

## **2014 LEAGUE OF WOMEN VOTERS OF KANSAS E-REPORT #2**

Paul Johnson – January 24, 2014

### **KANSAS LEGISLATIVE HAPPENINGS**

- **Slow start is filled with miscellaneous activities**

The 2014 Kansas Legislative session has started off slowly. A few bills in committees from last session have passed. There have been several informational hearings on issues such as KanCare and horizontal fracking. Senator Jay Emler from Lindsborg has been confirmed by the Senate to be a Kansas Corporation Commissioner. Jackie McClaskey has been endorsed by the Senate Agriculture committee to be the next Kansas Secretary of Agriculture. It will be a week before the Kansas Legislative Research Department can finish their analysis of the Governor's budget and budget hearings begin. This process will be different this year since the Kansas Legislature passed a two year budget last year. Campaign spending reports are now available that report what amount of fund raising has been done by lawmakers. With 50 new House members from the 2012 election, fundraising is one indication of how serious these new members are to be re-elected.

### **KANSAS CORPORATION COMMISSION & 'FRACKING' REGULATIONS**

- **Does statute allow for one Independent and two Republicans to be representative of two parties?**
- **Hydraulic Fracking Public Hearings in 2013 call for Regulations**
  - **Chemicals: type (trade secrets), use, contamination and more**
  - **Induced Earthquakes**
    - **Seismic monitoring needs to be increased**
      - **Capital cost (\$ 250,000)**
      - **Annual operating cost (\$ 100,000)**

The Kansas Corporation Commission (KCC) consists of three members appointed by the Governor and confirmed by the Kansas Senate. The KCC regulates oil & gas production, regulates electric/natural gas utilities & telecommunication companies, has regulatory oversight of motor carriers and promotes renewable energy, energy conservation and efficiency in Kansas. The new chairperson of the KCC is Shari Feist Albrecht who was

appointed by the Governor in 2012. She is an environmental lawyer who was hired by the Kansas Department of Health and Environment in 1992. At that time, she was a Republican but changed her registration to independent and has kept that status ever since. She is the first 'independent' Kansas Corporation Commissioner. By law there cannot be more than two Commissioners from one party. Jay Emler is a Republican. The third KCC member is Democrat Tom Wright. Tom's term expires in March and he will be replaced. The Governor will now be able to select another Republican.

The KCC approved regulations for hydraulic fracturing chemicals on December 2, 2013 after holding a public hearing on August 15, 2013. These Kansas Administrative Regulations (K.A.R.) are numbered 82-3-1400 – 1402. If over 350,000 gallons of 'fracking' fluid are used, the operator can report the chemical information to the KCC or to the website [www.fracfocus.org](http://www.fracfocus.org). Many operators will plead that their chemicals are trade secrets so they will report to the KCC. There are many problems with these regulations. No requirement for pre-fracturing water testing so if a spill happens there will be a baseline to assess damage. Owners of ground and surface waters should be notified 30 days prior to drilling to give them sufficient time to obtain water tests. The operator should disclose all chemicals planned for use. All operators should be required to post all chemicals on the FracFocus database, as many Kansas operators already do. The KCC should establish a 24 hour/ 7 days of the week information system for disclosing all chemicals on specific wells for emergency responders and health providers. These new regulations neither require nor allow the KCC to disclose 'trade secret' chemicals to farmers and ranchers even if their water sources for livestock or irrigation are contaminated.

The Kansas House Energy and Environment committee held an informational hearing on whether 'hydraulic fracturing' is responsible for any mini-earthquakes? There have been such reports in several other states. Kansas continues to have occasional, unpredictable, small-to-moderate natural earthquakes. The eastern half of Kansas has the greater potential. Right now, there are only two sites in the state that collect seismic activity and the one site near Manhattan is now inoperable. The simple truth is that we not collecting enough data to separate naturally occurring earthquakes versus ones caused by fracking activities. The experts testified that there is no evidence that drilling the wells with 'fracking fluids' causes earthquakes but the disposal of these fluids into deep disposal wells may cause mini-earthquakes. It would take only \$250,000 to buy the equipment for 12 seismic testing sites across the state and \$100,000 annually to operate these sites.

## STATE WATER PLANNING

- **Study on Water Use over the next 50 years underway**
  - **Report to Governor November, 2014**
- **Water Sources**
  - **Ogallala aquifer**
  - **Missouri River**
  - **Federal Reservoirs**
    - **Redford dredging \$ 31.5 million**
    - **Finance plan 15 yrs**
      - **Increase fees, lottery dollars, state general fund**
      - **Reduce funding for conservation and pollution monitoring**

The Governor has ordered the Kansas Department of Agriculture (KDA) and the Kansas Water Office (KWO) to develop a 50 year Vision for the Future of Water in Kansas and have the report completed by November. KDA and KWO have held hundreds of meetings with stakeholders in Kansas but no environmental organizations have been invited. KDA is primarily working on the water supply side of this vision to counter the declining Ogallala aquifer. Groundwater District #3 in southwestern Kansas is promoting the plan to build an aqueduct from the Missouri River to western Kansas. KDA is also considering water saving options such as growing more sorghum and cotton that require less water than corn. KWO is concentrating on the problems with federal reservoirs that are silting in and providing less storage of water for agriculture and municipalities. Two-thirds of all Kansans rely on water coming from federal reservoirs.

