

HOUSE BILL No. 2345

By Committee on Water

Requested by Representative Vaughn

2-7

1 AN ACT concerning natural resources; creating the Kansas office of
2 natural resources within the executive branch of government;
3 establishing the division of water resources, division of conservation
4 and division of water policy and planning therein; transferring certain
5 powers, duties and functions; abolishing the Kansas water office, the
6 Kansas department of agriculture, division of conservation and the
7 Kansas department of agriculture, division of water resources; updating
8 statutory references thereof; amending K.S.A. 2-1903, 2-1904, 2-1907,
9 2-1915, 2-1930, 2-1933, 12-541, 12-636, 12-761, 12-766, 12-2713, 19-
10 2963, 24-407, 24-418, 24-656, 24-659, 24-1202, 24-1204, 24-1211, 24-
11 1212, 42-701, 42-703, 42-722, 42-722a, 42-725, 68-1414, 68-2203, 74-
12 506b, 74-5,121, 74-2608, 74-2609, 74-99f04, 82a-301, 82a-301a, 82a-
13 303a, 82a-328, 82a-405, 82a-603, 82a-612, 82a-701, 82a-711, 82a-718,
14 82a-724, 82a-731, 82a-732, 82a-733, 82a-737, 82a-739, 82a-762, 82a-
15 767, 82a-770, 82a-771, 82a-773, 82a-902, 82a-905, 82a-906, 82a-907,
16 82a-910, 82a-911, 82a-915, 82a-920, 82a-922, 82a-923, 82a-932, 82a-
17 933, 82a-934, 82a-954, 82a-1021, 82a-1023, 82a-1042, 82a-1301, 82a-
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25 2317, 82a-2324, 82a-2402, 82a-2403, 82a-2404, 82a-2406, 82a-2407,
26 82a-2408, 82a-2411, 82a-2412, 82a-2414, 82a-2415, 82a-2416 and
27 82a-2419 and K.S.A. 2024 Supp. 32-1403, 49-603, 49-606, 49-611, 49-
28 613, 49-618, 49-620, 49-621, 49-623, 55-153, 74-2622, 75-3036, 75-
29 37,121, 75-5133, 82a-220, 82a-326, 82a-708b, 82a-714, 82a-736, 82a-
30 903, 82a-1038, 82a-1041, 82a-1501, 82a-1602, 82a-1603, 82a-1607
31 and 82a-1702 and repealing the existing sections; also repealing K.S.A.
32 74-506a, 74-5,126, 74-5,127, 74-5,128, 74-5,129, 74-5,130, 74-5,131,
33 74-5,132, 74-5,132a, 74-2613, 82a-738 and 82a-1901.

34

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

1 New Section 1. (a) There is hereby established within the executive
2 branch of government the Kansas office of natural resources.

3 (b) The Kansas governmental operations accountability law shall
4 apply to the Kansas office of natural resources. The office shall be subject
5 to audit, review and evaluation under such law.

6 New Sec. 2. (a) (1) The Kansas office of natural resources shall be
7 administered under the direction of an executive director. The executive
8 director shall be appointed by the governor with the consent of the senate
9 as provided in K.S.A. 75-4315b, and amendments thereto. Except as
10 provided by K.S.A. 46-2601, and amendments thereto, no person
11 appointed as executive director shall exercise any power, duty or function
12 as executive director until confirmed by the senate.

13 (2) The executive director shall be in the unclassified service under
14 the Kansas civil service act and receive an annual salary to be fixed by the
15 governor. The executive director shall serve at the pleasure of the
16 governor.

17 (3) The executive director shall maintain an office in Topeka, Kansas,
18 and may maintain offices and facilities in other locations of the state to
19 carry out the functions of the office.

20 (b) Subject to this act, the executive director may organize the Kansas
21 office of natural resources in the manner that the executive director deems
22 most efficient. The executive director may establish policies governing the
23 transaction of the business of the office and the administration of each
24 division within the office. The director of each division of the office shall
25 perform such duties and exercise such powers as the executive director
26 may prescribe and such duties and powers as are prescribed by law. Such
27 directors shall act for and exercise the powers of the executive director to
28 the extent that authority to do so is delegated by the executive director.

29 (c) (1) The executive director shall have the legal custody of all
30 records, memoranda, writings, entries, prints or representations, or
31 combination thereof, of any act, transaction, occurrence or event of the
32 Kansas office of natural resources and any agency, division or office
33 abolished or transferred under this act.

34 (2) No suit, action or other proceedings, judicial or administrative,
35 lawfully commenced, or that could have been commenced by or against
36 any state agency mentioned in this act, or by or against any officer of the
37 state in such officer's capacity or in relation to the discharge of such
38 officer's duties, shall abate by reason of the governmental reorganization
39 effected under this act. The court may allow any such suit, action or other
40 proceeding to be maintained by or against the successor of any such state
41 agency or any officer affected.

42 (3) No criminal action commenced or that could have been
43 commenced by the state shall abate by this act.

1 (d) The executive director of natural resources shall have the power
2 to:

3 (1) Adopt rules and regulations necessary to implement, administer
4 and enforce the powers and duties transferred by sections 3 and 4, and
5 amendments thereto, and to administer the Kansas office of natural
6 resources and the duties of the executive director;

7 (2) appoint employees for the office of the executive director as
8 necessary to enable the executive director to carry out the duties of the
9 office. Such employees shall be within the unclassified service under the
10 Kansas civil service act and subject to assignment and reassignment of
11 duty within the office as may be determined by the executive director;

12 (3) enter into such contracts and agreements as necessary or
13 incidental to the performance of the powers and duties of the executive
14 director;

15 (4) designate an official seal and alter such official seal at the
16 executive director's pleasure;

17 (5) sue, be sued, plead and be impleaded in the name of the office;

18 (6) charge and collect, by order, a fee necessary for the administration
19 and processing of paper documents, including, but not limited to,
20 applications, registrations, permits, licenses, certifications, renewals,
21 reports and remittance of fees that are necessary or incidental to the
22 execution of the laws relating to the Kansas office of natural resources.
23 Such fee shall be in addition to any fee that the executive director is
24 authorized to charge by law and may be up to 6% of such applicable fee
25 amount, except that such fee shall not exceed 40% and shall only be
26 charged when an electronic system for processing documents exists; and

27 (7) do such other acts as necessary and proper to carry out the
28 purposes of the water and natural resources laws of this state and better
29 protect, conserve, control, use, increase, develop and provide for the
30 enjoyment of the water and natural resources of this state.

31 New Sec. 3. (a) (1) The division of water policy and planning is
32 hereby created within the Kansas office of natural resources.

33 (2) The Kansas water office and the office of the director of the
34 Kansas water office established pursuant to K.S.A. 74-2613, prior to its
35 repeal, are hereby abolished. All of the powers, duties and functions of the
36 Kansas water office are hereby transferred to the Kansas office of natural
37 resources, division of water policy and planning. All of the powers, duties
38 and functions of the director of the Kansas water office are hereby
39 transferred to the director of the division of water policy and planning.

40 (3) Whenever the Kansas water office, or words of like effect, is
41 referred to or designated by any statute, rule and regulation, contract or
42 any other document, including any statute, rule and regulation, contract or
43 any document created pursuant to the authorities transferred by this

1 section, such reference or designation shall apply to the division of water
2 policy and planning.

3 (4) On July 1, 2026, officers and employees who, immediately prior
4 to such date, were engaged in the performance of powers, duties or
5 functions that are transferred pursuant to this section and who, in the
6 opinion of the executive director of natural resources, are necessary to
7 perform the powers, duties and functions of the Kansas office of natural
8 resources, division of water policy and planning shall be transferred to and
9 become officers and employees of such office. Such officers and
10 employees shall retain all retirement benefits and all rights of civil service
11 that had accrued or vested in such officers and employees prior to July 1,
12 2026.

13 (5) (A) On and after July 1, 2026, when any conflict arises as to the
14 disposition of any power, duty or function or the unexpected balance of
15 any appropriation as a result of any transfer made by this section or under
16 the authority of this section, such conflict shall be resolved by the
17 governor, and the decision of the governor shall be final.

18 (B) In all cases under this section where part or all of the powers,
19 duties and functions of any state agency are divided between the division
20 of water policy and planning and any other state agency, the division of
21 water policy and planning shall succeed to all property and records that
22 were used for or pertain to the performance of the powers, duties and
23 functions transferred to the division of water policy and planning. Any
24 conflict as to the proper disposition of property or records arising under
25 this section, and resulting from the transfer, attachment or abolition of any
26 state agency, or all or part of the powers, duties and functions thereof, shall
27 be determined by the governor, and the decision of the governor shall be
28 final.

29 (6) (A) On July 1, 2026, the balance of all funds appropriated and
30 reappropriated to the Kansas water office is hereby transferred to the
31 division of water policy and planning and shall be used only for the
32 purposes for which the appropriation was originally made.

33 (B) On July 1, 2026, liability for all accrued compensation or salaries
34 of officers and employees who, immediately prior to such date, were
35 engaged in the performance of powers, duties or functions or any state
36 agency or office abolished or transferred by this section shall be assumed
37 and paid by the Kansas office of natural resources.

38 (b) (1) The Kansas office of natural resources, division of water
39 policy and planning shall be administered by a director of the division of
40 water policy and planning, who shall be in the unclassified service under
41 the Kansas civil service act. The director of the division of water policy
42 and planning shall be appointed by the executive director of natural
43 resources and shall serve at the pleasure of the executive director.

1 (2) The director of the division of water policy and planning created
2 by this section shall be the successor in every way to the same powers,
3 duties and functions that were vested in the director of the Kansas water
4 office prior to July 1, 2026, except as provided in paragraph (4) and
5 section 2, and amendments thereto. Every act performed under the
6 authority of the director of the division of water policy and planning
7 created by this section shall be deemed to have the same force and effect
8 as if performed by the Kansas water office or the director of the Kansas
9 water office prior to July 1, 2026, except as provided in paragraph (4) and
10 section 2, and amendments thereto.

11 (3) Whenever the director of the Kansas water office, or words of like
12 effect, is referred to or designated by any statute, rule and regulation,
13 contract or any other document, including any statute, rule and regulation,
14 contract or other document created pursuant to the authorities transferred
15 by this section, such reference or designation shall apply to the director of
16 the division of water policy and planning.

17 (4) (A) All rules and regulations of the Kansas water office or the
18 director of the Kansas water office in existence on July 1, 2026, shall
19 continue to be effective and shall be duly adopted rules and regulations of
20 the executive director of natural resources until revised, amended, revoked
21 or nullified pursuant to law.

22 (B) All powers of the Kansas water office or the director of the
23 Kansas water office to adopt rules and regulations by law shall transfer to
24 the executive director of natural resources.

25 (5) All orders or directives of the director of the Kansas water office
26 in existence on July 1, 2026, shall continue to be effective and shall be the
27 orders or directives of the director of the division of water policy and
28 planning until revised, amended, repealed or nullified pursuant to law.

29 (6) On July 1, 2026, the director of the division of water policy and
30 planning shall succeed to whatever right, title or interest that the Kansas
31 water office acquired in any real property in this state, and the director
32 shall hold such right, title or interest for and in the name of the state of
33 Kansas. On and after July 1, 2026, whenever any statute, contract, deed or
34 other document concerns the power or authority of the Kansas water office
35 to acquire, hold or dispose of real property or any interest therein, the
36 director of the division of water policy and planning shall succeed to such
37 power or authority.

38 (c) The powers, duties and functions transferred by this section
39 include, but are not limited to, responsibilities concerning:

40 (1) The development and implementation of the state water plan,
41 K.S.A. 74-2608 et seq. and 82a-901 et seq., and amendments thereto;

42 (2) drought monitoring and response, K.S.A. 74-2608, and
43 amendments thereto;

- 1 (3) municipal water, K.S.A. 74-2608, and amendments thereto;
- 2 (4) conservation plans, K.S.A. 74-2608, and amendments thereto;
- 3 (5) reservoir operations, K.S.A. 74-2609, and amendments thereto;
- 4 (6) the Kansas water authority, K.S.A. 74-2622, and amendments
- 5 thereto;
- 6 (7) the coordination of streambank projects, K.S.A. 82a-1101 et seq.,
- 7 and amendments thereto;
- 8 (8) the water marketing fund, K.S.A. 82a-1315c et seq., and
- 9 amendments thereto;
- 10 (9) the state water plan storage act, K.S.A. 82a-1301 et seq., and
- 11 amendments thereto;
- 12 (10) the water assurance program act, K.S.A. 82a-1330 et seq., and
- 13 amendments thereto;
- 14 (11) the financing of large reservoir projects, K.S.A. 82a-1360 et seq.,
- 15 and amendments thereto;
- 16 (12) the Kansas weather modification act, K.S.A. 82a-1401, et seq.,
- 17 and amendments thereto;
- 18 (13) the water transfer act, K.S.A. 82a-1501 et seq., and amendments
- 19 thereto;
- 20 (14) the multipurpose small lakes program act, K.S.A. 82a-1601 et
- 21 seq., and amendments thereto;
- 22 (15) water litigation and the associated funds, K.S.A. 82a-1801 et
- 23 seq., and amendments thereto;
- 24 (16) the clean drinking water fee, K.S.A. 82a-2101, and amendments
- 25 thereto;
- 26 (17) the lower smoky hill water supply access program, K.S.A. 82a-
- 27 2301 et seq., and amendments thereto; and
- 28 (18) the reservoir improvement district act, K.S.A. 82a-2401, and
- 29 amendments thereto.
- 30 New Sec. 4. (a) (1) The division of conservation is hereby created
- 31 within the Kansas office of natural resources.
- 32 (2) The Kansas department of agriculture, division of conservation
- 33 and the office of the executive director of the division of conservation
- 34 established pursuant to K.S.A. 74-5,126, prior to its repeal, are hereby
- 35 abolished. All of the powers, duties and functions of the Kansas
- 36 department of agriculture, division of conservation are hereby transferred
- 37 to the division of conservation. All of the powers, duties and functions of
- 38 the executive director of conservation are hereby transferred to the director
- 39 of the division of conservation.
- 40 (3) Whenever the Kansas department of agriculture, division of
- 41 conservation, or words of like effect, is referred to or designated by any
- 42 statute, rule and regulation, contract or any other document, including any
- 43 statute, rule and regulation, contract or any document created pursuant to

1 the authorities transferred by this section, such reference or designation
2 shall apply to the division of conservation.

3 (4) On July 1, 2026, officers and employees who, immediately prior
4 to such date, were engaged in the performance of powers, duties or
5 functions that are transferred pursuant to this section and who, in the
6 opinion of the executive director of natural resources, are necessary to
7 perform the powers, duties and functions of the Kansas office of natural
8 resources, division of conservation shall be transferred to, and shall
9 become officers and employees of such office. Such officers and
10 employees shall retain all retirement benefits and all rights of civil service
11 that had accrued or vested in such officers and employees prior to July 1,
12 2026.

13 (5) (A) On and after July 1, 2026, when any conflict arises as to the
14 disposition of any power, duty or function or the unexpended balance of
15 any appropriation as a result of any transfer made by this section, or under
16 the authority of this section, such conflict shall be resolved by the
17 governor, and the decision of the governor shall be final.

18 (B) In all cases under this section where part or all of the powers,
19 duties and functions of any state agency are divided between the division
20 of conservation and any other state agency, the division of conservation
21 shall succeed to all property and records that were used for or pertain to
22 the performance of the powers, duties and functions transferred to the
23 division of conservation. Any conflict as to the proper disposition of
24 property or records arising under this section, and resulting from the
25 transfer, attachment or abolition of any state agency, or all or part of the
26 powers, duties and functions thereof, shall be determined by the governor,
27 and the decision of the governor shall be final.

28 (6) (A) On July 1, 2026, the balance of all funds appropriated and
29 reappropriated to the Kansas department of agriculture, division of
30 conservation is hereby transferred to the Kansas office of natural
31 resources, division of conservation and shall be used only for the purposes
32 for which the appropriation was originally made.

33 (B) On July 1, 2026, liability for all accrued compensation or salaries
34 of officers and employees who, immediately prior to such date, were
35 engaged in the performance of powers, duties or functions of any state
36 agency or office abolished or transferred by this section shall be assumed
37 and paid by the Kansas office of natural resources.

38 (b) (1) The Kansas office of natural resources, division of
39 conservation shall be administered by a director of the division of
40 conservation, who shall be in the unclassified service under the Kansas
41 civil service act. The director of the division of conservation shall be
42 jointly appointed by the executive director of natural resources and the
43 state conservation commission. The director shall serve at the pleasure of

1 the executive director.

2 (2) The director of the division of conservation created by this section
3 shall be the successor in every way to the same powers, duties and
4 functions that were vested in the executive director of the Kansas
5 department of agriculture, division of conservation prior to July 1, 2026,
6 except as provided in paragraph (4) and section 2, and amendments
7 thereto. Every act performed under the authority of the director of the
8 division of conservation created by this section shall be deemed to have
9 the same force and effect as if performed by the Kansas department of
10 agriculture, division of conservation or the executive director of the
11 Kansas department of agriculture, division of conservation prior to July 1,
12 2026, except as provided in paragraph (4) and section 2, and amendments
13 thereto.

14 (3) Whenever the executive director of the Kansas department of
15 agriculture, division of conservation, or words of like effect, is referred to
16 or designated by any statute, rule and regulation, contract or any other
17 document, including any statute, rule and regulation, contract or other
18 document created pursuant to the authorities transferred by this section,
19 such reference or designation shall apply to the director of the division of
20 conservation.

