

As Amended by House Committee

Session of 2004

SENATE BILL No. 527

By Committee on Ways and Means

2-17

10 AN ACT concerning the Kansas water office; establishing the water sup-
11 ply storage assurance fund; establishing the local water project match
12 fund; **prescribing guidelines for the functions and authority of**
13 **ex officio members of the Kansas water authority; amending**
14 **K.S.A. 2003 Supp. 74-2622 and repealing the existing section.**
15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. (a) There is hereby created in the state treasury the water
18 supply storage assurance fund. The director of the Kansas water office
19 may accept or receive moneys from water assurance districts for the pur-
20 poses for which expenditures may be made from the water supply storage
21 assurance district fund. The director shall remit all moneys so received
22 to the state treasurer in accordance with the provisions of K.S.A. 74-4215,
23 and amendments thereto. Upon receipt of the remittance the state trea-
24 surer shall deposit the entire amount in the state treasury and credit it to
25 the water supply storage assurance fund.

26 (b) Moneys in the fund may be expended for the following purposes:

27 (1) Payment to the federal government of annual capital costs of water
28 supply storage in federal reservoirs under the water assurance program
29 act;

30 (2) payment and reimbursement to the water marketing fund for wa-
31 ter supply storage space previously paid for with revenue from the water
32 marketing fund, if such storage space has been transferred to the water
33 assurance program;

34 (3) payment and reimbursement to the state general fund for water
35 supply storage space previously paid for from the state general fund, if
36 such storage space has been transferred to the water assurance program;

37 (4) payment and reimbursement to the state water plan fund for wa-
38 ter supply storage space previously paid for from the state water plan
39 fund, if such storage space has been transferred to the water assurance
40 program;

41 (5) payment to the federal government of annual operation, mainte-
42 nance and repair costs associated with the water supply storage space
43 dedicated for the use of water assurance districts; and

1 (6) payment and reimbursement to the water marketing fund and the
2 state general fund for costs incurred by the state for the administration
3 and enforcement of applicable state laws governing the operations and
4 management of the water assurance program as provided in contracts
5 with water assurance districts.

6 (c) On or before the 10th of each month, the director of accounts
7 and reports shall transfer from the state general fund to the water supply
8 storage assurance fund interest earnings based on:

9 (1) The average daily balance of moneys in the water supply storage
10 assurance fund for the preceding month; and

11 (2) the net earnings rate for the pooled money investment portfolio
12 for the preceding month.

13 (d) All expenditures from the water supply storage assurance fund
14 shall be made in accordance with appropriation acts upon warrants issued
15 pursuant to vouchers approved by the director of the Kansas water office
16 or by a person designated by the director.

17 Sec. 2. (a) There is hereby created in the state treasury the local
18 water project match fund. The director of the Kansas water office shall
19 remit to the state treasurer, in accordance with the provisions of K.S.A.
20 75-4215, and amendments thereto, all moneys received from local gov-
21 ernment entities and instrumentalities to be used to match funds for
22 water projects. Upon receipt of the remittance the state treasurer shall
23 deposit the entire amount in the state treasury and credit it to the local
24 water project match fund.

25 (b) All moneys credited to the local water project match fund shall
26 be used to match either state funds or federal funds for water projects.

27 (c) On or before the 10th of each month, the director of accounts
28 and reports shall transfer from the state general fund to the local water
29 project match fund interest earnings based on:

30 (1) The average daily balance of moneys in the local water project
31 match fund for the preceding month; and

32 (2) the net earnings rate for the pooled money investment portfolio
33 for the preceding month.

34 (d) All expenditures from the local water project match fund shall be
35 made in accordance with appropriation acts upon warrants of the director
36 of accounts and reports issued pursuant to vouchers approved by the
37 director of the Kansas water office or by a person designated by the
38 director.

39 **Sec. 3. K.S.A. 2003 Supp. 74-2622 is hereby amended to read**
40 **as follows: 74-2622. (a) There is hereby established within and as**
41 **a part of the Kansas water office the Kansas water authority. The**
42 **authority shall be composed of 23 members of whom 13 shall be**
43 **appointed as follows: (1) One member shall be appointed by the**

1 governor, subject to confirmation by the senate as provided in
2 K.S.A. 75-4315b, and amendments thereto. Except as provided by
3 K.S.A. 46-2601, *and amendments thereto*, such person shall not ex-
4 ercise any power, duty or function as a member or chairperson of
5 the water authority until confirmed by the senate. Such member
6 shall serve at the pleasure of the governor and shall be the chair-
7 person of the authority; (2) except as provided by subsection (b),
8 10 members shall be appointed by the governor for terms of four
9 years. Of the members appointed under this provision one shall
10 be a representative of large municipal water users, one shall be
11 representative of small municipal water users, one shall be a board
12 member of a western Kansas groundwater management district,
13 one shall be a board member of a central Kansas groundwater
14 management district, one shall be a member of the Kansas asso-
15 ciation of conservation districts, one shall be representative of in-
16 dustrial water users, one shall be a member of the state association
17 of watershed districts, one shall have a demonstrated background
18 and interest in water use conservation and environmental issues,
19 and two shall be representative of the general public. The member
20 who is representative of large municipal water users shall be ap-
21 pointed from three nominations submitted by the league of Kansas
22 municipalities. The member who is representative of small munic-
23 ipal water users shall be appointed from three nominations sub-
24 mitted by the Kansas rural water district's association. The mem-
25 ber who is representative of a western Kansas groundwater
26 management district shall be appointed from three nominations
27 submitted by the presidents of the groundwater management dis-
28 trict boards No. 1, 3 and 4. The member who is representative of
29 a central Kansas groundwater management district shall be ap-
30 pointed from three nominations submitted by the presidents of the
31 groundwater management district boards No. 2 and 5. The mem-
32 ber who is representative of industrial water users shall be ap-
33 pointed from three nominations submitted by the Kansas associa-
34 tion of commerce and industry. The member who is representative
35 of the state association of watershed districts shall be appointed
36 from three nominations submitted by the state association of wa-
37 tershed districts. The member who is representative of the Kansas
38 association of conservation districts shall be appointed from three
39 nominations submitted by the state association of conservation dis-
40 tricts. If the governor cannot make an appointment from the orig-
41 inal nominations, the nominating authority shall be so advised and,
42 within 30 days thereafter, shall submit three new nominations.
43 Members appointed by the governor shall be selected with special

