

APPENDIX H

RULES AND REGULATIONS AND MODE OF PROCEDURE FOR THE KANSAS-OKLAHOMA ARKANSAS RIVER COMMISSION (As Amended to July 28,1999)

ARTICLE I

THE COMMISSION

1. The Commission shall be that Commission referred to in Article X of the Arkansas River Basin Compact, Kansas-Oklahoma.
2. The credentials of each Commissioner shall be filed with the Chairman of the Commission.
3. Each Commissioner shall advise in writing the office of the Commission as to his address to which all official notices and other communications of the Commission shall be sent to him and shall further promptly advise in writing the office of the Commission as to any changes of such address.

ARTICLE II

OFFICERS

1. The Officers of the Commission shall be:

 Chairman
 Secretary
 Treasurer
2. The Commissioner, or in his absence his Alternate, representing the United States shall be the Chairman of the Commission. The Chairman shall preside at the meetings of the Commission. His duties shall be such as are usually imposed upon such officer and such as may be assigned to him by these rules or by the Commission from time to time provided, however, that the Commissioner representing the United States shall not have the right to vote.
3. The Secretary need not but may be a Member of the Commission. The Secretary shall be selected by the Commission. He shall serve for such term and and receive such salary and perform such duties as the Commission may direct. In the case of vacancy in the Office of the Secretary, the Commission shall proceed as expeditiously as possible to select a new Secretary.

4. The Treasurer shall receive, hold and disburse all funds of the Commission which come into his hands. The Treasurer shall furnish a fidelity bond in an amount satisfactory to the Commission. The cost of such bond shall be paid by the Commission.
5. The offices of Secretary and Treasurer may be held by the same person.

ARTICLE III

PRINCIPAL OFFICE

1. The principal office of the Commission shall be the office of the Secretary.
2. The principal office shall be open for business at such hours and on such days as the Commission from time to time directs.
3. All books and records of the Commission shall be kept in the principal office of the Commission. All records of the Commission shall be open to inspection by the public during the hours the principal office is open for business.

ARTICLE IV

MEETINGS

1. The annual meeting of the Commission shall be held on the fourth Wednesday of July each year, provided, the Commission may, by unanimous agreement of all Commissioners, select and designate an alternate date for holding the annual meeting.
2. Special meetings of the Commission may be called by the Chairman at any time. Upon written request of a majority of the Commissioners of either of the signatory states setting forth the matters to be considered at such special meetings, it shall be the duty of the Chairman to call a special meeting.
3. Notice of all special meetings of the Commission shall be sent by the Secretary, to all members of the Commission by ordinary mail at least ten days in advance of each meeting and such notice shall state the purpose thereof.
4. All meetings of the commission shall be held at such place as shall be agreed upon by the Commission.

5. Minutes of the Commission shall be preserved in a suitable manner. Minutes
6. Until approved shall not be official and such unofficial minutes shall be furnished only to members of the Commission, its employees and committees.
7. A majority of the Commissioners of each state and the Commissioner or his alternate representing the United States, if so designated, must be present to constitute a quorum. For purposes of a quorum and participation in meetings, any person properly acting on behalf of the State official responsible for administering water law in the State of Kansas shall be considered a Kansas Commissioner, and any person properly acting on behalf of the State official responsible for administering water law in the State of Oklahoma shall be considered an Oklahoma Commissioner. Credentials showing that such persons are properly acting on behalf of the State officials shall be filed with the Chairman of the Commission prior to each meeting in which such persons attend.
8. Each signatory state shall have a single vote representing the majority opinion of the Commissioners of that State, in any deliberations of the Commission. The Commissioner representing the United States shall not have the right to vote.
9. A majority of the Commissioners present of each signatory state must concur in any action taken by the Commission.
10. At each meeting of the Commission, the order of business, unless agreed otherwise, shall be as follows:
 - Call to Order
 - Introductions and Announcements
 - Readings of the Minutes of the Last Meeting
 - Correction and Approval of Minutes of the Last Meeting
 - Report of Chairman
 - Report of Secretary
 - Report of Treasurer
 - Report of Committees
 - Unfinished Business
 - New Business
 - Adjournment
11. All meetings of the Commission, except executive sessions, shall be open to the public. Executive sessions shall be open only to Members of the Commission and such advisors as may be designated by each member and employee as permitted by the Commission provided, however, that the Commission may call witnesses when in such session.

