Missouri River to western Kansas
Estimated construction cost: 18 billion \$\$; operating cost (energy) 395 million\$/year
Legal work will add to cost (see link in report for details)

Oil and Gas

- Earthquakes associated with deep well injections of wastewater from fracking will be monitored.
- SB 124 Regarding land spreading of oil and gas waste
- SB 125 Disposal of waste containing naturally occurring radioactive isotopes to be regulated by Ks Dept Health & Environment according to levels (3) of concentration

Noxious Weed Controls

- SB 134 Regulation transferred to Agriculture Department with enforcement to be by county governments. Chemical control parameters need further definition.

Legislative Activities Next Week:

- Many more bills introduced in both chambers --- two weeks to work and pass and meet turnaround deadline (exchange of passed legislation between Chambers).

This highlight feature written by Dolores Furtado, President, League of Women Voters of Kansas.

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Paul Johnson – February 13, 2015

THE LOOMING POLICY BATTLES

The heavy lifting of deciding policy is beginning. One third of the 2015 Kansas Legislative session is over. The key bills on block granting school funding and revising income tax law have just been introduced. The Governor has signed a 2015 rescission budget bill that barely leaves the State budget with any ending balance and may be inadequate if revenues continue to fall in the next few months. The Governor's budget recommendations for 2016 and 2017 are being passed with few changes but these budgets do not have significant reductions to solve the revenue crisis. State budgets were cut 4% and now the public schools face a 1.5% cut and the universities face a 2% cut. These reductions will not reverse a \$600 million deficit. The battle has to shift to altering tax policy and increasing sin taxes significantly. The Governor's proposal (HB 2095) to float \$1.5 Billion in bonds for the Kansas Public Employee Retirement System (KPERs) so Kansas can lower its payments to KPERs passed out of a Kansas House committee on a 7 to 6 vote. A House subcommittee rejected the Governor's proposal to transfer \$280 million from the Kansas Department of Transportation to the State General Fund for 2016. The revenue scramble intensifies.

While much of the political debate over spending and taxing is going on behind closed doors with only conservative Republicans participating, the politics of diversion takes center stage at the circus. Legislation (SB 95) to further restrict abortions in Kansas is back on center stage and passed out of committee. Gun legislation (SB 45) to authorize the carrying of concealed handguns without a license has had its hearing and awaits committee action. Two House Federal and State Affairs committee days were given over to informational hearings on marriage and whether 'no-fault' divorce provisions in Kansas law should be tightened. A proposal for foster care parents - that have been married for seven years, do not smoke or drink and have a stay at home parent would be compensated at a higher rate - is being discussed in the debate over Senate Bill 37 – Enacting the Kansas foster parent's bill of rights act.

MEDICAID EXPANSION IN KANSAS

After weeks of testimony in the House Vision 2020 committee chaired by Rep. Tom Sloan, House Bill 2270 has been introduced to expand Medicaid in Kansas in as conservative manner as possible. HB 2270 gives the Secretary of the Kansas Department of Health and Environment (KDHE) the authority to levy fees on hospitals and other providers to offset Kansas' portion of the expansion cost. It allows KDHE's Secretary to institute work requirements for the estimated 140,000 – 170,000 Kansans who would become eligible for Medicaid. HB 2270 calls for data analysis of how Medicaid expansion affects the Kansas economy and the health outcomes of Kansans. Medicaid eligibility would be extended to Kansans who earn up to 138% of the federal

poverty level - \$16,105 for an individual and \$32,913 for a family of four. Now it is up to House Speaker Ray Merrick to decide whether this bill will see further action. The survival of many rural hospitals may hang in the balance.

