

SENATE BILL No. 548

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning water; relating to groundwater management districts;
2 excepting matters related to water rights from the advice and assistance
3 such districts may provide; amending K.S.A. 82a-1028 and repealing
4 the existing section.
5

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

7 Section 1. K.S.A. 82a-1028 is hereby amended to read as follows:
8 82a-1028. Every groundwater management district organized under this
9 act shall be a body politic and corporate and shall have the power to:

- 10 (a) Adopt a seal;
11 (b) sue and be sued in its corporate name;
12 (c) rent space, maintain and equip an office; and pay other
13 administrative expenses;
14 (d) employ such legal, engineering, technical; and clerical services as
15 may be deemed necessary by the board;
16 (e) purchase, hold, sell and convey land, water rights and personal
17 property; and execute such contracts as may, in the opinion of the board, be
18 deemed necessary or convenient;
19 (f) acquire land and interests in land by gift, exchange or eminent
20 domain, the power of eminent domain to be exercised within the
21 boundaries of the district in like manner as provided by the eminent
22 domain procedure act, except that any land holdings acquired pursuant
23 hereto or in accordance with the provisions of the next preceding
24 subsection shall not in the aggregate exceed 1,000 acres. In any case where
25 a district has land holdings in excess of the described limitation, the
26 district shall dispose of such excess in a reasonable and expeditious
27 manner;
28 (g) construct, operate and maintain such works as may be determined
29 necessary for drainage, recharge, storage, distribution or importation of
30 water; and all other appropriate facilities of concern to the district;
31 (h) levy water user charges and land assessments, issue general and
32 special bonds and incur indebtedness within the limitations prescribed by
33 this act;
34 (i) contract with persons, firms, associations, partnerships,
35 corporations or agencies of the state or federal government; and enter into
36 cooperative agreements with any of them;

1 (j) take appropriate actions to extend or reduce the territories of the
2 district as prescribed by this act;

3 (k) construct and establish research, development; and demonstration
4 projects; and collect and disseminate research data and technical
5 information concerning the conservation of groundwater;

6 (l) install or require the installation of meters, gauges; or other
7 measuring devices and read or require water users to read and report those
8 readings as may be necessary to determine the quantity of water
9 withdrawn;

10 (m) provide advice and assistance in the management of drainage
11 problems, storage, groundwater recharge, surface water management; and
12 all other appropriate matters of concern to the district, *except all matters*
13 *relating to water rights*;

14 (n) adopt administrative standards and policies relating to the
15 management of the district—~~which~~ *that* are not inconsistent with the
16 provisions of article 10 of chapter 82a of the Kansas Statutes Annotated,
17 and amendments thereto, or the Kansas water appropriation act;

18 (o) ~~(1)~~ recommend to the chief engineer rules and regulations—~~which~~
19 *that* relate to the conservation and management of groundwater *for*
20 *irrigation use* within the district, are within the authority of the chief
21 engineer and are not inconsistent with the provisions of article 10 of
22 chapter 82a of the Kansas Statutes Annotated, and amendments thereto, or
23 the Kansas water appropriation act. Within 90 days after receipt of a final
24 draft of proposed rules and regulations recommended by a groundwater
25 management district, the chief engineer shall:

26 ~~(+)~~(A) Approve or reject the proposed rules and regulations for
27 adoption; and

28 ~~(-)~~(B) either initiate procedures pursuant to the rules and regulations
29 filing act to adopt the approved proposed rules and regulations or return
30 the rejected proposed rules and regulations, together with written reasons
31 for the rejection, to the groundwater management district.

32 (2) Proposed rules and regulations recommended to the chief
33 engineer shall be of no force and effect unless and until adopted by the
34 chief engineer to implement the provisions of article 7 of chapter 82a of
35 the Kansas Statutes Annotated, and amendments thereto. All such rules
36 and regulations adopted shall be effective only within a specified district;

37 (p) ~~(1)~~ recommend to the department of health and environment, the
38 state corporation commission or other appropriate state agency such other
39 rules and regulations, not inconsistent with law,—~~which~~ *that* relate to the
40 conservation and management of groundwater within the district and are
41 within the authority of such department, commission or other agency.
42 Within 90 days after receipt of a final draft of proposed rules and
43 regulations recommended by a groundwater management district, the

1 department, commission or other agency shall:

2 ~~(+)~~(A) Approve or reject the proposed rules and regulations for
3 adoption; and

4 ~~(-)~~(B) either initiate procedures pursuant to the rules and regulations
5 filing act to adopt the approved proposed rules and regulations or return
6 the rejected proposed rules and regulations, together with written reasons
7 for the rejection, to the groundwater management district.

8 (2) Proposed rules and regulations recommended to the department,
9 commission or other agency shall be of no force and effect unless and until
10 adopted by the department, commission or other such agency. All such
11 rules and regulations adopted shall be effective only within a specified
12 district;

13 (q) enforce by suitable action, administrative or otherwise, rules and
14 regulations adopted as provided by subsection (o) or (p);

15 (r) enter upon private property within the district for inspection
16 purposes, to determine conformance of the use of water with established
17 rules and regulations, including measurements of flow, depth of water,
18 water wastage and for such other purposes as are necessary and not
19 inconsistent with the purposes of this act;

20 (s) select a residence or home office for the groundwater management
21 district ~~which shall be~~ at a place in a county in which the district or any
22 part thereof is located and may be either within or without the boundaries
23 of the district. The board shall designate the county in which the residence
24 or home office is located as the official county for the filing of all official
25 acts and assessments;

26 (t) seek and accept grants or other financial assistance that the federal
27 government and other public or private sources shall make available and to
28 utilize the same to carry out the purposes and functions of the district; and

29 (u) recommend to the chief engineer the initiation of proceedings for
30 the designation of a certain area within the district as an intensive
31 groundwater use control area.

32 Sec. 2. K.S.A. 82a-1028 is hereby repealed.

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