

# Water systems fare well with 2006 legislative issues

Public water systems – cities and RWDs – have reason to be content with the response of the 2006 Kansas Legislature and certainly with recent support of federal legislation by Senators Roberts and Brownback in Washington (see related comment on page 15). The 2006 session of the Kansas Legislature adjourned May 10, 2006. The 2006 Session in Topeka marks the end of the two-year cycle for bills. All bills introduced during the 2005 and 2006 session and which were not passed will be stricken from the calendars. Next year will begin another two-year cycle; the bill numbers will start with the House at HB 2000 and the Senate at SB 1.

KRWA focused on several bills this Session in Topeka. A dispute

between two water systems over service territory generated another bill that would have brought about a radical change in how landowners could be detached from an existing rural water district. KRWA worked diligently to help bring a resolution

to that dispute and to avert the language being added to other legislation.

The following are main bills that KRWA testified on, sometimes in favor of and sometimes requesting amendment.

**HB 2592** - *Liens for utility services provided by municipally owned or operated utility.*

HB 2592 grants municipalities a lien for unpaid utility bills (including water and wastewater). In case of an unpaid bill, the governing body can certify the

municipalities to refuse to put utilities in the tenant's name if the tenant already has unpaid bills owed to the municipality. The effect of this portion of the bill is to

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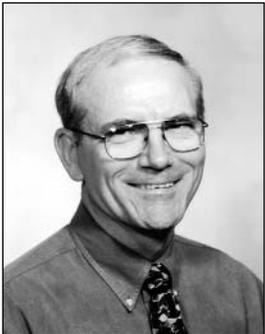
unpaid amounts to the county clerk to be placed on the tax roles for collection.

The bill restricts the operation of this procedure when it concerns non owner-occupied property. In summary, such liens cannot attach to utility bills incurred by tenants, and the only permissible reason for

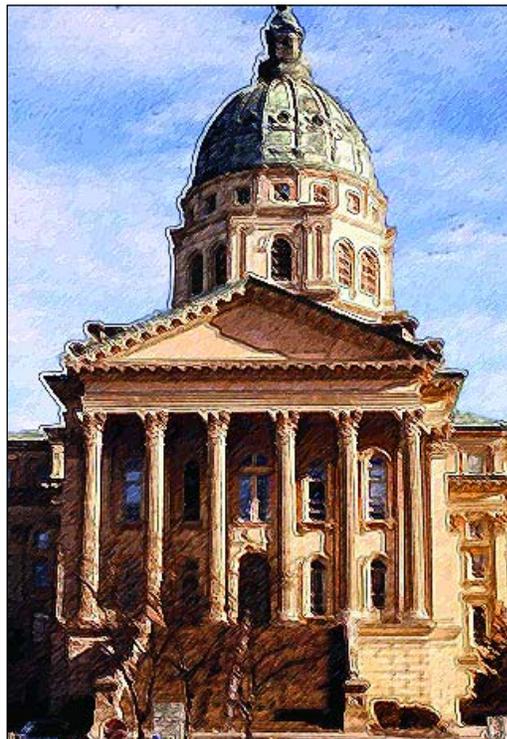
nullify a number of cities' ordinances that provided landlord responsibility for utilities services to their properties.

Municipal utilities would be permitted to charge a deposit to be paid by the customer. Any such deposit would not be permitted to exceed three month's average bill.

Originally the bill included rural water districts. The Kansas Rural Water Association testified in opposition to the bill at the hearing before the House Utilities Committee because it could have been used to prevent Rural Water Districts from enforcing typical by-law provisions that make charges a lien on the benefit unit where service was provided. The committee amended the bill to exclude rural water districts. That was an important accomplishment on behalf of RWDs. The bill passed both the House and Senate and was signed by Governor Sebelius on April 12, 2006.



*E. Ronnebaum  
General Manager*



**HB 2719 - Open meetings; recording of closed or executive sessions.** A hearing was held in the House Governmental Organization/ Elections Committee and was passed by the Committee to the full House. In late February the House leadership removed it from the calendar and was not acted on by the body. The bill would have amended the Kansas Open Meetings Act (KOMA). The bill would have established a process whereby a member of a public body or agency would have been permitted to object to participating in a closed or executive session if the person believed the action violated or subverted KOMA intent. Suspension and expulsion hearings would have been excluded from this process. After such objection the closed meeting would be required to be recorded as a sound recording. Such recordings would be sealed and not open to public inspection under the Kansas Open Records Act (KORA), except, in a court action to enforce KORA, the record would be required to be unsealed and examined confidentially by the court, upon court order. If the court determined a KORA violation likely occurred, the court would be required to determine what portion of the recording to disclose, using criteria established in the bill for making this determination. After a determination would be made, the court would be authorized to permit inspection or use of the recording, as the court directs, by the party seeking KORA enforcement. The presence of a recording device would be deemed to not constitute a violation of the attorney-client privilege. Again, the bill did not pass.

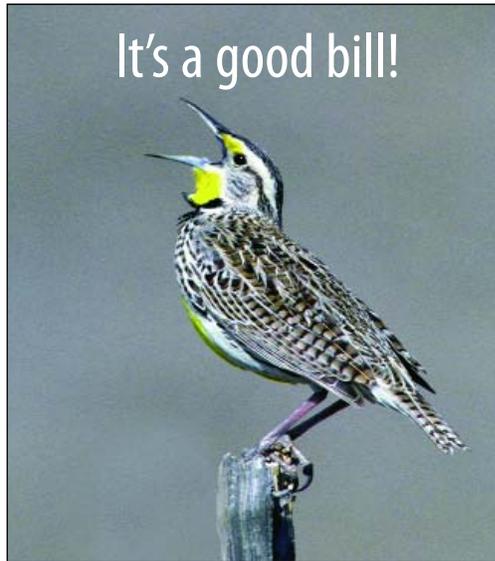
**HB 2721 - Water districts; detachment of territory.** A hearing was held in the House Governmental Organization/ Elections Committee on February 16th. The committee did not work the bill but an attempt was made to amend the language of this bill into **SB 503 - Establishing**

*the water supply storage assurance fund*, on March 30 on the House floor. KRWA contacted all members of the House to oppose the anticipated amendment. The amendment failed.

removed from the boundaries of that district when at least 70% of the landowners sign a petition with the county clerk. The petition in turn "shall be approved" by the board of county commissioners.

