LEGISLATIVE NOTES

There have now been 229 Senate bills filed and 391 House bills filed. The vast majority of these bills have been introduced as committee bills so there is no record in the minutes of who requested this piece of legislation. There are select exempt committees that have no legislative timelines. They are listed at the bottom of the 2023 session deadlines. If not from an exempt committee, the ‘turnaround’ date to move non-exempt bills from one chamber to the other is February 24.

2023 SESSION DEADLINES

Issues that will be debated the week of February 13. Senate Utilities will discuss SB 88 that would establish statewide elections for Kansas Corporation Commissioners – who are now appointed by the Governor and confirmed by the State Senate. In Senate Agriculture and Natural Resources, SB 71 will be heard on February 15 to establish a division of sustainable agriculture in the Kansas Department of Agriculture. In the House Water committee on February 14, HB 2302 will be heard that dedicates a portion of the sales tax to the State Water Plan Fund and create a water technical assistance fund and the water projects grant fund. On February 14 in the House Energy, Utilities and Telecommunications committee, final action on HB 2156 to allow the KCC the authority to establish rates that benefit low-income residential customers. On February 15 before the House Agriculture and Natural Resources committee, Roger McOwen from Washburn Law School will give a briefing on ‘Foreign Ownership of Land’.

KANSAS WATER TROUBLES

Water concerns are ever present. There are now 67 Kansas counties in an emergency drought status. Last fall Cheyenne Bottoms went completely dry. At the Quivira National Wildlife Refuge, only 30 of the 5,500 acres held any water. 2022 was so dry that groundwater irrigation pumping was in over-drive. The Kansas Water Office updated the Kansas Water Plan (since 2014) to address critical water challenges. The Governor has pledged greater action to deal with water quantity and water quality issues. The Kansas Water Authority came out with policy recommendations to increase funding for the State Water Plan Fund (SWPF) from $20 to $25
House Bill 2302 starts that dialogue by recommending that existing sales taxes be pledged to the SWPF.

Cheyenne Bottoms did dry in 2013 but summer rains refilled it before the fall migration season. It can hold nearly 10 billion gallons of water. During an average fall, 750,000 migrating birds stop but in 2022 basically zero. The Platte River – another vital stopover point for birds on the Central Flyway had completely dried up in parts of central and western Nebraska. Quivira Refuge is another stopover on the Central Flyway. In past years, some 30,000 sandhill cranes would fill Quivira on a given morning during fall migration. In fall 2022, only a dozen cranes landed and left shortly.

**Up to 1 million birds count on Kansas wetlands during migration. Drought has left them high and dry**

**30 years ago, these Kansas farmers were told to use less water. Here’s how they did it**

Cheyenne Bottoms is owned by the State of Kansas and has the most senior water rights in the area. In 1992, the Kansas Department of Agriculture Division of Water Resources established the Walnut Creek Intensive Groundwater Use Control Area (IGUCA) to limit groundwater use by junior water rights holders (issued after 1965) by 20%. Farmers did not have a say in the levels of reductions. More efficient irrigation equipment was employed along with different crops such as sorghum and soybeans over corn. For the Quivira Refuge, the senior water rights are held by the U. S. Fish and Wildlife Service. Responding to political pressure from federal officials, the Groundwater Management District (GMD) for Rattlesnake Creek, and local farmers with junior water rights, there has been no action to curtail irrigation in the basin. There is a lawsuit before the 10th Circuit federal district court panel in Denver to force the U.S. Fish and Wildlife Service to enforce their senior water rights to curtail pumping and restore stream flows to start refilling Quivira.

