

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2649**

As Amended by Senate Committee on  
Agriculture

**Brief\***

HB 2649, as amended, would repeal the following statutes regarding dikes, levees, dams, and water rights:

- KSA 24-105 describes when a landowner or proprietor may construct a dike or levee which obstructs the flow of surface water, the application requirements to build a dike or levee, the required examination by the Chief Engineer of the Division of Water Resources, and the permit needed to build a dike or levee;
- KSA 82a-312, KSA 82a-313, and KSA 82a-314 outline the application for approval to be submitted to the Chief Engineer of the Division of Water Resources by a landowner or operator who has built, or desires to build, a dam for agricultural purposes, as part of the Federal Agricultural Conservation Program, without complying with other statutory provisions for obtaining the prior written consent or permit and supervision of the Chief Engineer. The statutes also set out the plan requirements which must accompany the applications and the provisions for the revision of the plans; and
- KSA 2011 Supp. 82a-735 establishes the state as the sole authority to enter into negotiations, agreements, and contracts with the federal

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\*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>

government regarding water rights related to the Sunflower Ammunition Plant.

In addition, the bill would include the provisions of HB 2596, which would repeal a statute concerning the Division of Water Resources within the Department of Agriculture (Chapter 74, Article 5). The statute, KSA 2011 Supp. 74-509, relates to the duties of the Irrigation Commissioner which were conferred on the Division of Water Resources by KSA 74-506b in 1927.

## **Background**

The bill combines the original provisions of HB 2649 and HB 2596.

HB 2649 was introduced at the request of the Governor's Office of the Repealer. The Chief Engineer for the Division of Water Resources, Kansas Department of Agriculture, testified in favor of the bill before the House Committee on Government Efficiency. The Chief Engineer stated KSA 24-105 is redundant with other existing statutes and is not referenced in the current adopted rules and regulations. The Chief Engineer also indicated KSA 82a-312, KSA 82a-313, and KSA 82a-314 only refer to dams built under the Agricultural Conservation Program and the permitting and regulating of these dams is adequately covered within other existing statutes. With regard to KSA 82a-735, the Chief Engineer stated the federal government no longer owns the water right to which the statute applies and the statute is obsolete. No opposing or neutral testimony was presented to the House Committee.

HB 2596 was introduced at the request of the Governor's Office of the Repealer. A representative of the Department of Agriculture testified in favor of the bill before the House Committee on Government Efficiency indicating the statute is obsolete because the duties referenced are no longer. Further testimony indicated the duties are

unnecessary with the water right system currently in place and the data collection currently available. No opposing or neutral testimony was presented to the House Committee.

The Senate Committee amended HB 2649 to include the provisions of the original version of HB 2596.

The fiscal notes prepared by the Division of the Budget on HB 2649 and HB 2596 state both bills are of a technical nature; therefore, enactment of HB 2649, as amended, would have no fiscal effect.