House Bill 2091/Senate Bill 71 would establish a new sustainable agriculture division within KDA. The Kansas Rural Center wholeheartedly supports a comprehensive division that encompasses all aspects of sustainable agriculture. Kansas Rural Center Executive Director Tom Buller’s testimony follows:

“I appreciate the opportunity to provide written testimony on HB 2091. I’m the Executive Director of the Kansas Rural Center, which has been working to build an economically viable, ecologically sound, and socially just farming and food system for Kansans for over 40 years. As one of the leading voices for sustainable agriculture in Kansas we were excited to see a bill on the agenda that would establish a division on sustainable agriculture at the Kansas Department of Agriculture. Sustainability is often thought of as a three-legged stool, that rests on developing a more just and resilient society, supporting healthy ecological systems and economic viability. Such a division could help improve soil and water quality across the state and positively impact food access, rural communities, and farm viability.

Upon reading the bill we were surprised that almost every aspect of sustainable agriculture is left out of the purview of the proposed division. Per the language of the bill the division of sustainable agriculture would have the “express purpose of dispersing grants, loans, bond guarantees and other financial and technical assistance to sustainable agriculture districts using funds obtained by grants from the federal greenhouse gas reduction fund established by 42 U.S.C. § 7434 for the construction and commissioning of renewable natural gas plants or sustainable ammonia or urea plants, or a combination of both.”

This restrictive vision for the division of sustainable agriculture has two major problems. First, renewable natural gas plants or sustainable ammonia or urea plants are far from key pieces of any program to develop truly sustainable agriculture. I think there is some debate about whether these types of plants are part of a sustainable agriculture agenda, but even if we consider them tools to support sustainable agriculture, they are a small piece of a broad set of practices to build agricultural sustainability. There are many
common ideas and practices that are central to sustainable agriculture include conservation tillage and no till systems, soil health building practices like cover cropping, diversified cropping systems, managed intensive grazing, ecological pest management, water conservation, direct marketing options and local and regional food systems (see [https://www.sare.org/resources/what-is-sustainable-agriculture/](https://www.sare.org/resources/what-is-sustainable-agriculture/) for more information). A division of sustainable agriculture should focus on helping Kansas farms adopt a wide variety of practices that can help them improve their farm profitability, while strengthening their community and conserving environmental resources. The current bill does not support that inclusive vision of sustainable agriculture.

Additionally, the limitation of the proposed division of sustainable agriculture to a narrow vision of natural gas and ammonia or urea plants funded by the Federal greenhouse gas reduction fund limits the potential for the state of Kansas to bring in additional dollars both from federal funds and private sources that could fund efforts that could support sustainable agriculture across the state. The USDA has been developing many new programs for climate smart agriculture, soil health and other priority areas that have funds that the state of Kansas could potentially leverage to build a more sustainable agricultural system. Private foundations and other funders are also interested in supporting projects around sustainable agriculture. The narrow scope of the proposed bill would limit the ability of Kansas to utilize all the resources available.

In short, the Kansas Rural Center applauds the idea of a division of sustainable agriculture at the Kansas Department of Agriculture, but that division should be able to focus on the broad concept and funding opportunities to support sustainable agriculture, rather than the very narrow focus as it is described in the HB 2091.

Thank you to members of the committee for your consideration.”

**KANSAS HOUSE WATER BILL – HOUSE BILL 2302**

**HB 2302** replaces a failed version of a Kansas House water bill from last session. At present, the State Water Plan Fund (SWPF) should get a transfer of $6 million from the State General Fund (SGF) and $2 million from lottery receipts. This new bill would replace these statutory transfers with a transfer from SGF to SWPF equivalent to 1.231% of all sales and compensating use tax collections from FY 2024 to FY 2028. Of this amount, $5 million per year would be transferred to the newly created Water Technical Assistance Fund, and at least $15 million per year would be transferred to the newly created Water Projects Grant Fund. At least $15 million per year would be used to retire water storage debt for Milford and Perry Lake. The Kansas Water Office would create rules and regulations to administer these new funds.
At the hearing on HB 2302, some 40 conferees testified in favor and 1 opposed. Basically $55 million from sales/compensating taxes would go to the SWPF along with approximately $14 million in water and agriculture fees to reach $69 million. This is the new funding target set by the Kansas Water Authority in their report to the 2023 Kansas Legislature. There are no fees per thousand gallons of water by crop irrigators even though 85% of all water used in Kansas is for crop irrigation. A nickel per thousand gallons of irrigation water would net $6 million and give irrigators a price signal (for the 5,187 farms irrigating 2.5 million acres). While $69 million is a laudable goal for the SWPF, it does not address the critical issue of buying back a meaningful quantity of the over-appropriated water rights. Now that Kansas has set aside $1 Billion in the ‘budget stabilization fund (rainy day fund)’ and plans to add more in 2024 - $500 million to $1 Billion more – a portion of that – say $100 million – should establish a ‘water rights recovery fund’ to extend the life of the Ogallala aquifer and save key watersheds such as ‘rattlesnake creek’ just above Quivira National Wildlife Refuge.

