

# REPRESENTATIVE TOM SLOAN'S NEWSLETTER

February-March, 2008

Newsletter 2

**Legislative Schedule and Process:** The Kansas Legislature meets approximately 90 calendar days each year. To accommodate that time frame, deadlines are established. One of the more important ones involves "Turn Around" or the date by which most bills must be passed by the chamber of origination or be "dead" for the session. Last week we addressed most of the House bills, other than budgetary, that we will in 2008.

**Energy Debate (Coal vs Wind):** The primary issue of the 2008 Legislative Session continues to be related to the proposed coal-fired electric generation plants in western Kansas (HB2711/SB 327). My efforts continue to focus on raising the level of discussion to address where our state should be headed on energy policies. Many of the bills that I introduced this session are designed to ask questions like: Why can't all of the state's electric utilities build "shared" generation units instead of each wanting to build their own? Why can't we aggregate electric demand so that more wind energy can be built in Kansas? As you might expect, change is difficult for both legislators and utility companies.

The House Energy and Utilities Committee debated HB 2711/SB 327, the bill addressing the proposed coal-fired generation units in western Kansas, for 4 ½ hours. It was the most extensive debate on a bill that we have had in many years and reflected the importance of the issues involved. During that debate, I offered amendments to create the *Kansas Energy Science and Technology Commission*, comprised of scientists, engineers, and other professionals to examine how Kansas' energy policies and practices may impact global warming, how we can cost-effectively address the capture of green house gases, and how our energy policies impact public health - the Committee adopted my language.

I also successfully offered amendments that reduced the proposed restrictions on the Secretary of Health & Environment's ability to address air quality issues. Furthermore, I successfully offered an amendment that required electric generators to engage in carbon dioxide capture or mitigation using the best technological practices available. This amendment applied to existing generation units as well as new ones.

In addition to protecting the language creating a net metering procedure for small system solar generation, I also increased the rate of compensation that such generators will receive by one half. My vote also was cast in support of a renewable portfolio standard requiring utilities to have 10% of their electricity come from renewable resources by 2010 and 25% by 2025.

During debate by the full House, the House Leadership succeeded in removing the Kansas Energy Science and Technology Commission and several of my other amendments to address environmental protections. Those actions led me to vote against the bill, though 77 of my colleagues did support the measure.

**Carbon Dioxide:** The primary legal issue involved in the conflict between legislative leaders

and the Governor/Secretary Bremby is whether the Secretary had the legal authority to over-rule his professional staff's recommended approval of the Clean Air Permit application by the Sunflower Corporation on the basis of the amount of carbon dioxide that will be emitted.

There are no federal or state regulations or laws defining what are and are not acceptable emission levels. You might be interested to know that 24% of U.S. carbon dioxide emissions are from motor vehicles, 23% from coal plants, 20 % from industrial plants (including ethanol plants), 15% from residences, and 13% from commercial establishments.

Scientific testimony presented to the Committee stated that there is no way to determine the source of carbon dioxide in the air. As proponents of the legislation pointed out, the proposed western Kansas generation units will be among the lowest green house gas emission plants in the U.S., far lower than any other coal plant in Kansas except for Sunflower's existing unit; and that denying the plants will not measurably improve air quality as China is building two coal-fired electric plants per week and India is building one every two weeks. Neither China nor India is installing environmental protection equipment on their plants.

**Other Issues Related to the Proposed Power Plants:** Regardless of which side of the issue you support, there are important issues that should be considered. While media reports have focused on the projected 11 million tons of carbon dioxide that will be emitted each year from the two proposed coal-fired plants, they have not generally reported on the carbon capture technology that will be installed that will result in the production of bio-fuels. It is important to note that Westar's agreement with Secretary Bremby does not include any investment in capturing carbon dioxide and even their most efficient plant after being upgraded will not surpass the NOx, SOx, and mercury emissions of the existing Holcomb generation unit that was constructed in 1983.

The media have also generally not reported that high voltage transmission lines to move wind power west and south are dependent on construction of fossil-fuel or nuclear plants (transmission lines are not constructed solely for wind because of the intermittent nature of wind energy production). An example of this reality recently occurred in Texas when 1,700 MW of wind generation suddenly was unavailable when the wind stopped blowing. The electric system operator had to "shed load" (require large customers to get off the electric system and use back-up generation) in order to prevent a major black out.

The media have also not adequately reported that the proposed plants will have the lowest carbon footprint of any coal and many natural gas-fired plants in Kansas. They will be at least 25% cleaner (less carbon dioxide emissions per MWh) than the Lawrence Energy Center. Nor has the media reported that the two west Kansas utilities already have between 13% and 16% of their energy generated from wind resources - far higher than Westar or KCPL in eastern Kansas or that a coal-fired generation plant is under construction in Colorado and another has been approved in Missouri. Finally, it may be important to note that western Kansans currently pay 38% to 77% higher electric rates than we do in eastern Kansas.

**Conference Committee Actions and Increased "Greenness":** The Conference Committee (a bi-partisan committee of 3 House members and 3 Senators) met many times to resolve differences in the versions of the energy bills passed by both chambers. I attended all of those

discussions.