21 (4) (A) All rules and regulations of the Kansas department of
22 agriculture, division of conservation or the executive director of the
23 Kansas department of agriculture, division of conservation in existence on
24 July 1, 2026, shall continue to be effective and shall be duly adopted rules
25 and regulations of the executive director of natural resources until revised,
26 amended, revoked or nullified pursuant to law.

27 (B) All powers of the Kansas department of agriculture, division of
28 conservation or the director of the Kansas department of agriculture,
29 division of conservation to adopt rules and regulations by law shall
30 transfer to the executive director of natural resources.

31 (5) All orders or directives of the executive director of the Kansas
32 department of agriculture, division of conservation in existence on July 1,
33 2026, shall continue to be effective and shall be the orders or directives of
34 the executive director of the Kansas office of natural resources or director
35 of the division of conservation until revised, amended, repealed or
36 nullified pursuant to law.

37 (6) On July 1, 2026, the director of the Kansas office of natural
38 resources, division of conservation shall succeed to whatever right, title or
39 interest the Kansas department of agriculture, division of conservation
40 acquired in any real property in this state, and the director shall hold such
41 right, title or interest for and in the name of the state of Kansas. On and
42 after July 1, 2026, whenever any statute, contract deed or other document
43 concerns the power or authority of the Kansas department of agriculture,

1 division of conservation to acquire, hold or dispose of real property or any
2 interest therein, the director of the division of conservation shall succeed
3 to such power or authority.

4 (c) The powers, duties and functions transferred by this section
5 include, but are not limited to, responsibilities concerning:

6 (1) The multipurpose small lakes program act, K.S.A. 82a-1601, and
7 amendments thereto;

8 (2) water development projects, K.S.A. 82a-1701 et seq., and
9 amendments thereto;

10 (3) conservation district management pursuant to the conservation
11 districts law in K.S.A. 2-1901 et seq., and amendments thereto; and

12 (4) the state conservation commission established by K.S.A. 2-1904,
13 and amendments thereto, and continued in existence by K.S.A. 74-5,128,
14 prior to its repeal, and section 6, and amendments thereto.

15 New Sec. 5. (a) (1) The division of water resources is hereby created
16 within the Kansas office of natural resources.

17 (2) The Kansas department of agriculture, division of water resources
18 established pursuant to K.S.A. 74-506a, prior to its repeal, and the office
19 of the chief engineer of the division of water resources established
20 pursuant to K.S.A. 74-506d, prior to its repeal, are hereby abolished. All of
21 the powers, duties and functions of the Kansas department of agriculture,
22 division of water resources are hereby transferred to the Kansas office of
23 natural resources, division of water resources. All of the powers, duties
24 and functions of the chief engineer of the Kansas department of
25 agriculture, division of water resources is hereby transferred to the chief
26 engineer of the Kansas office of natural resources, division of water
27 resources.

28 (3) Whenever the Kansas department of agriculture, division of water
29 resources, or words of like effect, is referred to or designated by any
30 statute, rule and regulation, contract or any other document, including any
31 statute, rule and regulation, contract or any document created pursuant to
32 the authorities transferred by this section, such reference or designation
33 shall apply to the Kansas office of natural resources, division of water
34 resources.

35 (4) On July 1, 2026, officers and employees who, immediately prior
36 to such date, were engaged in the performance of powers, duties or
37 functions that are transferred pursuant to the provisions of this section and
38 who, in the opinion of the executive director of the Kansas office of
39 natural resources, are necessary to perform the powers, duties and
40 functions of the Kansas office of natural resources, division of water
41 resources, shall be transferred to and shall become officers and employees
42 of such office. Such officers or employees shall retain all retirement
43 benefits and all rights of civil service that had accrued or vested in such

1 officers or employees prior to July 1, 2026.

2 (5) (A) On and after July 1, 2026, when any conflict arises as to the
3 disposition of any power, duty or function or the unexpended balance of
4 any appropriation as a result of any transfer made by this section, or under
5 the authority of this section, such conflict shall be resolved by the
6 governor, and the decision of the governor shall be final.

7 (B) In all cases under the provisions of this section where part or all
8 of the powers, duties and functions of any state agency are divided
9 between the Kansas office of natural resources, division of water resources
10 and any other state agency, the Kansas office of natural resources, division
11 of water resources shall succeed to all property and records that were used
12 for or pertain to the performance of the powers, duties and functions
13 transferred to the division of water resources. Any conflict as to the proper
14 disposition of property or records arising under this section and resulting
15 from the transfer, attachment or abolition of any state agency, or all or part
16 of the powers, duties and functions thereof, shall be determined by the
17 governor, and the decision of the governor shall be final.

18 (6) (A) On July 1, 2026, the balance of all funds appropriated and
19 reappropriated to the Kansas department of agriculture, division of water
20 resources is hereby transferred to the Kansas office of natural resources,
21 division of water resources and shall be used only for the purposes for
22 which the appropriation was originally made.

23 (B) On July 1, 2026, liability for all accrued compensation or salaries
24 of officers and employees who, immediately prior to such date, were
25 engaged in the performance of powers, duties or functions of the Kansas
26 department of agriculture, division of water resources shall be assumed
27 and paid by the Kansas office of natural resources.

28 (b) (1) The Kansas office of natural resources, division of water
29 resources shall be administered by the chief engineer, who shall serve as
30 the director of the Kansas office of natural resources, division of water
31 resources and shall be in the classified service under the Kansas civil
32 service act. The executive director of the Kansas office of natural
33 resources is authorized to employ the chief engineer and to fix the chief
34 engineer's compensation.

35 (2) The chief engineer of the Kansas office of natural resources,
36 division of water resources shall be the successor in every way to the same
37 powers, duties and functions that were vested in the chief engineer of the
38 Kansas department of agriculture, division of water resources, prior to July
39 1, 2026. Every act performed under the authority of the chief engineer of
40 the Kansas office of natural resources, division of water resources shall
41 have the same force and effect as if performed by the Kansas department
42 of agriculture, division of water resources, or the chief engineer thereof,
43 prior to July 1, 2026.

1 (3) Whenever the chief engineer of the Kansas department of
2 agriculture, division of water resources, or words of like effect, is referred
3 to or designated by any statute, rule and regulation, contract or any other
4 document regardless of whether such reference is in regard to any of the
5 powers, duties or functions transferred pursuant to this section, such
6 reference or designation shall be deemed to apply to the chief engineer of
7 the Kansas office of natural resources, division of water resources.

8 (4) (A) All rules and regulations of the Kansas department of
9 agriculture, division of water resources or the chief engineer of the
10 division of water resources in existence on July 1, 2026, shall continue to
11 be effective and shall be duly adopted rules and regulations of the chief
12 engineer of the Kansas office of natural resources, division of water
13 resources until revised, amended, revoked or nullified pursuant to law.

14 (B) All powers to adopt rules and regulations granted to the chief
15 engineer of the Kansas department of agriculture, division of water
16 resources shall continue to be powers of the chief engineer of the Kansas
17 office of natural resources, division of water resources.

18 (5) All orders or directives of the chief engineer of the Kansas
19 department of agriculture, division of water resources, in existence on July
20 1, 2026, shall continue to be effective and shall be the orders or directives
21 of the chief engineer of the Kansas office of natural resources, division of
22 water resources until revised, amended, repealed or nullified pursuant to
23 law.

24 (6) On July 1, 2026, the chief engineer of the Kansas office of natural
25 resources, division of water resources shall succeed to whatever right, title
26 or interest the Kansas department of agriculture, division of water
27 resources, has acquired in any real property in this state, and the director
28 shall hold such right, title or interest for and in the name of the state of
29 Kansas. On and after July 1, 2026, whenever any statute, contract, deed or
30 other document concerns the power or authority of the Kansas department
31 of agriculture, division of water resources, to acquire, hold or dispose of
32 real property or any interest therein, the chief engineer of the Kansas office
33 of natural resources, division of water resources, shall succeed to such
34 power or authority.

35 (c) The powers, duties and functions transferred by this section
36 include, but are not limited to, responsibilities concerning:

37 (1) Protection from flood waters, K.S.A. 12-635 et seq., and
38 amendments thereto;

39 (2) floodplain zoning, K.S.A. 12-766, and amendments thereto;

40 (3) drainage and levees, K.S.A. 24-126, and amendments thereto;

41 (4) the watershed district act, K.S.A. 24-1201 et seq., and
42 amendments thereto;

43 (5) irrigation districts, K.S.A. 42-701 et seq., and amendments

1 thereto;

2 (6) the water projects environmental coordination act, K.S.A. 82a-
3 325 et seq., and amendments thereto;

4 (7) drought monitoring, K.S.A. 48-924 and 74-2608, and
5 amendments thereto;

6 (8) dams and other obstructions in streams, K.S.A. 82a-301 et seq.,
7 and amendments thereto;

8 (9) rural water districts pursuant to K.S.A. 82a-612 et seq., and
9 amendments thereto;

10 (10) water appropriations, K.S.A. 82a-701 et seq., and amendments
11 thereto;

12 (11) groundwater management districts act, K.S.A. 82a-1020 et seq.,
13 and amendments thereto;

14 (12) the state water plan storage act, K.S.A. 82a-1301 et seq., and
15 amendments thereto;

16 (13) the water assurance program act, K.S.A. 82a-1330 et seq., and
17 amendments thereto; and

18 (14) the water transfer act, K.S.A. 82a-1501 et seq., and amendments
19 thereto.

20 (d) This act shall not affect any administrative proceeding pending
21 before the chief engineer of the division of water resources of the
22 department of agriculture or any hearing officer on July 1, 2026, and such
23 matter shall proceed as through no change in the law had been made with
24 regard to such proceeding.

25 New Sec. 6. The state conservation commission established by
26 K.S.A. 2-1904, and amendments thereto, is hereby continued in existence
27 within the Kansas office of natural resources, division of conservation with
28 respect to the powers, duties and functions of the state conservation
29 commission that are transferred pursuant to section 4, and amendments
30 thereto. Members of the commission shall continue to hold office under
31 the conditions and limitations in effect on July 1, 2026.

32 New Sec. 7. This act shall not affect any administrative proceeding
33 relating to water transfers pursuant to the water transfer act, K.S.A. 82a-
34 1501 et seq., and amendments thereto, that is pending before the water
35 transfer hearing panel on July 1, 2026, and such matter shall proceed as
36 though no change in the law had been made with regard to such
37 proceeding.

38 New Sec. 8. (a) For purposes of the Kansas judicial review act, the
39 chief engineer shall be considered the agency head. Orders of the chief
40 engineer of the Kansas office of natural resources, division of water
41 resources issued pursuant to article 7 of chapter 42 or article 7 or article 10
42 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto,
43 shall be considered final orders.

1 (b) A final order issued by the chief engineer is subject to judicial
2 review in accordance with the Kansas judicial review act.

3 (c) Orders and hearings of the chief engineer shall not be subject to
4 the Kansas administrative procedure act.

5 Sec. 9. K.S.A. 2-1903 is hereby amended to read as follows: 2-1903.
6 As used in this act:

7 (1) "District" or "conservation district" means a governmental
8 subdivision of this state, and a public body corporate and politic, organized
9 in accordance with the provisions of this act, for the purposes, with the
10 powers, and subject to the restrictions hereinafter set forth.

11 (2) "Supervisor" means one of the members of the governing body of
12 a district, elected or appointed in accordance with the provisions of this
13 act.

14 (3) "Commission" means the conservation program policy board
15 created in K.S.A. 2-1904, and amendments thereto, including the state
16 conservation commission continued in existence by K.S.A. 74-5,128,
17 *prior to its repeal, and section 6*, and amendments thereto.

18 (4) "State" means the state of Kansas.

19 (5) "Agency of this state" includes the government of this state and
20 any subdivision, agency or instrumentality, corporation or otherwise, of
21 the government of this state.

22 (6) "United States" or "agencies of the United States" includes the
23 United States of America, the natural resources conservation service of the
24 United States department of agriculture and any other agency or
25 instrumentality, corporate or otherwise, of the United States of America.

26 (7) "Government" or "governmental" includes the government of this
27 state, the government of the United States and any subdivision, agency or
28 instrumentality, corporate or otherwise, of either of them.

29 (8) "Division" means the *Kansas office of natural resources*, division
30 of conservation established ~~within the Kansas department of agriculture in~~
31 ~~K.S.A. 74-5,126 in section 4~~, and amendments thereto.

32 (9) "Director" means the ~~executive~~ director of the division.

33 (10) "Invasive plant species" means a species of plant not native to
34 Kansas whose introduction, presence or spread does or is likely to cause
35 economic harm, environmental harm or harm to human health.

36 (11) ~~"Secretary" means the secretary of the Kansas department of~~
37 ~~agriculture~~ *"Executive director" means the executive director of the Kansas*
38 *office of natural resources.*

39 Sec. 10. K.S.A. 2-1904 is hereby amended to read as follows: 2-1904.

40 (a) There is hereby established, to serve as a conservation program policy
41 board of the state and to perform the functions conferred upon it in this act,
42 the state conservation commission. The state conservation commission
43 shall succeed to all the powers, duties and property of the state soil

1 conservation committee. The commission shall consist of nine members as
2 follows:

3 (1) The dean of the Kansas state university college of agriculture
4 located at Manhattan, Kansas, shall appoint two designees to serve on the
5 commission as members. One designee shall represent an agricultural
6 experiment station and one shall represent the cooperative extension
7 service.

8 (2) The ~~secretary~~ *executive director* shall request the secretary of
9 agriculture of the United States of America to appoint one person, and the
10 ~~secretary~~ *executive director* shall appoint one person, each of whom shall
11 be residents of the state of Kansas to serve as members of the commission.
12 These members shall hold office for four years and until a successor is
13 appointed and qualifies, with terms commencing on the second Monday in
14 January beginning in 1973.

15 (3) Five members of the commission shall be elected by the
16 conservation district supervisors at a time and place to be designated by
17 the commission. The method of electing such members to be conducted as
18 follows: The state is to be divided into five separate areas.

19 Area No. I to include the following counties: Cheyenne, Rawlins,
20 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,
21 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell.

22 Area No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush,
23 Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray,
24 Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark,
25 Comanche and Kiowa.

26 Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lincoln,
27 Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, Kingman,
28 Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford.

29 Area No. IV to include: Washington, Marshall, Nemaha, Brown,
30 Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson,
31 Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary,
32 Dickinson, Morris, Osage, Franklin and Miami.

33 Area No. V to include: Marion, Chase, Lyon, Coffey, Anderson, Linn,
34 Bourbon, Allen, Woodson, Greenwood, Butler, Elk, Wilson, Neosho,
35 Crawford, Cowley, Chautauqua, Montgomery, Labette and Cherokee.

36 Areas II and IV shall elect members in even-numbered years and Areas
37 I, III and V shall elect members in odd-numbered years for two-year terms.
38 The elected commission members from Areas I, III and V shall take office
39 on January 1 of the even-numbered years. The remaining two elected
40 members of the state commission from Areas II and IV shall take office on
41 January 1 of the odd-numbered years. The method of election is to be by
42 area caucus of the district supervisors of each of the five separate areas of
43 Kansas. The commission shall give each district notice of the time and

1 place of such annual election meeting by letter if a member is to be elected
2 to the commission from that area that year. The selection of a successor to
3 fill an unexpired term shall be by appointment by the commission. The
4 successor who is appointed to fill the unexpired term shall be a resident of
5 the same area as that of the predecessor.

6 (b) The commission shall keep a record of ~~its~~ *the commission's*
7 official actions and shall review all rules and regulations proposed by the
8 ~~division~~ *director* that are necessary for the execution of the division's
9 functions under this act.

10 (c) In addition to the powers and duties conferred in this section, the
11 commission shall have the powers and duties not delegated to the division
12 pursuant to K.S.A. 74-5,126, and amendments thereto.

13 (d) The commission shall designate its chairperson and, from time to
14 time, may change such designation. A majority of the commission shall
15 constitute a quorum, and the concurrence of a majority in any matter
16 within their duties shall be required for its determination. Members of the
17 commission attending meetings of such commission or attending a
18 subcommittee meeting thereof authorized by such commission shall be
19 paid compensation, subsistence allowances, mileage and other expenses as
20 provided in K.S.A. 75-3223, and amendments thereto. The commission
21 shall provide for keeping of a full and accurate record of all proceedings
22 and of all resolutions, rules and regulations and orders issued or adopted.

23 (e) The commission together with the division shall make
24 conservation program policy decisions to be approved by the ~~secretary~~
25 *executive director*, including modification of current conservation
26 programs, creation of new conservation programs and annual budget
27 recommendations.

