

HOUSE BILL No. 2984

By Committee on Taxation

3-24

9 AN ACT relating to water; concerning the Republican river and the dis-
10 position of moneys recovered from certain litigation; establishing the
11 Republican river water conservation projects fund.
12

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

14 Section 1. (a) Moneys recovered by the state of Kansas from the
15 states of Nebraska or Colorado to resolve disputes arising under the Re-
16 publican river compact shall be deposited in the state treasury and cred-
17 ited as follows:

18 (1) All moneys received from both Nebraska and Colorado shall be
19 credited to the interstate water litigation fund created by K.S.A. 82a-1802,
20 and amendments thereto. Whenever moneys are credited to the interstate
21 water litigation fund pursuant to this subsection, the director of accounts
22 and reports shall transfer a maximum of three-fifths of such moneys from
23 the interstate water litigation fund to the interstate water litigation reserve
24 account of the state general fund until the balance in the interstate water
25 litigation reserve account of the state general fund equals \$20,000,000.
26 On or before the 10th of each month, the director of accounts and reports
27 shall transfer from the state general fund to the interstate water litigation
28 fund interest earnings based on:

29 (A) The average daily balance of moneys in the interstate water liti-
30 gation fund for the preceding month; and

31 (B) the net earnings rate for the pooled money investment portfolio
32 for the preceding month.

33 (2) A minimum of two-fifths of the moneys recovered from the states
34 of Nebraska or Colorado shall be credited to the Republican river water
35 conservation projects fund as directed by subsection (b) of this section.

36 (b) There is hereby established in the state treasury the Republican
37 river water conservation projects fund to be administered by the director
38 of the Kansas water office.

39 (1) One-third of the money deposited to this fund shall be credited
40 to the state water plan fund for use for water conservation projects, with
41 priority given to conservation projects that directly enhance the ability of
42 the state of Kansas to remain in compliance with the Republican river
43 compact;

1 (2) one-third of the money deposited in this fund shall be expended
2 only for conservation projects, utilization efficiency, administrative
3 requirements and delivery projects and similar types of projects set forth
4 in subsection (d), in those areas of the state lying in the lower Republican
5 river basin between the Kansas/Nebraska border and Milford dam in all
6 or parts of Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic,
7 Riley, Smith and Washington counties;

8 (3) one-third of the money deposited in this fund shall be expended
9 only for conservation projects, utilization efficiency, administrative
10 requirements and delivery projects and similar types of projects set forth
11 in subsection (d), in those areas of the state lying in the upper Republican
12 river basin in northwest Kansas in all or parts of Cheyenne, Decatur,
13 Norton, Phillips, Rawlins, Sheridan, Sherman and Thomas counties.

14 (c) The types of projects that may be funded under subsection (b)
15 include:

16 (1) Efficiency improvements to canals or laterals managed and paid
17 for by an irrigation district or projects to improve the operational effi-
18 ciency or management of such canals or laterals;

19 (2) water use efficiency upgrades;

20 (3) implementation of water conservation of irrigation and other
21 types of water uses;

22 (4) implementation of water management plans or actions by water
23 rights holders;

24 (5) water measurement flumes, meters, gauges, data collection plat-
25 forms or related monitoring equipment and upgrades;

26 (6) artificial recharge, funding a water transition assistance program;
27 the purchase of water rights for stream recovery or aquifer restoration
28 and cost share for state or federal conservation programs that save water;

29 (7) maintenance of the channel and the tributaries of the Republican
30 river;

31 (8) reservoir maintenance or the purchase, lease, construction or
32 other acquisition of existing or new storage space in reservoirs;

33 (9) purchase, lease or other acquisition of a water right; and

34 (10) expenses incurred to construct and operate off-stream storage.

35 Sec. 2. (a) Any person or entity may apply to the director of the
36 Kansas water office for expenditure of moneys in the Republican river
37 water conservation projects fund for the purposes set forth in subsection
38 (b) of section 1, and amendments thereto. The director of the Kansas
39 water office and the chief engineer of the Kansas department of agricul-
40 ture, division of water resources shall review and approve each proposed
41 project for which moneys in the fund will be expended. In reviewing and
42 approving proposed projects the director and the chief engineer shall give
43 priority to: (1) Projects needed to achieve or maintain compliance with

1 the Republican river compact; (2) projects that achieve the greatest water
2 conservation efficiency for the general good; and (3) projects that have
3 been required by the division of water resources. Upon such review and
4 approval, the director of the Kansas water office shall request the legis-
5 lature to appropriate, as a line item, moneys from either fund to pay all
6 or a portion of the costs for a specific project, except that any project
7 which an aggregate of less than \$10,000 will be expended from either
8 fund shall not require a line item appropriation.

9 (b) Interest attributable to moneys in the Republican river water con-
10 servation projects shall be credited to the state general fund as provided
11 by K.S.A. 75-4210a, and amendments thereto.

12 (c) All expenditures from the Republican river water conservation
13 projects fund shall be made in accordance with appropriation acts upon
14 warrants of the director of accounts and reports issued pursuant to vouch-
15 ers approved by the director of the Kansas water office or a designee of
16 the director of the Kansas water office.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.