

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2172

As Amended by House Committee of the Whole

Brief*

HB 2172, as amended, would create the Water Program Task Force (Task Force) that would consist of 23 voting members and 10 non-voting ex officio members.

Voting Members (23)

The voting members would include:

- The chairpersons of the House Committee on Water, House Committee on Agriculture and Natural Resources, House Committee on Appropriations, Senate Committee on Agriculture and Natural Resources, and Senate Committee on Ways and Means (5);
- The ranking minority members of the House Committee on Water and Senate Committee on Agriculture and Natural Resources (2);
- One Kansas resident appointed by each of the following (6):
 - Speaker of the House;
 - Speaker Pro Tem;
 - House Minority Leader;
 - President of the Senate;
 - Vice President of the Senate; and
 - Senate Minority Leader;

*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 <https://klrd.gov/>

- One member of a Kansas agricultural commodity organization appointed by the Secretary of Agriculture (1);
- One member appointed by each of the following organizations (7):
 - Kansas Farm Bureau;
 - Kansas Groundwater Management Districts Association;
 - Kansas Livestock Association;
 - Kansas Municipal Utilities;
 - Kansas Association of Counties;
 - Kansas Rural Water District Association; and
 - Kansas Association of Conservation Districts; and
- Two members appointed by the Kansas Chamber of Commerce (2):
 - One appointment would represent a business that is reliant on groundwater; and
 - One appointment would represent business that is reliant on surface water.

Non-voting Ex Officio Members (10)

The non-voting ex officio members would include:

- Secretary of Agriculture, or the Secretary's designee;
- Director of the Division of Environment, Kansas Department of Health and Environment, or the Director's designee;
- Director of the Kansas Water Office, or the Director's designee;

- Secretary of Revenue, or the Secretary's designee;
- Director of the Kansas Geological Survey, or the Director's designee;
- Chairperson of the Kansas Corporation Commission, or the Chairperson's designee;
- Director of the Kansas Water Institute, or the Director's designee;
- Secretary of Wildlife and Parks, or the Secretary's designee;
- Director of the Kansas Biological Survey, or the Director's designee; and
- Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, or the Chief Engineer's designee.

Task Force Requirements

Stakeholder Representation

The bill would require each non-legislative 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 entity, including, but not limited to, a groundwater management district, water assurance district, or ditch 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, the Task Force to consist of at least one member from each of the five conservation regions of the state, and no more than two members of the Task Force could represent the same stakeholder listed above.

The bill would require the Speaker of the House and President of the Senate 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 of the Senate 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 an ongoing, multi-generational promise 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 report to the Legislature and the Governor on or before January 31, 2026. 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.

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

Effective Date

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

Background

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

House Committee on Agriculture

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 Farm 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:

- Decrease the voting members from 29 to 23;
- Replacing the Kansans for Conservation with the Kansas Association of Conservation Districts;
- Replacing “state conservation district” with “local conservation district”; and
- Clarify that the Task Force shall consist of at least one member from each of the five conservation regions of the state.

House Committee of the Whole

The House Committee of the Whole adopted a technical amendment to address a spelling error in the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, Legislative Administrative Services indicates HB 2172, if enacted, would

increase expenditures by \$15,111 for one meeting in FY 2025 and \$90,667 for six meetings in FY 2026, including \$60,484 for Legislator pay, \$25,872 for non-Legislator pay, \$4,221 for committee assistant pay, and \$90 for publication in the Kansas Register. Additionally, for FY 2027, Legislative Administrative Services indicates an increase of \$93,387 in expenditures, or 3.0 percent above FY 2026, with the provisions of the bill sunseting afterward. Legislative Administrative Services notes that the nonvoting ex officio members would be paid by their respective state agencies.

The Kansas Geological Survey indicates that enactment of the bill would not have an immediate effect on the State General Fund, state revenues, and local revenues; however, the work of the Task Force could significantly affect future appropriations for how water would be allocated.

The Kansas Department of Health and Environment indicates there could be a fiscal effect associated with meetings at an estimated cost of \$1,000 per meeting held outside of Topeka. For meetings in or around Topeka, there would be no cost. However, a precise fiscal effect cannot be estimated.

The Kansas Department of Revenue and the Kansas Corporation Commission indicate that enactment of the bill would have a minimal fiscal effect on operations, with expenditures anticipated for mileage and subsistence for meetings which could be absorbed within existing resources by the agencies.

The Kansas Water Office, Kansas Department of Agriculture, Kansas Department of Wildlife and Parks, and Kansas Board of Regents indicate enactment of the bill would have no fiscal effect on operations. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The League of Kansas Municipalities and Kansas Association of Counties indicate enactment of the bill would have no fiscal effect on operations.

Water Program Task Force; water; funding