

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
HOUSE CONCURRENT RESOLUTION NO. 5028**

As Amended by House Committee of the Whole

Brief*

HCR 5028, as amended, would memorialize the United States Army Corps of Engineers, Bureau of Reclamation and United States Congress to partner with the State of Kansas in order to extend the productive lives of reservoirs in Kansas. The "Whereas" clauses of resolution state that:

- Kansas reservoirs provide drinking water supplies directly and indirectly to approximately 80 percent of Kansans;
- Kansas reservoirs were constructed by the United States Army Corps of Engineers and the United States Bureau of Reclamation with anticipated productive lives of 50 to 100 years;
- Many of those reservoirs are approaching 50 years of age;
- Sediment levels in the reservoirs contribute to the loss of storage capacity for drinking water and drought-prevention purposes, as well as the loss of water quality for drinking water supply purposes and the loss of access to recreational opportunities; and
- It will be less expensive and less technically challenging to address the loss of water storage and increased sediment in each reservoir before such conditions constitute a crisis for the people of Kansas.

*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 “Resolved” clauses of HCR 5028 would require that:

- A partnership among the United States Congress, United States Army Corps of Engineers, and United States Bureau of Reclamation and the State of Kansas to extend the productive lives of reservoirs beyond their original lives;
- The partnership to enter into suitable arrangements within the State of Kansas to jointly develop and implement plans to sustain the reservoirs beyond their original design lives;
- Members of the partnership determine needed amendments to statutory and regulatory requirements and procedures in order to meet the objectives necessary to sustain threatened beyond their original design lives and report the amendments to the Kansas Legislature and the United States Congress by January 9, 2009;
- The United States Corps of Engineers and the United States Bureau of Reclamation to make pre-eminent the sustainability of existing reservoirs in perpetuity;
- The partnership determine needed amendments to statutory and regulatory requirements and procedures to permit payments by the state of Kansas for water storage and the operation and maintenance of existing reservoirs;
- Other payments to be made directly to the United States Army Corps of Engineers and the Bureau of Reclamation to fund programs that sustain and rebutable reservoirs and report needed amendments to the Kansas Legislature and the United State Congress by January 2009;
- Payments made by the state of Kansas to the United States Army Corps of Engineers or United States Bureau of Reclamation to fund reservoir sustainability or rehabilitation, constitute payments for Kansas’ share of operations and maintenance costs and principal and interest on the original contractual obligation;

- Members of the partnership are to identify and amend statutory and regulatory prohibitions against the management of reservoirs as systems, rather than individually; and
- The Secretary of State be directed to send an enrolled copy of the resolution to the Assistant Secretary of Army (Civil Works), the Commissioner of the Bureau of Reclamation and each member of the Kansas Congressional delegation.

Background

Representative Tom Sloan and Tracy Streeter, Director, Kansas Water Office testified in support of the bill. Representative Sloan stated, among other things, that in February 2007, Assistant Secretary of Army (Civil Works), John Paul Woodley, visited Topeka and spoke to the Appropriations Committee. He said that in a separate meeting, he asked the Corps' policy regarding sedimentation, water quality, and water quality problems that Kansas reservoirs will increasingly face. It was noted that Mr. Woodley returned to Kansas in October for the Kansas Reservoir Summit and committed himself to working with stakeholders to develop such plans at the federal and state levels. Representative Sloan also stated that the key provisions of the resolution include: partnerships with the Corps and the Bureau of Reclamation extending the productive life of the reservoirs; developing plans to sustain the reservoirs at empirically derived points; urging Congress to amend the necessary statutes so that contributions to sustain the reservoirs can be made directly to the Corps and Bureau; meeting financial commitments for maintenance and operations; offsetting contractual storage purchase obligations; and operating the reservoirs on a system basis rather than individually.

The other conferee, Tracy Streeter, Director of the Water Office, stated, among other things, that the federal government views reservoirs as projects that have an expected life span

rather than a long term infrastructure that supports the Kansas and national economies and protects citizens. He noted that a significant change was needed in both the state and federal view regarding reservoirs to ensure that current and future needs are met.

There were no other conferees.

The House Committee on Agriculture and Natural Resources amendments:

- Removed language pertaining to sustainability points and replace it with a standard that would sustain reservoirs beyond their original design lives. These plans would consider the need for future flood protection, water supply and reasonable recreational opportunities;
- Deleted the requirement that members of the partnership map all Kansas reservoirs by 2010 to establish sustainability points;
- Required the partnership to determine needed amendments for the purpose of sustaining threatened reservoirs beyond their original lives and report those needed changes to the Kansas Legislature and the United States Congress by January 2009; and'
- Added the requirement that needed amendments pertaining to payments to the Corps and Bureau be reported to the Kansas Legislature and the United States Congress by January 2009.

HCR 5028 was rereferred to the House Agriculture and Natural Resources Committee. The further amended version of the bill more appropriately reflects the changes made by the House Committee.

The House Committee of the Whole amended the bill to provide that the Secretary of State, rather than the Chief Clerk

of the House of Representatives, be directed to send an enrolled copy of the resolution to the Assistant Secretary of the Army (Civil Works), the Commissioner of the Bureau of Reclamation, and each member of the Kansas Congressional Delegation.