

January 30, 2015

The Honorable Garrett Love, Chairperson
Senate Committee on Agriculture
Statehouse, Room 237-E
Topeka, Kansas 66612

Dear Senator Love:

SUBJECT: Fiscal Note for SB 118 by Senate Committee on Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning SB 118 is respectfully submitted to your committee.

SB 118 would amend current law regarding conservation easements managed by the Kansas Department of Agriculture (KDA.) The bill would expand the conservation duties of both the Conservation Division of KDA and the State Conservation Commission regarding mitigation activities required to implement the Federal Clean Water Act, as administered through the U.S. Army Corps of Engineers (COE). The COE requires that any compensatory mitigation projects include a permit application process and that the Conservation Division establish the approval process as a third party. The expanded duties in the bill would include accepting, purchasing, or otherwise acquiring conservation easements; contracting with engineering consultants, surveyors, and construction contractors to restore, establish, and enhance natural resources; and establish and collect mitigation fees from local governmental agencies. The bill would also establish the Conservation Fund to be administered by the Department of Agriculture. All expenditures from the fund would be for conservation.

The Department of Agriculture indicates that the Division of Conservation would hold conservation easements specific to individual projects, and that all costs to establish mitigation sites would be borne by permit applicants. The Division would establish fees to cover administrative costs, and those costs would be added to approved contract agreements. The administrative services required for the expanded conservation duties in the bill would be provided by existing KDA employees. All fee revenue deposited to the Conservation Fund would be used for mitigation projects.

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The League of Kansas Municipalities indicates the bill could have a fiscal effect on cities if they are charged mitigation fees. However, it is not possible to quantify what the actual effect would be.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Justin Law, Agriculture
Larry Baer, League of Municipalities