

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2172**

As Agreed to March 25, 2025

**Brief\***

Senate Sub. for HB 2172 would create a 16-member Water Program Task Force (Task Force) and a 5-member Water Planning Work Group (Work Group) to study and make recommendations to the Legislature on water policy and funding.

***Task Force Membership (16)***

The Task Force membership would include the following voting members:

- The chairperson of the House Committee on Water or designee (1);
- The chairperson of the House Committee on Agriculture and Natural Resources or designee (1);
- The chairperson of the Senate Committee on Agriculture and Natural Resources or designee (1);
- The ranking minority member of the House Committee on Water or designee (1);
- The ranking minority member of the Senate Committee on Agriculture and Natural Resources or designee (1);
- One member of the House of Representatives appointed by the Speaker of the House of Representatives (Speaker of the House) who does not sit on the House Committee on Water or House Committee on Agriculture and Natural Resources (1);
- One member of the Senate appointed by the President of the Senate (President) who does not sit on the Senate Committee on Agriculture and Natural Resources (1); and
- Four members jointly appointed by the Speaker and President (4); and
- Two Kansas residents jointly appointed by the Minority Leader of the House of Representatives and the Minority Leader of the Senate (2).

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

The Task Force membership would also include the following non-voting ex officio members:

- The director of the Bureau of Water, Division of Environment, Kansas Department of Health and Environment (1);
- The director of the Kansas Water Office (1); and
- The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture (1).

### ***Task Force Requirements***

#### *Stakeholder Representation*

The bill would require each non-legislative voting member of the Task Force to represent at least one of the following stakeholders:

- Kansas employer with a vested water right;
- Commercial user of a municipal or industrial water right;
- Agricultural producer;
- Economic development organization;
- Water utility;
- Resident Kansas Indian tribe: Potawatomi, Kickapoo, Iowa, or Sac and Fox;
- Rural water district;
- Local conservation district;
- Organization that focuses on environmental or wildlife protection or conservation;
- Local water management district;
- Kansas agricultural banking or appraisal industry;
- Student at a state educational institution engaged in a course of study related to water;
- Kansas municipality;
- Provider of natural resources education;
- Kansas agricultural commodity associations;
- Kansas Water Authority or regional advisory committee;
- Kansas livestock industry; or
- Kansas grain and feed industry.

#### *Membership Requirements*

The bill would require each Task Force member to be a Kansas resident and the Task Force to consist of at least one member from each of the five conservation regions of the state. No more than two members of the Task Force, who are not members of the Legislature, could represent the same stakeholder listed above.

The bill would require the Speaker of the House and President to ensure these requirements are met.

#### *Appointments; Vacancies*

The bill would require members of the Task Force to be appointed by April 30, 2025. Any vacancy in membership of the Task Force would be filled in the same manner as provided for in the original appointment.

#### *Co-chairpersons*

The bill would require the Speaker of the House to select one member of the House of Representatives who is a member of the Task Force, and require the President to select one member of the Senate who is a member of the Task Force. Each selected person would serve as co-chairperson of the Task Force.

#### *Task Force Meetings; Actions*

The bill would authorize the Task Force to meet at any time and any place within the state upon call of either co-chairperson.

The bill would define a quorum of the Task Force to be the majority of voting members, and all actions of the Task Force could be taken by a majority of members present when there is a quorum.

#### *Payment*

The bill would authorize Task Force members to be paid amounts for expenses, mileage, and subsistence as provided in state law, if approved by the Legislative Coordinating Council.

#### *Staffing*

The bill would require the Division of Legislative Administrative Services, Kansas Legislative Research Department, and the Office of Revisor of Statutes to provide assistance as requested by the Task Force.

#### ***Task Force Charge***

The bill would require the Task Force to:

- Evaluate major risks to the quality and quantity of the state's water supply, including any impact on current and future economic growth and population stability;
- Determine steps the state must take to define and achieve a future supply of water for Kansans; and

- Evaluate current funding for water in the state and determine whether such funding is sufficient to address the water issues included in the State Water Plan, including the state's current and future water infrastructure needs.

### ***Report to the Legislature***

The bill would require the Task Force to prepare and submit a preliminary report on or before January 31, 2026, and a final report on or before January 31, 2027, to the:

- House Committee on Agriculture and Natural Resources;
- House Committee on Water;
- Senate Committee on Agriculture and Natural Resources; and
- The Governor.

The report would be required to include:

- The water program's long-term structure to address the state's current and future water needs, including, but not limited to:
  - The roles and responsibilities of the state, municipalities, and regional entities;
  - How the program's investments and successes should be evaluated, including gathering any stakeholder input; and
  - Criteria to determine program investments, including geographic diversity of such investments; and
- Funding for the water program, including, but not limited to:
  - New dedicated moneys or investments for the State Water Plan Fund;
  - Changes to any existing fees or moneys dedicated to the State Water Plan Fund; and
  - Any additional funding sources or tools necessary to ensure that the financial resources are adequate to address the state's water issues.

### ***Water Planning Work Group***

#### ***Membership***

The bill would require on or before June 30, 2025, the co-chairs of the Task Force to jointly appoint five individuals to the Work Group. The individuals could be members of the Task Force but would not be required to be members of the Task Force. The bill would require the individuals to be attorneys, engineers, hydrologists, natural resource planners, or others with relevant experience with Kansas water issues.

### *Meetings; Purpose*

The bill would require the Work Group to meet regularly as necessary to conduct a study of the State Water Resources Planning Act (Act) and develop draft legislation that proposes modernization of the Act.

