GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 529

TUESDAY, MARCH 8, 2016

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 5, 2016
4:41pm - Filed without
Governor's signature
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to water resources policy.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. A NEW SECTION OF KRS 151.100 TO 151.460 IS CREATED

4 TO READ AS FOLLOWS:

5 ***(1) The Kentucky Water Resources Board is hereby created for the purposes of***

6 ***assisting the cabinet in the implementation of Section 2 of this Act and KRS***

7 ***151.112. The board shall be attached to the cabinet for administrative purposes.***

8 ***(2) The Kentucky Water Resources Board shall:***

9 ***(a) Assist the cabinet in conducting research and developing recommendations***

10 ***to enhance the quality of water resources accessible for agricultural***

11 ***production in the state;***

12 ***(b) Research emerging water resources issues, including the adequacy of water***

13 ***supplies available for agricultural production and in rural Kentucky;***

14 ***(c) Examine potential actions to address deficiencies in water supplies***

15 ***identified by the board; and***

16 ***(d) Make recommendations for developing new and reliable water sources for***

17 ***key areas of farm production in Kentucky.***

18 ***(3) The Kentucky Water Resources Board shall consist of eleven (11) members as***

19 ***follows:***

20 ***(a) The secretary of the cabinet or the secretary's designee, who shall serve as***

21 ***chair;***

22 ***(b) The Commissioner of the Kentucky Department of Agriculture or the***

23 ***Commissioner's designee, who shall serve as vice chair;***

24 ***(c) The dean of the University of Kentucky College of Agriculture, Food, and***

25 ***Environment or the dean's designee;***

26 ***(d) Six (6) members appointed by the Governor as follows:***

27 ***1. One (1) member selected from a list of three (3) submitted by the***

1 *Kentucky Association of Conservation Districts, who shall serve an*
2 *initial term of four (4) years;*
3 *2. One (1) member selected from a list of three (3) submitted by the*
4 *Kentucky Chamber of Commerce, who shall serve an initial term of*
5 *four (4) years;*
6 *3. One (1) member selected from a list of three (3) submitted by the*
7 *Kentucky County Judge/Executive Association, who shall serve an*
8 *initial term of three (3) years;*
9 *4. One (1) member selected from a list of three (3) submitted by the*
10 *Kentucky Farm Bureau, who shall serve an initial term of three (3)*
11 *years;*
12 *5. One (1) member selected from a list of three (3) submitted by the*
13 *Kentucky League of Cities, who shall serve an initial term of two (2)*
14 *years; and*
15 *6. One (1) member selected from a list of three (3) submitted by the*
16 *Kentucky Rural Water Association, who shall serve an initial term of*
17 *two (2) years; and*
18 *(e) The board shall have two (2) nonvoting liaisons who are members of the*
19 *General Assembly, one (1) of whom shall be a member of the House of*
20 *Representatives appointed by the Speaker of the House of Representatives,*
21 *and one (1) of whom shall be a member of the Senate appointed by the*
22 *President of the Senate.*
23 *(4) Members appointed under subsection (3)(d) of this section shall serve a term of*
24 *four (4) years and may be reappointed. A person appointed to fill a vacancy*
25 *occurring prior to the expiration of a term shall be appointed for the remainder*
26 *of that term.*
27 *(5) (a) The Kentucky Water Resources Board shall meet at the call of the chair,*

1 ***and members shall not receive compensation for serving on the board.***
2 ***(b) Six (6) members shall constitute a quorum for the purposes of conducting***
3 ***business.***
4 ***(6) The Kentucky Water Resources Board shall:***
5 ***(a) Develop and provide the cabinet with recommendations regarding water use***
6 ***efficiency for all agricultural water uses;***
7 ***(b) Develop recommendations for a strategy to promote water conservation in***
8 ***agricultural uses;***
9 ***(c) Develop and provide recommendations to the cabinet, the Department of***
10 ***Agriculture, and the Soil and Water Conservation Commission regarding***
11 ***on-farm and rural community drought and water assessment, monitoring,***
12 ***and improvements for agricultural purposes; and***
13 ***(d) Request technical assistance from the following groups in order to establish***
14 ***a process for the collection and coordination of data on surface and ground***
15 ***water availability, water quality, the presence of point and nonpoint sources***
16 ***of pollution, instream flow, water withdrawal and use, flood damage and***
17 ***storm water management, and the identification and assessment of future***
18 ***data needs:***
19 ***1. Kentucky Geological Survey;***
20 ***2. United States Geological Survey;***
21 ***3. Kentucky Water Resources Institute;***
22 ***4. Interagency Technical Advisory Committee on Groundwater;***
23 ***5. Soil and Water Conservation Commission; and***
24 ***6. Any other water group the board deems necessary.***
25 ➔Section 2. KRS 151.110 is amended to read as follows:
26 (1) (a) The conservation, development, and proper use of the water resources of the
27 Commonwealth of Kentucky have become of vital importance as a result of

