

# Legislative Session ends; “service area” issues vetoed with SB 51

**T**he issue of “territory” and who serves rural water district territory when in close proximity to other municipal water systems is a topic that KRWA has attempted to inform and educate both cities and RWDs on. Some systems are able to work out mutual agreements while others cannot – and sometimes end up in court. This issue of *The Lifeline* includes several articles on the subject.

In follow-up to last year’s legislative interim study committee on eminent domain, KRWA worked to prepare draft legislation that would help clarify the factors that appraisers need to consider when valuing RWD territory being assumed by a neighboring water system. The draft was approved by the KRWA legislative committee in late November. No introduction of the proposal was sought by KRWA. Copies were however provided to some legislators and other organizations as they expressed interest in the matter. Then, on April 29, the draft was introduced by the Senate Ways and Means Committee as SB 332; the Bill was referred to the Senate Natural Resources Committee. A hearing was held on May 1. On May 5, the committee amended another bill, HB 2283, to include all “factors” contained in SB 332 and to have those same factors apply to a request for release of land from a rural water district. SB 332 was supported by KRWA, the Kansas Building Industry Association and the City of Wichita. The League of Municipalities opposed the bill largely on the basis that the League did not review the bill through their traditional legislative process. I provided a draft to League staff on December 12, 2008. On the last day of the Session, HB 2283 was amended into SB 51 which contained other issues involving annexation by cities.

Sound confusing? It was – but that’s frequently the manner of legislative processes.

While there was hope by both cities and RWDs that state law (K.S.A. 12-527) would be clarified regarding RWD territory valuation, Governor Parkinson vetoed SB 51 on May 22 because the Bill involved amending other annexation statutes. Those issues had nothing to do with the “rural water” issue. Gov. Parkinson however stated support for the “rural water” provisions. The language remains in HB 2283 which is available in the 2010 Session.

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Another Bill that KRWA made a difference on was SB 64. This Bill concerned the process for making application for water rights to the Division of Water Resources. Amendments to SB 64 provide that an applicant showing evidence of access to land at the time of the application would receive a permit number, which would take priority. KRWA supported the amendment. This amendment will help protect the investments made by public

water systems and others in groundwater exploration without owning the land or having an agreement to purchase the land at the time of the application. The Senate concurred on March 25 by a vote of 40-0 with the amended bill as passed by the House.

## One Call legislation

Senate Bill 58 was commonly referred to as the “One Call Bill.” The original bill dealt with clarifying the “tolerance zone” for locates on water and wastewater systems. At the first hearing a substitute balloon was offered which was approved by the Senate Utilities Committee. This was amended into HB 2115 by the Senate on February 19. The Substitute Bill would delay until January 1, 2010 implementation of mandatory participation in One Call; it clarifies the definition of “tolerance zone” and places the Notification Center under the jurisdiction of the Kansas Corporation Commission and terminates Tier III level of participation within five years. The Bill was assigned to House Energy and Utilities; no hearing was held on the Bill. Contrary to inference in the Supplemental Note now in HB 2115, KRWA did not support the amended Bill. The amendments were proposed by One Call at the first hearing on the Bill. KRWA, Water One, the League of Kansas Municipalities and One Call all agreed in a meeting with KCC that all parties favored a return to pre-HB 2637 which was passed in the 2008 Session. Participation in Kansas One Call is supposed to be mandatory by July 1, 2009. Many systems don’t have maps to submit to the Notification Center. Yes, KRWA tried to explain that would be the situation.

KRWA also supported HB 2283 which established procedures for the release of lands from rural water districts. The Bill passed the House 125-0 on March 25. That Bill was amended into House Substitute Bill 51 as discussed earlier.

Another Bill, HB 2284, would have required a rural water district to accept payment for an outstanding federal loan. No hearing was held on HB 2284.

HB 2309 would establish a deadline for an applicant for a permit to develop a water right to show legal ownership of the property. No hearing was held on that Bill but was later addressed in SB 64 mentioned earlier.

## National Rural Water Rally attended

Kansas Rural Water Association participated in the National Rural Water Rally in late April. The travel to Washington also provides an opportunity for KRWA to make visits to Congressional offices to thank Members for their support. KRWA requested support for funding of USDA Rural Development loan and grant programs for water and wastewater systems and the Circuit Rider and Source Water Protection programs. KRWA also asked for support for funding of National Rural Water's Training and Tech Assistance program funded through US EPA. KRWA is very appreciative that both Senator Brownback and Senator Roberts supported all funding requests as did all Kansas Representatives: Congressman Tiahrt, Congressman Moran, Congressman Moore and Congresswoman Lynn Jenkins.

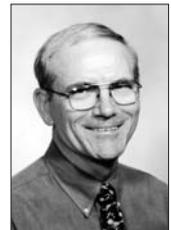
Those attending from KRWA were Dennis Schwartz, President and Sam Atherton, Secretary and myself. Sharon Schwartz and Tony Grant from EAI Central also attended the visits to the offices.

## NRWA funding provides three new positions at KRWA

Thanks to USDA Rural Development in Washington, KRWA has been awarded two additional staff positions to help nurture and assist borrowers wishing to access the USDA Rural Development water and wastewater loan and grant programs. Later this year, KRWA will be adding another ground water / source water technician. The three contracts which support these positions are administered through National Rural Water Association.

KRWA will be working closely with USDA Rural Development on the loan/grant program; the program will also provide onsite assistance to existing Rural Development borrowers. If your system is interested in learning about funding options, give KRWA a call. We'll get someone headed your way.

*Elmer Ronnebaum is KRWA General Manager; he has been employed by KRWA since 1983. He served seven years on the KRWA board of directors prior to that. Elmer also helped develop a large RWD and served for 14 years on a water district board.*



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