

Office of Revisor of Statutes
300 S.W. 10th Avenue
Suite 24-E, Statehouse
Topeka, Kansas 66612-1592
Telephone (785) 296-2321 FAX (785) 296-6668

MEMORANDUM

To: Joint Committee on Energy and Environmental Policy
From: Tamera Lawrence, Assistant Revisor of Statutes
Date: October 18, 2011
Subject: Benefit Districts for Kansas Reservoirs

Through legislation, users of Kansas reservoirs could initiate economic benefit districts for those reservoirs to protect the water supply. There are two primary ways to establish such a benefit district. The first way is to capture users based on geography and the second is to capture users based on recreational use of the reservoir.

Geographic Model

Establishing a benefit district based on geography requires identifying the people residing in a geographic area around the reservoir and giving those residents the option of forming a benefit district. These residents are easy to identify, but this model fails to capture all the users of the reservoir because not all users are nearby residents.

Recreational-Use Model

Recreational users come from all over, not just the geographic area around the lake, so establishing a benefit district based on recreational use is more complicated than establishing one based on geographic use. This model does, however, capture more users of the reservoir by charging an entrance fee at the gate. The structure for doing this already exists as the department of wildlife, parks and tourism (DWPT) already collects entrance fees at most reservoirs.

However, that is problematic because certain recreational fee funds are protected from diversion. If these funds were diverted, DWPT could lose federal funding.

Horsethief Reservoir

The Horsethief Reservoir was established through the voting process and is provided for in K.S.A. 82a-2201 through 82a-2212. This reservoir was created in a geographic area of four counties (Gray, Finney, Ford and Hodgeman). The residents of those counties voted, not only to develop the reservoir, but also to levy a sales tax. Now that the reservoir is established, entrance fees are collected at the gate for recreational use of the reservoir. Those fees go to maintenance and upkeep of the reservoir, not to DWPT because the Horsethief Reservoir is not affiliated with DWPT. This model gives local governments the ability to use geography to establish these benefit districts.