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Jackie McClaskey, Secretary

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**Testimony on SB156 to
The Senate Natural Resources Committee
By Chris Beightel, Division of Water Resources
Kansas Department of Agriculture
February 18, 2015**

Good morning, Chairman Powell, and members of the committee. I am Chris Beightel, with the Kansas Department of Agriculture. Today KDA would like to present testimony today that is neutral in regards to SB 156.

This bill authorizes expenditures from the Arkansas River gaging fund to pay for groundwater monitoring sites in the Arkansas River basin, but limits such expenditures to groundwater monitoring sites along the Kansas state border. The bill places such groundwater monitoring at the same funding priority level as the surface water gaging stations that the fund is currently paying for, which are used to manage the river under the Colorado-Kansas Arkansas River Compact, stepping away from the clear priority ranking set forth in K.S.A. 74-5,133 and introducing ambiguity to the process of determining which efforts to fund when there isn't enough to fund everything.

Limiting the funding for groundwater monitoring sites to locations along the Kansas state border seems unhelpful to the agency's overarching efforts to focus data collection resources where they are most needed and the limitation seems unnecessarily provocative to our neighboring states of Colorado and Oklahoma with which we have interstate river compacts. One of the strategies identified in the Kansas' 50-Year Vision for the Future of Water in Kansas is to "Improve interstate cooperation so that Kansans' water needs are met and protected." We believe that such explicit statutory language appears unnecessarily distrustful and is counter to this strategy.

In the end, the Arkansas River gaging fund is administered by the agency and we will continue to administer it to serve the best interests of the State of Kansas.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.

SENATE BILL No. 156

By Committee on Natural Resources

2-5

1 AN ACT concerning water; relating to the Arkansas river gaging fund;
2 amending K.S.A. 2014 Supp. 74-5,133 and repealing the existing
3 section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 74-5,133 is hereby amended to read as
7 follows: 74-5,133. (a) (1) There is hereby established in the state treasury
8 the Arkansas river gaging fund, which shall be administered by the
9 secretary of agriculture. All expenditures from the Arkansas river gaging
10 fund shall be for the operation and maintenance of .

11 ~~(4)~~ the gages along the Arkansas river necessary to manage the river
12 under the Arkansas river compact ~~and~~

13 ~~(B) the statewide groundwater gage sites in the Arkansas river basin~~
14 ~~necessary to manage the quantity and quality of such groundwater.~~

15 ~~(2)~~ Except that, After all expenditures are made during the fiscal year
16 for the operation and maintenance of the gages along the Arkansas river
17 necessary to manage the river under the Arkansas river compact ~~purposes~~
18 ~~listed in paragraph (1), then, expenditures shall be made in accordance~~
19 with the following priorities and subject to the expenditure limitations
20 prescribed therefor:

21 (A) First, any remaining moneys authorized to be expended from the
22 fund for the fiscal year shall be expended for the purposes of livestock
23 market reporting in an amount not to exceed \$20,000 in a fiscal year; and
24 ~~[(B) second]~~ if there are any remaining moneys authorized to be
25 expended from the fund for the fiscal year after the expenditures for
26 livestock market reporting, then expenditures shall be made from the fund
27 for the purpose of funding the bluestem pasture report in an amount not to
28 exceed \$5,000.

29 ~~(2)~~ (2) All expenditures from the Arkansas river gaging fund shall be
30 made in accordance with appropriation acts upon warrants of the director
31 of accounts and reports issued pursuant to vouchers approved by the
32 secretary of agriculture or the designee of the secretary of agriculture.

33 (b) All moneys received as royalties from the state's oil and gas leases
34 in Hamilton, Kearny, Finney, Gray and Ford counties, except those
35 moneys arising from leases on lands under the control of the secretary of
36 wildlife, parks and tourism as provided by K.S.A. 32-854, and

Proposed Amendments for SB 156
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Prepared by Tamera Lawrence
Office of Revisor of Statutes

operation and maintenance of the gages
along the Arkansas river necessary to
manage the river under the Arkansas river
compact

any remaining moneys authorized to be expended from
the fund for the fiscal year shall be expended for the
operation and maintenance of the groundwater monitoring
sites in the Arkansas river basin in Hamilton, Kearney,
Finney, Gray and Ford counties necessary to manage the
quantity and quality of such ground water;
(B) second,

(C) third

1 amendments thereto, shall be deposited in the state treasury in accordance
2 with the provisions of K.S.A. 75-4215, and amendments thereto, and shall
3 be credited to the Arkansas river gaging fund. During each fiscal year,
4 when the total amount of moneys credited to the fund is equal to \$75,000,
5 no further moneys shall be credited to the fund. The remainder of the
6 moneys received for such royalties for such fiscal year shall be credited to
7 the state general fund.

8 Sec. 2. K.S.A. 2014 Supp. 74-5,133 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.