

HOUSE BILL No. 2635

By Committee on Energy and Utilities

1-17

9 AN ACT establishing a water sustainability review process and imple-
10 mentation thereof; amending K.S.A. 74-2608 and K.S.A. 2007 Supp.
11 74-2622 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 74-2608 is hereby amended to read as follows: 74-
15 2608. The Kansas water office shall:

16 (a) Collect and compile information pertaining to climate, water and
17 soil as related to the usage of water for agricultural, industrial and mu-
18 nicipal purposes and the availability of water supplies in the several wa-
19 tersheds of the state, and, in so doing, the office shall collect and compile
20 the information obtainable from other agencies, instrumentalities of the
21 state, political subdivisions of the state and the federal government.

22 (b) Develop a state plan of water resources management, conserva-
23 tion and development for water planning areas as determined by the
24 office, and cooperate with any agency or instrumentality of the state or
25 federal government now or hereafter engaged in the development of
26 plans or having developed plans affecting any such area of the state.

27 (c) Develop and maintain guidelines for water conservation plans and
28 practices. Such guidelines shall:

29 (1) Not prejudicially or unreasonably affect the public interest;

30 (2) be technologically and economically feasible for each water user
31 to implement;

32 (3) be designed to curtail the waste of water;

33 (4) consider the use of other water if the use of freshwater is not
34 necessary;

35 (5) not require curtailment in water use which will not benefit other
36 water users or the public interest;

37 (6) not result in the unreasonable deterioration of the quality of the
38 waters of the state;

39 (7) consider the reasonable needs of the water user at the time;

40 (8) not conflict with the provisions of the Kansas water appropriation
41 act and the state water planning act;

42 (9) be limited to practices of water use efficiency except for drought
43 contingency plans for municipal users; and

1 (10) take into consideration drought contingency plans for municipal
2 and industrial users.

3 When developing such guidelines, the Kansas water office shall con-
4 sider existing guidelines of groundwater management districts and the
5 cost to benefit ratio effect of any plan.

6 (d) The Kansas water office, with the approval of the Kansas water
7 authority, shall establish guidelines as to when conditions indicative of
8 drought exist. When the Kansas water office determines that such con-
9 ditions exist in an area, it shall so advise the governor and shall recom-
10 mend the assembling of the governor's drought response team.

11 (e) *The Kansas water office shall establish a timeframe for public wa-*
12 *ter supply systems and waste water treatment facilities to implement the*
13 *recommendations of the water sustainability review process as established*
14 *in K.S.A. 74-2622, and amendments thereto. Public water supply systems*
15 *and waste water treatment facilities shall provide the Kansas water office*
16 *such information as is necessary to implement the water sustainability*
17 *recommendations. Special priority shall be given to water systems with*
18 *unaccounted for loss rates above 12% per year and for those water systems*
19 *facing imminent shortages of water.*

20 Sec. 2. K.S.A. 2007 Supp. 74-2622 is hereby amended to read as
21 follows: 74-2622. (a) There is hereby established within and as a part of
22 the Kansas water office the Kansas water authority. The authority shall
23 be composed of 24 members of whom 13 shall be appointed as follows:
24 (1) One member shall be appointed by the governor, subject to confir-
25 mation by the senate as provided in K.S.A. 75-4315b, and amendments
26 thereto. Except as provided by K.S.A. 46-2601, such person shall not
27 exercise any power, duty or function as a member or chairperson of the
28 water authority until confirmed by the senate. Such member shall serve
29 at the pleasure of the governor and shall be the chairperson of the au-
30 thority; (2) except as provided by subsection (b), 10 members shall be
31 appointed by the governor for terms of four years. Of the members ap-
32 pointed under this provision one shall be a representative of large mu-
33 nicipal water users, one shall be representative of small municipal water
34 users, one shall be a board member of a western Kansas groundwater
35 management district, one shall be a board member of a central Kansas
36 groundwater management district, one shall be a member of the Kansas
37 association of conservation districts, one shall be representative of indus-
38 trial water users, one shall be a member of the state association of wa-
39 tershed districts, one shall have a demonstrated background and interest
40 in water use conservation and environmental issues, and two shall be
41 representative of the general public. The member who is representative
42 of large municipal water users shall be appointed from three nominations
43 submitted by the league of Kansas municipalities. The member who is

1 representative of small municipal water users shall be appointed from
2 three nominations submitted by the Kansas rural water district's associ-
3 ation. The member who is representative of a western Kansas ground-
4 water management district shall be appointed from three nominations
5 submitted by the presidents of the groundwater management district
6 boards No. 1, 3 and 4. The member who is representative of a central
7 Kansas groundwater management district shall be appointed from three
8 nominations submitted by the presidents of the groundwater manage-
9 ment district boards No. 2 and 5. The member who is representative of
10 industrial water users shall be appointed from three nominations sub-
11 mitted by the Kansas association of commerce and industry. The member
12 who is representative of the state association of watershed districts shall
13 be appointed from three nominations submitted by the state association
14 of watershed districts. The member who is representative of the Kansas
15 association of conservation districts shall be appointed from three nomi-
16 nations submitted by the state association of conservation districts. If the
17 governor cannot make an appointment from the original nominations, the
18 nominating authority shall be so advised and, within 30 days thereafter,
19 shall submit three new nominations. Members appointed by the governor
20 shall be selected with special reference to training and experience with
21 respect to the functions of the Kansas water authority, and no more than
22 six of such members shall belong to the same political party; (3) one
23 member shall be appointed by the president of the senate for a term of
24 two years; and (4) one member shall be appointed by the speaker of the
25 house of representatives for a term of two years. The state geologist, the
26 state biologist, the chief engineer of the division of water resources of the
27 Kansas department of agriculture, the director of the division of environ-
28 ment of the department of health and environment, the chairperson of
29 the state corporation commission, the secretary of commerce, the director
30 of the Kansas water office, the secretary of wildlife and parks, the admin-
31 istrative officer of the state conservation commission, the secretary of
32 agriculture and the director of the agricultural experiment stations of
33 Kansas state university of agriculture and applied science shall be non-
34 voting members ex officio of the authority. The director of the Kansas
35 water office shall serve as the secretary of the authority.

