WATER (DIS) ORGANIZATION

By Paul Johnson

Water program organization in Kansas is complex and questionably effective. Water program tasks are spread over several agencies and involve many tasks – research & data collection, water quality, water quantity, emergency management, water policy – within 16 governmental entities. Likewise, the funding sources are spread over several different sources – federal, state, county, fees, private grants. See the water organization chart both by the Kansas Legislative Research Department [HERE](#). Water policy and programs are diffuse at best and coordination is indeed a major challenge to develop a water vision for decades into the future.

The Kansas Water Authority (KWA) was established in 1981. KWA is within the Kansas Water Office and provides leadership to ensure that water policies and programs address the needs of all Kansans. It provides annual policy recommendations to the Governor and the Kansas Legislature. KWA has 13 members appointed by the Governor in consultation with various listed interest groups. A new Chair of KWA – Dawn Buehler – was confirmed by the Kansas Senate this session. There are several key ex-officio members from organizations directly involved with water issues.

KWA has a committee structure dealing with budget, public water supply and the regional advisory committees. The Regional Advisory Committees (RACs) - established for the 14 major watersheds in Kansas - were created in 2014 in conjunction with the 50 year Water Vision project. RAC participation is voluntary with the current membership shown in the power point. (The RAC’s took the place of earlier Basin Advisory Committees formed in 1981.) There is an on-going five-year State Water Plan process of public input and policy/budgetary recommendations for policymakers.

The challenges to water organization and funding a water plan are significant. Kansans take highways very seriously. Kansas has had four 10-year transportation plans with funding levels at over $1 Billion a year. This funding comes from fuel taxes, registration fees and a dedicated portion of the general sales tax. However, Kansas cannot find $25 million annually for the State Water Plan.

Over 85% of water use involves crop irrigation but there is no fee levied on irrigation water. Kansas has over appropriated groundwater use permits so the mining of the Ogallala seems inevitable. Select federal crop subsidies and crop insurance (for corn, soybeans, wheat and sorghum in Kansas) drive this intensive use of water. To this point the legislative water debate has not included the tremendous impact of these farm subsidies. With the larger farms and their bankers farming the farm bill, voluntary water conservation measures cannot quell these monetary signals. By farming constantly to these subsidies, the opportunities for more innovative crop rotations, cover crops, buffer strip protections and management intensive grazing operations are indeed limited. Soil loss and siltation problems in our federal reservoirs continue to worsen. Fundamental discussions on the impact of select crop subsidies and fully funding soil saving conservation programs are essential before a
Sustainable state water plan vision can be developed.

**WIND DEVELOPMENT BATTLES**

Senate Bill 279 – that would establish new state rules on citing commercial wind farms – had two days of spirited testimony by opponents and proponents. Kansas first commercial wind farm in Gray County came into operation in 2001. Today Kansas has 40 wind farms and 3000 turbines with four more wind farms under construction. 30 counties have wind farms while a few counties have refused wind farm installations or instituted a moratorium for a period of time. Wind developers do not have the power of eminent domain so wind contracts with landowners are voluntary.

Wind lease payments to landowners top $48 million annually. While wind farms are property tax exempt, wind developers have reached ‘payments in lieu of taxes (PILOT)’ agreements with counties. In 2020, 43% of the electricity in Kansas was generated by renewables (95% wind) making Kansas the first state to have a majority of its electricity generated renewably. As the Southwest Power Pool high voltage electric grid – that Kansas belongs to – expands to western states such as Colorado, Wyoming, New Mexico and Montana, western Kansas wind farms will have more opportunity to move clean power. Since wind power uses no water while fossil fuel plants are second in water use to irrigators in Kansas, there are substantial benefits from the water savings. **SB 279** is awaiting a committee vote.

Read more coverage on the hearings [HERE](#).

**LEGISLATIVE TIMELINE AND BUDGET**

The regular session of the 2021 Kansas Legislature is close to adjourning for the veto session that starts May 3. Next week, the Legislature will be in session on March 29, 30 and 31 before breaking till April 6 to the 9th. There is some discussion that adjournment may come by March 31 and save the April days for an extended veto session.