1 population expansion and concentration, industrial growth, technological
2 advances, and an ever increasing demand for water for varied domestic,
3 ***agricultural,*** industrial, municipal, and recreational uses. It is recognized by
4 the General Assembly that excessive rainfall during certain seasons of the year
5 causes damage from overflowing streams. However, prolonged droughts at
6 other seasons curtail industrial, municipal, agricultural, and recreational uses
7 of water and seriously threaten the continued growth and economic well-being
8 of the Commonwealth. The advancement of the safety, happiness, and welfare
9 of the people and the protection of property require that the power inherent in
10 the people be utilized to promote and to regulate the conservation,
11 development, and most beneficial use of the water resources. It is hereby
12 declared that the general welfare requires that the water resources of the
13 Commonwealth be put to the beneficial use to the fullest extent of which they
14 are capable, that the waste or nonbeneficial use of water be prevented, and that
15 the conservation and beneficial use of water be exercised in the interest of the
16 people. Therefore, it is declared the policy of the Commonwealth to actively
17 encourage and to provide financial, technical, or other support for projects that
18 will control and store our water resources in order that the continued growth
19 and development of the Commonwealth might be assured. To that end, it is
20 declared to be the purpose of KRS Chapters 146, 149, 151, 224, 262, and KRS
21 350.029 and 433.750 to 433.757 for the Commonwealth to permit, regulate,
22 and participate in the construction or financing of facilities to store surplus
23 surface water for future use; to conserve and develop the ground water
24 resources of the Commonwealth; to require local communities to develop long
25 range water supply plans; to protect the rights of all persons equitably and
26 reasonably interested in the use and availability of water; to prohibit the
27 pollution of water resources and to maintain the normal flow of all streams so

1 that the proper quantity and quality of water will be available at all times to
2 the people of the Commonwealth; to provide for the adequate disposition of
3 water among the people of the Commonwealth entitled to its use during severe
4 droughts or times of emergency; to prevent harmful overflows and flooding;
5 to regulate the construction, maintenance, and operation of all dams and other
6 barriers of streams; to prevent the obstruction of streams and floodways by the
7 dumping of substances therein; to keep accurate records on the amount of
8 water withdrawal from streams and watercourses and reasonably regulate the
9 amount of withdrawal of public water; and to engage in other activities as may
10 be necessary to conserve and develop the water resources of the
11 Commonwealth of Kentucky, and to ensure adequate supply of water for
12 domestic, agricultural, recreational, and economic development uses.
13 (b) The cabinet shall:
14 1. Provide leadership in water use efficiency for all water uses;
15 2. Promote conservation;
16 3. Offer technical assistance and conduct research;
17 4. Be the lead agency with other state and local agencies to incorporate
18 conservation measures and incentives into their programs;
19 5. Sponsor "technology transfer sessions" on water conservation to
20 commercial and industrial operations; ~~[and]~~
21 6. Provide leadership to communities looking for information and methods
22 for coping with the issues of growth and water supply;
23 ***7. Provide leadership for on-farm and rural community drought and***
24 ***water assessment, monitoring, and improvement for agricultural***
25 ***purposes; and***
26 ***8. Have the authority to receive and disperse federal, state, and other***
27 ***funds for the purpose of on-farm and community drought and water***

1 ***assessment, monitoring, and improvements***.

2 (c) Subsection (1)(b) shall not be construed as changing the relationship between
3 the cabinet and the Kentucky River Authority and their respective
4 responsibilities for oversight of the Kentucky River as set out in KRS 151.700
5 and 151.720.

6 (2) It is a finding of the General Assembly that groundwater is an important but
7 vulnerable natural resource of this state, that the majority of rural Kentuckians rely
8 exclusively on groundwater for drinking, and that groundwater is inextricably
9 linked to surface waters which may also serve as a drinking water resource. It is also
10 a finding that groundwater is a resource equally vital for agricultural, commercial,
11 and industrial purposes and that useable groundwater is critical to the future
12 development of these industries. Therefore, it shall be the policy of this state to
13 manage groundwater for the health, welfare, and economic prosperity of all citizens.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date