

SENATE BILL No. 156

By Committee on Natural Resources

2-5

1 AN ACT concerning ~~water, relating to~~ the department of agriculture;
2 relating to water conservation areas; agricultural liming materials;
3 the Arkansas river gaging fund; amending K.S.A. 2-2907 and K.S.A.
4 2014 Supp. 2-2903 and 74-5,133 and repealing the existing section
5 sections.
6

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

8 **New Section 1. (a) Any water right owner or a group of water**
9 **right owners in a designated area may enter into a consent agreement**
10 **and order with the chief engineer to establish a water conservation**
11 **area. The water right owner or group of water right owners shall**
12 **submit a management plan to the chief engineer. Such management**
13 **plan shall be the basis of the consent agreement and order designating**
14 **a water conservation area and shall:**

15 (1) Include clear geographic boundaries;

16 (2) include the written consent of all participating water right
17 owners within the geographic boundaries described in paragraph (1)
18 to enter into the consent agreement and order;

19 (3) include a finding or findings that one or more of the
20 circumstances specified in K.S.A. 82a-1036(a) through (d), and
21 amendments thereto, exist;

22 (4) include provisions regarding the proposed duration of the
23 water conservation area and any process by which water right owners
24 may request to be added or removed from the water conservation
25 area;

26 (5) include goals and corrective control provisions to address one
27 or more of the circumstances specified in K.S.A. 82a-1036(a) through
28 (d), and amendments thereto;

29 (6) give due consideration to water users who have previously
30 implemented reductions in water use resulting in voluntary
31 conservation measures;

32 (7) include compliance monitoring and enforcement; and

33 (8) be consistent with state law.

34 (b) A consent agreement and order of designation of a water

1 conservation area pursuant to this section shall define the boundaries
2 of the water conservation area and may include any of the following
3 corrective control provisions:

4 (1) Closing the water conservation area to any further
5 appropriation of groundwater. In which event, the chief engineer shall
6 thereafter refuse to accept any application for a permit to appropriate
7 groundwater located within such area;

8 (2) determining the permissible total withdrawal of groundwater
9 in the water conservation area each day, month or year, and
10 apportioning such permissible total withdrawal among the valid
11 groundwater right holders in such area in accordance with the relative
12 dates of priority of such rights;

13 (3) reducing the permissible withdrawal of groundwater by any
14 one or more appropriators thereof, or by wells in the water
15 conservation area;

16 (4) requiring and specifying a system of rotation of groundwater
17 use in the water conservation area; and

18 (5) any other provisions necessary to effectuate agreed-upon
19 water conservation goals consistent with the public interest.

20 The chief engineer shall be responsible for the monitoring and
21 enforcement of any corrective control provisions ordered for a water
22 conservation area.

23 (c) The order of designation shall be in full force and effect from
24 the date of its entry in the records of the chief engineer's office. The
25 chief engineer upon request shall deliver a copy of such order to any
26 interested person who is affected by such order and shall file a copy of
27 the same with the register of deeds of any county within which any
28 part of the water conservation area lies.

29 (d) If any corrective control provisions of a water conservation
30 area conflict with rules and regulations of a groundwater management
31 district or requirements of a local enhanced management plan or
32 intensive groundwater use control area that result in greater overall
33 conservation of water resources within which a participating water
34 right is situated, the chief engineer is authorized to amend the
35 provisions of the water conservation area to conform to any rules and
36 regulations or requirements that result in greater conservation of
37 water resources, as determined by the chief engineer. As part of the
38 consent agreement and order of designation, the chief engineer may
39 authorize single-year or multi-year term permits for water right
40 owners to effectuate the water conservation area's conservation goals
41 in accordance with the management plan.

42 (e) Prior to execution of a proposed water conservation area
43 consent agreement and order of designation pursuant to this section,

1 the chief engineer shall notify in writing the groundwater management
2 district within which any participating water right is situated. Such
3 groundwater management district shall be given an opportunity to
4 provide a written recommendation regarding the proposed water
5 conservation area and management plan within 45 days of notification
6 by the chief engineer. The review period may be extended by up to 30
7 days upon approval by the chief engineer. Subject to subsection (d),
8 any participating water right in a water conservation area shall
9 continue to be subject to all applicable rules and regulations and
10 management plans of the groundwater management district in which
11 the water right is situated.

12 (f) The consent agreement and order of designation shall provide
13 for periodic review of the consent agreement and order, which may be
14 initiated by the chief engineer or upon request of the water right
15 owners in the water conservation area. The consent agreement and
16 order shall specify the frequency of such periodic review, but a review
17 shall be conducted at least once every 10 years.

18 (g) (1) The chief engineer may, with the consent of all
19 participating water right owners, amend a consent agreement and
20 order of designation in order to:

21 (A) Modify corrective control provisions or the boundaries of the
22 designated area;

23 (B) add or remove water rights upon request of such water right
24 owners;

25 (C) terminate a water conservation area upon the request of the
26 water right owners in the designated area; or

27 (D) make other changes the water right owners may request.

28 (2) Any amendments to a consent agreement and order of
29 designation, except amendments that remove a water right upon
30 request of the owner so long as the consent of all participating water
31 right owners is not required pursuant to the management plan, shall
32 be consented to by all participating water right owners within the
33 designated area and the chief engineer and shall be based upon a
34 revised management plan submitted by the participating water right
35 owners.

36 (h) The chief engineer shall adopt rules and regulations to
37 effectuate and administer the provisions of this section.

38 (i) The provisions of this section shall be part of and
39 supplemental to the Kansas water appropriation act.