12. Any meeting of the Commission may be recessed from time to time from the place set for the meeting to another place at the sole discretion of the Chairman.
13. Special meetings may be conducted by long-distance telephone conference call or other electronic means. Unless a different location is designated in the notice of the meeting, the public may attend such meeting at the offices of either of the Commissioners who are the State officials responsible for administering water law in the States. Any such long-distance telephone conference call or other electronic communication shall be recorded and made available for public inspection in accordance with the laws of the respective state.

ARTICLE V

COMMITTEES

1. There shall be the following standing committees:
 - Engineering Committee
 - Legal Committee
 - Budget Committee
2. The committees shall have the following duties:
 - (a) The Engineering Committee shall advise the Commission on all engineering matters that may be referred to it.
 - (b) The Legal Committee shall advise the Commission on all legal matters that may be referred to it.
 - (c) The Budget Committee shall prepare the annual budget and advise the Commission on all fiscal matters that may be referred to it.
3. Members of standing committees shall be appointed by the Commission. The number of members of each committee shall be determined from time to time by the Commission. Each state shall nominate the member or members representing that state to serve on each committee.
4. The Chairman shall be Ex-Officio Member of all committees and may appoint additional Ex-Officio Members to committees.
5. The Chairman of each committee shall be designated by the Commission.

6. The Commission may from time to time create special committees, composed of such members and others, and assign such tasks as the Commission may determine.
7. Formal committee reports shall be made in writing and filed with the Commission.

ARTICLE VI

RULES AND REGULATIONS

1. So far as is consistent with the Kansas-Oklahoma Arkansas River Compact, the Commission may adopt additional rules and regulations.
2. Rules and regulations of the Commission may be compiled and copies may be prepared for distribution to the public under such terms and conditions as the Commission may prescribe.
3. Amendments to the rules and regulations and mode for procedure of the Commission may be made at any meeting of the Commission.

ARTICLE VII

FISCAL

1. All funds of the Commission shall be deposited in a depository, or depositories, designated by the Commission under the name of the Kansas Oklahoma Arkansas River Commission Fund. Such funds shall be initiated and maintained by equal payment of each State into the fund.
2. Disbursements of funds in the hands of the Treasurer shall be made by check signed by him upon voucher approved by the Budget Committee Chairman. The Budget Committee Chairman may authorize expenditures above the budget not to exceed \$200.
3. At the annual meeting each year the Commission shall adopt and transmit to the Governors of the two States, the budget covering an estimate of its expenses for the following fiscal year.
4. The payment of expenses of the Commission and of its employees shall not be subject to the audit and accounting procedure of the States.
5. All receipts and disbursements of the Commission shall be audited yearly by a

qualified independent public accountant, to be selected by the Commission, and the report of the audit shall be included and become part of the annual report of the Commission.

6. An up-to-date inventory of all the property of the Commission shall be kept at the principal office of the Commission.
7. The fiscal year of the Commission shall begin July 1 of each year and end June 30 of the next succeeding year.

ARTICLE VIII

ANNUAL REPORT

1. The Commission shall make and transmit annually on or before the last day of September to the Governors of the signatory states of the Kansas Oklahoma Arkansas River Compact and to the President of the United States, a report covering the activities of the Commission for the preceding fiscal year.
2. The annual report shall include among other things, the following:
 - (a) The estimated budget
 - (b) Report of annual audit of the Kansas-Oklahoma Arkansas River Commission Fund
 - (c) All Hydrologic data which the Commission deems pertinent
 - (d) Statements as to cooperative studies of water supplies made during the preceding year
 - (e) All findings of facts made by the Commission during the preceding year
 - (f) Such other pertinent matters as the Commission may require

ARTICLE IX

MISCELLANEOUS

1. The Commission shall on request make available to the Governor of each of the signatory states any information within the Commission's possession at any time.

2. All contracts or other instruments in writing to be signed for and on behalf of the Commission, except matters relating to the receipt or disbursement of funds, shall be signed by the Chairman when authorized by the Commission.
3. The Commission shall have the power to employ such engineering, legal, clerical and other personnel as in its judgment may be necessary for the performance of its functions under the compact.

