

SENATE Substitute for HOUSE BILL No. 2210

By Committee on Agriculture

3-26

9 AN ACT concerning the Republican river; disposition of moneys recov-
10 ered from certain litigation; establishing the Republican river water
11 conservation projects — Nebraska moneys fund and the Republican
12 river water conservation projects — Colorado moneys fund.
13

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

15 Section 1. (a) Moneys recovered by the state of Kansas from the state
16 of Nebraska to resolve disputes arising under the Republican river com-
17 pact shall be deposited in the state treasury and credited as follows:

18 (1) 100% of moneys from Nebraska shall be credited to the interstate
19 water litigation fund created by K.S.A. 82a-1802, and amendments
20 thereto. The attorney general shall certify to the director of accounts and
21 reports any expenses incurred by the state in any litigation brought by
22 the state of Kansas against the state of Nebraska to resolve disputes arising
23 under the Republican river compact and in preparation for such litigation.
24 On the effective date that such recovered moneys are credited to the
25 interstate water litigation fund pursuant to this subsection (a)(1);

26 *First*, the director of accounts and reports shall determine, after con-
27 sulting with the attorney general, (A) the aggregate amount of such liti-
28 gation expenses that have been certified by the attorney general, and (B)
29 the amount that would be required to be transferred from the interstate
30 water litigation fund to the interstate water litigation reserve account of
31 the state general fund so that the amount credited to the interstate water
32 litigation reserve account of the state general fund is equal to \$20,000,000;

33 *Second*, the director of accounts and reports shall determine the lesser
34 of the amount determined under clause (A) or the amount determined
35 under clause (B);

36 *Third*, if the amount determined under clause (A) is less than the
37 amount determined under clause (B), then the director of accounts and
38 reports shall transfer the amount equal to the amount determined under
39 clause (A) from the moneys credited to the interstate water litigation fund
40 pursuant to this subsection (a)(1) to the interstate water litigation reserve
41 account of the state general fund;

42 *Fourth*, if the amount determined under clause (B) is less than the
43 amount determined under clause (A), then the director of accounts and

1 reports shall transfer the amount equal to the amount determined under
2 clause (B) from the moneys credited to the interstate water litigation fund
3 pursuant to this subsection (a)(1) to the interstate water litigation reserve
4 account of the state general fund; and after the director of accounts and
5 reports has made such transfer, the director of accounts and reports shall
6 determine the difference between the amount determined under clause
7 (B) and the amount determined under clause (A) and then, the director
8 of accounts and reports shall transfer the amount equal to such difference
9 from the remaining moneys credited to the interstate water litigation fund
10 pursuant to this subsection (a)(1) to the state water plan fund created by
11 K.S.A. 82a-951, and amendments thereto.

12 (2) Once the director of accounts and reports has made the deter-
13 minations prescribed by subsection (a)(1) and has made all transfers pre-
14 scribed by subsection (a)(1), all moneys remaining recovered from Ne-
15 braska shall be credited to the Republican river water conservation
16 projects — Nebraska moneys fund as directed by subsection (c).

17 (b) Moneys recovered by the state of Kansas from the state of Col-
18 orado to resolve disputes arising under the Republican river compact shall
19 be deposited in the state treasury and credited as follows:

20 (1) 100% of moneys from Colorado shall be credited to the interstate
21 water litigation fund created by K.S.A. 82a-1802, and amendments
22 thereto. The attorney general shall certify to the director of accounts and
23 reports any expenses incurred by the state in any litigation brought by
24 the state of Kansas against the state of Colorado to resolve disputes arising
25 under the Republican river compact and in preparation for such litigation.
26 On the effective date that such recovered moneys are credited to the
27 interstate water litigation fund pursuant to this subsection (b)(1);

28 *First*, the director of accounts and reports shall determine, after con-
29 sulting with the attorney general, (A) the aggregate amount of such liti-
30 gation expenses that have been certified by the attorney general, and (B)
31 the amount that would be required to be transferred from the interstate
32 water litigation fund to the interstate water litigation reserve account of
33 the state general fund so that the amount credited to the interstate water
34 litigation reserve account of the state general fund is equal to \$20,000,000;

35 *Second*, the director of accounts and reports shall determine the lesser
36 of the amount determined under clause (A) or the amount determined
37 under clause (B);

38 *Third*, if the amount determined under clause (A) is less than the
39 amount determined under clause (B), then the director of accounts and
40 reports shall transfer the amount equal to the amount determined under
41 clause (A) from the moneys credited to the interstate water litigation fund
42 pursuant to this subsection (b)(1) to the interstate water litigation reserve
43 account of the state general fund;

1 *Fourth*, if the amount determined under clause (B) is less than the
2 amount determined under clause (A), then the director of accounts and
3 reports shall transfer the amount equal to the amount determined under
4 clause (B) from the moneys credited to the interstate water litigation fund
5 pursuant to this subsection (b)(1) to the interstate water litigation reserve
6 account of the state general fund; and after the director of accounts and
7 reports has made such transfer, the director of accounts and reports shall
8 determine the difference between the amount determined under clause
9 (B) and the amount determined under clause (A) and then, the director
10 of accounts and reports shall transfer the amount equal to such difference
11 from the remaining moneys credited to the interstate water litigation fund
12 pursuant to this subsection (b)(1) to the state water plan fund created by
13 K.S.A. 82a-951, and amendments thereto.

