

As Amended by House Committee

HOUSE BILL No. 2279

By Committee on Water

2-2

Proposed Amendments for HB 2279
Senate Committee on
Agriculture and Natural Resources
March 14, 2023
Office of Revisor of Statutes

1 AN ACT concerning water; relating to groundwater management districts;
2 requiring groundwater management districts to submit annual reports to
3 the legislature; directing groundwater management districts to submit
4 conservation and stabilization plans to the chief engineer.

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Not later than January 31 of each year, the board of
7 each district shall submit to the house of representatives standing
8 committee on water, the house of representatives standing committee on
9 agriculture and natural resources, the senate standing committee on
10 agriculture and natural resources and any other appropriate committee,
11 and any successor committees, a written report on the finances and
12 activities of the district in the calendar year most recently audited. Such
13 report shall contain a detailed financial statement and a description of the
14 activities undertaken by the board and shall be prepared according to
15 ~~generally accepted accounting principles in accordance with K.S.A. 75-
16 1120a, and amendments thereto. If the most recently audited year is not
17 the previous calendar year, then a draft or unaudited report for the previous
18 calendar year shall also be submitted. A representative of the board shall
19 appear before the committee upon request.~~

20 (b) The financial statement included in the annual report shall
21 include, but not be limited to:

- 22 (1) ~~An itemized list of all income and the source from which the~~
- 23 ~~income was received, including any grants and interest income earned;~~
- 24 ~~(2) an itemized list of all expenditures by the board; and~~
- 25 ~~(3) an accounting of all assets currently held by the board.~~
- 26 ~~(c) The annual report shall also include a detailed statement that~~
- 27 ~~explains how the expenditures by the board served to further the~~
- 28 ~~conservation and reduced consumptive use of groundwater, the~~
- 29 ~~prevention of economic deterioration and the stabilization of agriculture or~~
- 30 ~~otherwise supported implementation of the district's management program.~~

31 (d) This section shall be a part of and supplemental to article 10 of
32 chapter 82a of the Kansas Statutes Annotated, and amendments thereto.

33 Sec. 2. (a) ~~It is the intent of the legislature that the groundwater~~
34 ~~resources of the state be conserved and extended by local water users for~~
35 ~~the prevention of economic deterioration and stabilization of agriculture~~
36

25

budget;

The most recent approved audit prepared in accordance with K.S.A. 75-1120, and amendments thereto;
(2) an accounting of all assets currently held by the board;
(3) the budget adopted for the current year pursuant to K.S.A. 82a-1026, and amendments thereto; and
(4)

Beginning in January 2025, the report shall summarize the action plans and activities undertaken pursuant to section 2, and amendments thereto.

~~pursuant to K.S.A. 82a-1020, and amendments thereto. The legislature has provided tools for districts and local water users to achieve such goals with intensive groundwater use control areas designated pursuant to K.S.A. 82a-1036, and amendments thereto, and local enhanced management areas established pursuant to K.S.A. 82a-1041, and amendments thereto.~~

~~(b) (1) Not later than July 1, 2024, the board of each district shall identify all priority areas of concern within each district and set reasonable boundaries for each area of concern using data from the Kansas geological survey or any other source approved by the chief engineer. Subject to the approval of the chief engineer, the board of each district may request an extension of up to six months to identify such priority areas of concern upon good cause shown and upon any terms or conditions required by the chief engineer. Priority areas of concern include, but are not limited to, areas where:~~

- ~~(A) The estimated usable lifetime of groundwater is 50 years or less; or~~
- ~~(B) an unreasonable deterioration of the quality of groundwater is occurring.~~
- ~~(2) Priority areas of concern may also include areas where:~~

- ~~(A) Groundwater levels are declining or have declined excessively;~~
- ~~(B) the rate of withdrawal of groundwater equals or exceeds the rate of recharge;~~
- ~~(C) preventable waste of water is occurring or may occur; or~~
- ~~(D) an unreasonable deterioration of the quality of groundwater is occurring or may occur; or~~

~~(E) other areas identified by the board of a district and approved by the chief engineer.~~

~~(3) After the board of each district identifies priority areas of concern, the board shall submit a report to the chief engineer detailing the priority areas of concern, the nature of such concern and how the areas were identified and developed.~~

~~(2)(4) (A) The board of each district shall conduct public education and outreach in each priority area so that the board may develop an action plan to reasonably address the identified concerns in each area based on input from the water right owners and users within the area that will support conservation, the prevention of economic deterioration and the stabilization of agriculture, based on the information available. Such action plan shall be incorporated into the district's management program and submitted to the chief engineer by July 1, 2026.~~

~~(B) Within 90 calendar days after a district submits an action plan, or any subsequent updates to such action plans as described in subparagraph (C), to the chief engineer, the chief engineer shall review such district's action plan and identified priority areas of concern. If~~

December 31
such board's

in an area of high usage of groundwater and high rates of decline in the groundwater table

there has been high usage of groundwater and high rates of decline in the groundwater table over the previous five years

(D)

1 such plan-~~s~~ and priority areas are approved by the chief engineer, the
2 chief engineer shall implement any action plan that requires action from
3 the chief engineer. Once a district's action plan has been approved by the
4 chief engineer, the board of each district shall implement the action plan as
5 soon as practicable and incorporate the action plan and priority areas
6 into the district's management program at the next annual review.

