

CHAPTER 127**(SJR 109)**

A JOINT RESOLUTION directing the Environmental and Public Protection Cabinet to develop a drought mitigation and response plan for the Commonwealth, pursuant to KRS Chapter 151.

WHEREAS, KRS Chapter 151 requires the Commonwealth to protect the rights of all persons who are equitably and reasonably interested in the use and availability of water; and to provide for the adequate disposition of water among the people of the Commonwealth entitled to its use during severe drought or times of emergency; and

WHEREAS, drought is a natural recurring feature of the climate of the Commonwealth, with no reliable method to predict its onset, intensity, or duration; and

WHEREAS, as demands on water supplies continue to grow, droughts of a magnitude that do not presently cause impacts may become significant in the future; thereby increasing the frequency of water-shortage conditions; and

WHEREAS, during times of water shortage, a limited quantity of water must be shared among potable, industrial, agricultural, commercial, environmental, and recreational demands; and

WHEREAS, the Environmental and Public Protection Cabinet's water shortage response plan that was developed in response to the original statute is nineteen years old, is based on local water supply assessments and water-shortage response strategies, and does not address water shortages that affect self-supplied domestic uses, livestock watering demands, and other similar situations; and

WHEREAS, there exists no comprehensive drought mitigation and response strategy that coordinates the actions of the Commonwealth in preparing for and responding to drought; and

WHEREAS, it is necessary for the Commonwealth to develop a comprehensive and systematic process of long-range management and orderly development of the Commonwealth's water resources and to plan for drought emergencies; and

WHEREAS, the Environmental and Public Protection Cabinet is granted the authority pursuant to KRS 151.200 in times of drought emergency or other similar situations to balance the rights and availability of water among water users;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Environmental and Public Protection Cabinet shall develop, in consultation with a Drought Mitigation and Response Advisory Council, a drought mitigation and response plan to provide for drought mitigation and emergency planning.

Section 2. The secretary of the Environmental and Public Protection Cabinet shall appoint members to the Drought Mitigation and Response Advisory Council. This council shall include the Kentucky Division of Emergency Management, and representatives of state and federal agencies that regulate or otherwise have a role in water supply, water resources management, and drought response. The advisory council shall also include representatives of various water-dependent sectors, including city and county governments, the agricultural community, the electrical power generators for the Commonwealth of Kentucky, industrial users, commercial users, and municipal and private water utilities. The advisory council may also include representatives of citizen groups, environmental groups, recreational groups, developers, the academic community, and other interested parties as the secretary deems appropriate.

Section 3. The Environmental and Public Protection Cabinet shall schedule regular meetings with the Drought Mitigation and Response Advisory Council and work with the council in developing a statewide drought mitigation and response plan.

Section 4. The statewide mitigation and response plan shall be consistent with KRS Chapter 151.

Section 5. The Environmental and Public Protection Cabinet shall submit the statewide drought mitigation and response plan to the Legislative Research Commission and to the Interim Joint Committee on Agriculture and Natural Resources by December 31, 2008.

Approved April 5, 2007.