The Senate has passed their version of the State budget with $570 million of state funds for public education withdrawn to consider substituting federal funds instead. The Senate’s tax cut package (**SB 22**) reduces revenues by $506 million for FY 2022. The House has divided the State budget by pulling out public education funding and putting that in **HB 2119** - that also greatly expands tuition credits and educational savings accounts for private and parochial schools. It seems likely that the House will use next week for floor debate to find consensus on the two budget bills.

At that point a House/Senate conference committee of 6 members will start the process of reconciling the differences between the House and Senate budget. In past sessions, a completed State budget is passed before the break for the veto session begins. In essence, the veto session was just that— responding to any vetoes by the Governor and developing a final ‘Omnibus Bill’ that included any necessary technical revisions to legislation already passed and final budgetary fixes.

The uncertainty this year is the influx of the Coronavirus Relief Package that provides substantial federal assistance to the State. It will almost certainly take the entire month of April to sort out the options on substituting federal assistance for some state funding.

The issue of public education funding is far from settled. How much federal funding can or should be used to replace state funding for public education? How are public schools recovering from the pandemic and what supplemental funding is required? In past legislative sessions, the State budget was not passed till the veto
NOXIOUS WEED CONTROL SAGA-- PART TWO

As of March 26, Kansas Department of Agriculture’s (KDA) Noxious Weed Rules and Regulations have officially become permanent after the posting in the Kansas Register of March 11. The rules and regulations are listed on pages 320 through 323. Clarity is a problem since most of these rules refer to changes to previous regulations that are cited by number.

In regulation 4-8-44, KDA is classifying noxious weeds into three categories (A, B & C). ‘A’ weeds are not generally found in Kansas yet. ‘B’ weeds are identified in Kansas but are considered discrete and thus controllable. ‘C’ weeds are well established and exist in well established in larger or more extensive populations. There are 6 weeds listed in ‘A’, 1 in ‘B’ and 5 in ‘C’ (that are the perennial noxious weeds such as field bindweed, Johnsongrass, and sericea lespedizea). In 4-8-45 on page 322, official control plans are discussed. While control is generally approved for ‘A’ and ‘B’ weeds, eradication of the perennial noxious weeds is the goal. While biological, mechanical or cultural controls can be used in conjunction for weed control, chemical control is the one method that can be used by itself. A county weed management plan ‘may’ use integrated weed management controls for perennial noxious weeds.

The written and oral public comments have concluded for KDA. By statute, KDA is required to produce a ‘concise statement’ listing reasons for not accepting any public comments to change the regulations. There are no requirements that this statement be posted or presented to lawmakers. Most of the public comments were shortened to just one sentence. Concerns about drift were dismissed as the issue of ‘drift’ is only applicable to pesticide law not noxious weed law, KDA explained.

In 4-8-45 (a), KDA should use the most ‘current science’ for control methods. A few perennial noxious weeds have no biological or control methods listed –only chemical control - and there seems to be no plans to research other options. Bayer (owner of the former Monsanto) is preparing to payout millions in damages from ‘glyphosate’. There is no admittance of public health injuries and no plans for future public health research. As the over use of ‘glyphosate’ has generated numerous resistant weeds and now the more lethal, volatile chemicals (Dicamba – 2-4D) are used, what is the ‘current science’ on the impact of these chemicals to soil organisms and the impact on the human ‘microbiome’? Is there such research on soil health at KSU? What is the threshold for KDA to determine that a chemical has indeed become a soil or public health concern under the ‘current science’ standard? The issues of ‘drift’ and ‘chemical trespass’ and related public health will have to be debated and determined by policymakers.

FIELD NOTES

In light of the state of Georgia’s passage of voting legislation this week, perhaps a listen to U.S. Senator Warnock’s first speech before the U.S. Senate on the “For the People Act” is in order. https://www.democracynow.org/2021/3/19/raphael_warnock_first_senate_speech

Read more coverage of House "For the People Act" HERE.
The Legislative Policy Watch Update is a project of the Kansas Rural Center. KRC promotes the health of the land and its people through research, education and advocacy that advance an ecologically sound, economically viable, and socially just agriculture.

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