28 (f) The division in consultation with the commission shall have the
29 following duties and powers:

30 (1) To offer such assistance as may be appropriate to the supervisors
31 of conservation districts, organized as provided hereinafter, in the carrying
32 out of any of their powers and programs;

33 (2) to keep the supervisors of each of the several districts organized
34 under the provisions of this act informed of the activities and experience of
35 all other districts organized hereunder and to facilitate an interchange of
36 advice and experience between such districts and cooperation between
37 them;

38 (3) to coordinate the programs of the several conservation districts
39 organized hereunder;

40 (4) to secure the cooperation and assistance of the United States ~~and~~
41 ~~any of its agencies~~ and of agencies of this state, in the work of such
42 districts and to contract with or to accept donations, grants, gifts and
43 contributions in money, services or otherwise from the United States ~~or~~

1 ~~any of its agencies~~ or from the state or any of its agencies in order to carry
 2 out the purposes of this act;

3 (5) to disseminate information throughout the state concerning the
 4 activities and programs of the conservation districts organized hereunder
 5 and to encourage the formation of such districts in areas where ~~their~~
 6 *organization of such districts* is desirable;

7 (6) to cooperate with and give assistance to watershed districts and
 8 other special purpose districts in the state of Kansas for the purpose of
 9 cooperating with the United States through ~~the secretary of agriculture~~
 10 *executive director* in the furtherance of conservation pursuant to the
 11 provisions of the watershed protection and flood prevention act, ~~as~~
 12 ~~amended~~;

13 (7) to cooperate in and carry out, in accordance with state policies,
 14 activities and programs to conserve and develop the water resources of the
 15 state and maintain and improve the quality of such water resources;

16 (8) to enlist the cooperation and collaboration of state, federal,
 17 regional, interstate, local, public and private agencies with the
 18 conservation districts;

19 (9) to facilitate arrangements ~~under which~~ *whereby* conservation
 20 districts may serve county governing bodies and other agencies as their
 21 local operating agencies in the administration of any activity concerned
 22 with the conservation of natural resources; and

23 (10) to take such actions as are necessary to restore, establish,
 24 enhance and protect natural resources with conservation easements for the
 25 purpose of compensatory mitigation required under section 404 of the
 26 federal clean water act, including:

27 (A) Accepting, purchasing or otherwise acquiring conservation
 28 easements, as defined in K.S.A. 58-3810, and amendments thereto, on
 29 behalf of watershed districts for the purpose of protecting compensatory
 30 mitigation sites;

31 (B) contracting with engineering consultants, surveyors and
 32 construction contractors for the purpose of restoration, establishment and
 33 enhancement of natural resources; and

34 (C) establishing fees for the acquisition and administration of
 35 conservation easements held on behalf of watershed districts, accepting
 36 such fees from state and local government agencies, and assuming
 37 responsibility to ensure the terms of the conservation easement are met, as
 38 approved by the department, for the length of term of the easement for
 39 which fees have been accepted.

40 (g) There is hereby established in the state treasury the compensatory
 41 mitigation fund to be administered by ~~the department of agriculture~~
 42 *Kansas office of natural resources*. All expenditures from the
 43 compensatory mitigation fund shall be for conservation. All expenditures

1 from the compensatory mitigation fund shall be made in accordance with
2 appropriation acts upon warrants of the director of accounts and reports
3 issued pursuant to vouchers approved by the ~~secretary of agriculture~~
4 *executive director* or the *executive director's* designee ~~of the secretary~~. The
5 ~~secretary of agriculture~~ *executive director* shall remit all moneys received
6 by or for the ~~secretary~~ *executive director* under this section to the state
7 treasurer in accordance with the provisions of K.S.A. 75-4215, and
8 amendments thereto. Upon each such remittance, the state treasurer shall
9 deposit the entire amount in the state treasury to the credit of the
10 compensatory mitigation fund.

11 (h) All costs associated with compensatory mitigation, including, but
12 not limited to, the costs of any litigation or civil fines or penalties, shall be
13 paid by the watershed district for which the division holds the conservation
14 easement.

15 (i) (1) Except as provided in paragraph (2), the Kansas ~~department of~~
16 ~~agriculture~~ *office of natural resources* shall not expend moneys
17 appropriated from the state general fund or from any special revenue fund
18 or funds for the purpose of accepting, purchasing or otherwise acquiring
19 conservation easements on behalf of watershed districts.

20 (2) The Kansas ~~department of agriculture~~ *office of natural resources*
21 may expend moneys in the compensatory mitigation fund established by
22 this section for the purpose of accepting, purchasing or otherwise
23 acquiring conservation easements on behalf of watershed districts and for
24 the administration of such conservation easements.

25 (j) The division shall not accept, purchase or otherwise acquire any
26 conservation easement other than for the purposes of this section.

27 Sec. 11. K.S.A. 2-1907 is hereby amended to read as follows: 2-1907.
28 The governing body of the district shall consist of five supervisors who are
29 qualified electors residing within the district. The supervisors who are first
30 elected shall serve for terms of one, two and three years according to the
31 following plan: The two persons receiving the highest number of votes in
32 the election shall hold office for three years; the two persons receiving the
33 next highest number of votes shall hold such office for a term of two years;
34 and the remaining supervisor shall hold office for a term of one year. In the
35 event of a tie vote, such terms shall be decided by lot. Nothing in this
36 section shall be construed as affecting the length of the term of supervisors
37 holding office on January 1, 1995. Successors to such persons shall be
38 elected for terms of three years. An annual meeting of all qualified electors
39 of the district shall be held in the month of January or February. Notice of
40 the time and place of such meeting shall be given by such supervisors by
41 publishing a notice in the official county paper once each week for two
42 consecutive weeks prior to the week in which such meeting is to be held.
43 At such meeting the supervisors shall make full and due report of their

1 activities and financial affairs since the last annual meeting and shall
2 conduct an election by secret ballot of all of the qualified electors of the
3 district there present for the election of supervisors whose terms have
4 expired. Whenever a vacancy occurs in the membership of the governing
5 body the remaining supervisors of the district shall appoint a qualified
6 elector of the district to fill the office for the unexpired term. The
7 supervisors shall designate a chairperson and may from time to time
8 change such designation. A supervisor shall hold office until a successor
9 has been elected or appointed and has qualified. A majority of the
10 supervisors shall constitute a quorum and the concurrence of a majority of
11 the supervisors in any matter within their duties shall be required for its
12 determination. A supervisor shall receive no compensation for services, but
13 may be entitled to expenses, including traveling expenses, necessarily
14 incurred in the discharge of duties. The supervisors may employ a
15 secretary, technical experts and such other officers, agents and employees,
16 permanent and temporary, as they may require, and shall determine their
17 qualifications, duties and compensation. The supervisors may call upon the
18 county attorney of the county in which a major portion of the district lies,
19 or the attorney general for such legal services as they may require. The
20 supervisors may delegate to their chairperson, to one or more supervisors,
21 or to one or more agents, or employees such powers and duties as they
22 may deem proper. The supervisors shall furnish to the division, upon
23 request, copies of such rules, regulations, orders, contracts, forms, and
24 other documents as they shall adopt or employ, and such other information
25 concerning their activities as it may require in the performance of its duties
26 under this act. The supervisors shall provide for the execution of surety
27 bonds for all employees and officers who shall be entrusted with funds or
28 property; shall provide for the keeping of a full and accurate record of all
29 proceedings and of all resolutions, regulations, and orders issued or
30 adopted; and shall provide for an annual audit of the accounts and receipts
31 and disbursements. Any supervisor may be removed by the ~~secretary~~
32 *executive director* in consultation with the commission upon notice and
33 hearing in accordance with the provisions of the Kansas administrative
34 procedure act for neglect of duty or malfeasance in office, but for no other
35 reason. The supervisors may invite the legislative body of any
36 municipality or county located near the territory comprised within the
37 district to designate a representative to advise and consult with the
38 supervisors of the district on all questions of program and policy that may
39 affect the property, water supply or other interests of such municipality or
40 county.

41 Sec. 12. K.S.A. 2-1915 is hereby amended to read as follows: 2-1915.
42 (a) (1) Appropriations may be made for grants out of funds in the treasury
43 of this state for:

1 (A) Terraces, terrace outlets, check dams, dikes, ponds, ditches,
2 critical area planting, grassed waterways, irrigation technology, precision
3 land forming, range seeding, soil and grassland health, detention and grade
4 stabilization structures and other enduring water conservation and water
5 quality practices installed on public lands and on privately owned lands;
6 and

7 (B) the control of invasive species on public lands and on privately
8 owned lands.

9 (2) Except as provided by the multipurpose small lakes program act
10 and other programs approved by the ~~secretary~~ *executive director*, any such
11 grant shall not exceed 80% of the total cost of any such practice.

12 (b) A program for protection of riparian and wetland areas shall be
13 developed by the division and implemented by the conservation districts.
14 The conservation districts shall prepare district programs to address
15 resource management concerns of water quality, erosion and sediment
16 control and wildlife habitat as part of the conservation district long-range
17 and annual work plans. Preparation and implementation of conservation
18 district programs shall be accomplished with assistance from appropriate
19 state and federal agencies involved in resource management.

20 (c) Subject to the provisions of K.S.A. 2-1919, and amendments
21 thereto, any holder of a water right, as defined by K.S.A. 82a-701(g), and
22 amendments thereto, who is willing to voluntarily return all or a part of the
23 water right to the state shall be eligible for a grant not to exceed 80% of
24 the total cost of the purchase price for such water right. The division shall
25 administer this cost-share program with funds appropriated by the
26 legislature for such purpose. The chief engineer shall certify to the division
27 that any water right for which application for cost-share is received under
28 this section is eligible in accordance with the criteria established in K.S.A.
29 2-1919, and amendments thereto.

30 (d) (1) Subject to appropriation acts therefor, the division shall
31 develop the Kansas water quality buffer initiative for the purpose of
32 restoring riparian areas using best management practices. The director
33 shall ensure that the initiative is complementary to the federal conservation
34 reserve program and update any applicable standards from time to time as
35 necessary for the continued success of the program.

36 (2) There is hereby created in the state treasury the Kansas water
37 quality buffer initiative fund. All expenditures from such fund shall be
38 made in accordance with appropriation acts upon warrants of the director
39 of accounts and reports issued pursuant to vouchers approved by the
40 director or the director's designee. Moneys credited to the fund shall be
41 used for the purpose of making grants to install water quality best
42 management practices pursuant to the initiative.

43 (3) The county or district appraiser shall identify and map riparian

1 buffers consisting of at least one contiguous acre per parcel of real
2 property located in the appraiser's county. Notwithstanding any other
3 provisions of law, riparian buffers shall be valued by the county or district
4 appraiser as tame grass land, native grass land or waste land, as
5 appropriate. As used in this paragraph, "riparian buffer" means an area of
6 stream-side vegetation that: (A) Consists of tame or native grass and may
7 include forbs and woody plants; (B) is located along a perennial or
8 intermittent stream, including the stream bank and adjoining floodplain;
9 and (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

10 (e) The division, with the approval of the ~~secretary~~ *executive director*,
11 shall adopt rules and regulations to administer such grant and protection
12 programs. Prior to submission of any proposed rules and regulations of the
13 division to the director of the budget, the secretary of administration and
14 the attorney general in accordance with the rules and regulations filing act,
15 K.S.A. 77-415 et seq., and amendments thereto:

16 (1) The *executive director* shall submit such proposed rules and
17 regulations to the commission; and

18 (2) the commission shall review and make recommendations to the
19 director and the ~~secretary~~ *executive director* regarding such proposed rules
20 and regulations.

21 (f) Any district is authorized to make use of any assistance
22 whatsoever given by the United States, or any agency thereof, or derived
23 from any other source, for the planning and installation of such practices.
24 The division may enter into agreements with other state and federal
25 agencies to implement the Kansas water quality buffer initiative.

26 Sec. 13. K.S.A. 2-1930 is hereby amended to read as follows: 2-1930.

27 (a) As used in this section:

28 (1) "Division" means the *Kansas office of natural resources*, division
29 of conservation ~~established within the Kansas department of agriculture in~~
30 ~~K.S.A. 74-5,126, and amendments thereto;~~

31 (2) "historic consumptive water use" means an amount of use of a
32 water right as calculated pursuant to subsection (k); and

33 (3) "program" means the water right transition assistance program.

34 (b) There is hereby established the water right transition assistance
35 program. The program shall be administered by the division. The Kansas
36 ~~department of agriculture~~ *office of natural resources*, division of water
37 resources and recognized local governing agencies, including groundwater
38 management districts, shall cooperate in program implementation. The
39 program shall be administered for the purpose of reducing historic
40 consumptive water use in the target or high priority areas of the state by
41 issuing water right transition grants based on competitive bids for privately
42 held water rights.

43 (c) (1) The division may receive and expend funds from the federal or

1 state government or a private source for the purpose of carrying out the
 2 provisions of this section. The division shall carry over unexpended funds
 3 from one fiscal year to the next.

4 (2) The maximum amount paid by the division shall not exceed a
 5 base rate per acre-foot of historic consumptive water use made available
 6 under the water right to be dismissed or permanently reduced. The
 7 division, in consultation with the commission, shall establish an annual
 8 base rate after considering recommendations from the chief engineer and
 9 the groundwater management districts regarding market conditions.

10 (d) The division may enter into water right transition assistance
 11 program contracts with landowners that will result in the permanent
 12 reduction of part or all of a landowner's historic consumptive water use by
 13 action of the chief engineer as provided for in subsection (f).

14 (e) All applications for permanent irrigation water right retirements
 15 shall be considered for funding. Permanent retirement of partial water
 16 rights shall only be approved by the ~~Kansas department of agriculture~~
 17 *office of natural resources*, division of water resources when the local
 18 groundwater management district has the metering and monitoring
 19 capabilities necessary to ensure compliance with the program.

20 (f) Applications for permanent water right retirement shall be
 21 prioritized for payment based on the following criteria:

- 22 (1) The applicant's bid price;
- 23 (2) the timing and extent of the impact of the application on aquifer
 24 restoration or stream recovery;
- 25 (3) the impact on local water management strategies designated by
 26 the board of each groundwater management district or by the chief
 27 engineer for each target area; and
- 28 (4) where rights with similar hydrologic impacts are considered,
 29 priority should be given to the senior right as determined under the Kansas
 30 water appropriation act.

31 (g) Water rights enrolled in the program for permanent retirement
 32 shall require the written consent of all landowners and authorized agents to
 33 voluntarily request permanent reduction or permanent dismissal and
 34 forfeiture of priority of the enrolled water right. Upon enrollment of the
 35 water right into the program, the chief engineer of the ~~Kansas department~~
 36 *of agriculture office of natural resources*, division of water resources shall
 37 concurrently permanently reduce or permanently dismiss and terminate the
 38 water right in accordance with the terms of the contract.

39 (h) (1) The division shall make water right transition grants available
 40 only in areas that have been designated as:

41 (A) Target areas by the groundwater management districts and the
 42 chief engineer of the ~~Kansas department of agriculture~~ *office of natural*
 43 *resources*, division of water resources; or

1 (B) target areas outside the groundwater management districts by the
2 chief engineer of the Kansas ~~department of agriculture~~ *office of natural*
3 *resources*, division of water resources.

4 (2) Each target area shall be in a groundwater aquifer, aquifer sub-
5 unit, surface water basin, subbasin or stream reach that the chief engineer
6 has closed to further appropriations except for domestic use, temporary
7 permits, term permits for five years or less and small-use exemptions for
8 15 acre-feet or less, if the use, permit or exemption does not conflict with
9 this program.

10 (3) The designation of each target area shall include the identification
11 of a historic consumptive water use retirement goal. When such goal is
12 reached, the target area shall be delisted.

13 (4) The designation of each target area shall include the identification
14 of sub-regions that are to be prioritized for retirements among competing
15 bids.

16 (i) Contracts accepted under the program shall result in a net
17 reduction in historic consumptive water use in the target area. Except as
18 provided for in subsections (l) and (m), once a water right transition
19 assistance program grant has been provided, the land authorized to be
20 irrigated by the water right or water rights associated with that grant shall
21 not be irrigated permanently. Water right transition assistance program
22 contracts shall be subject to such terms, conditions and limitations as may
23 be necessary to ensure that such reduction in historic consumptive water
24 use occurs and can be adequately monitored and enforced.

25 (j) Only vested or certified water rights that are in good standing shall
26 be eligible for water right retirement grants.

27 (k) (1) The historic consumptive water use of a water right shall be
28 determined by either:

29 (A) Calculating the average amount of water consumed by crops as a
30 result of the lawful beneficial use of water during the 10 preceding
31 calendar years of actual irrigation and multiplying the average reported
32 water use for the 10 selected years by a factor of 0.85 for center pivot
33 sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems
34 and 0.95 for subsurface drip irrigation systems, but not to exceed the net
35 irrigation requirements for the 50% chance rainfall for the appropriate
36 county as shown in K.A.R. 5-5-12; or

37 (B) calculating the available pumping capacity of a water right by
38 multiplying a flow rate test for each point of diversion applied to be retired
39 under the water right by a theoretical pumping duration of 100 days
40 multiplied by an efficiency factor of 0.85 for center pivot sprinkler
41 irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for
42 subsurface drop irrigation systems, but not to exceed the authorized
43 quantity of the water right or the net irrigation requirements for the 50%

1 chance rainfall for the appropriate county as shown in K.A.R. 5-5-12.
2 Flow rate tests must have been conducted not less than one year prior to
3 the application date and certified as acceptable by the local groundwater
4 management district or the chief engineer.

5 (2) The applicant may also submit an engineering study that
6 determines the average historic consumptive water use as an alternative
7 method if it is demonstrated to be more accurate for the water right or
8 water rights involved.

9 (l) Enrollment of an entire water right or a portion of a water right
10 where land associated with the quantity is being permanently reduced from
11 the water right in the program shall not subsequently prohibit irrigation of
12 the land that, prior to enrollment, was authorized by the water right or
13 water rights if irrigation can be lawfully allowed by another water right or
14 permit pursuant to the rules and regulations and consideration of any
15 future changes to other water rights that may be proposed to be transferred
16 to such land.