SENATE ELECTIONS COMMITTEE CHAIRMAN DISCOURTESY

After weeks of waiting and expectation that an election bill moving spring local elections to the fall would be filed, Senator Mitch Holmes finally introduced Senate Bill 171 late last week. The bill itself was not available till last Monday and the hearing on the bill was set for last Wednesday. Those who wanted to testify had to read the bill on Monday and have written testimony to the Senate Ethics and Elections committee on Tuesday. The response was dramatic. Dozens signed up to testify. The normal procedure for a piece of legislation of such importance and passion is to schedule a day of hearings for the proponents and a day for the opponents. Senator Holmes scheduled only one day and one hour of testimony. The proponents went first and took up 55 minutes of the hour. The opponents were left with five minutes to state their concerns. Senator Holmes did give the opponents 10 more minutes but by that time all other Senators on the committee were off to other committee meetings. Several conferees from across the state were denied a chance to testify after sacrificing their time and money to come to Topeka. Senator Holmes did schedule Thursday for a second day of testimony.

SB 171 would move elections for cities and school district officials to November of even-numbered years and make the elections partisan, beginning on January 1, 2016. Other local elections, including community college trustee elections, would be defined as 'special elections' and moved to odd-numbered years, and remain non-partisan. Primaries for both elections would be held in August. SB 171 requires all school districts make 'suitable' school buildings available for polling places at the request of a county election officer. All unified school districts shall schedule an in-service training day for teachers when school is in session on the date of any primary or general election. Over 100 of the 286 school districts in Kansas passed resolutions opposing SB 171. Committee action on this bill could be taken next Wednesday or Thursday.

THE KANSAS AQUEDUCT OR 'AQUEDUCK' PROJECT?

The Kansas Water Office and the U.S. Army Corps of Engineers – Kansas City District – spent \$300,000 updating a '1982 Six State High Plains Aquifer Study'. The plan is to build a 360 mile long aqueduct from a White Cloud reservoir on the Missouri River in Doniphan County to a Utica Lake reservoir in western Kansas. This aqueduct would be a 360 mile long concrete-lined canal and have 15 pump stations required to transfer the water to Western Kansas which is 1,745 feet uphill. The electricity to run these pumps would double electrical use in Kansas and no attempt was made to determine where that energy would come from. The construction would occur over a 20 year period. Updated construction costs for this system along with interest costs would total \$18 Billion with annual energy costs at \$395 million. The very preliminary estimate of the 2014 delivered water costs is approximately \$450 per acre foot.

The legal, legislative and environmental costs were not factored into the construction and operating costs. There is not a basinwide compact, congressional allocation or U.S. Supreme Court Apportionment that full allocates the waters of the Missouri River among the states and tribes. Until this is done, Kansas cannot be guaranteed any specific percentage, flow or quantity of the Missouri River. For context, irrigation is the largest water use in Kansas, accounting for an average of 85% of reported water use between 1991 and 2011. Stream and wetland mitigation costs for a water transfer system such as this would be substantial with recent projects costs ranging from approximately half of the overall construction costs, to surpassing the total cost of the project. Identified as needing further study in the future includes a more in-depth look at the cost and willingness to pay by future users. This executive summary can be viewed here: http://kwo.org/projects_programs/Aqueduct/Rpt_Update_Exec_Summary_012715.pdf

OIL AND GAS ISSUES

Seismic activity concerning oil and gas wells along with the disposal of drilling waste water has received increased scrutiny by legislative committees. Kansas is scrambling to put seismic monitoring stations into place – primarily in south central Kansas in Harper and Sumner counties. In 2014, Kansas had 120 seismic events compared to a couple in 2013. Most experts argue that ‘horizontal drilling’ <fracking> is not the cause but rather the injection of recovered salt water from the oil wells into deep disposal wells. Last November, Harper County had a 4.2 magnitude earthquake – second strongest quake in Kansas history. The hope is that the monitoring stations can locate the quakes down to a few miles so efforts can be made to identify the most problematic injection wells.

Senate Bill 124 amends existing law to allow the land-spreading of oil and gas waste. Existing law has a July 1, 2015 sunset date. The Kansas Department of Health and Environment is confident that their rules and regulations along with the Kansas Corporation Commission will fully protect water supplies and agricultural property. So far there have been only two requests for land spreading. The primary contaminant of concern is chlorides. The vast majority of oil and gas wells dispose of the drilling waste in pits on site. There are roughly 5,000 oil and gas wells drilled annually.