7 (C) ~~Each action plan required by this section shall be reviewed every~~
8 ~~five years at the same time and in the same manner that the board reviews~~
9 ~~its management program pursuant to K.S.A. 82a-1029, and amendments~~
10 ~~thereto. Following such review, the board shall either reaffirm the action~~
11 ~~plan or propose that it be revised. If the board proposes to revise an action~~
12 ~~plan, then the board shall follow the same procedure towards adoption of a~~
13 ~~revised action plan as described in this section for an original action~~
14 ~~plan. Every five years, the board of each district shall review the~~
15 ~~priority areas of concern, any action plans previously adopted and the~~
16 ~~district at large to identify any new areas that meet the priority area~~
17 ~~conditions. Upon such review, the board shall update its action plan as~~
18 ~~necessary and shall submit such findings and any updates to the chief~~
19 ~~engineer.~~

20 (e)(b) ~~If a board fails to identify priority areas of concern within a~~
21 ~~district or to submit a management program that meets a action plan~~
22 ~~to address the concerns in each area identified, or subsequent updates to~~
23 ~~such action plans, or if a board submits a plan that fails to adequately~~
24 ~~reasonably address the problems within each area identified, the chief~~
25 ~~engineer may:~~

26 (1) Designate priority areas of concern in accordance with
27 subsection (a);

28 (2) create an action plan in accordance with subsection (a); and
29

30 (3) take such corrective actions necessary under the authority
31 granted to the chief engineer pursuant to the Kansas water appropriations
32 act and Kansas groundwater management act to carry out the action
33 plan.

34 (f) ~~Upon request of a board, the chief engineer shall review the~~
35 ~~activities previously undertaken by the board to determine if the board has~~
36 ~~already complied with some or all of the requirements of this section. All~~
37 ~~areas within a local enhanced management area established pursuant~~
38 ~~to K.S.A. 82a-1041, and amendments thereto, on July 1, 2023, shall be~~
39 ~~considered to be in compliance with the requirements of this section~~
40 ~~until the first action plan review pursuant to subsection (a)(4)(e).~~

41 (e)(d) ~~The Kansas department of agriculture, including the division of~~
42 ~~water resources and the division of conservation, chief engineer, Kansas~~
43 ~~water office, Kansas department of health and environment, state~~
~~corporation commission, university of Kansas, Kansas geological survey,~~

as provided herein

the current priority areas of concern. If a district includes one or more local enhanced management areas, a five-year review schedule for such district shall be established by agreement between the board of the district and the chief engineer to coordinate the review of the action plans with the review of the local enhanced management area required by K.S.A. 82a-1041, and amendments thereto. If a district does not include any local enhanced management areas, the board shall review the action plan five years after such action plan was first approved and every five years thereafter.

The Kansas department of agriculture, including the division of water resources and the division of conservation, chief engineer, Kansas water office, Kansas department of health and environment, state corporation commission, university of Kansas, Kansas geological survey, Kansas state university, Kansas state university extension system and local conservation districts shall provide assistance and support to each board as is reasonably necessary for the achievement of the goals set forth in this section. The Kansas water authority shall consider the efforts of such agencies to assist the districts when recommending appropriations of the state water plan fund.

(d)

1 Kansas state university, Kansas state university extension system and local
2 conservation districts shall provide assistance and support to each board as
3 is reasonably necessary for the achievement of the goals set forth in this
4 section. The Kansas water authority shall consider the efforts of such
5 agencies to assist the districts when recommending appropriations of
6 the state water plan fund.

7 ~~(f)(e)~~ Beginning on January 15, 2025, the board of each district shall
8 submit an annual written report to the house of representatives standing
9 committee on water, the house of representatives standing committee on
10 agriculture and natural resources and the senate standing committee on
11 agriculture and natural resources, and any other appropriate committee,
12 and any successor committees, summarizing any activities undertaken
13 pursuant to this section in the previous calendar year. A representative of
14 the board shall appear before the committee upon request.

15 ~~(g)(f)~~ This section shall be a part of and supplemental to article 10 of
16 chapter 82a of the Kansas Statutes Annotated, and amendments thereto.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.