

SESSION OF 2006

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2875**

As Recommended by Senate Committee on
Natural Resources

Brief*

Senate Sub. for HB 2875, if enacted, would amend a statute that concerns the appropriation of water for the operation of a sand and gravel pit. A new provision would be added to the statute requiring the Chief Engineer of the Division of Water Resources in the Department of Agriculture to notify an applicant for a right to divert water for a sand and gravel operation of the results of an examination of any diversion work within 90 days of the examination. The notification would include any needed changes. If the Chief Engineer fails to examine a diversion works within two years of the notice of completion by the water right applicant, the latter would not be required to forfeit a priority date as a result of failure to construct the diversion works at the authorized location or any deficiency in meeting the conditions of the permit.

Background

In its original form, HB 2875 was requested by a spokesperson for the Kansas Aggregate Producer's Association. At the hearing on the original bill, a representative of the Kansas Aggregate Producer's Association spoke as a proponent. A representative of the Kansas Department of Agriculture spoke as an opponent.

The House Committee on Environment deleted all amendatory language in the original bill and adopted the amendatory provisions in the bill as amended by House Committee.

The Senate Committee adopted a substitute bill proposed by the spokesperson for the Kansas Aggregate Producer's Association.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The fiscal note on the original bill states passage of the bill would reduce revenue to the Water Appropriation and Certification Fee Fund by \$22,200. This is based on the estimate that the \$400 inspection fee would not be charged for 30 field inspections for new applications on existing diversion works for a total reduction of \$12,000. The estimate for the fee revenue reduction for sand and gravel diversion works inspections would total \$10,200 based on a \$300 reduction in the fee for 34 inspections. The fiscal effect of this bill is not accounted for in *The FY 2007 Governor's Budget Report*.

There is no fiscal note on the substitute bill.