36 (b) A member appointed pursuant to subsection (a)(2) shall be ap-
37 pointed for a term expiring on January 15 of the fourth calendar year
38 following appointment and until a successor is appointed and qualified.

39 (c) In the case of a vacancy in the appointed membership of the
40 Kansas water authority, the vacancy shall be filled for the unexpired term
41 by appointment in the same manner that the original appointment was
42 made. Appointed members of the authority attending regular or special
43 meetings thereof shall be paid compensation, subsistence allowances,

1 mileage and other expenses as provided in K.S.A. 75-3223, and amend-
2 ments thereto.

3 (d) The Kansas water authority shall:

4 (1) Consult with and be advisory to the governor, the legislature and
5 the director of the Kansas water office.

6 (2) Review plans for the development, management and use of the
7 water resources of the state by any state or local agency.

8 (3) Make a study of the laws of this state, other states and the federal
9 government relating to conservation and development of water resources,
10 appropriation of water for beneficial use, flood control, construction of
11 levees, drainage, irrigation, soil conservation, watershed development,
12 stream control, gauging of stream and stream pollution for the purpose
13 of determining the necessity or advisability of the enactment of new or
14 amendatory legislation in this state on such subjects.

15 (4) Make recommendations to other state agencies and political sub-
16 divisions of the state for the coordination of their activities relating to
17 flood control, construction of levees, drainage, irrigation, soil conserva-
18 tion, watershed development, stream control, gauging of stream, stream
19 pollution and groundwater studies.

20 (5) Make recommendations to each regular session of the legislature
21 and to the governor at such times as the authority considers advisable
22 concerning necessary or advisable legislation relating to any of the matters
23 or subjects which it is required by this act to study for the purpose of
24 making recommendations to the legislature. All such recommendations
25 to the legislature shall be in drafted bill form together with such explan-
26 atory information and data as the authority considers advisable.

27 (6) Approve, prior to submission to the legislature by the Kansas wa-
28 ter office or its director, (A) any contract entered into pursuant to the
29 state water plan storage act, (B) any amendments to the state water plan
30 or the state water planning act and (C) any other legislation concerning
31 water resources of the state.

32 (7) Approve, before they become effective, any policy changes propo-
33 sed by the Kansas water office concerning the pricing of water for sale
34 pursuant to the state water plan storage act.

35 (8) Approve, before it becomes effective, any agreement entered into
36 with the federal government by the Kansas water office.

37 (9) Request any agency of the state, which shall have the duty upon
38 that request, to submit its budget estimate pertaining to the state's water
39 resources and any plans or programs related thereto and, upon the au-
40 thority's receipt of such budget estimate, review and evaluate it and fur-
41 nish recommendations relating thereto to the governor and the
42 legislature.

43 (10) Approve, prior to adoption by the director of the Kansas water

1 office, rules and regulations authorized by law to be adopted.

2 (11) Approve, prior to adoption by the director of the Kansas water
3 office, guidelines for conservation plans and practices developed pursuant
4 to subsection (c) of K.S.A. 74-2608, and amendments thereto.

5 (12) *Require all public water supply systems, as defined in K.S.A. 65-
6 162a, and amendments thereto, and waste water treatment facilities as
7 defined in K.S.A. 65-4501, and amendments thereto, to develop a water
8 sustainability review process that will address estimated population
9 growth and water supply sustainable yield projections. The review shall
10 be conducted by the Kansas water authority in collaboration with the
11 Kansas water office, the Kansas department of health and environment
12 and other interested parties.*

13 (A) *The review process shall include a timeline for which each public
14 water supply system and waste water treatment facility to develop and
15 implement a community-based water sustainability plan. These local plans
16 shall be in addition to existing plans addressing severe drought emergen-
17 cies. The review process shall also include estimates of state financial and
18 technical assistance, as well as any other assistance necessary for the de-
19 velopment of such plans.*

20 (B) *The Kansas water authority shall report the outcome of the water
21 sustainability review process and any relevant policy recommendations
22 to the governor and the legislature by January 1, 2010. After such report
23 has been made, the Kansas water office shall establish a timeframe for
24 implementation of the recommendations arising from the water sustain-
25 ability review process.*

26 (e) The Kansas water authority may appoint citizens' advisory com-
27 mittees to study and advise on any subjects upon which the authority is
28 required or authorized by this act to study or make recommendations.

29 (f) The provisions of the Kansas governmental operations accounta-
30 bility law apply to the Kansas water authority, and the authority is subject
31 to audit, review and evaluation under such law.

32 Sec. 3. K.S.A. 74-2608 and K.S.A. 2007 Supp. 74-2622 are hereby
33 repealed.

34 Sec. 4. This act shall take effect and be in force from and after its
35 publication in the statute book.