

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
HOUSE SUBSTITUTE FOR SENATE BILL NO. 430**

As Agreed to April 12, 2002

Brief *

House Sub. for SB 430 would clarify the powers of boards of directors of groundwater management districts. Specifically, the bill would allow these boards to adopt administrative standards and policies relating to the management of their districts which are not inconsistent with the other provisions of the groundwater management law or the Kansas Water Appropriation Act. In addition, the bill would permit the boards of directors of groundwater management districts to recommend to the Chief Engineer of the Division of Water Resources rules and regulations relating to the conservation and management of groundwater within the district which are not inconsistent with the provisions of the groundwater management law or the Kansas Water Appropriation Act. The bill also would establish that any standard, policy, or order of a groundwater management district, other than administrative standards and policies relating to the management of the district which is within the authority of the Chief Engineer, would be void and of no effect after January 1, 2003, unless adopted by rules and regulations.

The bill further would establish authority for boards of groundwater management districts to submit to the Kansas Department of Health and Environment (KDHE), the State Corporation Commission (KCC), and other state agencies rules and regulations for approval which would have the force and effect of law in that particular groundwater management district. These rules and regulations also would be those which relate to conservation and management of groundwater in the district but are not within the authority of the Chief Engineer. Standards, policies, or orders of a groundwater management district which are within the authority of a state agency other than the Chief Engineer would be void and of no effect after January 1, 2004, unless adopted by rules and regulations.

Within 90 days after receipt of a final draft of proposed rules and regulations, the Chief Engineer or any other department, commission,

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or agency would be required either to approve or reject them **or** initiate procedures to adopt the rules or regulations or return the proposed rules and regulations with written reasons for their rejection.

The bill would allow the groundwater management districts to enforce by suitable action, administrative or otherwise, the rules and regulations described in the above paragraphs.

The bill also would allow public wholesale water supply districts to provide, by contract, to participating public agencies for the operation and maintenance of state-permitted wastewater treatment works, systems, and other facilities and services relating to the treatment of wastewater. In addition, the bill would permit rural water districts the power to contract with cities or counties, or both, to operate and maintain state-permitted wastewater treatment works, systems, and other facilities relating to the treatment of wastewater.

Further, the bill would allow rural water districts to conduct their elections by mail ballot if the district's bylaws permit the mail ballot election.

Finally, the bill would increase the maximum water user charge in groundwater management districts from \$.60 to \$1.00. New language would permit a district to assess a greater annual water charge not exceeding \$1.50 for each acre-foot of groundwater withdrawn in the district if more than 50 percent of the authorized place of use of the water is outside the district.

Background

The Conference Committee on Sub. for SB 430 added the provisions of HB 2624 and HB 2607 to the bill. In addition, the Conference Committee added language requiring the Chief Engineer or any other state agency to take action on rules and regulations proposed by the groundwater management districts within 90 days of receipt of the rules and regulations. The Conference Committee also added language to the bill increasing the maximum water use charge in groundwater management districts from \$.60 to \$1.00 per acre-foot. In addition, this provision would allow a maximum water user charge of \$1.50 if more than 50 percent of the authorized place of use of the water is outside the district.