40 Sec. 2. K.S.A. 2014 Supp. 2-2903 is hereby amended to read as
41 follows: 2-2903. (a) Every package or container of agricultural liming
42 materials sold, offered or exposed for sale in this state shall have
43 affixed to each package in a conspicuous manner on the outside

1 thereof, a plainly printed, stamped or otherwise marked label, tag or
2 statement setting forth the following information: (1) The name and
3 principal office address of the manufacturer or distributor;

4 (2) the brand or trade name of the material;

5 (3) the identification of the product as to type of agricultural
6 liming material;

7 (4) the net weight of the agricultural liming material;

8 (5) the calcium carbonate equivalent as determined by methods
9 prescribed by the association of official analytical chemists, and in *such*
10 minimum amounts as prescribed by rules and regulations of the
11 secretary of agriculture; and

12 (6) the minimum percentage by weight passing through U.S.
13 standard sieves, as prescribed by rules and regulations;

14 (7) the minimum percentage of weight of effective calcium
15 carbonate equivalent (ECC), a function of calcium carbonate
16 equivalent and fineness as prescribed by rules and regulations of the
17 secretary of agriculture.

18 (b) In any case where a bulk sale of agricultural liming materials
19 is made, the delivery slip identifying such sale shall contain the
20 information required by subsection (a)(7).

21 (c) No information or statement shall appear on any package,
22 label, delivery slip or advertising material which is false or misleading
23 to the purchaser as to the quality, analysis, type or composition of the
24 agricultural liming material.

25 (d) In the case of any material which has been adulterated
26 subsequent to packaging, labeling or loading thereof but before
27 delivery to the consumer, a plainly marked notice to that effect shall
28 be affixed by the vendor to the package or delivery slip to identify the
29 kind and degree of adulteration therein.

30 (e) At every site from which agricultural liming materials are
31 delivered in bulk or orders for bulk deliveries are placed by
32 consumers, there shall be conspicuously posted a statement setting
33 forth the information required by subsection (a) of this section for
34 each brand of material.

35 Sec. 3. K.S.A. 2-2907 is hereby amended to read as follows: 2-
36 2907. (a) It shall be the duty of the secretary or ~~his or her~~ *the secretary's*
37 duly authorized agent to sample, inspect, make analyses of and test
38 agricultural liming materials distributed within this state as often as
39 the secretary may deem necessary to determine whether such
40 agricultural liming materials are in compliance with the provisions of
41 this act. The secretary or ~~his or her~~ *the secretary's* agent may enter
42 upon any public or private premises or carriers during regular
43 business hours in order to have access to agricultural liming material

1 **subject to the provisions of this act, and to any records relating to**
 2 **their distribution.**

3 **(b) The methods of analysis and sampling shall be those approved**
 4 **by the secretary,** ~~and shall be guided by association of official analytical~~
 5 ~~chemists procedures.~~

6 ~~Section 1.~~ **Sec. 4.** K.S.A. 2014 Supp. 74-5,133 is hereby amended to
 7 read as follows: 74-5,133. (a) (1) There is hereby established in the state
 8 treasury the Arkansas river gaging fund, which shall be administered by
 9 the secretary of agriculture. All expenditures from the Arkansas river
 10 gaging fund shall be for the operation and maintenance of:

11 (A) The gages along the Arkansas river necessary to manage the river
 12 under the Arkansas river compact; *and*

13 (B) *the stateline groundwater gage sites in the Arkansas river basin*
 14 *necessary to manage the quantity and quality of such groundwater.*

15 (2) ~~Except that,~~ After all expenditures are made during the fiscal year
 16 for the ~~operation and maintenance of the gages along the Arkansas river~~
 17 ~~necessary to manage the river under the Arkansas river compact purposes~~
 18 *listed in paragraph (1), then, expenditures shall be made* in accordance
 19 with the following priorities and subject to the expenditure limitations
 20 prescribed therefor:

21 (A) First, any remaining moneys authorized to be expended from the
 22 fund for the fiscal year shall be expended for the purposes of livestock
 23 market reporting in an amount not to exceed \$20,000 in a fiscal year; and

24 (B) second, if there are any remaining moneys authorized to be
 25 expended from the fund for the fiscal year after the expenditures for
 26 livestock market reporting, then expenditures shall be made from the fund
 27 for the purpose of funding the bluestem pasture report in an amount not to
 28 exceed \$5,000.

29 ~~(2)~~ (3) All expenditures from the Arkansas river gaging fund shall be
 30 made in accordance with appropriation acts upon warrants of the director
 31 of accounts and reports issued pursuant to vouchers approved by the
 32 secretary of agriculture or the designee of the secretary of agriculture.

33 (b) All moneys received as royalties from the state's oil and gas leases
 34 in Hamilton, Kearny, Finney, Gray and Ford counties, except those
 35 moneys arising from leases on lands under the control of the secretary of
 36 wildlife, parks and tourism as provided by K.S.A. 32-854, and
 37 amendments thereto, shall be deposited in the state treasury in accordance
 38 with the provisions of K.S.A. 75-4215, and amendments thereto, and shall
 39 be credited to the Arkansas river gaging fund. During each fiscal year,
 40 when the total amount of moneys credited to the fund is equal to ~~\$75,000~~
 41 **\$95,000**, no further moneys shall be credited to the fund. The remainder of
 42 the moneys received for such royalties for such fiscal year shall be
 43 credited to the state general fund.

1 Sec. ~~2~~. **5. K.S.A. 2-2907 and** K.S.A. 2014 Supp. **2-2903 and** 74-
2 5,133 ~~is~~ **are** hereby repealed.

3 Sec. ~~3~~. **6.** This act shall take effect and be in force from and after its
4 publication in the statute book.