AN ACT concerning water; relating to the division of water resources; groundwater; amending K.S.A. 2015 Supp. 74-506d, 75-2935 and 82a-303b and repealing the existing sections.

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

New Section 1. To further implement the provisions of the groundwater management act, if the secretary of agriculture or the chief engineer of the division of water resources of the Kansas department of agriculture propose rules and regulations that may change an adopted local groundwater management program or impact water use in a groundwater management district, the secretary or chief engineer shall notify the groundwater management district board of directors of such requested management program change or proposed rules and regulations and provide a copy of such requested management program change or proposed rules and regulations to the board. Upon such notice, the board of directors shall prepare a response of intended board actions. The board of directors shall follow the provisions of K.S.A. 82a-1029, and amendments thereto, for revising active groundwater management programs.

New Sec. 2. (a) The division of water resources of the Kansas department of agriculture shall provide notice of all final orders issued by the division on its official website.

(b) The division, in conjunction with the groundwater management district within which such water right is situated, shall directly notify any water right owner with a point of diversion within half a mile, or further if deemed necessary by a rule and regulation of the chief engineer, of a water right subject to any order issued pursuant to K.S.A. 82a-706b, 82a-708a and 82a-708b, and amendments thereto, of such order.

Sec. 3. K.S.A. 2015 Supp. 74-506d is hereby amended to read as follows: 74-506d. The secretary of agriculture is hereby authorized to employ a chief engineer of the division of water resources and such expert assistants, clerical and other help as may be necessary to properly carry out the provisions of this act, and to fix their compensation, all of whom. The chief engineer shall be under the classified service of the Kansas civil service act, but any vacant position of such expert assistants, clerical and other help necessary to carry out the provisions of this act may be
converted by the secretary of agriculture to an unclassified position.

Sec. 4. K.S.A. 2015 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:
(a) Chosen by election or appointment to fill an elective office;
(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;
(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;
(d) all employees in the office of the governor;
(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;
(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;
(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal
national guard bureau, and officers and enlisted persons in the national
guard and the naval militia;
(h) persons engaged in public work for the state but employed by
contractors when the performance of such contract is authorized by the
legislature or other competent authority;
(i) persons temporarily employed or designated by the legislature or
by a legislative committee or commission or other competent authority to
make or conduct a special inquiry, investigation, examination or
installation;
(j) officers and employees in the office of the attorney general and
special counsel to state departments appointed by the attorney general,
except that officers and employees of the division of the Kansas bureau of
investigation shall be in the classified or unclassified service as provided
in K.S.A. 75-711, and amendments thereto;
(k) all employees of courts;
(l) client, patient and inmate help in any state facility or institution;
(m) all attorneys for boards, commissions and departments;
(n) the secretary and assistant secretary of the Kansas state historical
society;
(o) physician specialists, dentists, dental hygienists, pharmacists,
medical technologists and long term care workers employed by the Kansas
department for aging and disability services;
(p) physician specialists, dentists and medical technologists employed
by any board, commission or department or by any institution under the
jurisdiction thereof;
(q) student employees enrolled in public institutions of higher
learning;
(r) administrative officers, directors and teaching personnel of the
state board of education and the state department of education and of any
institution under the supervision and control of the state board of
education, except that this subsection (1)(r) shall not be construed to
include the custodial, clerical or maintenance employees, or any
employees performing duties in connection with the business operations of
any such institution, except administrative officers and directors;
(s) all officers and employees in the office of the secretary of state;
(t) one personal secretary and one special assistant to the following:
The secretary of administration, the secretary for aging and disability
services, the secretary of agriculture, the secretary of commerce, the
secretary of corrections, the secretary of health and environment, the
superintendent of the Kansas highway patrol, the secretary of labor, the
secretary of revenue, the secretary for children and families, the secretary
of transportation, the secretary of wildlife, parks and tourism and the
commissioner of juvenile justice;
(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;
(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;
(w) one public information officer and one chief attorney for the following: The department of administration, the Kansas department for aging and disability services, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the Kansas department for children and families, the department of transportation, the Kansas department of wildlife, parks and tourism and the commissioner of juvenile justice;
(x) if designated by the appointing authority, persons in newly hired positions, including any employee who is rehired into such position and any current state employee who voluntarily transfers into, or is voluntarily promoted or demoted into such position, on and after July 1, 2015, in any state agency;
(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;
(z) specifically designated by law as being in the unclassified service;
(aa) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency;
(bb) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2015 Supp. 76-715a, and amendments thereto; and
(cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-2878, 65-6103, 73-1210a, 73-1234, 74-506d, 74-515b, 74-561, 74-569, 74-631, 74-1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014, 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c, 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-
5910, 75-7028, 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-
12a05, 76-12a08, 76-12a16, 76-3202 and 82a-1205 and K.S.A. 2015 Supp.
39-1911, and amendments thereto, any vacant position within the
classified service may be converted by the appointing authority to an
unclassified position.

