Approved: _	March 27, 2007
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## MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on March 21, 2007, in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department Jason Thompson, Revisor of Statutes Office Florence Deeter, Committee Assistant

The Chairman called Jason Thompson, Revisor of Statutes Office, to provide information regarding the changes discussed previously on <u>Substitute SB 89.</u> He discussed a balloon amendment that changed the distribution of any money recovered in litigation relating to the Republican River compact; added the phrase, "compliance projects" in Section 1, line 29; and added language similar to that established previously for allocation of money received from Colorado for Arkansas River compact violations to the interstate water litigation fund (<u>Attachment 1</u>). Members discussed technical changes. Mr. Thompson will revise the bill with the technical changes as discussed.

The Chairman called for consideration of <u>SCR 1606 - Animal Health Corridor</u>. Representative Svaty moved to pass the bill favorably and place it on the Consent Calendar. Representative Moxley seconded the motion. The motion passed. <u>SCR 1606</u> will be read into the Consent Calendar today.

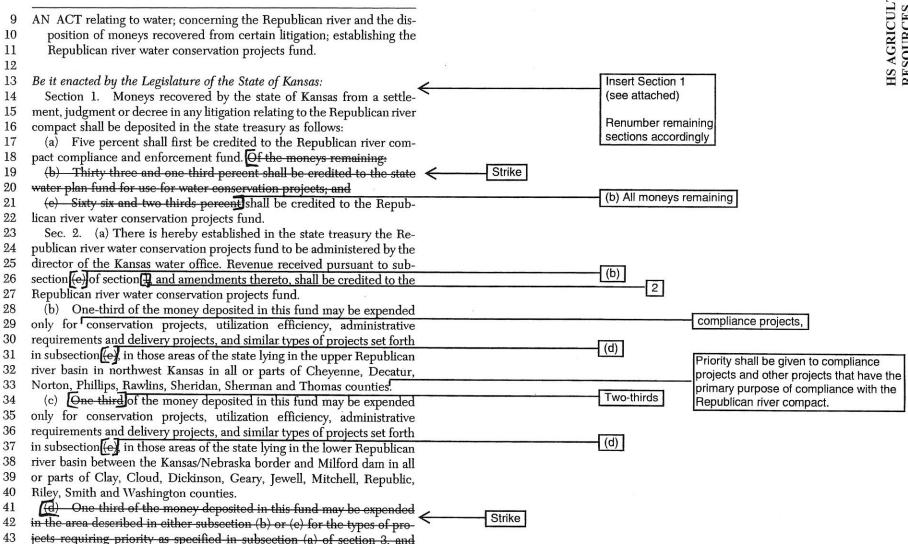
The meeting was adjourned at 3:55 p.m. The Chairman announced a possible meeting on March 22, 2007.

## Substitute for SENATE BILL No. 89

By Committee on Agriculture

2-8

As Amended by Committee on March 20, 2007



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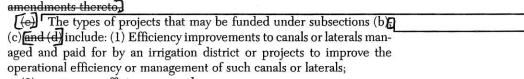
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- (2) water use efficiency upgrades;
- (3) implementation of water conservation of irrigation and other types of water uses;
- (4) implementation of water management plans or actions by water rights holders;
- (5) water measurement flumes, meters, gauges, data collection platforms or related monitoring equipment and upgrades;
- (6) artificial recharge, funding the water transition assistance program; the purchase of water rights for stream recovery or aquifer restoration and cost share for state or federal conservation programs that save water;
- (7) maintenance of the channel and the tributaries of the Republican river;
- (8) reservoir maintenance or the purchase, lease, construction or other acquisition of existing or new storage space in reservoirs;
  - (9) purchase, lease or other acquisition of a water right; and
  - (10) expenses incurred to construct and operate off-stream storage.
- Sec. 3. (a) Any person or entity may apply to the director of the Kansas water office for expenditure of moneys in the Republican river water conservation projects fund for the purposes set forth in subsections (b) (c) and (d) of section 2 and amendments thereto. The director of the Kansas water office and the chief engineer of the Kansas department of agriculture, division of water resources shall review and approve each proposed project for which moneys in the fund will be expended. In reviewing and approving proposed projects the director and the chief engineer shall give priority to: (1) Projects needed to achieve or maintain compliance with the Republican river compact; (2) projects that achieve greatest water conservation efficiency for the general good; and (3) projects that have been required by the division of water resources. Upon such review and approval, the director of the Kansas water office shall request the legislature to appropriate, as a line item, moneys from the fund to pay all or a portion of the costs for a specific project, except that any project which an aggregate of less than \$10,000 will be expended from the fund shall not require a line item appropriation.
- (b) Interest attributable to moneys in the Republican river water conservation projects fund shall be credited to the state general fund as provided by K.S.A. 75-4210a, and amendments thereto.
  - (c) All expenditures from the Republican river water conservation