Although I was not a member of that Committee, I worked with the members to ensure that the resulting bill was as “green” as possible. To that end, a science-based energy advisory commission was restored to the bill; the renewable energy portfolio requirement was strengthened; the solar net-metering language was strengthened; incentives for energy conservation investments by citizens and utilities were strengthened; and most of the protections for the Department of Health & Environment were retained.

Because I felt honor bound to support the “green” measures that have been added or strengthened in the bill as a result of my efforts, I voted for the Conference Committee Report. The measure passed the House, but does not have sufficient votes to override the expected veto by the Governor. This has been, and will likely continue to be, a very contentious issue within our state. Whether or not the bill survives a veto by the Governor, I sincerely believe that without being tied to the coal plants there is no chance a majority of Representatives and Senators will vote to support a renewable energy portfolio, recognize renewable energy is a mitigation to carbon dioxide emitting plants, and that scientists should be engaged in helping develop a responsible state energy plan. I believe each of those energy bill components is crucial to our state’s future.

**FERC Transmission Discussion Group:** For the past five years I have organized five separate Kansas Electric Transmission Summits in Lawrence to which Kansas, regional, and national transmission operators, policy-makers, regulators, and experts have worked to develop policies that will increase the ability to develop and move wind energy to consumers in and outside Kansas. As a result of those Summits and my actions with the National Conference of State Legislatures, Council of State Governments, National Wind Coordinating Collaborative, Midwest Legislative Council, and other groups, for the second year I have been asked by a Commissioner of the Federal Energy Regulatory Commission (FERC) to organize and chair a discussion group on national electric transmission issues. This is a significant recognition of Kansas’ and my leadership on constructing a more robust regional electric transmission system to improve reliability and economic opportunities.

**Telemedicine Task Force:** You may recall from previous Newsletters that I strongly believe that the use of the Internet to monitor and deliver health care is essential as our population ages. Legislation that I introduced to require insurance companies to cover Telemedicine consultations between hospitals has resulted in some providers voluntarily agreeing to do so.

You may recall from my previous Newsletter that Insurance Commissioner Sandy Praeger and I jointly convened a meeting with key health insurance company representatives to discuss the broad issue of what telehealth and telemonitoring services can and should be covered. Sandy has used that meeting as an opportunity to create a Telemedicine Task Force to develop insurance company reimbursement policy recommendations for health care services delivered via telemedicine. Commissioner Praeger has appointed me to that Task Force as a representative of the people of Kansas, instead of representing the insurance or health care industries.

**Do Not Call List:** Congress is considering making registration on the “Do Not Call” list that telemarketers must check before making solicitation calls permanent - however, today your

registration is valid for only 5 years. If you registered your telephone number when the list was begun in 2003, you should re-register. You may do so by going online at:  
<https://www.donotcall.gov/default.aspx>

**Photo Identification:** During a Transportation Committee hearing, the Director of the Division of Motor Vehicles stated that drivers' license office staff can issue photo IDs for children. While not authorizing them to drive, the IDs can help at airport check-ins and security clearance points. The telephone number for the Lawrence Drivers' License Examiner Office is 843-9593.

**No Win Vote - Teacher Pay:** HB 2870 authorized school districts to negotiate bonuses, within teacher contracts, for math and science teachers. Those districts doing so would be eligible to receive additional state funds. Many school teachers contacted me in opposition to the bill because it discriminated against teachers of other subjects. The Kansas Department of Education reported that, as a state, we are short 700 math and science teachers and that existing recruitment and retention policies are not working.

The issue for me was to balance the discriminatory nature of the measure with the need to incent additional people to enter the math and science teaching profession to support the investments that the State is making in the bio-sciences and other technological fields. Ultimately I decided that our existing measures to recruit persons to teach math and science are not working and something else must be tried. While I voted for the bill, the House rejected it on a 59-63 vote.

**Campaign Finance Reporting:** HB 2408 requires that political committees expressly advocating the nomination, election, or defeat of a candidate to list the amount of such expenditures and the name and address of the candidate affected. An amendment was offered to require "527" Committees to report their expenditures. These groups promote or oppose an issue and encourage voters to contact their elected officials without expressly advocating the election or defeat of those officials.

Americans for Prosperity, a "527" group, contacted many Kansans encouraging them to contact their legislators to oppose limits on free speech. I do not understand how requiring the reporting of receipts and expenditures by groups who advocate that others contact elected officials restricts free speech. If someone can promote or attack a position anonymously, how can the public evaluate whether such actions are based on self-interest or the best interests of all Kansans? I also ask myself how those individuals would feel if their actions were attacked or promoted by a "secret" group of people. I believe that the traditional American sense of fair play requires all persons seeking to influence public policy-making through the media, U.S. Postal Service, and other public venues should reveal their donors and expenditures. I certainly do not view such a requirement as a violation of anyone's free speech.

I voted to include "527" groups in the reporting process, but the amendment failed 46-75. I then supported the base bill which passed 121 to 1.

**Closing Comments:** If you found the above information of interest, please share it with a friend or neighbor. If you have questions about any of the issues discussed, or another matter, please contact me. You also have an open invitation to spend time with me at the Capitol. You may also receive future Newsletters electronically, if you prefer. Just let me know your email address - [sloan@house.state.ks.us](mailto:sloan@house.state.ks.us) or 785-296-7654.

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