On Thursday, the Kansas House Water Committee passed HB 2302 favorably as well as HB 2271 that requires the Groundwater Management Districts (GMD’s) to report annually to the Kansas Legislature on water status. This comes on the heel of the Legislative Post Audit committee reviewing the responsibilities of GMD’s. These two bills do not mandate water conservation or set targets for sustainable use. These bills will be debated on the Kansas House floor next week.

Kansas Reflector - Kansas House Committee Advances Bills to Conserve Water in Ogallala Aquifer

KANSAS CORPORATION COMMISSIONER (KCC) SELECTION

Senate Bill 88/House Bill 2154 would scrap the current selection process for the 3 KCC commissioners – who are now appointment by the Governor with confirmation by the State Senate – and go to statewide elections for KCC commissioners. The proposal came from the Kansas Chamber of Commerce and certain large utility customers. Statewide elections would be a money chase and really an auction for the regulators who establish electric/natural gas/communication rates for all Kansas residents. At present 40 states have utility regulators that are selected by confirmation and 10 by election. New Mexico just reversed course by reinstating a confirmation process over their statewide election process.

The role of the KCC is more judicial than a partisan political process responding to one’s constituents. The KCC decides rate cases based on an evidentiary record and outside input is limited to evidence presented by the parties. In major rate cases, numerous parties (industrial, commercial, residential/small business, schools, etc.) participate. As opposed to election campaigns, utility regulators function within a different sphere in which the docket is dominated by complex engineering and economic facts on the ground. The mission of the KCC is a complex regulatory undertaking spanning engineering, finance,
FOREIGN OWNERSHIP OF AGRICULTURAL LAND

Attorney Roger McEowen presented testimony to the Kansas House Agriculture and Natural Resources on foreign ownership of land in relation to House Bill 2397 & Senate Bill 100. 14 some states forbid or limit foreign ownership of agricultural land. Each state has a different approach. There is greater interest today and Roger lists examples of proposed legislation in a few states. In 1978, The United States passed the Agricultural Investment Disclosure Act that is primarily a reporting act for the United States Department of Agriculture to keep track of foreign ownership of land.

In Kansas, the Kansas Constitution – Section 17 – states that the ‘rights of aliens’ to purchase property can be regulated by law. Kansas has an ‘anti-corporate farming’ law on the books. Roger explains the law and the exceptions allowed. Kansas has a reporting law requiring foreign corporations doing business in Kansas must file a report with the Kansas Secretary of State. No data on these reports were presented. Roger concludes his testimony with comments on HB 2397 and SB 100.

Roger McEowen’s Written Testimony

LEGISLATIVE NOTES

There have now been 267 Senate and 429 House bills filed. Next Friday – February 24 – is called ‘turnaround day’ - the half point of the regular session. Some committee will only meet next week on Monday and Tuesday for final action on bills heard before the committee. The rest of the week will be floor action in both chambers to debate bills passed from a committee and move them on to the next chamber. These bills are ‘non-exempt’ so they must pass to stay alive for the 2023 session. The floor debates next week are the clearest indication of legislative leadership priorities. With so many options to still introduce bills through the exempt committees, any serious policy priority legislative leaders want to pursue this session they can.
Kansas WEALTH Day of Advocacy and Education brings together organizations, advocates, and legislators to connect on Water, Energy, Air, Land, Transportation, and Health - Kansas WEALTH! We are excited to have our first in-person WEALTH Day at the Capitol since 2020!

Kansas Legislature Website

For Legislative Committee and Hearing Information, and how to contact your legislator, and view floor and committee remotely, go to:

http://kslegislature.org/li/current/

LEAGUE OF WOMEN VOTERS OBSERVER CALLS

During the legislative session, the League of Women Voters of Kansas (LWVK) hold weekly Friday (4 pm) zoom calls with their policy observers. The League has offered to open up these calls for interested Policy Watch readers. Cille King is the policy
coordinator for the League. You will need to email Cille @ cilleking@gmail.com to be added to the notice list. Agendas come out a day or so before the call.

Here is the link to the LWVK 2023 Legislative Priorities:

Contributors to KRC are automatically on the Policy Watch e-list, if they provide an e-mail address. KRC provides Updates to the sponsoring organizations including League of Women Voters of Kansas, Kansas Natural Resource Council, Kansas Farmers Union, Climate and Energy Project, Audubon of Kansas, and Friends of the Kaw, Jayhawk Audubon Society, who make the Updates available to their memberships.

If you are receiving KRC Policy Watch through one of these organizations and have questions, contact the organization directly.

If you wish to be removed from the KRC list, contact info@kansasruralcenter.org

For questions about Policy Watch content, contact Paul Johnson at pdjohnson@centurylink.net

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