

**LEGISLATIVE E-REPORT
LEAGUE OF WOMEN VOTERS OF KANSAS**

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VOTER IDENTIFICATION LAW

Kansas Secretary of State Kris Kobach gave an informational update on the new Voter Identification law to the Kansas Senate Ethics and Elections committee last Wednesday. The first test of the law was in Gray County for a sales tax increase for a swimming pool in Cimarron. 482 votes were cast and the turnout was almost 40%. A larger test will be in Wichita for a February 28 election. The Secretary of State has allocated just under \$300,000 for a public education media campaign. The real challenges will come with the primary election in early August and the general election on November 6.

Rules and regulations had to be developed to implement this new law. On January 3, the Kansas Legislative Joint Committee on Rules and Regulations held a hearing to review these proposed rules and regulations. This Joint Committee ended up sending Secretary Kobach a letter raising concerns and questions. The final reply back from the Secretary has not been finished. If there were major changes made to the proposed rules and regulations, these changes would have to be reviewed by the Kansas Department of Administration and the Attorney General's office. The changed rules would have to be brought back to the Joint Committee and the public would have another opportunity to comment.

On January 24, the Secretary of State did hold a public hearing on his proposed rules and regulations. The President of the League of Women Voters of Kansas Ernestine Krehbiel offered several comments. The 'free' photo ID requires a birth certificate that costs \$15 thus constituting a poll tax. (Note: Secretary Kobach told the Senate committee that the free birth certificate was supposed to start January 1, 2012 but later testimony indicated that Vital Statistics at the Kansas Department of Health & Environment was still working on the matter.) Ernestine testified that to get a birth certificate a person must show a photo ID thus a CATCH 22. On January 10 in Wichita, 10 people attempted to get the free photo ID but the workers at the Division of Motor Vehicles did not know the new rules. 8 counties in western Kansas were unaware of being required to provide free photo ID's for voting. Georgia spent over \$1 million in the first year informing voters of the change. Kansas has not done any meaningful statewide voter education. Georgia tried three times to get the voter education right.

The voter education campaign in Kansas was funded from federal dollars through the Help Americans Vote Act (HAVA). There is approximately \$8 million left in this fund with no expectation that further federal funds will be forthcoming. One primary use of these funds is to replace voting machines. The effort here is to finance voting machines that leave a paper trail. Right now there are 28 counties in Kansas that have voting machines that do not leave a paper trail. In the questions to the Secretary by the Senate committee, there was disagreement over the best way to implement the next step of requiring proof of citizenship to register to vote. Right now the citizenship requirement would start January 1, 2013 but the Secretary is pushing hard to move the date up to June 15, 2012. A number of County election officials voiced concern over the June 15 date change.

THE FUTURE OF KANSAS AGRICULTURE

Kansas Secretary of Agriculture Dale Rodman is very clear. Kansas is now open for large-scale, industrial agriculture with special emphasis to recruit swine, dairy and poultry operations. The plan is to double Kansas' agriculture over the next decade. With a world population headed for 9 billion persons by 2050 and hundreds of millions of Chinese and Indians moving into the middle class, the demand for more protein can only skyrocket. While Kansas is predominantly a beef state, the size of the cattle herd is at a 70 year low so it will take several years to rebuild. In the meantime, large confined animal feeding operations (CAFO's) for swine and dairy can be constructed in the next few years. For certain Kansas' lawmakers, the battle over saving the independent family farmer is lost and the corporate, vertically integrated model is just inevitable.

Poultry was the first agri-business to vertically integrate by corporations shortly after WW II. Today there are just a handful of poultry processors. The chicken farmer does not own the birds but is merely paid to raise the birds to a certain size for minimal returns at best. Today, 98+% of all hogs are either owned by the packers or contracted to particular packers. There is no independent, free market left. In 1980, Kansas had 13,500 hog farms while today Kansas has less than 1,500 hog farms with 310 of these farms accounting for 95% of all hog sales in Kansas. Kansas had 5,600 dairies in 1980 while today Kansas has just 420 dairies with 20 of these dairies having 65% of the 120,000 dairy cows in Kansas. In the beef industry, 70% of processed cattle are either packer owned or contracted to a certain packer. 4 beef packers now account for 80% of all processed cattle. While lawmakers praise the essential role of small businesses in job creation, corporate agriculture continues on concentrating and consolidating.

The corporate agriculture welcome wagon is on the move. HB 2502 will ease the process to allow corporate swine facilities. Present law mandates that a county must hold a referendum to allow corporate swine facilities. This bill will force voters to circulate a petition - within 60 days - to 10% of the voters in the last

general election to reverse a resolution by the County Commissioners allowing these corporate swine CAFO's. A county vote would than be scheduled. (Note: independent hog farmers or family farm corporations are not impacted by this restriction on corporate CAFO's.) HB 2502 was introduced last Monday, referred to the Kansas House Agriculture & Natural Resources committee on Tuesday, the public hearing was held on Wednesday and probably passed out of committee today – the very definition of fast tracking. A depopulated Western Kansas will be a perfect sacrifice zone given the wide-open space, low humidity, adequate groundwater and a docile, controllable 'guest worker' work force.

