



CAPITOL STRATEGIES, LLC

212 SW 8TH AVENUE, SUITE 200 • TOPEKA, KANSAS 66603-3939 • (785) 233-1903 • FAX (785) 233-3518 • capitolstrategiesks.com

2017 Legislative Water Issues

Senate Bills:

- SB 46: Water Conservation Areas (WCAs)
 - o The bill amends the existing WCA statutes providing additional flexibilities. It would allow a WCA to be created in any area closed to new appropriation. It authorizes such WCAs through a management plan (instead of term permits), clarifies that WCAs must include a corrective control provision, and requires notice to neighboring landowners (1/2 mile of WCA boundary) which must include access to the full management plan and technical data/analysis of the plan (notice would direct landowners to website where all data is available).
 - o Status: *The CCR on SB 46 (includes SB 48) passed the House 114-10 on April 6, passed the Senate 38-0 on April 7, and was signed into law.*
- SB 48: Impairment Proceedings
 - o This bill requires individuals claiming impairment to first exhaust their administrative remedies through DWR before proceeding to district court. This is consistent with many administrative law procedures and does not limit the right to protect water rights through the court, however it changes the timeline. It requires DWR to begin investigations within two weeks, and to conclude the investigation within 12 months. It also allows the chief engineer to issue temporary injunctions if deemed necessary.
 - o Status: See status of SB 46 for full details. *Shell of SB 48 referred to House Committee on K-12 Education.*
- SB 194: GMD Assessments
 - o This bill increases the cap on assessments by GMDs from the current \$1 per acre-foot to \$1.50 and the acreage assessment from \$0.05/acre to \$0.10/acre. It also would give GMDs discretion, on an annual basis, to determine whether they would accept verified claims.
 - o Status: SB 194 received a full hearing. Proponents included GMDs #1, #2 (primary sponsor), & #4 as well as the Kansas Farm Bureau. GMD#3 testified as a neutral party. Opponents included the City of Wichita and KLA.
 - *Bill remains in Senate Ag & Natural Resources*
- SB 251: Kansas School Equity and Enhancement Act
 - o The primary Senate K-12 Education funding plan, this bill included fees on residential and commercial utility bills (\$2.25/\$10 per month respectively) including an annual \$120 fee for the owner of irrigation rights.
 - o Status: In committee Utility and Irrigation fees were removed from the bill upon motion of Sens. Estes and McGinn. The bill was recommended favorable for passage as Sub for HB 2186. Sub 2186 passed the Senate and is currently in Conference Committee.
 - *Bill remains in Senate Select Committee on Education Finance*

House Bills:

- HB 2032: State Water Plan Fee (SWPF) Increases
 - o The bill increases the existing fees that flow into the SWPF, including municipal, industrial, stockwater, as well as the pesticide and fertilizer fees.
 - o Status: Bill was heard in House Water & Environment and worked (multiple times) after turnaround. It was used as a vehicle for a number of proposed fee increases and new fees despite nearly unanimous opposition in committee.
 - *HB 2032, an exempt bill, remains in the House Water and Environment committee.*
- HB 2099: Impairment Proceedings
 - o Companion bill, identical to SB 48 (above).
 - o Status: *Missed legislative deadlines and was stricken from the calendar (DEAD).*
- HB 2100: Water Conservation Areas
 - o Companion bill, identical to SB 46 (above).
 - o Status: *Missed legislative deadlines and was stricken from the calendar (DEAD).*
- HB 2241: Creates two new fees – Surface Water Protection Fees and Irrigation Fees
 - o The bill creates two new fees to flow into the SWPF. A fee on municipal water derived from reservoirs of up to \$0.40/1000gal and an irrigation fee of \$0.005/1000 gal (\$1.63/acre-foot)
 - o Status: Bill was heard in House Water & Environment and action was attempted multiple times.
 - *HB 2241, an exempt bill, remains in the House Water & Environment committee.*
- HB 2272: KS Water Authority – Science & Research Subcommittee
 - o As amended by the House Water & Environment committee, Sub HB 2272 creates a 3 person subcommittee to the KWA comprised of a member from the K-State College of Ag, a KGS member, & a KS Biological Survey member. This subcommittee is to evaluate existing KWA projects and to recommend re-prioritization of state water plan funded programs. The subcommittee will report to the full Authority as well as the legislature.
 - o Status: *Sub HB 2272 was referred to Senate Ag & Natural Resources.*
- HB 2312: KDA Administrative Procedures
 - o Clarifies the timing of hearings or reviews of orders from the Department of Agriculture.
 - o Status: *Passed the Full House and Senate and was signed into law.*
- HCR 5008: Constitutional Amendment – dedicated sales tax for state water projects
 - o This resolution, if passed by super-majority votes of the House and Senate, would dedicate 1/10 of a cent of the existing sales tax to permanently fund water projects within the State of Kansas.
 - o Status: *HCR 5008 remains in the House Water & Environment Committee*

Additional Actions:

- The House committee of the whole added \$2M for the State Water Plan Fund, but that was whittled down to \$1.2M in conference committee for streambank stabilization, reservoir bathymetric studies, and Kansas River alluvial observation wells.
 - o Note: By statute the Legislature is required to provide \$8M in annual funding.