17 (m) If more than one water right overlaps the place of use authorized
18 by the water right proposed to be enrolled in the program, then all
19 overlapping water rights shall be enrolled in the program or the
20 landowners shall take the necessary lawful steps to eliminate the overlap
21 with the water right to be enrolled. The burden shall be on the landowner
22 to provide sufficient information to substantiate that the proposed use of
23 water by the resulting exercise of all water rights involved will result in the
24 net reduction amount of historic consumptive water use by the water right
25 or water rights to be enrolled. The division may require such
26 documentation to be provided by someone with special knowledge or
27 experience related to water rights and such operations.

28 (n) The division shall adopt rules and regulations as necessary for the
29 administration of this section. When adopting such rules and regulations,
30 the division shall consider cropping, system design, metered water use and
31 all other pertinent information that will permit a verifiable reduction in
32 historic consumptive water use and permit alternative crop or other use of
33 the land so that the landowner's economic opportunities are taken into
34 account.

35 (o) The division shall hold a meeting in each target area designated
36 after July 1, 2012, prior to entering into any water right transition
37 assistance program contract for the permanent retirement of part or all of
38 landowner water rights in such target area. Such meetings shall inform the
39 public of the possible economic and hydrologic impacts of the program.
40 The division shall provide notice of such meetings through publication in
41 local newspapers of record and in the Kansas register.

42 (p) ~~The provisions of this section shall expire on July 1, 2030.~~

43 Sec. 14. K.S.A. 2-1933 is hereby amended to read as follows: 2-1933.

1 (a) As used in this section, "division" means the *Kansas office of natural*
2 *resources*, division of conservation established ~~within the Kansas~~
3 ~~department of agriculture in K.S.A. 74-5,126~~ *in section 4*, and
4 amendments thereto.

5 (b) The division shall administer the conservation reserve
6 enhancement program (CREP) on behalf of the state of Kansas pursuant to
7 agreements with the United States department of agriculture for the
8 purpose of implementing beneficial water quality and water quantity
9 projects concerning targeted watersheds to be enrolled in CREP.

10 (c) There is hereby established in the state treasury the Kansas
11 conservation reserve enhancement program fund, which shall be
12 administered by the division. All expenditures from the Kansas
13 conservation reserve enhancement program fund shall be for the
14 implementation of CREP pursuant to agreements between the state of
15 Kansas and the United States department of agriculture. All expenditures
16 from such fund shall be made in accordance with appropriation acts upon
17 warrants of the director of accounts and reports issued pursuant to
18 vouchers approved by the ~~secretary of agriculture~~ *executive director of the*
19 *Kansas office of natural resources* or by the ~~secretary's~~ *executive director's*
20 designee.

21 (d) The division may request the assistance of other state agencies,
22 Kansas state university, local governments and private entities in the
23 implementation of CREP.

24 (e) The division may receive and expend moneys from the federal or
25 state government or private sources for the purpose of carrying out the
26 provisions of this section. All moneys received shall be remitted to the
27 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
28 amendments thereto. Upon receipt of each such remittance, the state
29 treasurer shall deposit the entire amount in the state treasury to the credit
30 of the Kansas conservation reserve enhancement program fund. The
31 division shall carry over unexpended moneys in the Kansas conservation
32 reserve enhancement program fund from one fiscal year to the next.

33 (f) The division may enter into cost-share contracts with landowners
34 that will result in fulfilling specific objectives of projects approved in
35 agreements between the United States department of agriculture and the
36 state of Kansas.

37 (g) The division shall administer all CREPs in Kansas subject to the
38 following criteria:

39 (1) The aggregate total number of acres enrolled in Kansas in all
40 CREPs shall not exceed 40,000 acres;

41 (2) the number of acres eligible for enrollment in CREP in Kansas
42 shall be limited to $\frac{1}{2}$ of the number of acres represented by federal
43 contracts in the federal conservation reserve program that have expired in

1 the prior year in counties within the particular CREP area, except that if
2 federal law permits the lands enrolled in the CREP program to be used for
3 agricultural purposes, such as planting agricultural commodities,
4 including, but not limited to, grains, cellulosic or biomass materials,
5 alfalfa, grasses or legumes, but not including cover crops, then the number
6 of acres eligible for enrollment shall be limited to the number of acres
7 represented by contracts in the federal conservation reserve program that
8 have expired in the prior year in counties within the specific CREP area;

9 (3) ~~not~~ more than 25% of the acreage in CREP may be in any one
10 county, except that the last eligible offer to exceed the number of acres
11 constituting a 25% acreage cap in any one county shall be approved;

12 (4) no whole-field enrollments shall be accepted into a CREP
13 established for water quality purposes; and

14 (5) lands enrolled in the federal conservation reserve program as of
15 January 1, 2008, shall not be eligible for enrollment in CREP.

16 (h) (1) For a CREP established with the purpose of meeting water
17 quantity goals, the division shall administer such CREP in accordance with
18 the following additional criteria:

19 (A) No water right that is owned by a governmental entity shall be
20 purchased or retired by the state or federal government pursuant to CREP;
21 and

22 (B) only water rights in good standing are eligible for inclusion under
23 CREP.

24 (2) To be a water right in good standing:

25 (A) At least 50% of the maximum annual quantity authorized to be
26 diverted under the water right that has been used in any three years within
27 the most recent five-year period preceding the submission for which
28 irrigation water use reports are approved and made available by the
29 *Kansas office of natural resources*, division of water resources—~~of the~~
30 ~~Kansas department of agriculture~~;

31 (B) the water rights used for the acreage in CREP during the most
32 recent five-year period preceding the submission for which irrigation water
33 use reports are approved and made available by the division of water
34 resources shall not have: (i) Exceeded the maximum annual quantity
35 authorized to be diverted; and (ii) been the subject of enforcement
36 sanctions by the division of water resources; and

37 (C) the water right holder has submitted the required annual water use
38 report required under K.S.A. 82a-732, and amendments thereto, for each
39 of the most recent 10 years.

40 (i) (1) ~~The Kansas department of agriculture~~ *office of natural*
41 *resources* shall submit a CREP report to the senate committee on
42 agriculture and natural resources and the house committee on agriculture
43 *and natural resources, or any successor committees*, at the beginning of

1 each annual regular session of the legislature containing a description of
2 program activities for each CREP administered in the state and including:

3 (A) The acreage enrolled in CREP during fiscal year 2008 through
4 the most current fiscal year to date;

5 (B) the dollar amounts received and expended for CREP during fiscal
6 year 2008 through the most current fiscal year to date;

7 (C) an assessment of meeting each of the program objectives
8 identified in the agreement with the farm services agency; and

9 (D) such other information specified by the Kansas department of
10 agriculture *or Kansas office of natural resources*.

11 (2) For a CREP established with the purpose of meeting water
12 quantity goals, the following information shall be included in such annual
13 report:

14 (A) The total water rights, measured in acre-feet, retired in CREP
15 from fiscal year 2008 through the current fiscal year to date;

16 (B) the change in groundwater water levels in the CREP area during
17 fiscal year 2008 through the most current fiscal year to date;

18 (C) the annual amount of water usage in the CREP area from fiscal
19 year 2008 through the most current fiscal year to date; and

20 (D) the average water use, measured in acre-feet, for each of the five
21 years preceding enrollment for each water right enrolled.

22 (j) The ~~Kansas department of agriculture~~ *office of natural resources*
23 shall submit a report on the economic impact of each specific CREP to the
24 senate committee on agriculture and natural resources and the house of
25 representatives committee on agriculture *and natural resources, or any*
26 *successor committees*, every five years, beginning in 2017. The report
27 shall include economic impacts to businesses located within each specific
28 CREP region.

29 Sec. 15. K.S.A. 12-541 is hereby amended to read as follows: 12-541.

30 (a) Following annexation, the rural water district shall remain the water
31 service provider to the annexed area unless the city gives written notice
32 designating a different supplier. If the city designates a different supplier,
33 the city shall purchase the property, facilities, improvements and going
34 concern value of the facilities of the district located within the territory
35 annexed by the city. If an agreement for the purchase of such property,
36 facilities, improvements and going concern value of the facilities of the
37 district annexed by the city is not executed within 90 days after delivery of
38 the notice designating a different supplier, the city and the rural water
39 district in good faith shall engage in mediation. Unless an agreement is
40 executed, no change in water service provider shall occur and no
41 appraisers shall be appointed until more than 120 days after delivery of the
42 notice of intent to change the water supplier and the mediation has been
43 terminated.

1 (b) If the district and the city are unable to reach agreement on the
2 reasonable value for such property, facilities, improvements and going
3 concern value of the facilities of the district, then the reasonable value
4 shall be determined in the following manner:

5 (1) The district and the city shall each select one qualified appraiser
6 and the two appraisers so selected shall then select a third appraiser for the
7 purpose of conducting an appraisal to determine reasonable value of the
8 property, facilities, improvements and going concern value of the facilities
9 of the district annexed by the city. The appraisers shall consider all
10 elements of value, employing any method of valuation the appraisers deem
11 appropriate and shall specifically consider the following factors in
12 determining reasonable value:

13 (A) Whether any property of the district is rendered useless or
14 valueless to the district;

15 (B) the amount of damage to property remaining in the ownership of
16 the district following annexation;

17 (C) impact on the existing indebtedness of the district and such
18 district's ability to repay that debt;

19 (D) the value of the service facilities of the district located within the
20 area in question;

21 (E) the amount of any expenditures for planning, design or
22 construction of service facilities outside the incorporated or annexed area
23 that are allocable to service to the area in question;

24 (F) the amount of the district's contractual obligations allocable to the
25 area in question;

26 (G) if the area transferred consists of land for which no water service
27 is being provided by the system at the time of the annexation, the value of
28 such land based on the planning, design and construction of improvements
29 located outside the annexed area reasonably made to provide future water
30 service to the annexed area;

31 (H) any demonstrated impairment of service or increase of cost to
32 consumers of the district remaining after the annexation and the impact on
33 future revenues lost from existing customers;

34 (I) any necessary and reasonable legal expenses and professional
35 fees;

36 (J) any factors relevant to maintaining the current financial integrity
37 of the district;

38 (K) the average increase in the number of benefit units in the area
39 annexed for the three years immediately preceding such annexation; and

40 (L) any other relevant factors as agreed to by the three appointed
41 appraisers.

42 (2) The appraisers shall hear such evidence as the appraisers deem
43 appropriate and shall make a written summary of findings and conclusions.

1 The agreement or decision of at least two of the three appraisers shall be
2 the fair market value presented to the city for payment and the district for
3 acceptance.

4 (3) If either the district or the city is dissatisfied with the decision of
5 the appraisers, then the district or the city may appeal within 30 days such
6 award to the district court. Such appeal shall be heard de novo by the court
7 without a jury.

8 (c) The compensation required by this section shall be paid to the
9 district whether or not the city actually utilizes the facilities of the district
10 for the delivery of water to property within the city and shall be paid at a
11 time not later than 120 days following the date upon which the fair market
12 value of the facilities are certified to the city and to the district, or at such
13 later date as may be mutually agreed upon by the city and the district or as
14 may be determined by the district court.

15 (d) In any event, the district may elect to retain facilities located
16 within the city used for transmission of water, provided that the district use
17 those facilities to continue to supply water service to benefit units outside
18 the city. The district shall not receive compensation for facilities it elects to
19 retain.

20 (e) Except as otherwise provided, nothing in this section shall be
21 construed as limiting the authority of a city to select water service
22 suppliers to areas within the city limits, or to limit the authority of a city to
23 adopt and enforce regulations for the operation of a water service supplier,
24 including, but not limited to, standards of water quality, classification of
25 water customers, capacity of water system, water system connections to
26 sanitary sewer systems, rates and billing practices and other regulations for
27 protection of the public health, safety and welfare.

28 (f) In the event that a district will no longer be the water supplier to
29 land as a result of annexation and notice pursuant to subsection (a), the
30 district shall continue to provide such service until the city gives notice of
31 its assumption of responsibility for service, designating the date that the
32 service shall transfer to the supplier designated by the city. The district and
33 the city shall cooperate as necessary to minimize the inconvenience to
34 water customers as a result of the transfer. The city shall give written
35 notice to each customer of the district for whom water service is being
36 transferred specifying the name and address of the new supplier, the
37 effective date of the transfer, the reason for the transfer and a schedule of
38 applicable rates. The district shall not discontinue or limit service to
39 customers who were supplied water by the district at the time of
40 annexation during the period of negotiations unless such customer has
41 violated district bylaws or rules and regulations.

42 (g) Following the transfer of water service from the district to the
43 city, the annexed land, or amount of such land for which water service has

1 been transferred to the city, shall be deleted from the territory of the
2 district and all benefit units attached to land located therein shall be
3 canceled without compensation. Notice of such deletion of territory shall
4 be provided to the county clerk and the chief engineer of the *Kansas office*
5 *of natural resources*, division of water resources ~~of the department of~~
6 ~~agriculture~~.

7 Sec. 16. K.S.A. 12-636 is hereby amended to read as follows: 12-636.
8 Before making the improvements mentioned in K.S.A. 12-635, and
9 amendments thereto, the governing body of the city, by resolution duly
10 passed, shall declare it necessary for the public good and convenience that
11 the property described in the resolution be protected from the overflow of
12 the watercourse and shall require a competent engineer to make a survey
13 thereof and file the same with the city clerk of the city with maps and
14 profiles of the survey and a full and complete plan of protecting the
15 property from the overflow or damage by water of the watercourse and
16 also the physical characteristics and location of any right-of-way, roadbed,
17 bridge or bridges, streets and alleys and other property liable to be injured
18 or damaged by the overflow of the watercourse. The engineer shall also
19 make an estimate of the cost of the entire work and improvement required
20 to protect the property, showing the several items of the same. The
21 engineer shall inspect and examine all lots and buildings thereon, rights-
22 of-way, roadbeds, bridges, culverts, depot grounds, grades, streets, and all
23 railroads, telephone and telegraph and other property liable to be injured or
24 damaged by the overflow of the watercourse. The engineer shall file a
25 report, in duplicate, with the city clerk. Upon the approval of engineer's
26 report by the governing body of the city, the city clerk of the city shall
27 immediately cause one copy of the engineer's report to be filed with the
28 chief engineer of the *Kansas office of natural resources*, division of water
29 resources ~~of the Kansas department of agriculture~~.

30 Sec. 17. K.S.A. 12-761 is hereby amended to read as follows: 12-761.
31 (a) Any violation of any regulation adopted under the authority of this act
32 shall be a misdemeanor and shall be punishable by a fine of not to exceed
33 \$500 or by imprisonment for not more than six months for each offense or
34 by both such fine and imprisonment. Each day's violation shall constitute a
35 separate offense.

36 (b) Any city or county, and any person the value or use of whose
37 property is or may be affected by such violation, shall have the authority to
38 maintain suits or actions in any court of competent jurisdiction to enforce
39 the adopted zoning regulations and to abate nuisances maintained in
40 violation thereof.

41 (c) Whenever any building or structure is or is proposed to be erected,
42 constructed, altered, converted or maintained or any building, structure or
43 land is or is proposed to be, used in violation of any zoning regulations,

1 the city or county, or in the event the violation relates to a provision
2 concerning flood plain zoning, the attorney general and the chief engineer
3 of the *Kansas office of natural resources*, division of water resources—of
4 ~~the Kansas department of agriculture~~, in addition to other remedies, may
5 institute injunction, mandamus, or other appropriate action or proceeding
6 to prevent such unlawful erection, construction, reconstruction, alteration,
7 conversion, maintenance or use or to correct or abate such violation or to
8 prevent the occupancy of such building, structure or land.

9 (d) Any person, company, corporation, institution, municipality or
10 agency of the state who violates any provision of any regulation relating to
11 flood plain zoning shall be subject to the penalties and remedies provided
12 for herein.

13 ~~(e) The provisions of this section shall become effective on and after~~
14 ~~January 1, 1992.~~

15 Sec. 18. K.S.A. 12-766 is hereby amended to read as follows: 12-766.

16 (a) The governing body may establish flood plain zones and districts and
17 restrict the use of land therein and may restrict the application thereof to
18 lands, adjacent to watercourses, subject to floods of a lesser magnitude
19 than that having a chance occurrence in any one year of 1%. Any flood
20 plain regulations shall comply with the minimum requirements of the
21 national flood insurance act of 1968, as amended~~),~~ 42 U.S.C. § 4001 et
22 seq.), or any rules and regulations adopted pursuant thereto.

23 (b) Prior to the adoption thereof, the governing body shall submit to
24 the chief engineer of the *Kansas office of natural resources*, division of
25 water resources—of ~~the Kansas department of agriculture~~ any ordinance,
26 resolution, regulation or plan that proposes to create or to effect any
27 change in a flood plain zone or district, or that proposes to regulate or
28 restrict the location and use of structures, encroachments, and uses of land
29 within such an area. The chief engineer may require, pursuant to rules and
30 regulations, each submission hereunder to be accompanied by complete
31 maps, plans, profiles, specifications and textual matter. The chief engineer
32 shall approve or disapprove any such ordinance, resolution, regulation or
33 plan or changes thereof within 90 days of the date of receipt of all such
34 data required by the chief engineer as specified in rules and regulations
35 adopted thereby. If the chief engineer fails to approve or disapprove within
36 the 90 day period required by this section, such ordinance, resolution,
37 regulation or plan or change thereof shall be deemed approved. The chief
38 engineer shall provide, in writing, specific reasons for any disapproval.