and

(d)

and

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projects fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas water office or a designee of the director of the Kansas water office.

- Sec. 4. (a) There is hereby established in the state treasury the Republican river compact compliance and enforcement fund to be administered by the Kansas department of agriculture. Revenue received pursuant to subsection (a) of section , and amendments thereto, shall be credited to the Republican river compact compliance and enforcement fund.
- (b) The money deposited in this fund may be expended only for the purpose of paying all or a portion of the costs incurred by the state for monitoring Nebraska's and Colorado's compliance with the Republican river compact; to resolve any disputes regarding the administration of the compact with Colorado and Nebraska; and to enforce the compact in the Republican river compact administration, an alternative dispute resolution process, or litigation.
- (c) All expenditures from the Republican river compact compliance and enforcement fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the Kansas department of agriculture or a designee of the secretary of the Kansas department of agriculture. No expenditure may be made from this fund without a specific appropriation by the legislature.
- Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Section. 1. (a) Amounts recovered by the state of Kansas from a settlement, judgment or decree in the litigation brought in 1998 by the state of Kansas against the states of Nebraska and Colorado to resolve disputes arising under the Republican river compact shall be deposited in the state treasury and credited as follows:

- (1) Until the aggregate amount of moneys credited to the interstate water litigation fund created by K.S.A. 82a-1802, and amendments thereto, equals the aggregate of all amounts certified by the attorney general under subsection (b), 100% shall be credited to the interstate water litigation fund.
- (2) When the aggregate amount of moneys credited to the interstate water litigation fund created by K.S.A. 65-3424g, and amendments thereto, equals the aggregate of all amounts certified by the attorney general under subsection (b), all moneys remaining shall be credited to the Republican river compact compliance and enforcement fund and the Republican river water conservation projects fund as directed by section 2.
- (b) The attorney general shall certify to the director of accounts and reports any expenses incurred by the state in the litigation brought in 1998 by the state of Kansas against the states of Nebraska and Colorado to resolve disputes arising under the Republican river compact and in preparation for such litigation.

## MODEL STATUTE:

- **82a-1801.** Moneys recovered in certain litigation; disposition. (a) Amounts recovered by the state of Kansas from a settlement, judgment or decree in the litigation brought in 1985 by the state of Kansas against the state of Colorado to resolve disputes arising under the Arkansas river compact shall be deposited in the state treasury and credited as follows:
- (1) Until the aggregate amount of moneys credited to the interstate water litigation fund equals the aggregate of all amounts certified by the attorney general under subsection (b), 100% shall be credited to the interstate water litigation fund.
- (2) When the aggregate amount of moneys credited to the interstate water litigation fund equals the aggregate of all amounts certified by the attorney general under subsection (b), 33 1/3% shall be credited to the state water plan fund for use for water conservation projects and 66 2/3% shall be credited to the water conservation projects fund.
- (b) The attorney general shall certify to the director of accounts and reports any expenses incurred by the state in the litigation brought in 1985 by the state of Kansas against the state of Colorado to resolve disputes arising under the Arkansas river compact and in preparation for such litigation.

History: L. 1996, ch. 217, § 3; May 16.