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MEMORANDUM

To: Senate Committee on Agriculture and Natural Resources
From: Office of Revisor of Statutes
Date: March 14, 2023
Subject: HB 2279—Groundwater Management Districts Annual Reports and Conservation and Stabilization Plans

House Bill 2279 as amended by House Committee would require groundwater management districts (GMDs) to submit annual reports to the legislature and priority areas of concern and action plans to the chief engineer. The bill would enact two new sections of law that would be a part of supplemental to the Kansas groundwater management act.

Section 1

Section 1 of HB 2279 would require the board of each GMD to submit annual written reports to the legislature on the finances and activities of the district on or before January 31 of each year. The financial statement included in the report would include:

- An itemized list of all income and the source from which the income was received, including any grants and income interest earned;
- An itemized list of all expenditures by the board; and
- An accounting of all assets currently held by the board.

Additionally, the report would also include a detailed statement that explains how the expenditures served to further the conservation and reduced consumptive use of groundwater, the prevention of economic deterioration and the stabilization of agriculture or otherwise supported implementation of the GMD's management program.

A representative from the GMD board would be required to appear before any of the legislative committees upon request.

Section 2

Section 2 would require GMD boards to identify priority areas of concern with the district and set reasonable boundaries using data from the Kansas geological survey or other source approved by the chief engineer on or before July 1, 2024. Subject to the approval of the chief engineer the board may request an extension of up to six months to identify such areas of concern upon good cause shown. Priority areas of concern include areas where the estimated usable lifetime of groundwater is 50 years or less or an unreasonable deterioration of the quality of groundwater is deteriorating. Priority areas of concern would include areas where:

- Groundwater levels are declining or have declined excessively;
- the rate of withdrawal of groundwater equals or exceeds the rate of recharge;
- preventable waste of water is occurring or may occur; or
- an unreasonable deterioration of the quality of groundwater occurs or may occur.

The GMDs would be required to conduct public education and outreach in each priority area in the development of its action plan. The action plan would be submitted to the chief engineer by July 1, 2026. Within 90 days after a GMD submits the action plan, the chief engineer would review the action plan and identified priority areas of concern. If the plan and priority areas are approved by the chief engineer, the GMD board would implement the action plan as soon as practicable and incorporate the action plan and priority areas into the district's management program at the next annual review.

The GMD board would be required to review the priority areas of concern, any action plans previously adopted and the district at large every five years. Upon such review, the GMD board would update its action plan as necessary and submit any updates to the chief engineer.

If a GMD board fails to identify priority areas of concern, fails to submit an action plan incorporated into the management program or fails to submit an action plan, then the chief engineer may designate priority areas of concern, create an action plan or take corrective actions under the authority granted to the chief engineer in the Kansas water appropriations act or Kansas groundwater management act. A GMD may request the chief engineer review previous activities undertaken by that GMD to determine if the district has already complied with the action plan requirements. The bill would also require certain entities to provide assistance and support to each GMD to comply with the action plan requirements. The Kansas water office would be required to

consider the efforts of such entities when recommending appropriations of the state water plan fund.

Finally, beginning on January 15, 2025, GMDs would be required to submit annual reports to the legislature summarizing any activities undertaken in the previous calendar year to comply with the requirements in this Section 2. A representative of the GMD board would appear before a committee upon request.

HB 2279 would take effect on July 1 upon publication in the statute book.