39 (c) The chief engineer shall adopt such rules and regulations deemed
40 necessary to administer and enforce the provisions of this section.

41 Sec. 19. K.S.A. 12-2713 is hereby amended to read as follows: 12-
42 2713. Nothing contained in this act shall be held to alter or abridge the
43 powers and duties of the secretary of health and environment or of the

1 ~~Kansas office of natural resources~~, division of water resources ~~of the~~
 2 ~~Kansas department of agriculture~~ over water supply matters.

3 Sec. 20. K.S.A. 19-2963 is hereby amended to read as follows: 19-
 4 2963. Any county ~~which that~~ adopts a resolution under the provisions of
 5 this act shall have power to declare the violation thereof a misdemeanor
 6 and punishable by a fine not to exceed \$500 for each offense and to
 7 provide that each day's violation shall constitute a separate offense. Such
 8 counties also shall have the authority to maintain suits or actions in any
 9 court of competent jurisdiction for the purpose of enforcing the provisions
 10 of such resolution and to abate nuisances maintained in violation thereof.
 11 In case any building or structure is or is proposed to be erected,
 12 constructed, altered, converted or maintained, or any building, structure or
 13 land is or is proposed to be used in violation of any resolution enacted
 14 under this act, the county counselor or other appropriate authority of the
 15 county, and in the event the violation relates to a provision concerning
 16 floodplain zoning, the attorney general and the chief engineer of the
 17 ~~Kansas office of natural resources~~, division of water resources ~~of the~~
 18 ~~Kansas department of agriculture~~, in addition to other remedies, may
 19 institute injunction, mandamus, or other appropriate action or proceeding
 20 to prevent such unlawful erection, construction, reconstruction, alteration,
 21 conversion, maintenance, use or to correct or abate such violation or to
 22 prevent the occupancy of such building, structure or land. Any person,
 23 company, corporation, institution, municipality or agency of the state or
 24 federal government who violates any provision of a resolution relating to
 25 floodplain zoning, shall be subject to the penalties and remedies provided
 26 for herein.

27 Sec. 21. K.S.A. 24-407 is hereby amended to read as follows: 24-407.
 28 Each drainage district incorporated pursuant to K.S.A. 24-401 et seq., and
 29 amendments thereto, shall be a body politic and corporate. Subject to the
 30 superior jurisdiction of the United States over navigable waters, the
 31 governing body of each drainage district shall have exclusive control of
 32 the beds, channels, banks and of all lands the title to which is vested in the
 33 state of Kansas lying between the banks at high water mark of all natural
 34 watercourses within the district. The board of directors of every drainage
 35 district incorporated under the provisions of K.S.A. 24-401 et seq., and
 36 amendments thereto, shall have the power *to*:

- 37 (1) ~~To~~ Adopt a seal.
- 38 (2) ~~To~~ Sue and be sued by its corporate name.
- 39 (3) ~~To~~ Purchase, hold, sell and convey real estate and personal
 40 property necessary or convenient to carry out the purposes of the district.
- 41 (4) ~~To~~ Take charge of and exercise exclusive control of all natural
 42 watercourses within the district, and widen, deepen, establish, regulate and
 43 maintain the channels thereof, construct and maintain levees along the

1 banks thereof and detention dams and reservoirs in areas adjacent thereto
2 ~~which~~ *that* are necessary to prevent or restrain overflow or lessen the
3 volume thereof or the injury likely to result therefrom. The board may
4 construct ditches, drains, sewers and canals through lands subject to
5 overflow, and may purchase, install and operate pumps necessary to
6 remove, carry off and prevent water from standing or remaining in pools
7 or ponds and becoming stagnant upon overflowed lands or necessary for
8 sanitary purposes or conducive to the public health, convenience and
9 welfare. The board may alter, change or abandon the channel or any part of
10 the channel of any natural watercourse and relocate or excavate and
11 establish a new channel for such watercourse or any part thereof located
12 within the district. The board may take private property for public use by
13 exercise of the right of eminent domain and may condemn and remove
14 obstructions in such watercourses. The board may acquire by gift,
15 purchase or condemnation lands for the purpose of constructing levees
16 along or widening, deepening, changing or otherwise improving the
17 channels of watercourses or for relocating, excavating and establishing
18 new channels or constructing cutoffs, detention dams and reservoirs in
19 areas adjacent to all such watercourses.

20 (5) ~~To~~ Prescribe, regulate and fix the height of the superstructures
21 above the water, the length of all spans and the location of the piers of all
22 bridges across watercourses located within the district.

23 (6) ~~To~~ Construct levees across the rights-of-way, roadbeds, tracks and
24 lands of railroad companies and street-railroad companies. The board may
25 condemn and appropriate by the exercise of the right of eminent domain
26 sufficient rights-of-way or other lands of any railroad company or street-
27 railroad company necessary for constructing and maintaining a continuous
28 levee of uniform height across the same.

29 (7) ~~To~~ Fix, regulate and change the grade or elevation of all public
30 highways, railroads and street-railroads at points where any levee may
31 cross or intersect the same.

32 (8) ~~To~~ Require all railroad companies to elevate their tracks at all
33 points where intersected by any levee so that the tracks will not interfere
34 with the construction or maintenance of the levee as a continuous and
35 effective work of uniform height to prevent the overflow of any natural
36 watercourse.

37 (9) ~~To~~ Maintain in any court of competent jurisdiction suits to enforce
38 the reasonable orders of its directors, enjoin the placing or maintenance in
39 any natural watercourse of any unauthorized bridge, embankment, pier or
40 other work or structure constituting to any extent whatever an obstruction
41 to the flow of the water, restrain all other wrongful or unauthorized
42 encroachments upon or interference with the channel of the watercourse
43 and to have all obstructions wrongfully placed in the channel of natural

1 watercourses adjudged public nuisances and abated as such.

2 (10) ~~Fe~~—Maintain actions in any court of competent jurisdiction to
3 recover and hold exclusive possession of all land located between the
4 banks of natural watercourses at high water mark, the title to which is
5 vested in the state of Kansas. If the channel of any watercourse is altered,
6 changed or abandoned, in whole or in part, the governing body may sell,
7 convey and give good title to the land constituting the abandoned channel
8 and apply the proceeds thereof to the cost of a new channel or for other
9 improvement of the watercourse.

10 (11) ~~Fe~~—Annually levy a tax not exceeding five mills on the assessed
11 value of all tangible taxable property within the district to create a general
12 fund.

13 If the board determines that a higher tax levy limit is necessary, ~~it the~~
14 *board* may adopt a resolution proposing to raise the limitation. Any
15 proposed increase of the levy limitation shall be submitted for approval by
16 the qualified voters of the drainage district. The election shall be called
17 and held in the manner provided by the general bond law. If a majority of
18 the voters voting on the question votes in favor thereof, the levy limitation
19 may be increased.

20 (12) ~~Fe~~—Levy special assessments against all real property located
21 within the district that may be benefited to pay the costs of the
22 construction and maintenance of levees or other works or improvements to
23 prevent the overflow of natural watercourses, or provide drainage of
24 overflowed lands therein or that may be conducive to the public health,
25 convenience or welfare.

26 (13) ~~Fe~~—Issue negotiable bonds to pay the costs of widening,
27 deepening and otherwise improving the channels and constructing
28 embankments, drains, levees and other works along the banks of natural
29 watercourses, to pay the cost of constructing detention dams and reservoirs
30 in areas adjacent to all such watercourses, to pay for the purchase or
31 condemnation of land necessary therefor or to prevent overflow and
32 protect the property located within the district from damage and injury
33 thereby. The bonds shall be payable by general taxation of all property
34 located within the district if it is determined that all property located
35 within the district will be benefited thereby or that such work or
36 improvement is necessary or will be conducive to the public health,
37 convenience or welfare and beneficial to all of the inhabitants of the
38 district. No bonds shall be issued until authorized by a vote of the
39 taxpayers.

40 (14) ~~Fe~~—Contract with other drainage districts or with public
41 corporations organized for similar purposes in any adjoining state for
42 cooperation or joint action in constructing detention dams and reservoirs in
43 areas adjacent to any natural watercourse or in constructing levees along

1 the banks or otherwise improving any natural watercourse to prevent its
2 overflow where the overflow is likely to cause injury or damage to lands
3 located within the territorial limits of all the cooperating districts or
4 corporations. The board may contract and cooperate with private
5 corporations and individuals owning lands located outside of the district or
6 state ~~which~~ that are subject to injury by overflow in common with lands
7 located within the district. The board may contract for and receive aid and
8 contributions from the United States, and from all public corporations the
9 property within ~~which~~ that will be benefited and with all private
10 corporations and individuals whose property will be benefited by the
11 improvement, whether the property is located within the district or within
12 some other district or state.

13 (15) ~~To~~ Enter contracts and exercise any of its corporate, legislative
14 or administrative powers necessary to accomplish the purpose of the
15 district's organization.

16 (16) ~~To~~ Do all other acts necessary to carry out and execute the
17 general powers granted under the provisions of K.S.A. 24-401 et seq., and
18 amendments thereto, although not specially enumerated. Before any
19 drainage district constructs or modifies any dam, the drainage district shall
20 file an application with the *Kansas office of natural resources*, division of
21 water resources ~~of the Kansas department of agriculture~~ pursuant to K.S.A.
22 82a-301, and amendments thereto.

23 Sec. 22. K.S.A. 24-418 is hereby amended to read as follows: 24-418.
24 The board of directors may cause any or all natural watercourses within
25 the district to be widened and deepened, walls, embankments and levees to
26 be constructed along the banks, and obstructions and sand bars to be
27 removed from the channel thereof, or such other improvements, including
28 detention dams and reservoirs in areas adjacent to such watercourses, to be
29 made thereto as may be deemed necessary to prevent the overflow of such
30 watercourses or protect property from damage thereby. Before any such
31 work shall be contracted for, plans and specifications for such work and an
32 estimate of the cost thereof shall be made under oath by a competent
33 engineer appointed for the purpose and embodied in a written report and
34 filed with the secretary. If, upon consideration of such report and such
35 other information as the board of directors may obtain, it shall be
36 determined by the board of directors that the improvement of any natural
37 watercourse by the removal of obstructions from the channel thereof or
38 otherwise or the construction of any levee, levees, system of levees or
39 detention dams and reservoirs will prevent the overflow of such natural
40 watercourse, and thereby protect all of the lands within the drainage
41 district from injury therefrom, and will be conducive to the public health,
42 convenience or welfare, the board of directors shall have power to cause
43 such levee, levees or such detention dams and reservoirs to be constructed

1 and such other improvement and work to be done, and to issue bonds not
2 exceeding in amount 20% on the taxable property of the district as shown
3 by the assessment and tax rolls of the next preceding year to pay the cost
4 thereof, such bonds to be paid by a general tax to be levied upon all of the
5 taxable property within the drainage district issuing the same, except that:
6 (1) Such improvement shall not be made until it has been authorized by a
7 vote of the taxpayers of the district, at a special election to be called and
8 held for that purpose at such time and place and in such manner as the
9 board of directors may prescribe by an order entered upon its journal; and
10 (2) the board of directors of the drainage district shall have no power to
11 remove, lower or injure any dam constructed by any city in this state in or
12 across any nonnavigable natural watercourse for the purpose of holding or
13 storing water for the use of the city and its inhabitants, or to make any
14 excavation or ditch to permit the flow of water around or by said dam,
15 without first filing an application with the *Kansas office of natural*
16 *resources*, division of water resources ~~of the Kansas department of~~
17 ~~agriculture~~ pursuant to K.S.A. 82a-301, and amendments thereto.

18 Sec. 23. K.S.A. 24-656 is hereby amended to read as follows: 24-656.
19 ~~The following terms when~~As used in this act ~~shall be construed to have the~~
20 ~~meaning ascribed to them in this section:~~

21 (a) "Person" ~~shall mean~~ *means* any person, firm, partnership,
22 association or corporation;

23 (b) "publication" ~~shall mean~~ *means* the publication in a newspaper or
24 newspapers admitted to the United States mail as second-class matter, of
25 general circulation within the joint drainage district;

26 (c) "land" ~~shall mean~~ *means* real property as that term is defined by
27 the laws of the state of Kansas, and ~~shall include~~ *includes* any road,
28 highway, bridge, street or other right-of-way;

29 (d) "chief engineer" ~~shall mean~~ *means* the chief engineer of the
30 *Kansas office of natural resources*, division of water resources ~~of the~~
31 ~~Kansas department of agriculture~~;

32 (e) "board" ~~shall mean~~ *means* the board of directors of a joint
33 drainage district;

34 (f) "qualified voter" ~~shall mean~~ *means* any qualified elector of the
35 district and any person 18 years of age or over owning land within the
36 district, although not a resident therein;

37 (g) "landowner" ~~shall mean~~ *means* the record owner of the fee in any
38 real estate in the district or the fee in the surface rights of any real estate in
39 the district, but the owners of an oil and gas lease, mineral rights or
40 interest, easements or mortgages as such shall not be considered
41 landowners, and school districts, cemetery associations and municipal
42 corporations shall not be considered landowners; *and*

43 (h) "steering committee" ~~shall be~~ *means* the group of not less than

1 three-(3) qualified voters who shall serve as the governing body of the
2 proposed drainage district until the first board of directors is elected.

3 Sec. 24. K.S.A. 24-659 is hereby amended to read as follows: 24-659.
4 ~~Said~~The petition required by K.S.A. 24-658, and amendments thereto, shall
5 set forth: (1) The proposed name of the district, which name shall end with
6 the words "joint drainage district number _____." It shall be the duty of
7 the secretary of state to assign a number to each such district in the order
8 in which that petitions for their organization are received in his or her the
9 secretary's office.

10 (2) A description of the lands to be included within the proposed
11 district, identified by section numbers and fractions thereof, and other
12 platted areas as appropriate.

13 (3) A statement of the purposes for which the district is to be
14 organized.

15 (4) A statement that the board of directors of the district shall consist
16 of not less than three members giving the names and addresses of the
17 persons who will constitute the original steering committee.

18 (5) Any other matter deemed essential.

19 (6) A prayer for the organization of the district as a nonprofit
20 corporation.

21 A map showing the lands to be included in the district, prepared in
22 consultation with the chief engineer, shall be attached to the petition as an
23 exhibit and incorporated therein by reference. The petition shall be in
24 substantially the following form:

25 BEFORE THE SECRETARY OF STATE OF THE STATE OF KANSAS
26 In the Matter of _____ Joint Drainage District Number _____,
27 _____ and _____ counties, Kansas.

28 PETITION

29 Come now the undersigned persons and state that they are landowners
30 within the proposed boundaries of the aforementioned drainage district,
31 hereinafter more fully described, and that each signer states that his
32 respective post-office address is set forth beside his name. That the
33 purposes for which this district is organized are (state purposes). That a
34 steering committee for the organization of the district is hereby fixed and
35 constituted with not less than three members; that the names of persons
36 who will serve on the original steering committee, of which the first
37 named shall be acting chairman, and their respective addresses are as
38 follows:

39 (List names and addresses.)

40 The governing body of the district shall be constituted in a board of
41 directors composed of not less than three qualified voters.

42 That attached hereto, marked Exhibit A and made a part hereof as fully
43 as if set forth herein, is a map showing the lands proposed to be included

1 in the district.

2 That the lands proposed to be included in said district are described as
3 follows:

4 (Description of lands.)

5 That the lands proposed to be included in said district do not embrace
6 the territorial limits of any incorporated city, or any part thereof, except
7 those specifically described in the petition.

8 Wherefore, the undersigned, individually and collectively, pray that a
9 joint drainage district be organized in the manner provided by law, for the
10 purposes set forth herein, and that the secretary of state and the chief
11 engineer of the *Kansas office of natural resources*, division of water
12 resources of the ~~Kansas department of agriculture~~ proceed diligently in the
13 performance of their duties so that the organization of this proposed
14 district may be completed and approved at the earliest possible time.