1 reference to training and experience with respect to the functions
2 of the Kansas water authority, and no more than six of such mem-
3 bers shall belong to the same political party; (3) one member shall
4 be appointed by the president of the senate for a term of two years;
5 and (4) one member shall be appointed by the speaker of the house
6 of representatives for a term of two years. The state geologist, the
7 chief engineer of the division of water resources of the state board
8 of agriculture, the director of the division of environment of the
9 department of health and environment, the chairperson of the
10 state corporation commission, the secretary of commerce, the di-
11 rector of the Kansas water office, the secretary of wildlife and
12 parks, the administrative officer of the state conservation commis-
13 sion, the secretary of the state board of agriculture and the direc-
14 tor of the agricultural experiment stations of Kansas state univer-
15 sity of agriculture and applied science shall be nonvoting members
16 ex officio of the authority. *Nonvoting members ex officio of the Kansas*
17 *water authority shall not make motions, second motions or cast votes on*
18 *any motion at any meeting of the authority, at any meeting of any sub-*
19 *committee of the authority or at any meeting of any select, advisory or*
20 *other committee appointed or otherwise established by the authority. The*
21 **director of the Kansas water office shall serve as the secretary of**
22 **the authority.**

23 (b) A member appointed pursuant to subsection (a)(2) shall be
24 appointed for a term expiring on January 15 of the fourth calendar
25 year following appointment and until a successor is appointed and
26 qualified.

27 (c) In the case of a vacancy in the appointed membership of
28 the Kansas water authority, the vacancy shall be filled for the unex-
29 pired term by appointment in the same manner that the original
30 appointment was made. Appointed members of the authority at-
31 tending regular or special meetings thereof shall be paid compen-
32 sation, subsistence allowances, mileage and other expenses as pro-
33 vided in K.S.A. 75-3223, and amendments thereto.

34 (d) The Kansas water authority shall:

35 (1) Consult with and be advisory to the governor, the legisla-
36 ture and the director of the Kansas water office.

37 (2) Review plans for the development, management and use of
38 the water resources of the state by any state or local agency.

39 (3) Make a study of the laws of this state, other states and the
40 federal government relating to conservation and development of
41 water resources, appropriation of water for beneficial use, flood
42 control, construction of levees, drainage, irrigation, soil conser-
43 vation, watershed development, stream control, gauging of stream

1 and stream pollution for the purpose of determining the necessity
2 or advisability of the enactment of new or amendatory legislation
3 in this state on such subjects.

4 (4) Make recommendations to other state agencies and politi-
5 cal subdivisions of the state for the coordination of their activities
6 relating to flood control, construction of levees, drainage, irriga-
7 tion, soil conservation, watershed development, stream control,
8 gauging of stream, stream pollution and groundwater studies.

9 (5) Make recommendations to each regular session of the leg-
10 islature and to the governor at such times as the authority consid-
11 ers advisable concerning necessary or advisable legislation relat-
12 ing to any of the matters or subjects which it is required by this
13 act to study for the purpose of making recommendations to the
14 legislature. All such recommendations to the legislature shall be
15 in drafted bill form together with such explanatory information
16 and data as the authority considers advisable.

17 (6) Approve, prior to submission to the legislature by the Kan-
18 sas water office or its director, (A) any contract entered into pur-
19 suant to the state water plan storage act, (B) any amendments to
20 the state water plan or the state water planning act and (C) any
21 other legislation concerning water resources of the state.

22 (7) Approve, before they become effective, any policy changes
23 proposed by the Kansas water office concerning the pricing of wa-
24 ter for sale pursuant to the state water plan storage act.

25 (8) Approve, before it becomes effective, any agreement en-
26 tered into with the federal government by the Kansas water office.

27 (9) Request any agency of the state, which shall have the duty
28 upon that request, to submit its budget estimate pertaining to the
29 state's water resources and any plans or programs related thereto
30 and, upon the authority's receipt of such budget estimate, review
31 and evaluate it and furnish recommendations relating thereto to
32 the governor and the legislature.

33 (10) Approve, prior to adoption by the director of the Kansas
34 water office, rules and regulations authorized by law to be
35 adopted.

36 (11) Approve, prior to adoption by the director of the Kansas
37 water office, guidelines for conservation plans and practices de-
38 veloped pursuant to subsection (c) of K.S.A. 74-2608, and amend-
39 ments thereto.

40 (e) The Kansas water authority may appoint citizens' advisory
41 committees to study and advise on any subjects upon which the
42 authority is required or authorized by this act to study or make
43 recommendations.

1 **(f) The provisions of the Kansas governmental operations ac-**
2 **countability law apply to the Kansas water authority, and the au-**
3 **thority is subject to audit, review and evaluation under such law.**

4 **Sec. 4. K.S.A. 2003 Supp. 74-2622 is hereby repealed.**

5 Sec. ~~3~~ **5.** This act shall take effect and be in force from and after its
6 publication in the statute book.