ARTICLE X

HEARINGS

1. The Commission may hold hearings, and take testimony and receive evidence at such times and places that it deems necessary. Such hearings may be held to determine violations of the Kansas-Oklahoma Arkansas River Compact or to collect, analyze and report on data as to stream flows, water quality, conservation storage, and such other information as is necessary for the proper administration of the compact. Such hearings may also be conducted for the purpose of securing information, suggestions, estimates and statistics as the Commission may need or believe to be useful for carrying out its functions and as may be available to or procurable from witnesses before the hearing.
2. All interested parties shall be afforded an opportunity for hearing after reasonable notice. Such notice shall include:
 - (a) A statement of the time, place, and nature of the hearing
 - (b) A statement of the legal authority and jurisdiction under which the hearing is to be held
 - (c) A reference to a particular matter and any statute and/or rules involved
 - (d) A short and plain statement of the matters asserted

If the Commission or any other interested party is unable to state the matters in detail at the time the notice is served, the initial notice' may be limited to a statement of the issues. Thereafter, upon application a more definite and detailed statement shall be furnished.

3. Opportunity shall be afforded to all interested parties to respond and present evidence and argument on all issues involved in a hearing by the Commission.

4. The record in a proceeding shall include:
 - (a) All pleadings, motions and intermediate rulings
 - (b) Evidence received or considered
 - (c) The statement of matters officially noticed
 - (d) Questions and offers of proof, objections, and rulings thereon
 - (e) Proposed findings and exceptions thereto
 - (f) Any decision, opinion or report by the officer presiding at the hearing
 - (g) All staff memoranda or data submitted to the Commission in connection with their consideration of the matters before such hearing
5. Findings of facts shall be based exclusively on the evidence and on the matters officially noticed by the Commission.
6. In the case of a hearing on a violation of the Kansas-Oklahoma Arkansas River Compact, oral proceedings or any part thereof shall be transcribed on request of any party charged with such violation and the cost of transcription shall be paid by the requesting party.

ARTICLE XI

PROCEDURES BEFORE COMMISSION

1. The Commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. It shall give effect to the rules of privileged communications recognized by law.

No greater exclusionary effect shall be given any such rule or privilege than would be obtained in an action in court. The Commission may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, the parties shall be given an opportunity to compare the copy with the original.
3. A party may conduct cross-examination required for a full and true disclosure of the facts.
4. Notice may be taken of judicially recognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Commission's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Commission's experienced, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
5. Apparent violations to the Compact shall be handled as follows:
 - (a) If there is an apparent violation to the Compact, it should be made known to the Commission
 - (b) Apparent violators submit an explanation for said violation to the Commission within 30 days of receipt of written notification of said violation from the Commission
 - (c) That the Commission refer the apparent violation to the Engineering and Legal Committees for investigation
 - (d) After due investigation has been made, the Engineering and Legal Committees refer the matter to the Commission with recommendations concerning the action to be taken
6. Any party shall at all times have the right to counsel, provided that such counsel must be duly licensed to practice law in one of the States of the United States.

ARTICLE XII

FINDINGS

1. When the Commission finds that a violation of the Compact has occurred in a hearing held by the Commission itself, it shall transmit its findings to the appropriate state agencies in Kansas and/or Oklahoma to investigate and abate sources of the alleged violations.

2. In the case of a hearing held to collect, analyze and report on data as to stream flows, water quality, conservation storage, and such other information as is necessary for the proper administration of the Compact, and the gathering of information, suggestions, estimates and statistics as it may need or believe to be useful for carrying out its functions and as may be available to or procurable from witnesses, the information together with the Commission's final determination shall be forwarded to the proper agency of each state charged with enforcement of pollution control and water supervision, and a copy shall also be maintained in the permanent office of the Commission. Said final determination shall include suggestions to the various states as to action to be taken by them to aid in the enforcement of this Compact.

ARTICLE XIII

PUBLICITY

1. Prior to the close of each meeting, the Chairman shall draft a press release as directed by the Commission and submit it to the Commission for approval. All approved releases may be made available to the press by any member of the Commission.
2. All other press releases, if there be any, shall be released by and through the Chairman.