15 Submitted to the secretary of state this _____ day of _____, ____.

16 Sec. 25. K.S.A. 24-1202 is hereby amended to read as follows: 24-
17 1202. ~~The following terms when used in this act shall be construed to~~
18 ~~have the meaning ascribed to them in this section:~~

19 (a) "Person" ~~shall mean~~ *means* any person, firm, partnership,
20 association or corporation;

21 (b) "publication" ~~shall mean~~ *means* the publication in a newspaper or
22 newspapers admitted to the United States mail as second-class matter, of
23 general circulation within the watershed district;

24 (c) "land" ~~shall mean~~ *means* real property as that term is defined by
25 the laws of the state of Kansas, and ~~shall include~~ *includes* any road,
26 highway, bridge, street or other right-of-way;

27 (d) "chief engineer" ~~shall mean~~ *means* the chief engineer of the
28 *Kansas office of natural resources*, division of water resources of the
29 ~~Kansas department of agriculture~~;

30 (e) "board" ~~shall mean~~ *means* the board of directors of a watershed
31 district;

32 (f) "district" ~~shall mean~~ *means* an area comprising a watershed or two
33 or more adjoining watersheds exclusive of lands within other organized
34 watershed districts ~~for which~~ *where* organization is proposed or ~~which that~~
35 has been organized under the provisions of article 12 of chapter 24 of the
36 Kansas Statutes Annotated, and amendments thereto. The district shall not
37 include the territorial limits of any incorporated city unless the petition
38 circulated and filed as provided for in article 12 of chapter 24 of the
39 Kansas Statutes Annotated, and amendments thereto, ~~shall clearly indicate~~
40 *indicates* that the territory of such a city is to be included in such
41 watershed district;

42 (g) "specific project" *means* any project outlined and proposed by the
43 directors and may constitute all or part of a general plan;

1 (h) "watershed"~~shall mean~~ *means* all of the area within the state
 2 draining toward a selected point on any watercourse, stream, lake or
 3 depression;

4 (i) "subwatershed"~~shall mean~~ *means* a division of the district as
 5 nearly equal in size to other divisions of the district as feasible and
 6 including as nearly as practicable one or more tributaries to the main
 7 stream~~which that~~ drains from the district;

8 (j) "qualified voter"~~shall mean~~ *means* any qualified elector of the
 9 district and any person 18 years of age or over owning land within the
 10 district, although not a resident therein;

11 (k) "landowner"~~shall mean~~ *means* the record owner of the fee in any
 12 real estate in the district or the fee in the surface rights of any real estate in
 13 the district,~~but the. "Landowner" does not include~~ owners of an oil and
 14 gas lease, mineral rights or interest, easements or mortgages~~as such shall~~
 15 ~~not be considered landowners, and, school districts, cemetery associations~~
 16 ~~and municipal corporations shall not be considered landowners;~~

17 (l) "steering committee"~~shall be~~ *means* the group of qualified voters,
 18 not less than the number to be chosen for the board of directors, who~~shall~~
 19 serve as the governing body of the proposed watershed district until the
 20 first board of directors is elected; *and*

21 (m) "general plan"~~shall mean~~ *means* a preliminary engineering report
 22 describing the characteristics of the district, the nature and methods of
 23 dealing with the soil and water problems within the district, and the
 24 projects proposed to be undertaken by the district.~~It shall include~~
 25 *"General plan" includes* maps, descriptions and such other data as may be
 26 necessary for the location, identification and establishment of the character
 27 of the work to be undertaken and such other data and information as the
 28 chief engineer may require.

29 Sec. 26. K.S.A. 24-1204 is hereby amended to read as follows: 24-
 30 1204. The petition required by K.S.A. 24-1203, and amendments thereto,
 31 shall set forth:

32 (1) The proposed name of the district, which name shall end with the
 33 words "watershed district number _____." If the district is located
 34 in two or more counties the name of the district shall end with the words
 35 "watershed joint district No. _____." It shall be the duty of the
 36 secretary of state to assign a number to each such district in the order in
 37 which petitions for their organization are received thereby.

38 (2) A description of the lands to be included within the proposed
 39 district, separated as to subwatersheds, if any, and identified by section
 40 numbers and fractions thereof, and other platted areas as appropriate.

41 (3) A statement of the purposes for which the district is to be
 42 organized.

43 (4) A statement of the number of persons that will constitute the

1 board of directors of the district, which shall be an uneven number of not
2 less than three and not more than 15, together with the names and
3 addresses of the persons who will constitute the original steering
4 committee.

5 (5) Any other matter deemed essential.

6 (6) A prayer for the organization of the districts as a nonprofit
7 corporation.

8 A map showing the lands to be included in the district and
9 subwatersheds therein, prepared in consultation with the chief engineer,
10 shall be attached to the petition as an exhibit and incorporated therein by
11 reference. The petition shall be in substantially the following form:

12 BEFORE THE SECRETARY OF STATE OF THE STATE OF KANSAS

13 In the Matter of _____ Watershed (Joint) District Number _____,
14 _____ and _____ counties, Kansas.

15

16

PETITION

17

18 Come now the undersigned persons and state that they are landowners
19 within the proposed boundaries of the aforementioned watershed district,
20 hereinafter more fully described, and that each signer states that the
21 signer's respective post-office address is set forth beside the signer's name.
22 That the purposes for which this district is organized are (state purposes).
23 That a steering committee for the organization of the district is hereby
24 fixed and constituted with _____ members; that the names of persons
25 who will serve on the original steering committee, of which the first
26 named shall be acting chairman, and their respective addresses are as
27 follows:

28

(List names and addresses.)

29

The governing body of the district shall be constituted in a board of
29 directors composed of (number) qualified voters.

30

31 That attached hereto, marked Exhibit A and made a part hereof as fully
32 as if set forth herein, is a map showing the lands proposed to be included
33 in the district and subwatersheds therein:

34

35 That the lands proposed to be included in the district and subwatersheds
36 therein are described as follows:

37

(Description of lands by subwatersheds.)

38

39 That the lands proposed to be included in the district and subwatersheds
40 therein do not embrace the territorial limits of any incorporated city, or any
41 part thereof, except those specifically described in the petition.

42

43 Wherefore, the undersigned, individually and collectively, pray that a
44 watershed district be organized in the manner provided by law, for the
45 purposes set forth herein, and that the secretary of state and the chief
46 engineer of the *Kansas office of natural resources*, division of water
47 resources of the ~~Kansas department of agriculture~~ proceed diligently in the

1 performance of their duties so that the organization of this proposed
 2 district may be completed and approved at the earliest possible time.

3 Submitted to the secretary of state this _____ day of _____,
 4 _____.

5 Sec. 27. K.S.A. 24-1211 is hereby amended to read as follows: 24-
 6 1211. (a) In not less than 12 months, nor more than 13 months after the
 7 recording of the certificates of incorporation, and annually thereafter, a
 8 meeting shall be held for the election of directors whose terms expire and
 9 also to render a report on the financial condition and activities of the
 10 district including the estimated construction date of all proposed projects
 11 to be initiated within the next five years and the board's determination as to
 12 whether each of these projects is still cost effective and in the current
 13 public interest. Notice of the annual meeting shall be given at least 10 days
 14 prior to the date thereof by one publication in a newspaper of general
 15 circulation in each of the counties ~~of which said~~ *where such* watershed
 16 district is a part. Elections shall be by ballot. Qualified voters in attendance
 17 shall be entitled to vote at any such meeting. The directors shall fill any
 18 vacancy occurring on the board prior to the expiration of the term of any
 19 director by electing a substitute director to serve for the unexpired term.

20 (b) The number of directors of a district or the date of the annual
 21 meeting, or both, may be changed at an annual meeting if notice of the
 22 proposition of making such change or changes is given at the annual
 23 meeting immediately preceding the annual meeting ~~at which~~ *when* such
 24 change or changes are considered. If the number of directors is proposed to
 25 be changed, the proposition shall be introduced in the same manner as
 26 other items of business and shall clearly show the changes in
 27 representation of subwatersheds, if any, and in the length of terms of the
 28 directors. It shall be the duty of the board of directors to include the
 29 proposition in the notice of the annual meeting ~~at which~~ *when* such
 30 changes are being considered. If a majority of those voting are favorable,
 31 the election of directors shall be in conformance with the adopted proposal
 32 and all powers shall be exercised by the newly constituted board beginning
 33 immediately after the annual meeting. Copies of the minutes of the annual
 34 meeting and report on the financial condition and activities of the district
 35 shall be furnished to the Kansas ~~department of agriculture~~ *office of natural*
 36 *resources*, division of conservation.

37 Sec. 28. K.S.A. 24-1212 is hereby amended to read as follows: 24-
 38 1212. Regular meetings of the board of directors shall be held no less than
 39 once each quarter on such day and place as is selected by the board of
 40 directors. Notice of such meeting shall be mailed to each director at least
 41 five days prior to the date thereof, and special meetings may be held at any
 42 time upon waiver of notice of such meeting by all directors or may be
 43 called by the president or any two directors at any time. Notice in writing,

1 signed by the persons calling any special meeting, shall be mailed to each
2 director at least two days prior to the time fixed for such special meeting.
3 A majority of the directors shall constitute a quorum for the transaction of
4 business and in the absence of any of the duly elected officers of the
5 district a quorum at any meeting may select a director to act as such officer
6 pro tem. Each meeting of the board, whether regular or special, shall be
7 open to the public. Copies of the minutes of regular and special meetings
8 shall be furnished to the Kansas ~~department of agriculture~~ *office of natural*
9 *resources*, division of conservation.

10 Sec. 29. K.S.A. 2024 Supp. 32-1403 is hereby amended to read as
11 follows: 32-1403. The division of tourism of the Kansas department of
12 commerce is hereby authorized and empowered to:

13 (a) Encourage and promote the traveling public to visit this state by
14 publicizing information as to the recreational, historic and natural
15 advantages of the state and its facilities for transient travel and to contract
16 with organizations for the purpose of promoting tourism within the state;

17 (b) request other state agencies such as, but not limited to, the Kansas
18 ~~water~~ *office of natural resources*, the department of wildlife and parks and
19 the department of transportation, for assistance and all such agencies shall
20 coordinate information and their respective efforts with the department to
21 most efficiently and economically carry out the purpose and intent of this
22 ~~subsection~~ *section*; and

23 (c) solicit and receive moneys from any public or private source and
24 administer a program of matching grants to provide assistance to those
25 entities described in K.S.A. 32-1420, and amendments thereto, in the
26 promotion of tourism and the development of quality tourist attractions in
27 this state.

28 Sec. 30. K.S.A. 42-701 is hereby amended to read as follows: 42-701.

29 (a) A majority of the qualified owners of irrigable lands within a proposed
30 irrigation district who shall be three or more persons and who own,
31 collectively, at least 60 acres of land ~~which~~ *that* are susceptible of
32 irrigation, and who own a majority of the irrigable acres in such proposed
33 district, may petition and make application to the chief engineer of the
34 *Kansas office of natural resources*, division of water resources ~~of the~~
35 ~~Kansas department of agriculture~~, for the organization, establishment and
36 authority to incorporate an irrigation district under the provisions of this
37 act. Qualified owners of irrigable land shall be understood and construed
38 to mean taxpayers of such proposed district owning irrigable land or some
39 interest therein, in such proposed district. A qualified owner of irrigable
40 land who is a tenant in common shall be understood and construed to own
41 the number of acres of land ~~to which~~ *that* such person would be entitled *to*
42 in the event that partition were made of such real estate, in kind, upon an
43 acreage basis and not a valuation basis. A qualified owner of irrigable land

1 who is a joint tenant shall be understood and construed to own the number
2 of acres such person would receive in the event that the tract of land
3 involved were divided, in kind, equally among the joint tenants owning
4 such tract, upon an acreage basis and not upon a valuation basis. A
5 corporation incorporated under the provisions of K.S.A. 17-5901, and
6 amendments thereto, trust, association or partnership ~~which~~ *that* legally
7 holds title to such irrigable land shall be a qualified owner of irrigable land
8 under the provisions of this act. Lands to be included in a district need not
9 be contiguous. Irrigation districts may be formed in order to cooperate
10 with the United States under the federal reclamation laws, heretofore or
11 hereafter enacted, or under any act of congress ~~which~~ *that* shall permit the
12 performance by the United States of work in this state for the purpose of
13 construction of irrigation works, including drainage works, or for
14 purchase, extension, operation, or maintenance of constructed works, or
15 for the assumption, as a principal or guarantor, of indebtedness to the
16 United States on account of district works. When organized, irrigation
17 districts shall have the authority and power conferred, or that may
18 hereafter be conferred, by law upon such irrigation districts.

19 (b) The certificate of the register of deeds of the county where the
20 land is located shall be sufficient evidence of title for the purposes of this
21 act. Before any such district shall be established, the requisite number of
22 qualified owners of irrigable lands, shall file an application with the chief
23 engineer of the *Kansas office of natural resources*, division of water
24 resources ~~of the Kansas department of agriculture~~, for the approval of the
25 creation of the proposed district. Such application shall be accompanied by
26 adequate maps, a general description of the lands proposed to be included
27 in the district and a statement of the source of water supply for the district,
28 and such application shall set forth: (1) The proposed name of the
29 irrigation district designated as " _____ Irrigation District No.
30 _____ " (indicating in blank space number of district in consecutive order
31 as incorporated and established); (2) a description of the territory proposed
32 to be organized as a district, which description shall be deemed sufficient
33 if generally accurate; (3) the names of the qualified owners of irrigable
34 lands within the proposed district, together with addresses of such persons,
35 if known; (4) the source from which the lands in the proposed district are
36 expected to be irrigated, the character of the works, water rights, canals,
37 ditches, and other property, proposed to be acquired or constructed for
38 irrigation or drainage purposes in such district; (5) a statement of the need
39 and purpose of organizing, incorporating and establishing such proposed
40 district; and (6) a request that the chief engineer define the boundaries of
41 the lands to be benefited within the proposed district, and for approval of
42 maps, plans and specifications submitted and for a permit approving
43 organization of proposed irrigation district. Such application for authority

1 to incorporate shall be accompanied by application for acquisition of
2 permit for use of water.

3 Sec. 31. K.S.A. 42-703 is hereby amended to read as follows: 42-703.

4 (a) Upon receipt of the application of the proposed irrigation district by the
5 chief engineer, the chief engineer shall cause to be published at applicant's
6 expense, once each week for three consecutive weeks, in a newspaper ~~or~~
7 ~~newspapers~~ of general circulation in the vicinity of the watercourse or
8 source of supply from which water is sought for the land to be included in
9 the proposed irrigation district, a notice of hearing upon such application.
10 The published notice shall be directed to all persons concerned, without
11 specifically naming any person. Such notice shall contain among other
12 matters a general description of boundaries of the district as proposed; the
13 purpose of the district as proposed; the source of the water supply sought
14 for use and the approximate point of diversion proposed; and the date and
15 place of hearing. Incorporated cities shall be excluded from such district.
16 Any person interested, at any time after first publication of such notice and
17 prior to the expiration of 60 days after the first publication of such notice,
18 may file in duplicate with the chief engineer, a verified written protest
19 against the approval of such application, stating therein all reasons relied
20 upon in objection thereto, ~~which such~~ objections shall be duly considered
21 by the chief engineer.

22 (b) A person who signs a petition and application for the organization
23 and incorporation of a proposed irrigation district shall be permitted to
24 withdraw such person's name as a signer only if the chief engineer
25 determines that the signature was obtained by fraud, undue influence or
26 mutual mistake of fact. All applications for withdrawal of a signature from
27 the petition must be filed with the chief engineer, within 30 days after the
28 first publication of the notice of hearing. The chief engineer may hear and
29 determine any such application for withdrawal of a signature in advance of
30 the hearing for approval of the petition for establishment and organization
31 of the proposed irrigation district.

32 (c) Any action of the chief engineer upon an application of a
33 proposed irrigation district is subject to review in accordance with ~~the~~
34 ~~provisions of K.S.A. 82a-1901, and amendments thereto. Any action upon~~
35 ~~such review is subject to review in accordance with section 8, and~~
36 ~~amendments thereto, and the Kansas judicial review act.~~

37 Sec. 32. K.S.A. 42-722 is hereby amended to read as follows: 42-722.

38 (a) Except as provided by K.S.A. 42-722a, and amendments thereto,
39 whenever a petition signed by a majority of the members of the board of
40 directors of an irrigation district, or by a majority of the qualified owners
41 of irrigable land within a district as defined in K.S.A. 42-701, and
42 amendments thereto, organized or existing under provisions of this act, is
43 presented to the chief engineer praying for the dissolution of the district,

1 and it ~~shall appear~~ *appears* from the petition that the district has no real
 2 property; ~~that~~, the board of directors has not held a meeting, other than
 3 those meetings held for the purpose of considering any aspect of the
 4 election of members of the board of directors, for more than one year prior
 5 to the date resulting in signing and presentation of the petition; and that the
 6 district is not functioning, had ceased to function and will probably
 7 continue inoperative and that all indebtedness and obligations of the
 8 district have been satisfied, the chief engineer, after such finding, shall
 9 issue a certificate in duplicate, declaring the irrigation district dissolved.
 10 The chief engineer shall forward the original of the certificate to the
 11 secretary of state and the duplicate to the secretary of the board of
 12 directors of the irrigation district.

13 (b) The certificate shall:

14 ~~(a)~~(1) Direct the secretary of the district to file all minutes and
 15 records of the district with the county clerk of the county wherein the
 16 registered office of the irrigation district is located;

17 ~~(b)~~(2) direct the officer of such district having custody of any
 18 personal property other than moneys to make such disposition as the chief
 19 engineer deems proper; and

20 ~~(c)~~(3) direct the treasurer of such district to transfer to the county
 21 treasurers of the counties within such district, moneys held in the name of
 22 the district, to be distributed by such treasurer in proportion to the number
 23 of acres of each county within the district.

24 (c) The county treasurer shall deposit such moneys into the county
 25 general fund.

26 (d) The irrigation district shall be dissolved and cease to exist upon
 27 expiration of 30 days after the date of the issuance of such certificate, or
 28 upon expiration of 30 days after a final order pursuant to ~~K.S.A. 2000~~
 29 ~~Supp. 82a-1901~~ *section 8*, and amendments thereto, or a final judicial
 30 determination affirming the findings of the chief engineer, as set out in the
 31 certificate, in event that an appeal is taken therefrom.

32 Sec. 33. K.S.A. 42-722a is hereby amended to read as follows: 42-
 33 722a. (a) The board of directors of Cedar Bluff irrigation district No. 6
 34 may present a petition, adopted by a majority of the directors, to the chief
 35 engineer requesting the dissolution of such district. The petition shall state
 36 the district has no real property; ~~and that~~, the district is not functioning,
 37 had ceased to function and probably will continue inoperative; and that all
 38 indebtedness and obligations of the district have been satisfied. Upon
 39 finding that the petition is true, the chief engineer shall issue a certificate
 40 in duplicate, declaring the irrigation district dissolved, and shall forward
 41 the original of the certificate to the secretary of state and the duplicate to
 42 the secretary of the board of directors of the irrigation district.

