

Before the Senate Agriculture and Natural Resources Committee
Presented by Zack Pistora, Kansas Sierra Club
Proponent Testimony on HB 2302
March 15th, 2023



Chairman Kerschen and Honorable Members of the Committee,

Thank you for the opportunity to provide remarks on HB 2302, which provides the dedication of state sales tax for the State Water Plan Fund and creates two additional funds for water projects and technical assistance. The Kansas Chapter of Sierra Club, which is a statewide, nonpartisan, grassroots environmental organization with nearly 5000 members, has engaged in the policy discussion of water for decades. It is our view that because of the challenges our state faces in relation to water – such as the continued depletion of the High Plains Aquifer, the ongoing impairment and contamination of Kansas water bodies and drinking water, the deterioration of aquatic ecosystems and wildlife habitat, the impact of climate change on water, water access and affordability, and more – that Kansas is long overdue for serious action on water. Significant funding for critical water programs is needed to address these challenges, thus we support HB 2302.

Addressing our water challenges is most worthy of additional, dedicated public funding.

With HB 2302, we could anticipate a near tripling of the funding to the State Water Plan Fund. The added allocation of state funds aligns with the outlined program needs identified by the Kansas Water Authority. For too long, the State of Kansas has failed to fulfill its obligations to the State Water Plan Fund by neglecting to make the dedicated annual transfers from the State General Fund and Economic Development Initiatives Fund. Even then, the annual transfers and fees assessed for the State Water Plan Fund are wholly insufficient in providing the capacity to meet the urgency and scale of our water challenges. HB 2302 starts the path of creating more program capacity for state agencies to implement the Kansas Water Plan.

The State Water Plan Fund was designed to receive a balance of tax dollars from the commons, along with user fees upon those who impact water resources directly. Yet, HB 2302 noticeably disregards user fees.

HB 2302 doesn't address the fees collected for the State Water Plan Fund. These fees have not been increased since 1989, so it's time these fees are increased to better align with increasing value of water. Practically, Kansas should dedicate even more money for critical water programs executed by virtue of the State Water Plan Fund, so this additional revenue will be very useful to tackling our water challenges. For contrast, the Legislature opted for \$10 Billion over 10 years for the Eisenhower Legacy Plan. We know how important water is for Kansas communities, so why aren't we prioritizing water programs like we do our highway programs? The Kansas Sierra Club would support modest increases upon the fee contributors to the State Water Plan Fund.

HB 2302 would be even better if it applied a 'water protection fee' to reconcile the disproportionate consumption of the State's water by irrigators.

For a long time, the Kansas Sierra Club has urged policymakers to assess an appropriate economic value associated to the costs of water depletion by our State's most dominant water users, irrigators. While irrigators typically comprise less than 20% of our State's farmers, they use 80% or more of our State's water, much more than the amount of all of towns, cities, and non-agricultural industries combined. Yet, many of our heaviest users of water do not directly contribute to the State Water Plan Fund based upon this water use. Irrigation is why Western Kansas communities are running out of water; shouldn't it be time for this major water use to be incorporated into the State Water Plan Fund?

HB 2302 merits support, but we worry that added funding will not constitute the transformational policy shift we need to seriously address the water challenges in Kansas.

We very much appreciate all the work done by leaders on HB 2302 to better tackle our state's challenges on water. HB 2302 holds promise for making some progress on water issues at both the state and local levels. However, it's curious to us whether added funding for water will accomplish the major changes in water use Kansas so desperately needs.

During last year's Interim Special Committee on Water, the members of Special Committee unanimously agreed that just adding more money for water programs won't do enough by itself to solve our water challenges. The Kansas Sierra Club urges the Legislature to explore additional policy measures to compliment HB 2302.

There are potentially pieces of water policy dealing with water rights and the overuse of water that should be further considered for achieving legacy reform. It is due time the state consider prioritizing the beneficial uses of water, versus just the 'first in time, first in right' approach. Kansas should prioritize broad public benefits of drinking water and ecological needs over a business' use for profitmaking. We need more policy focus on reducing over-appropriation and the number of water right holders. Additional bill language is needed to solidify *conservation* of water as a beneficial use? Will the additional funds of HB 2302 do enough to address the needs of "wild Kansas" (wildlife and habitat) through 'natural water infrastructure' and increased protection of critical ecosystems, like playas? Perhaps HB 2302 would benefit from being paired with a water savings goal, such as a 20% statewide reduction in water use over the next 5 years?

In sum, HB 2302 is a good start and why KS Sierra Club is supporting the bill, but there are additional policy measures that are needed to enhance HB 2302 and meaningfully address our water challenges.

Thank you for including these thoughts into your evaluation and please advance HB 2302.

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The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for nearly fifty years.