Senate Bill 125 allows for the disposal of certain wastes containing low concentrations of naturally occurring radioactive materials – referred to as NORM – by below ground burial. Current law from the 1980’s prohibits all burial of low-level radioactive waste regardless of the concentration and source of the radioactive isotopes. A KDHE sampling program revealed that some oil and gas drill cuttings contained NORM at low concentrations similar to background levels found in common rocks and soils. Existing law prohibits the burial of drilling waste with NORM both in on-lease pits permitted by the KCC or in municipal solid waste landfills permitted by KDHE. With this new law, KDHE will establish - by rule and regulation - three levels of NORM. The lowest level could go to any landfill. The mid-level NORM would go to certified ‘Subtitle D’ facilities of which Kansas has 15. The high level NORM from nuclear plants or hospital waste will go out of state since Kansas does not now have such a disposal facility.

THE KANSAS NOXIOUS WEED LAW

Right now a noxious weed must be listed in statute. There are now 12 noxious weeds listed such as field bindweed, musk thistle, Johnson grass, kudzu, etc. Senate Bill 134 fundamentally changes the process by moving the declaration of noxious weeds out of statute and into an administrative process controlled the Kansas Secretary of Agriculture. An eleven member 'state noxious weed advisory council' would make recommendations to the Secretary and listing of noxious weeds would be done by rule and regulation. The board of county commissioners will have the responsibility for the enforcement of this act. Counties fund their weed control departments through fees or property taxes.

There are many concerns with this bill. The advisory committee membership needs far more diverse stakeholders. There is no statutory right for a landowner to post a 'no spray' zone. As 2-4, D is mixed with Round-Up to fight super resistant weeds, a volatile drift of this mixture can travel distances to damage grapes, cotton and home gardens. A board of county commissioners can publish a list of weeds not on the noxious weed list and have the authority to use any chemical to eradicate that plant in that county. There is no definition of chemicals or 'chemical materials' in this bill. There should be some provision for using the safest/least toxic chemical in regards to human and animal health. This bill is such fundamental change it should be sent to an interim study committee for adequate debate and deliberation.

Week of February 16-20, 2015

Senate Natural Resources on Wednesday February 18 at 8:30 am in Rm 159-S: SB 138 – Prohibiting KDHE secretary from adopting rules and regulations relating to confined feeding facilities that are more restrictive than federal law.

Senate Ethics and Elections on Wednesday February 18 at 9:30 am in Rm 142-S: Possible action on bills previously heard including Senate Bill 171.

Senate Utilities on Tuesday February 17 at 1:30 pm in Rm 548-S: Hearing on SB 151 – Electric utilities and carbon dioxide emissions. (This is requested Kansas Corporation Commission legislation to be a co-player with KDHE to develop a state implementation plan in regards to EPA's Clean Power Plan regulations.) On Thursday February 19: Hearing on SB 170 – Reliable, affordable and safe power act. (This is model legislation from the American Legislative Exchange Council <ALEC>to derail any state implementation plan in regards to EPA's Clean Power Plan regulations.)

House Appropriations on Wednesday February 18 at 9:00 am in Rm 112-N: Budget committee report on the Board of Regents and universities

House Energy and Environment on Wednesday February 18 at 9:00 am in Rm 582-N: Hearing on HB 2233 – Electric utilities and carbon dioxide emissions. (This is the same KCC bill as SB 151.)

House Agriculture and Natural Resources Budget on Wednesday February 18 at 1:30 pm in Rm 142-S: Informational hearing on the Kansas Department of Agriculture budget.

House Agriculture and Natural Resources on Monday February 16 at 3:30 pm in Rm 346-S: Possible action on HB 2609 – Allowing carryover and a change of application for place of use for multi-year flex accounts; HB 2059 – Authorizing chief engineer to allow augmentation to secure water; HB 2227 – Creating water conservation areas.

(Note: There have now been 230 Senate bills and 363 House bills filed. Many more bills have now passed out of committee so there will be more floor action in both chambers. There are two weeks left before the mid-point in the session when bills from the first chamber – unless blessed by certain committees - must be passed to the second chamber. Senate Bill 178 starts the discussion on how the valuation of agricultural land is computed and increased. For calendars for committee meetings and journals for floor action along with bill information go to <http://www.kslegislature.org/li/>)