43 (b) The certificate shall:

1 (a)(1) Direct the secretary of the district to file all minutes and
2 records of the district with the county clerk of the county ~~wherein~~ *where*
3 the registered office of the irrigation district is located;

4 (b)(2) direct the officer of such district having custody of any
5 personal property other than moneys to make such disposition as the chief
6 engineer deems proper; and

7 (c)(3) direct the treasurer of such district to distribute moneys held in
8 the name of the district to the owners of property within the irrigation
9 district.

10 (c) Such moneys shall be apportioned to each property owner in the
11 district in the same proportion that the number of irrigable acres owned by
12 a property owner, and located in such district, bears to the total number of
13 irrigable acres in the district.

14 (d) The irrigation district shall be dissolved and cease to exist upon
15 expiration of 30 days after the date of the issuance of such certificate, or
16 upon expiration of 30 days after a final order pursuant to ~~K.S.A. 2000~~
17 ~~Supp. 82a-1901~~ *section 8*, and amendments thereto, or final judicial
18 determination affirming the findings of the chief engineer, as set out in the
19 certificate, in event that an appeal is taken therefrom.

20 Sec. 34. K.S.A. 42-725 is hereby amended to read as follows: 42-725.
21 The holders of title, representing ~~one-half~~ $\frac{1}{2}$ or more of lands which taken
22 together constitute one tract of land located adjacent to the boundaries of
23 an irrigation district or located within the same county as a part of an
24 irrigation district, may file with the directors of such irrigation districts, a
25 petition for the changing and extending the boundaries of such district to
26 include such additional lands. The holders of title to lands located within
27 the boundaries of an irrigation district may file with the directors of such
28 irrigation district a petition for the changing of the boundaries of such
29 district to exclude from the district lands ~~which they~~ *that such holders of*
30 *title* own. The petition shall describe the boundaries of the proposed
31 additional lands or lands to be excluded, and ~~shall describe~~ the boundaries
32 of the several parcels respectively owned by each of the petitioners, but
33 such description need not be more particular than is required by fractional
34 portions of a quarter section of land. A certified copy of the petition and
35 description of additional lands, proposed to be included in the district, or a
36 description of the lands proposed to be excluded shall be filed with the
37 chief engineer of the *Kansas office of natural resources*, division of water
38 resources ~~of the Kansas department of agriculture~~. The board of directors
39 of the irrigation district shall not take action upon such petition without the
40 approval of ~~said~~ *the* chief engineer. A signer upon such petition shall not
41 be permitted to withdraw his name as a signer except for fraud, undue
42 influence or mutual mistake of fact.

43 Sec. 35. K.S.A. 2024 Supp. 49-603 is hereby amended to read as

1 follows: 49-603. As used in ~~this~~ *the surface-mining land conservation and*
2 *reclamation act*:

3 (a) "Director" means the ~~executive~~ director of the division or a
4 designee.

5 (b) "Affected land" means the area of land ~~from which~~ *where*
6 overburden has been removed or ~~upon which overburden has been~~
7 deposited, or both, ~~but shall~~. *"Affected land" does not include crushing*
8 *areas, stockpile areas or roads.*

9 (c) "Commission" means the conservation program policy board
10 created in K.S.A. 2-1904, and amendments thereto, including the state
11 conservation commission continued in existence by K.S.A. 74-5,128, and
12 amendments thereto.

13 (d) "Mine" means any underground or surface mine developed and
14 operated for the purpose of extracting rocks, minerals and industrial
15 materials, other than coal, oil and gas. "Mine" does not include borrow
16 areas created for construction purposes.

17 (e) "Operator" means any person who engages in surface mining or
18 operation of an underground mine or mines.

19 (f) "Overburden" means all of the earth and other materials that lie
20 above the natural deposits of material being mined or to be mined.

21 (g) "Peak" means a projecting point of overburden removed from its
22 natural position and deposited elsewhere in the process of surface mining.

23 (h) "Pit" means a tract of land ~~from which~~ *where* overburden has been
24 or is being removed for the purpose of surface mining.

25 (i) "Ridge" means a lengthened elevation of overburden removed
26 from its natural position and deposited elsewhere in the process of surface
27 mining.

28 (j) (1) "Surface mining" means the mining of material, except for
29 coal, oil and gas, for sale or for processing or for consumption in the
30 regular operation of a business by removing the overburden lying above
31 natural deposits and mining directly from the natural deposits exposed, or
32 by mining directly from deposits lying exposed in their natural state, or the
33 surface effects of underground mining. ~~"Surface mining shall include"~~
34 *includes* dredge operations lying outside the high banks of streams and
35 rivers.

36 (2) *"Surface mining" does not include* removal of overburden and
37 mining of limited amounts of any materials ~~shall not be considered surface~~
38 ~~mining~~ when done only for the purpose and to the extent necessary to
39 determine the location, quantity or quality of the natural deposit, if the
40 materials removed during exploratory excavation or mining are not sold,
41 processed for sale or consumed in the regular operation of a business.

42 (k) "Topsoil" means the natural medium located at the land surface
43 with favorable characteristics for growth of vegetation, which is normally

1 the A or B, or both, soil horizon layers of the four soil horizons.

2 (l) "Active site" means a site where surface mining is being
3 conducted.

4 (m) "Inactive site" means a site where surface mining is not being
5 conducted but where overburden has been disturbed in the past for the
6 purpose of conducting surface mining and an operator anticipates
7 conducting further surface mining operations in the future.

8 (n) "Materials" means natural deposits of gypsum, clay, stone,
9 sandstone, sand, shale, silt, gravel, volcanic ash or any other minerals of
10 commercial value found on or in the earth with the exception of coal, oil
11 and gas and those located within cut and fill portions of road rights-of-
12 way.

13 (o) "Reclamation" means the reconditioning of the area of land
14 affected by surface mining to a usable condition for agricultural,
15 recreational or other use.

16 (p) "Stockpile" means the finished products of the mining of gypsum,
17 clay, shale, stone, sandstone, sand, silt, gravel, volcanic ash or other
18 minerals and removal from its natural position and deposited elsewhere for
19 future use in the normal operation as a business.

20 (q) "Underground mining" means the extraction of rocks, minerals
21 and industrial materials, other than coal, oil and gas, from the earth by
22 developing entries or shafts from the surface to the seam or deposit before
23 recovering the product by underground extraction methods.

24 (r) "Person" means any individual, firm, partnership, corporation,
25 government or other entity.

26 (s) "Division" means the *Kansas office of natural resources*, division
27 of conservation established within the Kansas department of agriculture in
28 ~~K.S.A. 74-5,126 in section 4~~, and amendments thereto.

29 (t) ~~"Secretary" means the Kansas secretary of agriculture~~ "*Executive*
30 *director*" means the executive director of the Kansas office of natural
31 resources.

32 Sec. 36. K.S.A. 2024 Supp. 49-606 is hereby amended to read as
33 follows: 49-606. (a) ~~The secretary executive director~~, at the request of the
34 director, may deny issuance or renewal of a license for repeated or willful
35 violation of the provisions of this act or for failure to comply with any
36 provision of a reclamation plan.

37 (b) ~~The secretary executive director~~, at the request of the director,
38 may suspend or revoke a license for repeated or willful violation of any of
39 the provisions of this act or for failure to comply with any provision of a
40 reclamation plan. Proceedings for the suspension or revocation of a license
41 pursuant to this section shall be conducted in accordance with the Kansas
42 administrative procedure act by the ~~secretary executive director~~ or a
43 presiding officer from the office of administrative hearings.

1 Sec. 37. K.S.A. 2024 Supp. 49-611 is hereby amended to read as
2 follows: 49-611. (a) An operator authorized under this act to operate a
3 mine, after completion of mining operations and within the time specified
4 in K.S.A. 49-613, and amendments thereto, shall:

5 (1) Grade affected lands except for impoundments and pit floors to
6 slopes no steeper than one foot vertical rise for each three feet of
7 horizontal distance. Where the original topography of the affected land
8 was steeper than one foot of vertical rise for each three feet of horizontal
9 distance, the affected lands may be graded to blend with the surrounding
10 terrain. The grading of high banks of sand pits and highwalls may be
11 modified or exempted by the director.

12 (2) Provide for the vegetation of the affected lands, except for
13 impoundments, pit floors and highwalls, as approved by the director
14 before the release of the bond as provided in K.S.A. 49-616, and
15 amendments thereto.

16 (b) Notwithstanding subsection (a), overburden piles where
17 disposition has not occurred or will not occur for a period of 12 months
18 shall be stabilized.

19 (c) Topsoil that is a part of overburden shall not be buried or
20 destroyed in the process of mining.

21 (d) The director, with concurrence of the ~~secretary~~ *executive director*,
22 may grant a variance from the requirements of subsections (a) and (b).

23 (e) A bond or security posted under this act to assure reclamation of
24 affected lands shall not be released until all reclamation work required by
25 this section has been performed in accordance with the provisions of this
26 act, except when a replacement bond or security is posted by a new
27 operator or responsibility is transferred under K.S.A. 49-610, and
28 amendments thereto.

29 Sec. 38. K.S.A. 2024 Supp. 49-613 is hereby amended to read as
30 follows: 49-613. (a) An operator shall reclaim affected lands within a
31 period not to exceed three years after the filing of the report required under
32 K.S.A. 49-612(b), and amendments thereto, indicating the mining of any
33 part of a site has been completed.

34 (b) For certain postmining land uses, such as a sanitary land fill, the
35 director, with the approval of the ~~secretary~~ *executive director*, may allow
36 an extended reclamation period.

37 (c) An operator, upon completion of any reclamation work required
38 by K.S.A. 49-611, and amendments thereto, shall apply to the director in
39 writing for approval of the work. The director, within a reasonable time,
40 shall inspect the completed reclamation work. Upon determination by the
41 director that the operator has satisfactorily completed all required
42 reclamation work on the land included in the application, the director shall
43 release the bond or security on the reclaimed land, shall remove the land

1 from registration and shall terminate or amend, as necessary, the operator's
2 authorization to conduct surface mining on the site.

3 (d) Periodic inspections may be conducted by the director or the
4 director's designee to ensure that the operator is following the reclamation
5 plan.

6 Sec. 39. K.S.A. 2024 Supp. 49-618 is hereby amended to read as
7 follows: 49-618. (a) The director or the director's designee, when
8 accompanied by the operator or operator's designee during regular
9 business hours, may inspect any lands on which any operator is authorized
10 to operate a mine for the purpose of determining whether the operator is or
11 has been complying with the provisions of this act.

12 (b) The director shall give written notice to any operator who violates
13 any of the provisions of this act or any rules and regulations adopted by
14 the director pursuant to this act.

15 (c) If corrective measures approved by the director are not
16 commenced within 90 days, the ~~secretary~~ *executive director* shall, at the
17 request of the director, issue a written order stating the nature of the
18 violation, the penalty to be imposed and the right of the person to appeal to
19 the secretary pursuant to K.S.A. 49-621, and amendments thereto.

20 Sec. 40. K.S.A. 2024 Supp. 49-620 is hereby amended to read as
21 follows: 49-620. Once an order issued pursuant to this act becomes a final
22 order, the ~~secretary~~ *executive director*, upon request of the director, shall
23 institute proceedings for forfeiture of the bond posted by an operator to
24 guarantee reclamation of a site where the operator is in violation of any of
25 the provisions of this act or any rule and regulation adopted by the director
26 pursuant to this act. Forfeiture of the operator's bond shall fully satisfy all
27 obligations of the operator to reclaim affected land covered by the bond.
28 The director shall have the power to reclaim, as required by K.S.A. 49-
29 611, and amendments thereto, any surface mined land with respect to
30 which a bond has been forfeited, using the proceeds of the forfeiture to pay
31 for the necessary reclamation work.

32 Sec. 41. K.S.A. 2024 Supp. 49-621 is hereby amended to read as
33 follows: 49-621. (a) The ~~secretary~~ *executive director*, upon finding that the
34 operator has failed to comply with any provision of this act, any provision
35 of a reclamation plan or any condition of a license or site registration with
36 which the operator is required to comply pursuant to this act, may impose
37 upon the operator a civil penalty not exceeding \$1,000 for each day of
38 noncompliance.

39 (b) All civil penalties assessed pursuant to this section shall be due
40 and payable within 35 days after written notice of the imposition of a civil
41 penalty has been served upon whom the penalty is being imposed, unless a
42 longer period of time is granted by the ~~secretary~~ *executive director* or
43 unless the operator appeals the assessment as provided in this section.

1 (c) No civil penalty shall be imposed under this section except upon
2 the written order of the ~~secretary executive director~~ or the ~~secretary's~~
3 ~~executive director's~~ designee to the operator upon whom the penalty is to
4 be imposed, stating the nature of the violation, the penalty imposed and the
5 right of the operator upon whom the penalty is imposed to appeal to the
6 director for a hearing on the matter. An operator upon whom a civil
7 penalty has been imposed may appeal, within 15 days after service of the
8 order imposing the civil penalty, to the ~~secretary executive director~~. If
9 appealed, a hearing shall be conducted in accordance with the provisions
10 of the Kansas administrative procedure act. The decision of the ~~secretary~~
11 ~~executive director~~ shall be final unless review is sought under subsection
12 (d).

13 (d) Any action of the ~~secretary executive director~~ pursuant to this
14 section is subject to review in accordance with the Kansas judicial review
15 act.

16 Sec. 42. K.S.A. 2024 Supp. 49-623 is hereby amended to read as
17 follows: 49-623. (a) The ~~secretary executive director~~, with the approval of
18 the commission, shall adopt such rules and regulations as necessary to
19 administer and enforce the provisions of this act.

20 (b) The director shall determine annually the amount necessary to
21 carry out and enforce the provisions of this act for the next ensuing fiscal
22 year and shall recommend to the ~~secretary executive director~~ such license
23 renewal, registration application, registration and registration renewal fees
24 as the director determines necessary for that purpose. The *executive*
25 director shall adopt such fees by rules and regulations.

26 (c) Before the *executive* director submits any such proposed rules and
27 regulations to the director of the budget, the secretary of administration
28 and the attorney general in accordance with the rules and regulations filing
29 act, K.S.A. 77-415 et seq., and amendments thereto:

30 (1) The *executive* director shall submit such rules and regulations to
31 the commission; and

32 (2) the commission shall review and make recommendations to the
33 director and the ~~secretary executive director~~ regarding such proposed rules
34 and regulations.

35 (d) Fees for license renewal, registration and registration renewal
36 shall be based on an operator's acres of affected land or the tonnage of
37 materials extracted by the operator during the preceding license year, or a
38 combination thereof.

39 (e) Political subdivisions of the state shall be exempt from all fees
40 imposed under this act.

41 Sec. 43. K.S.A. 2024 Supp. 55-153 is hereby amended to read as
42 follows: 55-153. There is hereby established the advisory committee on
43 regulation of oil and gas activities to be composed of 12 members. One

1 member shall be appointed by each of the following associations: Kansas
2 petroleum council, Kansas independent oil and gas association and eastern
3 Kansas oil and gas association. One member shall be appointed jointly by
4 the Kansas farm bureau and Kansas livestock association and such person
5 shall be an owner of a surface interest. One member shall be appointed
6 jointly by the southwest Kansas royalty owners association and the eastern
7 Kansas royalty owners association and such person shall be an owner of a
8 mineral interest. One member shall be appointed by the governor from the
9 general public. One member shall represent groundwater management
10 districts and shall be appointed jointly by the presidents of each
11 groundwater management district. All such appointees shall serve at the
12 pleasure of the appointing authority. The following state agencies shall
13 designate a person as a member of such committee: The commission, the
14 department of health and environment, the Kansas geological survey, the
15 Kansas ~~water~~ office *of natural resources, division of water policy and*
16 *planning* and the division of water resources ~~of the Kansas department of~~
17 ~~agriculture~~. The designated person of the commission shall be the
18 chairperson of the advisory committee. The committee shall meet at least
19 once each quarter calendar year and upon the call of the chairperson. The
20 committee shall review and make recommendations on oil and gas
21 activities, including but not limited to current drilling methods, geologic
22 formation standards, plugging techniques, casing and cementing standards
23 and materials and all matters pertaining to the protection of waters of the
24 state from pollution relating to oil and gas activities.