(2) The classified service comprises all positions now existing or
hereafter created which are not included in the unclassified service.
Appointments in the classified service shall be made according to merit
and fitness from eligible pools which so far as practicable shall be
competitive. No person shall be appointed, promoted, reduced or
discharged as an officer, clerk, employee or laborer in the classified
service in any manner or by any means other than those prescribed in the
Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled duties, the
secretary of administration, as provided by law, shall establish rules and
regulations concerning certifications, appointments, layoffs and
reemployment which may be different from the rules and regulations
established concerning these processes for other positions in the classified
service.

(4) Officers authorized by law to make appointments to positions in
the unclassified service, and appointing officers of departments or
institutions whose employees are exempt from the provisions of the
Kansas civil service act because of the constitutional status of such
departments or institutions shall be permitted to make appointments from
appropriate pools of eligibles maintained by the division of personnel
services.

(5) On and after the effective date of this act, any state agency that
has positions in the classified service within the Kansas civil service act to
satisfy any requirement of maintaining personnel standards on a merit
basis pursuant to federal law or the rules and regulations promulgated
thereunder by the federal government or any agency thereof, shall adopt a
binding statement of agency policy pursuant to K.S.A. 77-415, and
amendments thereto, to satisfy such requirements if the appointing
authority has made any such position unclassified.

Sec. 5. K.S.A. 2015 Supp. 82a-303b is hereby amended to read as
follows: 82a-303b. (a) (1) In order to secure conformity with adopted rules
and regulations and to assure compliance with the terms, conditions or
restrictions of any consent or permit granted pursuant to the provisions of
K.S.A. 82a-301 through 82a-303, and amendments thereto, the chief
engineer or an authorized representative of the chief engineer shall have
the power and the duty to inspect any dam or other water obstruction.
Upon a finding pursuant to subsection (a) of K.S.A. 82a-303c(a), and
amendments thereto, by the chief engineer that a dam is unsafe, the chief
engineer shall order an annual inspection of the dam until it is either in compliance with all applicable provisions of this act, any rules and regulations promulgated pursuant to this act, permit conditions and orders of the chief engineer; or the dam is removed. The safety inspection shall be conducted by the chief engineer or authorized representative and the actual cost shall be paid by the dam owner up to the maximum fee. The class and size of a dam shall be defined by rules and regulations adopted by the chief engineer pursuant to K.S.A. 82a-303a, and amendments thereto. The maximum inspection fees are as follows:

<table>
<thead>
<tr>
<th>Size of Dam</th>
<th>Inspection fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Class 2</td>
<td>$1,500</td>
</tr>
<tr>
<td>Class 3</td>
<td>$2,500</td>
</tr>
<tr>
<td>Class 4</td>
<td>$4,000</td>
</tr>
</tbody>
</table>

(2) Each hazard class C dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every three years, unless otherwise ordered by the chief engineer.

(3) Each hazard class B dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every five years unless otherwise ordered by the chief engineer.

(4) Within 60 days of the date of inspection, a report of the inspection shall be provided to the chief engineer by the licensed professional engineer who conducted the inspection. The report shall document the physical condition of the dam, describing any deficiencies observed, an analysis of the capacity of the dam and its spillway works, compliance of the dam with approved plans and permit conditions, changes observed in the condition of the dam since the previous inspection, an assessment of the hazard classification of the dam including a statement that the engineer either agrees or disagrees with the current classification, and any other information relevant to the safety of the dam or specifically requested by the chief engineer.

(5) Upon failure of a dam owner to comply with the applicable inspection interval, the chief engineer or such chief engineer's authorized representative shall conduct a mandatory inspection of the dam and the costs as established by this act for the inspection shall be paid by the owner, in addition to any other remedies provided for violations of this act.

(6) The failure to file a complete and timely report as required by the provisions of this act, or the failure to submit the fees assessed for inspections conducted by the chief engineer or the chief engineer's authorized representative shall be deemed a violation of this act and subject to the penalties provided by K.S.A. 82a-305a, and amendments
thereto.

(b) For the purpose of inspecting any dam or other water obstruction, the chief engineer or an authorized representative of the chief engineer shall have the right of access to private property. Costs for any work which may be required by the chief engineer or the authorized representative prior to or as a result of the inspection of a dam or other water obstruction shall be paid by the owner, governmental agency or operator of such dam or other water obstruction.

(c) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 2015 Supp. 82a-328, and amendments thereto.

Sec. 6. K.S.A. 2015 Supp. 74-506d, 75-2935 and 82a-303b are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.