14 (2) Once the director of accounts and reports has made the deter-
15 minations prescribed by subsection (b)(1) and has made all transfers pre-
16 scribed by subsection (b)(1), all moneys remaining recovered from Col-
17 orado shall be credited to the Republican river water conservation
18 projects — Colorado moneys fund as directed by subsection (d).

19 (c) There is hereby established in the state treasury the Republican
20 river water conservation projects - Nebraska moneys fund to be admin-
21 istered by the director of the Kansas water office.

22 (1) One-third of the money deposited to this fund shall be credited
23 to the state water plan fund for use for water conservation projects, with
24 priority given to conservation projects that directly enhance the ability of
25 the state of Kansas to remain in compliance with the Republican river
26 compact; and

27 (2) two-thirds of the money deposited in this fund shall be expended
28 only for conservation projects, utilization efficiency, administrative
29 requirements and delivery projects, and similar types of projects set forth
30 in subsection (e), in those areas of the state lying in the lower Republican
31 river basin between the Kansas/Nebraska border and Milford dam in all
32 or parts of Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic,
33 Riley, Smith and Washington counties.

34 (d) There is hereby established in the state treasury the Republican
35 river water conservation projects - Colorado moneys fund to be admin-
36 istered by the director of the Kansas water office.

37 (1) One-third of the money deposited to this fund shall be credited
38 to the state water plan fund for use for water conservation projects; and

39 (2) two-thirds of the money deposited in this fund shall be expended
40 only for conservation projects, utilization efficiency, administrative
41 requirements and delivery projects, and similar types of projects set forth
42 in subsection (e), in those areas of the state lying in the upper Republican
43 river basin in northwest Kansas in all or parts of Cheyenne, Decatur,

1 Norton, Phillips, Rawlins, Sheridan, Sherman and Thomas counties.
2 (e) The types of projects that may be funded under subsections (c)
3 and (d) include: (1) Efficiency improvements to canals or laterals man-
4 aged and paid for by an irrigation district or projects to improve the
5 operational efficiency or management of such canals or laterals;
6 (2) water use efficiency upgrades;
7 (3) implementation of water conservation of irrigation and other
8 types of water uses;
9 (4) implementation of water management plans or actions by water
10 rights holders;
11 (5) water measurement flumes, meters, gauges, data collection plat-
12 forms or related monitoring equipment and upgrades;
13 (6) artificial recharge, funding a water transition assistance program;
14 the purchase of water rights for stream recovery or aquifer restoration
15 and cost share for state or federal conservation programs that save water;
16 (7) maintenance of the channel and the tributaries of the Republican
17 river;
18 (8) reservoir maintenance or the purchase, lease, construction or
19 other acquisition of existing or new storage space in reservoirs;
20 (9) purchase, lease or other acquisition of a water right; and
21 (10) expenses incurred to construct and operate off-stream storage.
22 Sec. 2. (a) Any person or entity may apply to the director of the
23 Kansas water office for expenditure of moneys in the Republican river
24 water conservation projects — Nebraska moneys fund and the Republi-
25 can river water conservation projects — Colorado moneys fund for the
26 purposes set forth in subsection (c) and (d) of section 1, and amendments
27 thereto. The director of the Kansas water office and the chief engineer
28 of the Kansas department of agriculture, division of water resources shall
29 review and approve each proposed project for which moneys in either
30 fund will be expended. In reviewing and approving proposed projects the
31 director and the chief engineer shall give priority to: (1) Projects needed
32 to achieve or maintain compliance with the Republican river compact; (2)
33 projects that achieve greatest water conservation efficiency for the general
34 good; and (3) projects that have been required by the division of water
35 resources. Upon such review and approval, the director of the Kansas
36 water office shall request the legislature to appropriate, as a line item,
37 moneys from either fund to pay all or a portion of the costs for a specific
38 project, except that any project which an aggregate of less than \$10,000
39 will be expended from either fund shall not require a line item
40 appropriation.
41 (b) Interest attributable to moneys in the Republican river water con-
42 servation projects - Nebraska moneys fund and the Republican river water
43 conservation projects - Colorado moneys fund shall be credited to the

1 state general fund as provided by K.S.A. 75-4210a, and amendments
2 thereto.

3 (c) All expenditures from the Republican river water conservation
4 projects - Nebraska moneys fund and the Republican river water conser-
5 vation projects - Colorado moneys fund shall be made in accordance with
6 appropriation acts upon warrants of the director of accounts and reports
7 issued pursuant to vouchers approved by the director of the Kansas water
8 office or a designee of the director of the Kansas water office.

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