The question remains what policy and resource allocations will come from the Kansas Legislature in 2023 or 2024? Kansas continues to buy public water storage in 14 reservoirs across Kansas. As key federal reservoirs such as Tuttle fill in with sediment what options are available to move that sediment downstream? These is a pilot program on Tuttle to see if that sediment can be moved through the base of the dam by water pumps. Over appropriated groundwater rights are another matter. There are few new dollars to retire any significant quantities of water rights. If these water rights are indeed ‘property rights’ that must be bought back, should a portion of the $1 Billion+ ‘rainy day’ fund be dedicated to retiring water rights as economically and efficiently as possible? As the 2023 federal Farm Bill – that rains $1 Billion a year to the largest farms in Kansas to grow four grain crops – is debated this year, could these farm subsidies be reordered to finance conservation farming practices hopefully resulting in a greater
FOREIGN OWNERSHIP OF FARMLAND

Bills have been introduced in more than a dozen states including Kansas. These bills often cover foreign ownership of property, including farmlands and critical infrastructure. It may be strongest in Texas where Gov. Greg Abbott announced he would sign a bill that would ban Chinese, Iranian, North Korean or Russian citizens or entities from buying real property in the state. A 2021 Texas law prohibits contracts with companies from this list of countries working on critical state infrastructure. The issue is gaining traction in Missouri since the 2013 Missouri Legislature voted to allow foreign companies to own up to 1% of state farmlands. That vote paved the way for a Chinese conglomerate to acquire pork processing giant Smithfield Foods (which raises one in five of all hogs in the U.S.)

According to the National Conference on State Legislatures (NCSL), state laws surrounding foreign ownership of farmlands very significantly, with some states expressly allowing ownership, others limiting it, and some fully prohibiting ownership. USDA estimates that foreign owners held an interest in 40 million acres of agricultural land - mostly forestlands - at the end of 2021. This amounts to 3% of all privately held agricultural lands and nearly 2% of all lands. Canadian investors held nearly a third of the foreign-owned land with Chinese interests owning less than 1%. The top foreign buyers were from Canada, Mexico and China and top destinations were Florida, California and Texas.

**Senate Bill 100** – introduced at the request of the Attorney General – would allow a foreign national or foreign business entity to sell real property in Kansas that was acquired prior to July 1, 2023 but would prohibit the sale of the real property to a foreign national or foreign business entity after that. The Attorney General would investigate the sale of real property if there were reason to believe the transaction violates the provisions of the bill. Violations would be a severity level 10 - nonperson felony. Real property that is sold and violates the provision of the bill would be subject to forfeiture. The provisions of the bill would not apply to property located in Johnson, Sedgwick, Shawnee or Wyandotte counties. **SB 100** is a Senate Federal and State Affairs committee bill, so it is exempt from legislative timelines to be considered.

**KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT (KDHE), DIVISION OF ENVIRONMENT (DOE)**

KDHE has three divisions: Public Health, Health Care Finance (Medicaid) and Environment. DOE protects Kansans by ensuring clean air to breathe, clean water to drink and clean soil to live on. DOE enforces six federal environmental laws in the state of Kansas. DOE has six bureaus from the laboratory to water to air to environmental field services. In this power point presentation by Deputy Secretary/Director of Environment Leo G. Henning, the various programs under the six bureaus are charted out. In subsequent pages, the primary activities of each bureau is presented. There is a map showing the six DOE districts and the staffing level per district and in Topeka.

**KDHE Testimony**

The funding sources for Fiscal Year (FY) 2023 is pie charted depicting state funds to fees to federal funds to water plan funds to trusts. That is followed by a pie chart showing expenditures from staffing to contractual services to capital improvements. KDHE is
Getting a new laboratory that will be downtown Topeka at 12th and Topeka Blvd. The cost is projected at $65 million with $32.5 million from federal funds and $32.5 million from state funds. Groundbreaking should be this month and completion date is scheduled for December 2024. The building design includes three above-ground floors and a parking lot. There are also pie charts for funding and expenditures for FY 2024.

There is a chart showing State General Fund history since 2008 from almost $10 million to just over $4 million in FY 23 and FY 24. This has resulted from legislative directives lessening state funds and increasing fees while providing the same level of services. For FY 2023, the Bureau of Water is getting $10 million in federal pandemic funds for grants to small towns under 500 people to assist with drinking water and sewer compliance issues. DOE requested $30 million in state funds for this grant program in FY 2024 but was not recommended by the Governor. There is enhanced funding of $250,000 for local environmental protection program (local water protection plans), $50,000 for stream trash removal (assisting citizen clean-up programs) and $280,000 for laboratory equipment. There is a page on challenges such as employee retention, climate change initiatives, coming standards for per- and poly-Fluorinated chemicals (PFAS), nitrates in groundwater and federally required environmental justice laws.

