

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2279

By Committee on Water

2-2

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

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

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

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

23 (1) An itemized list of all income and the source from which the
24 income was received, including any grants and interest income earned;

25 (2) an itemized list of all expenditures by the board; and

26 (3) an accounting of all assets currently held by the board.

27 (c) The annual report shall also include a detailed statement that
28 explains how the expenditures by the board served to further the
29 conservation **and reduced consumptive use** of groundwater, the
30 prevention of economic deterioration and the stabilization of agriculture or
31 otherwise supported implementation of the district's management program.

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

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

1 pursuant to K.S.A. 82a-1020, and amendments thereto. The legislature has
2 provided tools for districts and local water users to achieve such goals with
3 intensive groundwater use control areas designated pursuant to K.S.A.
4 82a-1036, and amendments thereto, and local enhanced management areas
5 established pursuant to K.S.A. 82a-1041, and amendments thereto.

6 ~~(b)~~ (1) Not later than July 1, 2024, the board of each district shall
7 identify all **priority** areas of concern within each district and set
8 reasonable boundaries for each area of concern using data from the Kansas
9 geological survey or any other source approved by the chief engineer.

10 **Subject to the approval of the chief engineer, the board of each district**
11 **may request an extension of up to six months to identify such priority**
12 **areas of concern upon good cause shown and upon any terms or**
13 **conditions required by the chief engineer. Priority areas of concern**
14 include, but are not limited to, areas where:

15 (A) **The estimated usable lifetime of groundwater is 50 years or**
16 **less; or**

17 (B) **an unreasonable deterioration of the quality of groundwater**
18 **is occurring.**

19 (2) **Priority areas of concern may also include areas where:**

20 (A) Groundwater levels are declining or have declined excessively;

21 (B) the rate of withdrawal of groundwater equals or exceeds the rate
22 of recharge;

23 (C) preventable waste of water is occurring or may occur; ~~or~~

24 (D) an unreasonable deterioration of the quality of groundwater ~~is~~
25 ~~occurring or may occur; or~~

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

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

32 ~~(2)~~(4) (A) The board of each district shall conduct public education
33 and outreach in each **priority** area so that the board may develop an action
34 plan to **reasonably** address the identified concerns in each area based on
35 input from the water right owners and users within the area ~~that will~~
36 ~~support conservation, the prevention of economic deterioration and the~~
37 ~~stabilization of agriculture, based on the information available.~~ Such action
38 plan shall be incorporated into the district's management program and
39 submitted to the chief engineer by July 1, 2026.

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

1 such plan ~~is~~ **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)~~ **(b)** If a board fails to identify **priority** areas of concern within a
21 district or to submit ~~a management program that includes a~~ **an** 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 **(3) take such** corrective actions **necessary** under the authority
30 granted to the chief engineer pursuant to the Kansas water appropriations
31 act and Kansas groundwater management act **to carry out the action**
32 **plan.**

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

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

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

Sec. 3. (a) If a district owns, purchases or otherwise acquires land, no member of the board of such district shall farm such land for profit.
 (b) This section shall be a part of and supplemental to article 10 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto.