

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2634

As Amended by House Committee on Water

Brief*

HB 2634, as amended, would allow an Intensive Groundwater Use Control Area (IGUCA) plan or Local Enhanced Management Area (LEMA) plan to include flexibility in the use of water rights and would amend laws regarding delegation of corrective control enforcement.

[*Note:* Both IGUCAs and LEMAs are groundwater management tools with water conservation goals. An IGUCA can be implemented by the Chief Engineer, or upon request of local stakeholders, and it is determined that one or more of five conditions regarding groundwater declines exists in a particular area. LEMAs set goals and control measures for water conservation and are recommended by groundwater management districts (GMDs) and approved by the Chief Engineer.]

The bill would allow the Chief Engineer to consider allowing flexibility in the use of water rights, including, but not limited to, multi-year allocations and use in excess of a water right's annual authorized quantity in any given year so long as the overall use of water is reduced during the term of an IGUCA or LEMA.

Currently, the Chief Engineer is authorized to delegate the enforcement of any corrective control provisions ordered for an IGUCA to GMD No. 4 or any city located within the boundaries of that area. The bill would remove the reference to GMD No. 4 and allow this action to occur in any GMD.

The bill would also make technical amendments.

*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>

Background

The bill was introduced by the House Committee on Water at the request of a representative of Groundwater Management Districts (GMD) No. 1 and No. 4.

House Committee on Water

In the House Committee hearing, representatives of GMD No. 1, No. 4, and No. 5, a board member of GMD No. 4, and a representative of the Kansas Livestock Association provided **proponent** testimony on the bill. The proponents stated that while individual-based conservation programs offer an individual flexibility, producers enrolled in IGUCAs and LEMAs do not have flexibility and therefore, feel the need to pump their allocated amount of water at the end of the term of the program. Allowing flexibility would equate to additional water savings for producers and the aquifers.

Written-only proponent testimony was provided by representatives of the Kansas Corn Growers Association and Kansas Farm Bureau.

Neutral testimony was provided by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (KDA), who stated the bill would be a positive change in the law and provide flexibility for water users that might be limited in the amount of water they can use due to IGUCA or LEMA restrictions. [*Note: Upon being asked by a committee member, the Chief Engineer explained that it is agency policy to provide neutral testimony on legislation for which the KDA has not requested introduction.*]

No other testimony was provided.

The House Committee amended the bill to remove a specific reference to GMD No. 4 and add language that would allow the provision to apply to any GMD in the state.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Water Office indicates enactment of the bill would have no fiscal effect on the agency. The KDA estimates enactment of the bill would have a negligible fiscal effect on the agency. The agency notes the bill could reduce the number of applications for multi-year flex accounts associated with groundwater management, which could decrease the revenue to that program; however, the potential revenue reduction would be offset by other funding sources for program expenditures. Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates that a fiscal effect cannot be estimated with the enactment of the bill. The League of Kansas Municipalities indicates enactment of the bill would not have a fiscal effect on cities.

Water; groundwater management districts; Intensive Groundwater Use Control Areas; Local Enhanced Management Areas