**KDHE FY 2022 – FY 2024 BUDGET ANALYSIS - Draft**

**Division of Environment Budget: Senate Agriculture and Natural Resources Committee - Organizational Chart**

**KANSAS WATER OFFICE 2023 BUDGET OVERVIEW**

The Kansas Water Office (KWO) budget overview of 32 pages gives a complete picture of the agency, its programs and responsibilities. A normal KWO budget is just under $16 million with a staff of 19 employees. FY 2022 saw the purchase of water storage rights in Clinton, Big Hill and Hillsdale reservoirs for $80 million in state funds. In FY 2023, the Governor is recommending $53 million in state funds to pay off remaining future water storage rights associated with Milford and Perry Lake reservoirs. KWO is involved in water planning & implementation as well as the public water supply program. The Kansas Water Authority (KWA) working with KWO develops a comprehensive State Water Plan to address current and future water resource needs.


KWA advocates for appropriate water resources funding and is an active participant in water policy recommendations. There are 13 KWA appointed Board members along with 9 staff. The List of KWA Board members and affiliations are on page 4. KWO and KWA seek advice from the public and interested stakeholders. 14 Regional Planning Areas and Advisory Committees (RAC’s) were established in December of 2014 (p. 5). RAC’s advise KWA and KWO on topics of water-related issues and concerns within their regions. RAC’s provided detailed input for the Kansas Water Plan (KWP). This updated KWP includes incorporation of the ‘Long Term Vision for the Future of Water Supply in Kansas’. KWO has 13 program/projects funded through the State Water Plan Fund. These programs are explained in detail in pages 8 to 28.

Kansas through KWO has contracts with the U.S. Army Corps of Engineers for purchase of water supply storage in 14 reservoirs of which 12 currently has storage committed to the
customers of the Water Marketing Program. 8 of the reservoirs have storage that has been
dedicated to Assurance districts for district members. 5 of the reservoirs have future use
storage that is under contract to the state but has not yet been called into service. The
Governor has recommended paying off the water supply storage in Milford and Perry. The
cost today for both would be just under $52 million thus saving $29 million in interest
costs. Details of the Public Water Supply can be found on pages 30 to 32.

**Kansas Water Office Budget Overview**

**KANSAS WATER OFFICE - FY 2022 – FY 2024 BUDGET ANALYSIS**

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**2023 WEALTH Kick-Off**

**Wednesday, February 15th at 6 p.m.**

Jessica Lucas  
Legislative Consultant for the Climate + Energy Project

Zack Pistora  
State Lobbyist for the Sierra Club

Rabbi Moti Rieber  
Executive Director, Kansas Interfaith Action

Join our three legislative experts to hear an overview of this session's legislation that pertains to the WEALTH priorities!

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**Kansas Legislature Website**

For Legislative Committee and Hearing Information, and how to contact your legislator, and view floor and committee remotely, go to:


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**2023 Anticipated Session Deadlines**

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**Attend WEALTH Day Events**

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**View Here**
During the legislative session, the League of Women Voters of Kansas (LWVK) hold weekly Friday (4 pm) zoom calls with their policy observers. The League has offered to open up these calls for interested Policy Watch readers. Cille King is the policy coordinator for the League. You will need to email Cille @ cilleking@gmail.com to be added to the notice list. Agendas come out a day or so before the call.

Here is the link to the LWVK 2023 Legislative Priorities:

Contributors to KRC are automatically on the Policy Watch e-list, if they provide an e-mail address. KRC provides Updates to the sponsoring organizations including League of Women Voters of Kansas, Kansas Natural Resource Council, Kansas Farmers Union, Climate and Energy Project, Audubon of Kansas, and Friends of the Kaw, Jayhawk Audubon Society, who make the Updates available to their memberships.

If you are receiving KRC Policy Watch through one of these organizations and have questions, contact the organization directly.

If you wish to be removed from the KRC list, contact info@kansasruralcenter.org.

For questions about Policy Watch content, contact Paul Johnson at pdjohnson@centurylink.net.