2012 WIND ENERGY EXPANSION IN KANSAS

2012 will be a stellar year for the expansion of large wind farms in Kansas. Installed wind energy capacity will double this year. Presently Kansas has 10 operating wind farms representing 7% of all installed electric capacity in the state. (Note: 72% of installed capacity is coal, 14% is nuclear.) Kansas has the second best wind resource in the nation primarily due to the constant wind in western Kansas. Kansas ranked 5th in the U.S. in 2010 for percentage of electricity delivered from wind. Much credit must go to former Governor Kathleen Sebelius for developing a renewable energy standard of eventually having 15% of electric power coming from renewable sources. The first wind farm was developed in Gray County in 2001 by Florida Power & Light while the latest wind farm in 2011 was developed in Elk County.

For 2012, 7 wind farms will be developed thus doubling the output from wind. There will be \$2.7 Billion in new capital investment. Kansas will be in the top 5 states of wind energy investment in 2012. The largest project called Flat Ridge 2 is in Barber, Kingman, Harper and Sumner counties and involves a \$1 billion investment. About one-third of the total wind energy production is committed to out of state markets. Kansas now has 5 wind component manufacturing plants in Hutchinson, Newton, Ottawa, Wichita and Junction City. New power lines are being constructed in western Kansas and the capacity is adequate for the proposed wind farms. Further expansion of wind farms will require more lines.

There is now a federal production tax credit for each 'kilowatthour' (kwh) of wind electricity. This credit amounts to 2.1 cents per kwh. The actual cost per kwh of new wind electricity is 5.1 cents/kwh. This tax credit ends in 2012. Right now there are no new orders for wind turbines in 2013. The wind energy association is lobbying for a one-year full renewal of this tax credit than a three-year phase out of the credit. The cost of the credit to the United States Treasury started at \$1.5 Billion and has grown to over \$4 Billion. Kansas passed a law exempting these large wind farms from paying property taxes. The wind farm owners and counties with the wind farms must develop their own fee arrangement and most agreements are not public record. The annual wind farm fee to Elk County will be

\$1 million. Today Elk County has a budget of \$2.4 million before the fee. Most of Kansas' wind farms were financed by foreign or out-of-state investors so most of the profits leave Kansas. Smaller scale 'community' wind projects that could be financed by local investors or municipalities have made little progress in Kansas although the new wind manufacturer in Newton is producing 20kW and 60kW turbines that can be used by office buildings, casino's, retailers, etc.

<http://www.kcc.state.ks.us/energy/>

(Click on Kansas Wind Farm Map under Quick Links)

WATER LEGISLATION

Senate Bill 272 voluntarily allows water right holders the option to apply for a five-year flex account from the Chief Engineer at the Kansas Department of Agriculture. For a water right holder, each county has a determined amount of groundwater that can be withdrawn annually. This new flex account would determine a five year block of water for a given water right holder so this holder could regulate their water use over this five year period. 2011 was the hottest and driest year on record in southwest Kansas. 2,200 water right holders requested special drought permits to be able to use their 2012 water appropriation in 2011. This bill develops a multi-year plan going forward.

The Upper Arkansas River Conservation Reserve Enhancement Program (CREP) is a voluntary, incentive-based program allowing producers to enroll targeted, eligible areas for 14-15 year contracts with the United States Department of Agriculture. This program permanently retires the associated state water rights on the enrolled acres, and establishes an approved land cover (typically a native grass) on the same acreage. The producer receives an upfront incentive payment from the Kansas Department of Agriculture and an annual rental payment from USDA. While 10 southwestern Kansas counties are enrolled, the primary three participating counties are Kearny, Gray and Finney totaling 11,013 acres saving 22,245 acre-feet of annual water appropriations from 95 wells. 4,370 acres have since been added after September 30, 2011 for a total of 15,535. The majority of these irrigated acres are on highly erodible sand hill soils that are unsuitable for dryland farming. The goal is to sign up 28,000 acres. For 2013 there is some uncertainty if funding can be found in the Governor's budget.

There is real concern over the future of the John Redmond reservoir. It is one of the shallowest reservoirs in Kansas and the sediment flow into this reservoir is severe. The Kansas Water Office owns the water rights in this reservoir. The primary water user is the Wolfcreek Nuclear power plant. Three proposals have been discussed. One is to build a new reservoir if a site and funding can be found. A second proposal is to start dredging John Redmond. To dredge the entire reservoir could cost \$500 million but it might be possible for Kansas to buy

one or two dredges and stabilize the sediment flow. The third and most controversial proposal is to pipe water in from the Kansas River watershed. Legislation has been introduced to develop reservoir basin districts where the water users pay fees to fund improvements and repairs to the reservoir.

FRACKING UPDATE

Legislation has been requested by the Kansas Corporation Commission and the Kansas Department of Health & Environment to allow oil and natural gas producers – who are using hydrological fracturing – the permission to dump up to 2 million gallons of sludge at the site of the well. The toxic, polluted water coming from the well would be hauled away and disposed of in deep injection wells but the toxic, radioactive mud, rock and sand could be left on site. Wonder what a severe Kansas thunderstorm could do to wash away this pollution?