Any land removed from a district would be liable for the proportionate share of any outstanding indebtedness of the district as of the date the detachment order is approved by the board. A copy of the detachment order would be sent to the Chief Engineer of the Division of Water Resources of the Department of Agriculture and become effective on January 1 of the succeeding year.

KRWA's efforts continued in the clean up session to avert further introduction of **HB 2721** language as a proviso onto an appropriations bill. Subsequently, the rural water



**HB 2721- Would allow landowners within a water district boundary to be detached or**



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district and private water company involved in a dispute that generated this bill entered into agreement over service territory.

**Sub. for SB 264 -**

*Municipalities; deposit of public funds.* This bill was passed by both the House and Senate and approved by Governor Sebelius on March 29, 2006. **Sub. for SB 264** expands the set of banks and other financial institutions eligible to receive deposits of public money.

Formerly, only banks, savings and loan associations and savings banks incorporated in Kansas or having their main offices in Kansas were eligible to receive public funds, including deposits from cities and rural water districts. This bill changes that restriction expanding the definition of eligible institutions to those that have branches located in Kansas. The law was also amended to provide that the municipality can designate as its depository not only institutions located in the county in which it or part of the municipality is located, but also in adjoining counties if no

institution in the county can or will provide acceptable terms for services. The rules for deposit of funds and investment of funds remain very complicated, and

1802. The effect of the amendment was that water utilities be required to participate in One Call. The word 'water' was removed through floor amendment. Kansas Rural Water

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careful study is needed to assure compliance.

**SB 464 - Kansas underground utility damage and prevention.** This bill provides flexibility to the Kansas Corporation Commission to promulgate regulations with marking of utilities and requiring guidelines for trenchless excavations. In Senate Committee, the bill was amended to original bill to add the word "water to the definition of facility in KSA 66-

supported an amendment to remove the word water from the bill, mainly because many public water supply systems are not capable of locating their facilities within the variances required of other utilities.

The Kansas Rural Water Association appreciates the assistance of Pat Lehman, Lehman Communications, Lawrence, Kan. during the Session to support the KRWA legislative agenda and to assist with bill monitoring. KRWA appreciates any suggestions or comments concerning legislative issues that member systems might have. KRWA will develop its 2007 legislative agenda based on suggestions from members as well as those issues that are brought to KRWA's attention through its board and staff or others. Anyone with a suggestion is encouraged to submit it in writing to KRWA and to the attention of either Dennis Schwartz, President and/or Larry Remmenga, both of who serve on the KRWA Legislative Committee.

The legislative report was available throughout the Session on the KRWA Web site at [www.krwa.net](http://www.krwa.net).

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## KRWA says "Thank You" to Senators Roberts and Brownback

The Kansas Rural Water Association is appreciative of the support for funding of USDA Rural Development and EPA programs for water and wastewater utilities. Both Senator Roberts and Senator Brownback have signed onto letters referred to as "Dear Colleague" letters, in support of public water supply funding initiatives.

Annually, the Kansas Rural Water Association, as an affiliate of National Rural Water Association, requests members of both the House and Senate to support funding for USDA Rural Development and EPA. The House recently approved the funding levels according

Watershed Surveys and Planning and \$31.2 million for Watershed Rehabilitation.

The Office of Management and Budget has targeted the watershed grants as poorly performing measures ripe for elimination. And Natural Resources and Conservation Service Chief Bruce Knight is reported commenting that the watershed program was found to provide the least benefits among three federal flood damage reduction programs. Mr. Knight accompanied U.S. Representative Jerry Moran (R-Kan.) on Moran's 2005 Conservation Tour which included a stop at the KRWA office at Seneca.



Senator Sam Brownback



Senator Pat Roberts

(\$ Millions)	FY06	Request	House FY07
USDA Grant Loans	531.1	850	561.252
USDA Circuit Rider	13.75	14.0	14.0
USDA TA 306(a)(14)	18.25		16.215
USDA Source Water	3.75(3.713)*	5.5	3.713
EPA TA, WHP & SWP	11.0	16.0	11.0

to the accompanying table; the Senate had yet to vote on the funding at the time this article was prepared for publication.

According to Mike Keegan, National Rural Water Association (NRWA) Policy Analyst at NRWA headquarters in Washington, the House Appropriations bill additionally provides slight increases for most farmland conservation programs, keeping them at the lowered levels set by last year's budget reconciliation bill. The Agriculture Department's conservation programs would come in at \$910 million, down from \$994 million last year but higher than the Administration's \$789.5 million request.

Conservation operations, the account that pays salaries for Natural Resources Conservation Service staff and technical assistance for farmland conservation programs, would come in at \$791.5 million, a minor boost above the President's request but \$40 million lower than last year.

The Administration eliminated funding for the Watershed and Flood Prevention Operations program, which received \$74 million in fiscal 2006, and the \$6 million Watershed Surveys and Planning program. The Bush budget also proposed over 50 percent in cuts for the \$31 million Watershed Rehabilitation Program. The program funds projects like small dams, irrigation systems or soil erosion control. The committee's bill allots \$40 million for Watershed and Flood Prevention Operations, \$6 million for



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