

Testimony Opposing Senate Bill 182
Senate Committee on Agriculture & Natural Resources
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On behalf of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and the Equus Beds Groundwater Management District No. 2 (GMD2), I wish to thank Chairman Kerschen and members of the Committee for the opportunity to provide testimony in opposition of Senate Bill 182 as currently proposed.

SB 182 seeks to amend K.S.A. 82a-706c by adding language that would allow the Chief Engineer to adopt rules and regulations regarding the testing and inspection of water meters and similar apparatuses and also allow the Chief Engineer to adopt rules and regulations on the tolerances and specifications "...for the manufacture, installation, examination, calibration, testing, repair, service and other adjustment..." of water meters, etc. The bill would also require the water meter tolerances and specifications to be the same for new, repaired or serviced water meters and also to "account for normal wear and tear." GMD2 and GMD3 are concerned about the term "examination". GMD2 and GMD3 both conduct numerous water meter inspections annually and the term "examination" could be used to dictate how groundwater management districts would be required to carry out the inspections. Additionally, requiring the rules and regulations regarding water meter tolerances and specifications to account for "normal wear and tear" of the water meters could be used to remove the obligation of a water user to properly maintain the water meter.

SB 182 also seeks to amend K.S.A. 2018 Supp. 82a-737 by adding definitions of "person", "seal, and "water measuring device technician". GMD2 and GMD3 are concerned that the proposed definition of "person" includes "government entity" which would then include groundwater management districts. The proposed "person" definition does, however, exempt the Secretary of Agriculture and Chief Engineer, but not the groundwater management districts. The "water measuring device technician" proposed definition would also include groundwater management districts, as it "means a person who is in the business of manufacturing, installing, examining, calibrating, testing, repairing, servicing or adjusting meters, gages, other water measuring devices or other measuring devices." Groundwater management districts inspect (i.e., examine) water meters, and in the case of GMD2, actually repair and service certain water meters. Additionally, some groundwater management districts test water meters and also seal water meters during the course of conducting inspections, testing, and repairs. The additional proposed language would shift some of the responsibility of not over-pumping a water right and the responsibility of properly installing, maintaining, and assuring the accuracy of the water meter, from the water user to the water measuring device technician. Moreover, when a water meter is repaired, the repair facility generally has no control of what happens to the water meter after it leaves the repair facility. A properly repaired or serviced water meter can be damaged, tampered with, or improperly installed, all of which could render it inaccurate.

Because the groundwater managements were consulted late in the process regarding the language in this bill, GMD2 and GMD3 would ask that the bill not be worked at this time and instead request the relevant stakeholders, including GMDs, be allowed to work together during the interim session to ensure that we both understand the concerns of the proponents and can craft a solution that addresses the issue without creating new, unintended problems for the GMDs or their members.

Thank you again Chairman Kerschen and Committee members for the opportunity to testify in opposition to SB 182 in its current form.