

Approved: March 27, 2007
Date

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 **Substitute SB 89**. 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 (Attachment 1). Members discussed technical changes. Mr. Thompson will revise the bill with the technical changes as discussed.

The Chairman called for consideration of **SCR 1606 - Animal Health Corridor**. Representative Svaty moved to pass the bill favorably and place it on the Consent Calendar. Representative Moxley seconded the motion. The motion passed. SCR 1606 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

As Amended by
Committee on
March 20, 2007

2-8

HS AGRICULTURE AND NATURAL
RESOURCES COMMITTEE
3-21-2007
ATTACHMENT 1

9 AN ACT relating to water; concerning the Republican river and the dis-
10 position of moneys recovered from certain litigation; establishing the
11 Republican river water conservation projects fund.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. Moneys recovered by the state of Kansas from a settle-
15 ment, judgment or decree in any litigation relating to the Republican river
16 compact shall be deposited in the state treasury as follows:

17 (a) Five percent shall first be credited to the Republican river com-
18 pact compliance and enforcement fund. ~~Of the moneys remaining:~~

19 ~~(b) Thirty three and one third percent shall be credited to the state~~
20 ~~water plan fund for use for water conservation projects; and~~

21 ~~(c) Sixty six and two thirds percent shall be credited to the Repub-~~
22 ~~lican river water conservation projects fund.~~

23 Sec. 2. (a) There is hereby established in the state treasury the Re-
24 publican river water conservation projects fund to be administered by the
25 director of the Kansas water office. Revenue received pursuant to sub-
26 section ~~(e)~~ of section ~~3~~ and amendments thereto, shall be credited to the
27 Republican river water conservation projects fund.

28 (b) One-third of the money deposited in this fund may be expended
29 only for conservation projects, utilization efficiency, administrative
30 requirements and delivery projects, and similar types of projects set forth
31 in subsection ~~(e)~~ in those areas of the state lying in the upper Republican
32 river basin in northwest Kansas in all or parts of Cheyenne, Decatur,
33 Norton, Phillips, Rawlins, Sheridan, Sherman and Thomas counties.

34 (c) ~~One third~~ of the money deposited in this fund may be expended
35 only for conservation projects, utilization efficiency, administrative
36 requirements and delivery projects, and similar types of projects set forth
37 in subsection ~~(e)~~ in those areas of the state lying in the lower Republican
38 river basin between the Kansas/Nebraska border and Milford dam in all
39 or parts of Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic,
40 Riley, Smith and Washington counties.

41 ~~(d) One third of the money deposited in this fund may be expended~~
42 ~~in the area described in either subsection (b) or (c) for the types of pro-~~
43 ~~jects requiring priority as specified in subsection (a) of section 3; and~~

← Insert Section 1
(see attached)

Renumber remaining
sections accordingly

← Strike

(b) All moneys remaining

(b)

2

compliance projects,

(d)

Priority shall be given to compliance
projects and other projects that have the
primary purpose of compliance with the
Republican river compact.

Two-thirds

(d)

← Strike

1-2

1 ~~amendments thereto;~~

2 ~~(e)~~ The types of projects that may be funded under subsections (b) ~~(c)~~ (d) and

3 (c) ~~and (d)~~ include: (1) Efficiency improvements to canals or laterals man-
4 aged and paid for by an irrigation district or projects to improve the
5 operational efficiency or management of such canals or laterals;

6 (2) water use efficiency upgrades;

7 (3) implementation of water conservation of irrigation and other
8 types of water uses;

9 (4) implementation of water management plans or actions by water
10 rights holders;

11 (5) water measurement flumes, meters, gauges, data collection plat-
12 forms or related monitoring equipment and upgrades;

13 (6) artificial recharge, funding the water transition assistance pro-
14 gram; the purchase of water rights for stream recovery or aquifer resto-
15 ration and cost share for state or federal conservation programs that save
16 water;

17 (7) maintenance of the channel and the tributaries of the Republican
18 river;

19 (8) reservoir maintenance or the purchase, lease, construction or
20 other acquisition of existing or new storage space in reservoirs;

21 (9) purchase, lease or other acquisition of a water right; and

22 (10) expenses incurred to construct and operate off-stream storage.

23 Sec. 3. (a) Any person or entity may apply to the director of the
24 Kansas water office for expenditure of moneys in the Republican river
25 water conservation projects fund for the purposes set forth in subsections

26 (b) ~~(c)~~ ~~and (d)~~ of section ~~2~~ and ~~amendments thereto.~~ 3

27 The director of the Kansas water office and the chief engineer of the Kansas department
28 of agriculture, division of water resources shall review and approve each
29 proposed project for which moneys in the fund will be expended. In
30 reviewing and approving proposed projects the director and the chief
31 engineer shall give priority to: (1) Projects needed to achieve or maintain
32 compliance with the Republican river compact; (2) projects that achieve
33 greatest water conservation efficiency for the general good; and (3) pro-
34 jects that have been required by the division of water resources. Upon
35 such review and approval, the director of the Kansas water office shall
36 request the legislature to appropriate, as a line item, moneys from the
37 fund to pay all or a portion of the costs for a specific project, except that
38 any project which an aggregate of less than \$10,000 will be expended
39 from the fund shall not require a line item appropriation.

40 (b) Interest attributable to moneys in the Republican river water con-
41 servation projects fund shall be credited to the state general fund as pro-
42 vided by K.S.A. 75-4210a, and amendments thereto.

43 (c) All expenditures from the Republican river water conservation

1-3

1 projects fund shall be made in accordance with appropriation acts upon
2 warrants of the director of accounts and reports issued pursuant to vouch-
3 ers approved by the director of the Kansas water office or a designee of
4 the director of the Kansas water office.

5 Sec. 4. (a) There is hereby established in the state treasury the Re-
6 publican river compact compliance and enforcement fund to be admin-
7 istered by the Kansas department of agriculture. Revenue received pur-
8 suant to subsection (a) of section 4, and amendments thereto, shall be
9 credited to the Republican river compact compliance and enforcement
10 fund.

2

11 (b) The money deposited in this fund may be expended only for the
12 purpose of paying all or a portion of the costs incurred by the state for
13 monitoring Nebraska's and Colorado's compliance with the Republican
14 river compact; to resolve any disputes regarding the administration of the
15 compact with Colorado and Nebraska; and to enforce the compact in the
16 Republican river compact administration, an alternative dispute resolu-
17 tion process, or litigation.

18 (c) All expenditures from the Republican river compact compliance
19 and enforcement fund shall be made in accordance with appropriation
20 acts upon warrants of the director of accounts and reports issued pursuant
21 to vouchers approved by the secretary of the Kansas department of ag-
22 riculture or a designee of the secretary of the Kansas department of ag-
23 riculture. No expenditure may be made from this fund without a specific
24 appropriation by the legislature.

25 Sec. 5. This act shall take effect and be in force from and after its
26 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.