



# News From The Capitol

Representative Don Hineman

January 24, 2012

## 2012 Issues Survey Now Available



As the 2012 session develops, and it is important to me that I understand what the residents of the 118th District are thinking on the important issues we will face. My 2012 Issues Survey is now available online, and I encourage response from anyone living in the 118<sup>th</sup> District (Wallace, Logan, Gove, Trego, Wichita, Lane, Ness and Rush Counties).

Go [HERE](#) to participate in the survey and make your thoughts known.

To make the survey results truly representative of the thoughts of the residents of the 118th District I need a large response. **If you have friends, family, or associates who might be interested in completing the survey and receiving the newsletter** I would appreciate you forwarding their contact information to me.

## Kansas Water Policy

Last summer Governor Brownback convened an Ogallala Water Summit in Colby to bring together several hundred interested Kansans to discuss the issues of water scarcity and water quality. Following the summit, Kansas officials from the Kansas Water Authority worked with legislators and other stakeholders to develop new initiatives to better manage this precious resource. This effort produced several bills which are now being prepared for legislative consideration and possible action.

These bills would:

1. Eliminate "use it or lose it" (abandonment of water rights) in areas that are closed to new appropriations, with groundwater as the source. This will provide encouragement to conserve rather than use water simply to be able to preserve the right.
2. Extend the Water Right Transition Assistance Program (Water TAP) beyond this year's sunset, to help retire water rights.
3. Extend the water banking program and allow for more water banks to be created.
4. Expand the options for the Multi-Year Flex Account program, to assist water users to manage water over 5-year periods. This will help those affected by the 2011 drought manage water allocations and also provide flexibility for all water right managers who may choose to use the program.

In addition, the Groundwater Management Districts, working with Senator Ostmeyer and the KDA Division of Water Resources, have designed a Local Enhanced Management Area (LEMA) tool, which would allow local water right holders to come together and agree on conservation management plans. The LEMA would be similar to the IGUCAs - Intensive Groundwater Use Control Areas - but with greater local control and flexibility.

I am pleased that the Governor's budget recommendations included an additional \$924,000 for a water right purchase program which the Governor has discussed with the Groundwater Management Districts. This program would provide for the retirement of partial water rights, which will contribute to conserving water and extending the life of the Ogallala Aquifer. This is a way to get the most water conservation for the amount of dollars available. I am also hoping this can be further maximized through partnership with federal conservation

funds. This program can be administered through the Water TAP law by the KDA Division of Conservation.

A FAQ on Governor Brownback's 2012 Water Policy is available [here](#).

## Regulatory Train Wreck

Some of the first meetings of the House Energy and Utilities Committee this month have focused on the dramatic increase in environmental regulations coming down from the U.S. Environmental Protection Agency (EPA). President Obama's appointees at the agency have been very aggressive in issuing numerous new rules and regulations to industry, often on a very short and unworkable timetable.

Here are some of the new regulations that are currently facing the Kansas energy industry:

1. Cross State Air Pollution Rule (CSAPR)
2. Electric Generating Unit Maximum Achievable Control Technology for Hazardous Air Pollutants, now referred to as Mercury Air Toxics Standards (MATS)
3. New Source Performance Standards for Greenhouse Gases (NSPS GHG)
4. Coal Combustion Residuals (CCR)
5. 2010 SO<sub>2</sub> National Ambient Air Quality Standard (SQ NAAQS)
6. Water Intake Structures at Existing Facilities Rule
7. Reciprocating Internal Combustion Engine National Emissions Standards for Hazardous Air Pollutants (RICE NESHAP)

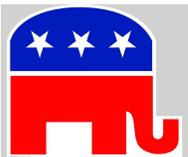
Yes, I know. Just reading the titles of the new regulations is enough to make your eyes glaze over. But rest assured that the eyes of management of Kansas' electric power suppliers are certainly **not** glazed over. They are wide open in amazement. Collectively they have testified to the Energy and Utilities Committee about the immense cost – in the billions of dollars – that these new regulations could cost them. And cost is not the only issue. The most onerous new rule is probably CSAPR, implementation of which was recently stayed by order of the D.C. District Court. If the stay is lifted, Kansas utilities will have neither the funds nor more importantly, the time, to implement the mandated changes on the schedule

required. Members of the committee were informed that this could result in **rolling blackouts** in areas of southern Kansas as early as this coming summer!

While it is possible that some of the new regulations are actually not necessary and are nothing more than regulatory overkill, it is also likely that some of them really are needed to protect the long-term health of the environment and its inhabitants. What is definitely not needed, however, is such an aggressive timetable, and the compounding effect of too many new regulations coming at the same time. It has become painfully obvious that the EPA has developed rulemaking procedures based on perceived environmental considerations alone, with **no regard** for cost or economic considerations. **That is simply wrong.**

Here is a quote from the testimony of Earnest Lehman, President and General Manager of Midwest Energy in Hays: "Never before have I seen so little concern for the economic and reliability impacts of regulation on the customer at the end of the line". Lehman went on to say "The new regulations were developed, including the implementation timing, with no regard for the impact on the overall bulk power system." It is little wonder that some have come to regard the EPA as a rogue agency that is literally out of control, and the multitude of new edicts coming from them to be nothing less than a regulatory train wreck. .

## Presidential Preference Caucus



On Saturday, March 10 the Kansas Republican Party will be conducting the Presidential Preference Caucus in about 100 locations throughout the state, including one in each county in the 118th District. Participation is open to any registered member of the Kansas Republican Party, and I encourage your attendance. No Republican candidate will have enough votes to lock up the party nomination before the primaries in other states in April, so your participation will be important! Go to the [website](#) of the Kansas GOP for more information and then click on the "Caucus: March 10" drop-down menu to learn more. Note that this will be a

good "test-run" to make sure your credentials are in order for Kansas' new voter ID law before voting in primary and general elections later this year!

## Legislative Pages Wanted

During each legislative session every legislator has the privilege of hosting young people who wish to serve as a legislative page for a day. This year I will be allowed four pages on Monday, February 4, and four more pages on Monday, March 12. Please contact me for details if you know of any junior high or high school student who would like to serve.

## Subscribe

If this newsletter has been forwarded to you by a friend, sign up [here](#) to receive your own copy of my FREE legislative newsletter.

## Quick Links

Governor Brownback's January 2012 Recommended [Budget](#)

Governor Brownback's [Tax Reform Plan](#)

Governor Brownback's [Medicaid Reform Plan](#)

KPERS Study Commission [Final Report](#)

Governor Brownback's [School Finance Reform Proposal](#)

Kansas Legislative Research [Kansas Tax Facts](#)

Kansas 2012 [Redistricting](#)

## Words to Live By

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**Cowboy Logic:** Money can't buy happiness, but neither can poverty.

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**Quote of the Week:** "You give but little when you give of your possessions. It is when you give of yourself that you truly give" – Kahlil Gibran

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**Sermon in a Sentence:** Friends listen to what you say. Best friends listen to what you don't say.

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