

Kansas spends \$17 million meant for water lawsuit

Written by Holyoke Enterprise

TOPEKA, Kan. (AP)—Kansas lawmakers accidentally spent \$17 million set aside to finance litigation aimed at forcing Colorado and Nebraska to abide by water compacts, state officials said last week.

The embarrassing miscue committed in 2007 set off alarm bells in the Senate Ways and Means Committee, with some senators insisting upon reform in the method of writing appropriations bills and others demanding better tracking of money earmarked for specific purposes.

“I would suggest we need to take a look at our accounting procedures,” said Sen. Laura Kelly, D-Topeka.

Kansas’ successful lawsuit against Colorado over violations of the Arkansas River Compact resulted in a U.S. Supreme Court decree requiring Colorado to reduce its groundwater pumping and to pay Kansas about \$34 million in damages and interest.

The payment allowed establishment of a fund in Kansas to continue legal work on water issues with border states.

“So, we took Colorado’s money and blew it?” asked Sen. Janis Lee, D-Kensington.

Sen. Jay Emler, a Louisburg Republican and chairman of the Senate budget committee, said the original intent was to place the litigation funding in an account beyond the grasp of legislators.

A House-Senate conference committee inadvertently slid the whole \$17 million into an appropriations bill at the end of the session.

“When we have a lockbox, we also have a key,” Emler said.

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The money was spent on general state government expenses. The Legislature voted and Gov. Kathleen Sebelius signed the bill, cleaning out the water litigation fund.

The oversight wasn't revealed to legislators until the attorney general's office requested financing for legal work on water issues for 2010 and 2011.

Michael Leitch, deputy attorney general, said \$680,000 was requested for this year and \$1 million for next year.

Without the supplemental appropriations, he said, the attorney general's office could run out of money.

Sen. Mark Taddiken, R-Clifton, said replacing the money with general tax revenue would be difficult. The state's deficit in the current fiscal year is unknown but rising. The projected deficit in the upcoming fiscal year could exceed \$400 million.