### *Work Group Charge*

The bill would charge the Work Group to work under the direction of the Task Force and submit ongoing reports to the Task Force relating to:

- How the State Water Plan is created;
- What the State Water Plan should prioritize;
- How the State Water Plan is implemented;
- How recommendations for State Water Plan appropriations are made to the Legislature;
- Any future studies that might be undertaken; and
- Any other related or relevant matters.

### *Payment*

The bill would authorize payment for members of the Work Group for expenses, mileage, and subsistence as provided in state law, if approved by the Legislative Coordinating Council.

### *Staffing*

The bill would require the Office of Revisor of Statutes, Legislative Research Department, and Division of Legislative Services to provide assistance as requested by the Work Group.

### *State Agencies*

The bill would require any state agency or entity that is involved in the management or study of water in Kansas to provide information and support to the Work Group upon request.

### ***Task Force and Work Group Sunset***

The provisions of the bill would sunset on July 1, 2027.

### ***Effective Date***

The bill would be in effect upon publication in the *Kansas Register*.

## Conference Committee Action

The Conference Committee agreed to Senate Sub. for HB 2172, as recommended by the Senate Committee on Agriculture and Natural Resources, with the following amendments:

- Clarify that no more than two members of the Task Force, who are not members of the Legislature, may represent the same stakeholder group;
- Require the Task Force to submit a preliminary report on or before January 31, 2026, and a final report on or before January 31, 2027, to certain legislative committees and the Governor;
- Clarify the Work Group works under the direction of the Task Force and require the Work Group to submit ongoing reports to the Task Force;
- Add three non-voting ex officio members to the Task Force;
- Authorize the Minority Leaders of the House of Representatives and Senate to jointly appoint two Kansas residents to the Task Force and decrease the appointees jointly appointed by the Speaker of the House and President of the Senate by two; and
- Make conforming and technical amendments.

## Background

The bill was introduced by the House Committee on Agriculture and Natural Resources at the request of Representative Rahjes.

### ***House Committee on Agriculture and Natural Resources***

In the House Committee hearing, **proponent** testimony was provided by former legislator Carolyn McGinn, on behalf of herself and former legislator Rich Proehl; a former Secretary of Transportation; and representatives of the Kansas Livestock Association; Kansas Municipal Utilities; Kansas Rural Water Association; League of Kansas Municipalities; and The Water Assurance Districts of Kansas. The proponents generally discussed the importance of water policy, stakeholder input, and funding for water projects moving forward.

Written-only proponent testimony was provided by representatives of Kansans for Conservation; Kansas Agribusiness Retailers Association and Kansas Grain and Feed Association; Kansas Association of Counties; Kansas Chamber; Kansas Cooperative Council; Kansas Farm Bureau; Kansas Society of Professional Engineers; and WaterOne.

The House Committee amended the bill to:

- Reduce the number of members of the Task Force from 29 to 23 [*Note: The Conference Committee did not retain this amendment.*];
- Replace the Kansans for Conservation with the Kansas Association of Conservation Districts [*Note: The Conference Committee retained this amendment.*];

- Replace “state conservation district” with “local conservation district” [*Note*: The Conference Committee retained this amendment.]; and
- Clarify that the Task Force shall consist of at least one member from each of the five conservation regions of the state. [*Note*: The Conference Committee retained this amendment.]

### ***House Committee of the Whole***

The House Committee of the Whole adopted a technical amendment to address a spelling error in the bill. [*Note*: The Conference Committee retained this amendment.]

### ***Senate Committee on Agriculture and Natural Resources***

In the Senate Committee hearing, **proponent** testimony was provided by former legislator Rich Proehl, on behalf of himself and former legislator Carolyn McGinn, and representatives of the Barry Flinchbaugh Center for Ag and Food Policy, Kansas Municipal Utilities, League of Kansas Municipalities, and Water Assurance Districts of Kansas. The proponents generally stated that water is critical to the future of Kansas, and more work should be done to ensure the state is investing resources in vetted and effective programs that will lead to long-term water security.

Written-only proponent testimony was provided by a former Kansas Secretary of Transportation and representatives of Kansas Association of Conservation Districts, Kansas Association of Counties, Kansas Chamber, Kansas Cooperative Council, Kansas Farm Bureau, Kansas Livestock Association, Kansas Rural Water Association, and WaterOne.

No other testimony was provided.

The Senate Committee amended the bill to:

- Reduce the number of members of the Task Force from 23 to 13;
- Allow for chairpersons and ranking minority members of certain legislative committees to appoint a designee for the Task Force [*Note*: The Conference Committee retained this amendment.];
- Authorize the Speaker of the House to appoint one member of the House of Representatives who does not serve on the House Committee on Agriculture and Natural Resources or House Committee on Water to the Task Force [*Note*: The Conference Committee retained this amendment.];
- Authorize the President to appoint one member of the Senate who does not serve on the Senate Committee on Agriculture and Natural Resources to the Task Force [*Note*: The Conference Committee retained this amendment.];
- Authorize the Speaker of the House and President to jointly appoint six members to the Task Force [*Note*: The Conference Committee did not retain this amendment.]; and

- Establish the Water Planning Work Group, including membership, meetings, purpose, recommendations, staffing, and reporting requirements to the 2026 Legislature. [Note: The Conference Committee retained this amendment.]

The Senate Committee recommended a substitute bill.

### **Fiscal Information**

An updated fiscal note on the substitute bill was not immediately available.

Water; Water Program Task Force; State Water Plan; funding

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