

CORRECTED
SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 194

As Amended by Senate Committee on
Agriculture and Natural Resources

Brief*

SB 194, as amended, would permit groundwater management district (GMD) boards to increase the maximum water withdrawal charge from \$1.00 for each acre-foot to \$2.00 for each acre-foot. The charge would continue to be used to finance the operations of the GMD.

In addition, the bill would eliminate a provision of current law that permits the boards of GMD to assess a greater annual water withdrawal charge if more than 50 percent of the authorized place of use of the water is outside the district. (This provision had been subject to the maximum charge for groundwater withdrawal.)

Background

The bill was first heard by the Senate Committee on Agriculture and Natural Resources on March 20, 2017. In that Senate Committee hearing, proponents included representatives of GMD #2 (Equus Beds), GMD #1 (Leoti), GMD #4 (Colby), the Kansas Farm Bureau (written only), and an individual who resides within the boundaries of GMD #2. Opponent testimony was presented by representatives of the City of Wichita and the Kansas Livestock Association (KLA). The representative of the City of Wichita testified in opposition to the fee cap portion of the bill and the new provision to allow the GMD board to determine whether

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

verified claims of actual water use would be accepted for the ensuing year's water use. The representative of the KLA testified in opposition to the cap increase on the per acre charge because the charge would apply to those landowners who do not irrigate. In addition, the representative of the KLA opposed the increase in the cap of the water use charge and suggested that the cap apply only to the GMD seeking the increase. Neutral testimony on the bill was presented by a representative of GMD #3 (Garden City). After the 2017 hearing and during the interim period, the interested parties met to discuss the bill and developed amendatory language to address the concerns of the various conferees on the bill.

The bill was heard again by the Senate Committee on Agriculture and Natural Resources on January 31, 2018. In this Senate Committee hearing, conferees addressed the bill with its amendatory language, which was adopted by the Committee. Proponents of the bill with its proposed amendments were representatives of GMD #2, GMD #1, GMD #4, and the City of Wichita. Big Bend GMD #5 (Stafford), the Kansas Department of Agriculture (KDA), and the Kansas Farm Bureau submitted written-only proponent testimony.

The proponent from GMD #2 stated the water charge cap had not been raised since 2002 and, at that time, the per acre land charge was not changed. The proponent noted the concerns raised during the 2017 hearing on the bill had been addressed. The proponent stated the proposed new language represented a compromise yet addressed the need for some GMD districts to have additional revenue to manage district issues.

No opponent or neutral testimony was presented to the Senate Committee at the 2018 hearing.

During the 2018 Session, the Senate Committee amended the bill to:

- Increase the cap for annual water user charge to \$2.00 from \$1.00 (current law);
- Eliminate a provision of current law that permits the boards of GMD to assess a greater annual water withdrawal charge if more than 50 percent of the authorized place of use of the water is outside the district; and
- Make technical corrections.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDA states there would be no fiscal impact on KDA, the Kansas Water Office, or the State Water Plan Fund.