

SENATE BILL No. 379

By 2017 Special Committee on Natural Resources

2-6

1 AN ACT concerning water; establishing a water law study commission.

2
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) There is hereby established the Kansas water law study
5 commission. The commission shall work under the direction of the Kansas
6 water authority.

7 (b) The commission shall consist of three principal investigators
8 selected by the director of the Kansas water office. The principal
9 investigators shall be licensed Kansas attorneys with extensive scholarly
10 and practical experience in Kansas water law, including transactional law
11 and litigation.

12 (c) The principal investigators shall be independent consultants. No
13 lawyer-client relationship shall be established or deemed to exist between
14 such investigators and the state of Kansas or any agency thereof.

15 (d) The commission shall conduct a comprehensive Kansas water law
16 study that includes, but is not limited to:

17 (1) A review of the following acts:

18 (A) Chapter 42 of the Kansas Statutes Annotated, and amendments
19 thereto;

20 (B) the Kansas water appropriation act, K.S.A. 82a-701 et seq., and
21 amendments thereto, with an emphasis on permanent water supply
22 depletion;

23 (C) the groundwater management district act, K.S.A. 82a-1020 et
24 seq., and amendments thereto;

25 (D) the state water plan storage act, K.S.A. 82a-1301 et seq., and
26 amendments thereto;

27 (E) the water assurance program act, K.S.A. 82a-1330 et seq., and
28 amendments thereto; and

29 (F) the Kansas water transfer act, K.S.A. 82a-1501 et seq., and
30 amendments thereto;

31 (2) an examination of the following:

32 (A) Any ambiguities or textual issues in the provisions of the acts
33 listed in subsection (d)(1);

34 (B) changes in federal water law since 1957 that affect the protection
35 and enforcement of Kansas water rights, including, but not limited to,
36 Kansas' rights to interstate water resources; and

1 (C) changes in federal and state environmental law, including, but not
2 limited to, the endangered species act of 1973; and

3 (3) an analysis of the following:

4 (A) Takings issues under Kansas water law; and

5 (B) whether Kansas should consider conducting water rights
6 adjudication proceedings throughout the state.

7 (e) The findings of the comprehensive Kansas water law study shall
8 be submitted to the Kansas water authority and the director of the Kansas
9 water office for review. A report on the findings of the comprehensive
10 Kansas water law study and any recommendations shall be submitted and
11 presented to the house standing committees on agriculture and water and
12 environment and the senate standing committee on agriculture and natural
13 resources on or before the last day of the 2020 regular legislative session.

14 (f) The principal investigators on the commission shall receive
15 compensation for serving on the commission and shall be paid subsistence
16 allowances, mileage and other expenses provided in K.S.A. 75-3223, and
17 amendments thereto, from moneys appropriated therefor to the Kansas
18 water office.

19 (g) The provisions of this section shall expire on July 1, 2021.

20 Sec. 2. This act shall take effect and be in force from and after its
21 publication in the statute book.