

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

**MEMORANDUM**

To: Chairman Masterson and Members of the Committee on Utilities

From: Matt Sterling, Assistant Revisor of Statutes

Date: February 21, 2019

RE: Senate Bill 171

SB 171 would amend K.S.A. 65-163d, 65-163i, 65-170d and 65-171r concerning public water supply systems. Section 1 of the bill would amend K.S.A. 65-163d and the definition of "project" by striking the exception for the diversion or transportation of water acquired through a water transfer, as defined by K.S.A. 82a-1501<sup>1</sup>.

Section 2 of the bill would amend K.S.A. 65-163i concerning loans to municipalities for projects. Under current law, loan agreements with municipalities require that municipalities repay the loan within 20 years. The bill would change this requirement so that the municipality would have 40 years to repay the loan.

Section 3 would amend K.S.A. 65-170d concerning violations of the act and penalties imposed by the Secretary or Director of Environment. The bill would clarify that penalties could be imposed by written orders of the Secretary or Director of Environment and that a hearing would occur if an order was appealed.

Section 4 would amend K.S.A. 65-171r concerning the use of any pipe or pipe fitting in the installation or repair of any public water supply system or any plumbing in a residential or nonresidential facility providing water for human consumption. Under current law, any pipe or pipe fitting used in such installation or repair must not contain more than 8% lead. The bill would change this 8% to require that the pipe or pipe fitting contain no more than 0.25% lead.

---

<sup>1</sup> "Water transfer" means the diversion and transportation of water in a quantity of 2,000 acre feet or more per year for beneficial use at a point of use outside a 35-mile radius from the point of diversion of such water. In determining the amount of water transferred in the case of a water transfer supplying water to multiple public water supply systems or other water users, the amount of water transferred shall be considered to be the aggregate amount of water which will be supplied by the transfer to all public water supply systems and other water users whose points of use are located outside a 35-mile radius from the point of diversion of such water.

(2) Water transfer does not include a release of water from a reservoir to the water's natural watercourse for use within the natural watercourse or watershed, made under the authority of the state water plan storage act (K.S.A. 82a-1301 et seq., and amendments thereto) or the water assurance program act (K.S.A. 82a-1330 et seq., and amendments thereto).