The first reservoir to be dredged will be John Redmond. John Redmond provides water to Westar and KCP&L for cooling the Wolfcreek Nuclear Power Plant. Close to half of storage capacity at John Redmond has silted in. The Governor has endorsed a \$31.6 million plan to dredge 3 million tons of sediment from John Redmond and stabilize the stream banks on the Neosho and Cottonwood Rivers. The funding for this 15 year plan will be bonding upfront and \$2.1 million in annual debt service to pay off these bonds. Some of this repayment will come from lottery funds and some from higher water fees paid by Westar and KCP&L.

The State Water Plan is the primary program to facilitate solutions to the state's water quality and water supply issues. Priorities include preserving the life of the Ogallala Aquifer, developing watershed restoration plans and creating regional public water supply strategies. This plan is now funded by water fees on

municipalities, fertilizer registrations, industrial water use, pesticide registrations and clean drinking water fees. By statute, there should be a \$6 million transfer from the State General Fund and a \$2 million transfer from lottery funds to the water plan. The Governor eliminated the \$6 million transfer and cut the lottery fund transfer to \$800,000 for the John Redmond project. Of the 26 separate programs for conservation and pollution monitoring, 22 were reduced by various amounts to fund the John Redmond dredging project. Overall, State Water Plan spending has declined from \$25 million in 2008 to \$15 million in 2015.

### **VOTER REGISTRATION UPDATE**

- **First time Voter Registration requires documentation of proof of U.S. citizenship**
  - **Secretary of State's Suspense List matched 7716 to birth certificates archived in Office of Vital Statistics**
  - **Department of Motor Vehicles processed 104,397 voter applications**

Kansas Secretary of State Kris Kobach testified that his office is working with the Kansas Department of Health & Environment Vital Statistics division to check birth certificates for registrants who could not complete voter registration at the Division of Motor Vehicles (DMV) when they were obtaining a driver's license. The 'suspended' registrants number 20,201 and the Secretary told the committee that 7,716 had been cleared. Eventually, Kobach believes that 83% of these registrants will be cleared. With all the problems of transmitting citizenship documents from DMV to the Secretary of State, many registrants may not know their documents did not make it until they show up at their election site. In 2013, DVM offices completed 820,925 transactions and of those 104,397 (13%) completed a voter registration application that was then sent to the Secretary of State's office. The Federal Motor Voter Act requires DVM to ask driver license applicants - including license renewals, address changes and name changes - if they would like to register to vote. Kansas law requires proof of residency but not proof of citizenship to obtain a driver's license.

### **LEGISLATIVE HEARINGS FOR JANUARY 26 TO JANUARY 31**

House Appropriations – Thursday Jan. 30 at 9 a.m. in Room 112 – N: Department of Corrections Secretary Ray Roberts

House Federal & State Affairs – Wednesday Jan. 29 at 9 a.m. in Room 346-S:  
Amendments on the Regulation of Abortions

House Energy and Environment – Thursday Jan. 30 at 9 a.m. in Room 582-N: HB 2458  
Net Metering changes

House Agriculture and Natural Resources Budget – Wednesday Jan. 29 at 1:30 p.m. in  
Room 142-S: Kansas Aqueduct Study report

House Agriculture and Natural Resources – Wednesday Jan. 29 at 3:30 p.m. in Room  
346-S: Briefing on Environment Issues and 50 year Vision for Water in Kansas

House Social Services Budget – Monday Jan. 27 at 3:30 p.m. in Room 144-S: Children's  
Initiatives Fund overview

House Taxation – Thursday Jan. 30 at 3:30 p.m. in Room 582-N: HB 2456 – Defining  
commercial and industrial machinery equipment for property tax purposes

Senate Ethics & Elections – Thursday Jan. 30 at 9:30 a.m. in Room 159-S: Hearings on  
HB 2112 – campaign finance, SB 98 – local elections, SB 156 – campaign finance, SB  
275 – elections

Senate Ways & Means – Wednesday Jan. 29 at 10:30 a.m. in Room 548-S: Department  
of Corrections budget hearing and KanCare update

Senate Utilities – Thursday Jan. 30 at 1:30 p.m. in Room 548-S: SB 280 – net metering,  
excess energy credit and fixed charge

There have been several new bills introduced in the last few days. One way to track  
these bills is to go to the 'Current Happenings' on the Kansas Legislature website. The  
bills are listed by number and title. The latest calendars are listed as well.

<http://www.kslegislature.org/li/current/>