

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 463

As Amended by House Committee on Environment

Brief*

SB 463 would amend a section of law dealing with the certification of water rights to provide an exception to the July 1, 2004 deadline for the issuance of certificates of appropriation in those cases where the time allowed in the permit to perfect the water right expired before July 1, 1999. The exception to the issuance of the certificate would be until July 1, 2006 for those cases in which abandonment proceedings of the water right are pending on July 1, 2004.

In addition, the bill would add the State Biologist as an ex officio member of the Kansas Water Authority and increase the number of members of the Authority from 23 to 24.

Further, the bill would require ex officio members of the Kansas Water Authority to act as a resource and support for other members of the Authority. In addition, these members of the Authority would not be entitled to vote or make or second motions in any meeting of the Authority or in any meeting of a select committee or other committee or subcommittee of the Authority.

The bill would become effective upon publication in the *Kansas Register*.

Background

The original bill was requested to be introduced by a spokesperson from the Kansas Department of Agriculture. At the hearing on the bill, the Chief Engineer of the Division of Water Resources stated that when the legislation was first adopted there were 3,500 permits for which the time to perfect a water right had expired and

*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>

a certificate had not been issued. He also stated that there were approximately 400 new permits each year. The Chief Engineer stated that by the end of 2003, the agency had issued about 5,200 certificates of about 5,500 cases where the time to perfect had expired. He noted that out of the 5,200 files, 418 cases had a question of abandonment to be resolved and that to date, determinations have been made, or are in process, for 171 cases, leaving 247 cases to be resolved by certification, voluntary closure, or initiating an abandonment proceeding. The Chief Engineer indicated that the agency estimates that it might take as much as two years to complete the review process, assuming the current level of resources continues to be available. There were no other conferees on the bill. The Senate Committee on Agriculture amended the bill to provide the agency two more years to resolve the issues of the issuance of certificates in those cases where abandonment proceedings of the water right are pending on July 1, 2004.

The House Committee on Environment amended the bill to add the provisions of HB 2480 to add the State Biologist as an ex officio member of the Kansas Water Authority. In addition, the Committee amended the bill to clarify the role of the ex officio members of the Kansas Water Authority. Finally, the Committee amended the bill to make it effective upon publication in the *Kansas Register*.

The fiscal note on the original bill indicates no fiscal impact.