

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2156**

As Recommended by Senate Committee on
Natural Resources

Brief*

Senate Sub. for HB 2156 would make changes to the way the Chief Engineer provides notice of program changes or proposed rules and regulations, the Chief Engineer position, and dam inspection fees. Detailed information on these changes is below.

Notice

The bill would create new law that states when the Secretary of Agriculture or the Chief Engineer of the Division of Water Resources (DWR), Kansas Department of Agriculture (KDA), proposes rules and regulations that could change an adopted local groundwater management program or impact water use in a groundwater management district (GMD), the Secretary or Chief Engineer would be required to notify the GMD board of directors in the affected area and provide a copy of the program change or proposed rules and regulations.

Upon receiving the notice, the GMD board of directors would be required to prepare a response of intended board actions and follow existing GMD law for revising active groundwater management programs.

The DWR would be required to provide notice of all final orders issued by the DWR on its official website. The DWR,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

along with the GMD where the water right is situated, would directly notify any water right owner with a point of diversion within half a mile, or further if necessary, of a water right subject to any order issued pursuant to existing law.

Chief Engineer Position

The bill also would require the position of Chief Engineer to be a classified position, but the bill would allow the Secretary of Agriculture to convert vacant positions under the Chief Engineer to unclassified positions.

Dam Inspection Fees

The bill would establish that the actual costs of dam inspections would be billed to and paid by the dam owner, with a maximum inspection fee of \$1,500 for Class 1 and Class 2 dams.

Background

The bill contains the provisions of SB 491, with amendments added by the Senate Committee on Natural Resources.

The House Committee version of HB 2156 dealt with interest rates on the State's cost for selling public water supply storage and the associated water rights for water from Classes I, II, and III multipurpose small lakes projects. This language was placed into 2015 SB 52, which was signed into law by the Governor on May 19, 2015.

SB 491 Background

The bill was introduced by the Senate Committee on Ways and Means.

At the hearing before the Senate Committee on Natural Resources, the Executive Director of GMD No. 3 provided testimony in favor of the bill. A representative of the Southwest Irrigation Association later provided written proponent testimony. A representative of the Kansas Farm Bureau provided neutral testimony on the bill.

Opponent testimony was provided by the KDA and the Kansas Livestock Association.

The Senate Committee amended the bill to:

- Delete New Section 2 and Sections 5, 6, 7, and 8 of the original version of the bill;
- Clarify in New Section 1 that the GMD board of directors would prepare a response of intended board actions instead of a revised management program statement;
- Require the DWR to provide notice of all final orders on its website, along with notifying water right owners with a point of diversion within half a mile or further if necessary, as required by rules and regulations; and
- Clarify the Chief Engineer is a classified position, but any vacant positions under the Chief Engineer's purview may be converted to unclassified by the Secretary of Agriculture.

A fiscal note on the bill was not available at the time of the Senate Committee action.