

January 25, 2017

The Honorable Dan Kerschen, Chairperson
Senate Committee on Agriculture and Natural Resources
Statehouse, Room 225-E
Topeka, Kansas 66612

Dear Senator Kerschen:

SUBJECT: Fiscal Note for SB 48 by Senate Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning SB 48 is respectfully submitted to your committee.

Current law allows a senior water right holder who believes that his or her water rights are being impaired by a junior water right holder to take the complaint directly to court. SB 48 would require the senior water right holder to exhaust administrative remedies prior to going to court. The bill provides the procedure for submitting a complaint concerning impairment to the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, and the requirements for a response to the complaint. The bill would allow the senior water right holder to request and the Chief Engineer to issue a temporary order that limits or curtails the impairment. Orders issued by the Chief Engineer under the requirements of the bill would be subject to review in accordance with the Kansas Judicial Review Act.

According to the Kansas Department of Agriculture, passage of SB 48 would have no fiscal effect on the agency. In cases where the complaint goes directly to court, existing law requires the judge to appoint the Chief Engineer as referee, and KDA goes through the same process as if it were an administrative hearing. As a result, the agency performs the same work whether the water right holder comes to the KDA for an administrative hearing or goes directly to court.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Justin Law, Agriculture