

Compare 2022's HB 2686's Section 14 with 2023's HB 2279 Sec 2

D. Barfield, KWRC, 2/2/2023

~~New 2Sec=14.~~ (a) It is the intent of the legislature that the groundwater resources of the state be conserved and extended by local water users for the prevention of economic deterioration and stabilization of agriculture, pursuant to K.S.A. 82a-1020, and amendments thereto, ~~by local water users.~~ The legislature has provided tools for districts and local water users to achieve such goals with intensive groundwater use control areas designated pursuant to K.S.A. 82a-1036, and amendments thereto, ~~and~~ local ~~enhanced management~~ ~~areas~~ ~~established~~ ~~pursuant~~ ~~to~~ K.S.A. 82a-1041, and amendments thereto. ~~The board of each district shall:~~

~~(b) (1) Identify, not~~ Not later ~~than~~ July 1, 2024, the board of each district shall identify all areas of concern within each district and set reasonable boundaries for each area of concern using data from the Kansas geological survey or any other source approved by the chief engineer. Areas of concern include, but are not limited to, areas where:

- (A) Groundwater levels are declining or have declined excessively;
- (B) the rate of withdrawal of groundwater equals or exceeds the rate of recharge;
- (C) preventable waste of water is occurring or may occur; or
- (D) an unreasonable deterioration of the quality of groundwater is occurring or may occur; and.

~~(2) (A)~~ The board of each district shall conduct public education and outreach in each area so that the board may develop an action plan to address the identified concerns in each area based on input from the water right owners and users within the area that will support conservation, the prevention ~~of~~ ~~economic~~ ~~deterioration~~ ~~and~~ the stabilization of agriculture, based on the information available. Such ~~plans~~action plan shall be ~~incorporated~~ ~~into~~ the district's ~~management~~ ~~program~~ ~~and~~ submitted to the chief engineer by July 1, 2026. ~~As soon as practicable, the chief engineer shall review such plans. If such plans are approved by the chief engineer, the chief engineer shall implement any plans that require action from the chief engineer.~~

~~(b) (B)~~ Within 90 calendar days after a district submits an action plan to the chief engineer, the chief engineer shall review such district's action plan. If such plan is approved by the chief engineer, the chief engineer shall implement any action plan that requires action from the chief engineer. Once a district's action plan has been approved by the chief engineer, the board of each district shall implement the action plan as soon as practicable.

(C) Each action plan required by this section shall be reviewed every five years at the same time and in the same manner that the board reviews its management program pursuant to K.S.A. 82a-1029, and amendments thereto. Following such review, the board shall either reaffirm the action plan or propose that it be revised. If the board proposes to revise an action plan, then the board shall follow the same procedure towards adoption of a revised action plan as described in this section for an original action plan.

(c) If a board fails to identify areas of concern within a district or to submit a management program that includes a plan to address the concerns in each area identified, or if a board submits a plan that fails to adequately address the problems within each area identified, the chief engineer is hereby authorized to initiate intensive groundwater use control area proceedings pursuant to K.S.A. 82a-1036, 82a-1037 and 82a-1038, and amendments thereto. In the case of declining groundwater levels or withdrawals that exceed recharge, the chief engineer shall develop a plan to, at a minimum, reduce by 50% the 2000-2019 rate of groundwater declines

~~as determined by the chief engineer, unless a stricter conservation goal is subsequently requested by the board~~ may take corrective actions under the authority granted to the chief engineer pursuant to the Kansas water appropriations act and Kansas groundwater management act.

(~~e~~) Upon request of a board, the chief engineer shall review the activities previously undertaken by the board to determine if ~~they have~~ the board has already complied with some or all of the requirements of this section.

(~~d~~) The Kansas department of ~~water and environment, agriculture,~~ including the division of water resources and ~~environmental planning and the~~ division of environment and conservation, ~~Kansas department of agriculture, the~~ chief engineer, Kansas water office, Kansas department of health, ~~and environment,~~ state corporation commission, university of Kansas, Kansas geological survey, Kansas state university, Kansas state university extension system and local conservation districts shall ~~provide assistance and support to each board as is~~ reasonably necessary for the achievement of the goals set forth in this ~~section.~~

~~(e) section.~~

(~~f~~) Beginning on January 15, ~~2027~~ 2025, the ~~chief engineer~~ board of each district shall submit an annual written report to the house of representatives standing committee on ~~agriculture~~ water, the house of representatives standing committee on agriculture and natural resources and the senate standing committee on agriculture and natural resources, and any other ~~appropriate~~ committees, and ~~any~~ successor committees, summarizing any activities undertaken ~~pursuant to this~~ section ~~in the~~ previous calendar year. A representative of the board shall appear before the committee upon request.

(~~g~~) This section shall be a part of and supplemental to ~~K.S.A. 82a-1020 Through~~ article 10 of chapter 82a-1042 of the Kansas Statutes Annotated, and amendments thereto.

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