

**HOUSE BILL No. 2697**

By Committee on Water

Requested by Representative Howerton

2-6

1 AN ACT concerning water; relating to groundwater management districts;  
2 allowing groundwater management district boards to provide relevant  
3 information rather than advice and assistance regarding groundwater  
4 management and other appropriate matters of concern of a district;  
5 amending K.S.A. 82a-1028 and repealing the existing section.  
6

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

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

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

- 1 corporations or agencies of the state or federal government, and enter into  
 2 cooperative agreements with any of them;
- 3 (j) take appropriate actions to extend or reduce the territories of the  
 4 district as prescribed by this act;
- 5 (k) construct and establish research, development, and demonstration  
 6 projects; and collect and disseminate research data and technical  
 7 information concerning the conservation of groundwater;
- 8 (l) install or require the installation of meters, gauges, or other  
 9 measuring devices and read or require water users to read and report those  
 10 readings as may be necessary to determine the quantity of water  
 11 withdrawn;
- 12 (m) provide ~~advice and assistance~~ *relevant information* in the  
 13 management of drainage problems, storage, groundwater recharge, surface  
 14 water management; and all other appropriate matters of concern to the  
 15 district;
- 16 (n) adopt administrative standards and policies relating to the  
 17 management of the district ~~which~~ *that* are not inconsistent with the  
 18 provisions of article 10 of chapter 82a of the Kansas Statutes Annotated,  
 19 and amendments thereto, or the Kansas water appropriation act;
- 20 (o) (1) recommend to the chief engineer rules and regulations ~~which~~  
 21 *that* relate to the conservation and management of groundwater within the  
 22 district, are within the authority of the chief engineer and are not  
 23 inconsistent with the provisions of article 10 of chapter 82a of the Kansas  
 24 Statutes Annotated, and amendments thereto, or the Kansas water  
 25 appropriation act. Within 90 days after receipt of a final draft of proposed  
 26 rules and regulations recommended by a groundwater management  
 27 district, the chief engineer shall:
- 28 (1)(A) Approve or reject the proposed rules and regulations for  
 29 adoption; and
- 30 (2)(B) either initiate procedures pursuant to the rules and regulations  
 31 filing act to adopt the approved proposed rules and regulations or return  
 32 the rejected proposed rules and regulations, together with written reasons  
 33 for the rejection, to the groundwater management district.
- 34 (2) Proposed rules and regulations recommended to the chief  
 35 engineer shall be of no force and effect unless and until adopted by the  
 36 chief engineer to implement the provisions of article 7 of chapter 82a of  
 37 the Kansas Statutes Annotated, and amendments thereto. All such rules  
 38 and regulations adopted shall be effective only within a specified district;
- 39 (p) (1) recommend to the department of health and environment, the  
 40 state corporation commission or other appropriate state agency such other  
 41 rules and regulations, not inconsistent with law, which relate to the  
 42 conservation and management of groundwater within the district and are  
 43 within the authority of such department, commission or other agency.

1 Within 90 days after receipt of a final draft of proposed rules and  
2 regulations recommended by a groundwater management district, the  
3 department, commission or other agency shall:

4 ~~(1)~~(A) Approve or reject the proposed rules and regulations for  
5 adoption; and

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

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

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

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

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

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

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

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

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