25 Sec. 44. K.S.A. 68-1414 is hereby amended to read as follows: 68-
26 1414. Whenever it is necessary to replace, reconstruct, or repair any bridge
27 over any navigable river on any county road, ~~which~~ *if such* road connects
28 with a county road of another county within or outside this state, or to
29 protect any such bridge by changing the channel of the river or by the
30 erection of structures, such as levees, jetties or other structures necessary
31 to protect the new channel or such bridge, and ~~which~~ *such* bridge shall
32 have been destroyed or rendered impassable by flood, high water, fire or
33 other casualty, then the board of county commissioners is hereby
34 authorized and empowered to expend not to exceed the sum of \$160,000 to
35 pay the entire cost or the county's share of the cost of such replacement,
36 reconstruction or repair of such bridge or such change of channel or
37 erection of the structures hereinbefore described. No such change of
38 channel shall be made without first securing the approval of the chief
39 engineer of the *Kansas office of natural resources, division of water*
40 ~~resources of the Kansas department of agriculture~~. Such expenditure may
41 be made from any unallocated and available funds in the county road and
42 bridge fund or from revenue derived from the issuance of bonds, or from
43 the separate fund for the construction of roads and bridges on the county

1 secondary system or from two or more of such sources, and such county is
2 hereby authorized to issue bonds for such purpose. Such bonds shall be
3 issued, registered, sold, delivered and retired in accordance with the
4 provisions of the general bond law and may be issued without submitting
5 the question of their issuance to a vote of the electors. The board of county
6 commissioners may receive and expend any federal, state, or other funds
7 made available for such improvement which expenditure may be in
8 addition to the amount authorized to be expended by the county. The
9 provisions of K.S.A. 19-214, 19-215 and 19-216, and amendments thereto,
10 shall be applicable to any improvement made under the authority
11 conferred by this section. This act shall be construed as a separate and
12 additional method for the replacement, reconstruction and repair of bridges
13 and no other law of this state except as herein expressly provided shall
14 apply. The total amount expended by any county under the authority
15 conferred by this section plus the amount expended by such county under
16 the authority conferred by K.S.A. 68-1413, and amendments thereto, shall
17 not exceed the sum of \$160,000.

18 Sec. 45. K.S.A. 68-2203 is hereby amended to read as follows: 68-
19 2203. *As used in the junkyard and salvage control act:*

20 (a) ~~The term "Junk" shall mean~~ means old or scrap copper, brass,
21 rope, rags, batteries, paper, trash, rubber debris, waste, or junked,
22 dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other
23 old or scrap ferrous or nonferrous material.

24 (b) "Automobile graveyard" ~~shall mean~~ means any establishment
25 ~~which is~~ maintained, used, or operated, for storing, keeping, buying, or
26 selling 10 or more wrecked, scrapped, ruined, dismantled or inoperative
27 motor vehicles, but such term shall not include any location where motor
28 vehicle bodies are placed along stream banks for purposes of bank
29 stabilization and soil erosion control, if such placement conforms with
30 guidelines established by the chief engineer of the *Kansas office of natural*
31 *resources*, division of water resources ~~of the Kansas department of~~
32 ~~agriculture~~.

33 (c) "Junkyard" ~~shall mean~~ means an establishment ~~which is~~
34 maintained, operated, or used for storing, keeping, buying, or selling junk,
35 or for the maintenance or operation of an automobile graveyard, and the
36 term shall include garbage dumps.

37 (d) "Interstate system" means that portion of the national system of
38 interstate and defense highways, including city connecting links and
39 portions of the Kansas turnpikes, located within this state, as officially
40 designated, or as may hereafter be so designated, by the secretary, and
41 approved by the proper federal authority as provided by law.

42 (e) "Primary system" means that portion of connected main
43 highways, including city connecting links, as officially designated, or as

1 may hereafter be so designated, by the secretary, and approved by the
2 proper federal authority as provided by law.

3 (f) "Person" means any individual, firm, agency, company,
4 association, partnership, business trust, joint stock company or
5 corporation, including municipal corporation.

6 (g) "Commission" means the secretary of transportation.

7 (h) "Board" means the secretary of transportation.

8 Sec. 46. K.S.A. 74-506b is hereby amended to read as follows: 74-
9 506b. All of the authority, powers and duties now conferred and imposed
10 by law upon the Kansas water commission and the state irrigation
11 commissioner are hereby conferred upon the division of water resources
12 created by this act, under the control, administration and supervision of the
13 ~~secretary of agriculture~~ *executive director*.

14 Sec. 47. K.S.A. 74-5,121 is hereby amended to read as follows: 74-
15 5,121. (a) The animal health commissioner of the Kansas department of
16 agriculture shall be the successor in every way to the powers, duties and
17 functions of the Kansas animal health department and the livestock
18 commissioner of the Kansas animal health department in which the same
19 were vested prior to the effective date of K.S.A. 74-5,112 through ~~74-~~
20 ~~5,132~~ 74-5,125, and amendments thereto. Every act performed in the
21 exercise of such powers, duties and functions by or under the authority of
22 the secretary of agriculture shall be deemed to have the same force and
23 effect as if performed by the Kansas animal health department and the
24 livestock commissioner of the Kansas animal health department in which
25 such powers, duties and functions were vested prior to the effective date of
26 K.S.A. 74-5,112 through ~~74-5,132~~ 74-5,125, and amendments thereto.

27 (b) Whenever the Kansas animal health department or the livestock
28 commissioner of the Kansas animal health department, or words of like
29 effect, are referred to or designated by a statute, contract, memorandum of
30 understanding, plan, grant, waiver or other document, such reference or
31 designation shall be deemed to apply to the animal health division of the
32 Kansas department of agriculture or the animal health commissioner under
33 the secretary of agriculture.

34 (c) All rules and regulations, orders and directives of the livestock
35 commissioner of the Kansas animal health department that are in effect on
36 the effective date of K.S.A. 74-5,112 through ~~74-5,132~~ 74-5,125, and
37 amendments thereto, shall continue to be effective and shall be deemed to
38 be rules and regulations, orders and directives of the animal health division
39 of the Kansas department of agriculture until revised, amended, revoked or
40 nullified pursuant to law, by the secretary of agriculture.

41 (d) Before any proposed rules and regulations of the animal health
42 commissioner of the division of animal health of the department of
43 agriculture are submitted to the secretary of administration or the attorney

1 general pursuant to K.S.A. 77-420, and amendments thereto:

2 (1) The animal health commissioner shall submit such rules and
3 regulations to the animal health board; and

4 (2) the animal health board shall review and make recommendations
5 to the animal health commissioner and the secretary of agriculture
6 regarding such proposed rules and regulations.

7 Sec. 48. K.S.A. 74-2608 is hereby amended to read as follows: 74-
8 2608. The Kansas ~~water~~ office of natural resources, division of water
9 policy and planning shall:

10 (a) Collect and compile information pertaining to climate, water and
11 soil as related to the usage of water for agricultural, industrial and
12 municipal purposes and the availability of water supplies in the several
13 watersheds of the state, and, in so doing, the ~~office~~ division shall collect
14 and compile the information obtainable from other agencies,
15 instrumentalities of the state, political subdivisions of the state and the
16 federal government.

17 (b) Develop a state plan of water resources management,
18 conservation and development for water planning areas as determined by
19 the ~~office~~ division, and cooperate with any agency or instrumentality of the
20 state or federal government now or hereafter engaged in the development
21 of plans or having developed plans affecting any such area of the state.

22 (c) Develop and maintain guidelines for water conservation plans and
23 practices. Such guidelines shall:

24 (1) Not prejudicially or unreasonably affect the public interest;

25 (2) be technologically and economically feasible for each water user
26 to implement;

27 (3) be designed to curtail the waste of water;

28 (4) consider the use of other water if the use of freshwater is not
29 necessary;

30 (5) not require curtailment in water use ~~which~~ that will not benefit
31 other water users or the public interest;

32 (6) not result in the unreasonable deterioration of the quality of the
33 waters of the state;

34 (7) consider the reasonable needs of the water user at the time;

35 (8) not conflict with the provisions of the Kansas water appropriation
36 act and the state water planning act;

37 (9) be limited to practices of water use efficiency except for drought
38 contingency plans for municipal users; and

39 (10) take into consideration drought contingency plans for municipal
40 and industrial users.

41 When developing such guidelines, the ~~Kansas water office~~ division of
42 water policy and planning shall consider existing guidelines of
43 groundwater management districts and the cost to benefit ratio effect of

1 any plan.

2 (d) The ~~Kansas water office~~ *division of water policy and planning*,
3 with the approval of the Kansas water authority, shall establish guidelines
4 as to when conditions indicative of drought exist. When the ~~Kansas water~~
5 ~~office~~ *division* determines that such conditions exist in an area, it shall so
6 advise the governor and shall recommend the assembling of the governor's
7 drought response team.

8 Sec. 49. K.S.A. 74-2609 is hereby amended to read as follows: 74-
9 2609. The ~~Kansas water~~ *office of natural resources, division of water*
10 *policy and planning* may:

11 (a) Seek and accept grants and other financial assistance that the
12 federal government and other public or private sources make available and
13 utilize the same for any purpose ~~which~~ *that* the office is required or
14 authorized to study or make recommendations concerning;

15 (b) contract with public agencies or with qualified private persons or
16 agencies to accomplish any purpose ~~which~~ *that* the office is required or
17 authorized to study or make recommendations concerning;

18 (c) for the purpose of providing public water supply storage in either
19 federally funded or nonfederally funded multipurpose small lakes, acquire
20 water rights under the Kansas water appropriation act; *and*

21 (d) authorize the issuance of revenue bonds for the purpose of paying
22 all or part of the cost of acquiring a site, constructing, reconstructing,
23 improving and expanding large reservoir projects or to finance the
24 purchase of storage in existing reservoirs as provided by K.S.A. 82a-1360
25 ~~to through~~ 82a-1368, ~~inclusive and amendments thereto.~~

26 Sec. 50. K.S.A. 2024 Supp. 74-2622 is hereby amended to read as
27 follows: 74-2622. (a) (1) There is hereby established within and as a part
28 of the ~~Kansas water~~ *office of natural resources, division of water policy*
29 *and planning* the Kansas water authority. The authority shall be composed
30 of 24 members, of whom 13 shall be appointed as follows:

31 (A) One member shall be appointed by the governor, subject to
32 confirmation by the senate as provided in K.S.A. 75-4315b, and
33 amendments thereto. Except as provided by K.S.A. 46-2601, and
34 amendments thereto, such person shall not exercise any power, duty or
35 function as a member or chairperson of the water authority until confirmed
36 by the senate. Such member shall serve at the pleasure of the governor and
37 shall be the chairperson of the authority;

38 (B) except as provided by subsection (b), 10 members shall be
39 appointed by the governor for terms of four years. Of the members
40 appointed under this provision one shall be a representative of large
41 municipal water users, one shall be representative of small municipal
42 water users, one shall be a board member of a western Kansas
43 groundwater management district, one shall be a board member of a

1 central Kansas groundwater management district, one shall be a member
2 of the Kansas association of conservation districts, one shall be
3 representative of industrial water users, one shall be a member of the state
4 association of watershed districts, one shall have a demonstrated
5 background and interest in water use conservation and environmental
6 issues, and two shall be representative of the general public. The member
7 who is representative of large municipal water users shall be appointed
8 from three nominations submitted by the league of Kansas municipalities.
9 The member who is representative of small municipal water users shall be
10 appointed from three nominations submitted by the Kansas rural water
11 district's association. The member who is representative of a western
12 Kansas groundwater management district shall be appointed from three
13 nominations submitted by the presidents of the groundwater management
14 district boards No. 1, 3 and 4. The member who is representative of a
15 central Kansas groundwater management district shall be appointed from
16 three nominations submitted by the presidents of the groundwater
17 management district boards No. 2 and 5. The member who is
18 representative of industrial water users shall be appointed from three
19 nominations submitted by the Kansas association of commerce and
20 industry. The member who is representative of the state association of
21 watershed districts shall be appointed from three nominations submitted by
22 the state association of watershed districts. The member who is
23 representative of the Kansas association of conservation districts shall be
24 appointed from three nominations submitted by the state association of
25 conservation districts. If the governor cannot make an appointment from
26 the original nominations, the nominating authority shall be so advised and,
27 within 30 days thereafter, shall submit three new nominations. Members
28 appointed by the governor shall be selected with special reference to
29 training and experience with respect to the functions of the Kansas water
30 authority, and no more than six of such members shall belong to the same
31 political party;

32 (C) one member shall be appointed by the president of the senate for
33 a term of two years; and

34 (D) one member shall be appointed by the speaker of the house of
35 representatives for a term of two years. The state geologist, the state
36 biologist, the chief engineer of the *Kansas office of natural resources*,
37 division of water resources ~~of the Kansas department of agriculture~~, the
38 director of the division of environment of the department of health and
39 environment, the chairperson of the state corporation commission, the
40 secretary of commerce, the director of the ~~Kansas water~~ *office of natural*
41 *resources, division of water policy and planning*, the secretary of wildlife
42 and parks, the administrative officer of the state conservation commission,
43 the secretary of agriculture and the director of the agricultural experiment

1 stations of Kansas state university of agriculture and applied science shall
2 be nonvoting members ex officio of the authority. The director of the
3 ~~Kansas water office~~ *division of water policy and planning* shall serve as
4 the secretary of the authority.

5 (b) A member appointed pursuant to subsection (a)(1)(B) shall be
6 appointed for a term expiring on January 15 of the fourth calendar year
7 following appointment and until a successor is appointed and qualified.

8 (c) In the case of a vacancy in the appointed membership of the
9 Kansas water authority, the vacancy shall be filled for the unexpired term
10 by appointment in the same manner that the original appointment was
11 made. Appointed members of the authority attending regular or special
12 meetings thereof shall be paid compensation, subsistence allowances,
13 mileage and other expenses as provided in K.S.A. 75-3223, and
14 amendments thereto.

15 (d) The Kansas water authority shall:

16 (1) Consult with and be advisory to the governor, the legislature and
17 the director of the ~~Kansas water office~~ *division of water policy and*
18 *planning*.

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

21 (3) Make a study of the laws of this state, other states and the federal
22 government relating to conservation and development of water resources,
23 appropriation of water for beneficial use, flood control, construction of
24 levees, drainage, irrigation, soil conservation, watershed development,
25 stream control, gauging of stream and stream pollution for the purpose of
26 determining the necessity or advisability of the enactment of new or
27 amendatory legislation in this state on such subjects.

28 (4) Make recommendations to other state agencies and political
29 subdivisions of the state for the coordination of their activities relating to
30 flood control, construction of levees, drainage, irrigation, soil
31 conservation, watershed development, stream control, gauging of stream,
32 stream pollution and groundwater studies.

33 (5) Make recommendations to each regular session of the legislature
34 and to the governor at such times as the authority considers advisable
35 concerning necessary or advisable legislation relating to any of the matters
36 or subjects that it is required by this act to study for the purpose of making
37 recommendations to the legislature. All such recommendations to the
38 legislature shall be in drafted bill form together with such explanatory
39 information and data as the authority considers advisable.

40 (6) Approve, prior to submission to the legislature by the ~~Kansas~~
41 ~~water office~~ *division of water policy and planning* or its director:

42 (A) Any contract entered into pursuant to the state water plan storage
43 act;

1 (B) any amendments to the state water plan or the state water
2 planning act; and

3 (C) any other legislation concerning water resources of the state.

4 (7) Approve, before they become effective, any policy changes
5 proposed by the ~~Kansas water office~~ *division of water policy and planning*
6 concerning the pricing of water for sale pursuant to the state water plan
7 storage act.

8 (8) Approve, before it becomes effective, any agreement entered into
9 with the federal government by the ~~Kansas water office~~ *division of water*
10 *policy and planning*.

11 (9) Request any agency of the state, which shall have the duty upon
12 that request, to submit its budget estimate pertaining to the state's water
13 resources and any plans or programs related thereto and, upon the
14 authority's receipt of such budget estimate, review and evaluate it and
15 furnish recommendations relating thereto to the governor and the
16 legislature.

17 (10) Approve, prior to adoption by the director of the ~~Kansas water~~
18 ~~office~~ *division of water policy and planning*, rules and regulations
19 authorized by law to be adopted.

20 (11) Approve, prior to adoption by the director of the ~~Kansas water~~
21 ~~office~~ *division of water policy and planning*, guidelines for conservation
22 plans and practices developed pursuant to K.S.A. 74-2608(c), and
23 amendments thereto.

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

27 (f) The provisions of the Kansas governmental operations
28 accountability law apply to the Kansas water authority, and the authority is
29 subject to audit, review and evaluation under such law.

30 Sec. 51. K.S.A. 74-99f04 is hereby amended to read as follows: 74-
31 99f04. (a) There is hereby established the Kansas geographic information
32 systems policy board within the office of information technology services.

33 (b) The board shall consist of 23 members:

34 (1) The governor shall appoint 11 members as follows: Five
35 representatives of local government, including cities, counties or local
36 government consortia of cities, counties, non-profit and private sector
37 enterprises. Such members may include, but are not limited to,
38 representatives from city and county commissions or planning councils,
39 tribal government, law enforcement, county clerks, county appraisers and
40 emergency planning divisions; two representatives of the board of regents
41 institutions; and two executives representing the private sector. Members
42 from the private sector may include, but are not limited to, representatives
43 from the trucking industry, utilities, telecommunications, publishers,

1 agriculturalists, oil and gas industry, chambers of commerce, aircraft and
2 auto industry and the banking community; and two representatives from
3 relevant statewide businesses or professional organizations, such as
4 statewide associations of groundwater management districts, emergency
5 planning, law enforcement, licensed surveyors and other relevant technical
6 professions or agriculture-related businesses.

7 (2) The remaining 12 members shall be *the*:

8 (A) ~~The~~ Executive chief information technology officer of the office
9 of information technology services or such officer's designee;

10 (B) ~~the~~ director of the Kansas ~~water~~ office of *natural resources*,
11 *division of water policy and planning* or such director's designee;

12 (C) ~~the~~ state biologist of the Kansas biological survey or the state
13 biologist's designee;

14 (D) ~~the~~ state geologist of the Kansas geological survey or the state
15 geologist's designee;

16 (E) ~~the~~ executive director of the Kansas historical society or such
17 executive director's designee;

18 (F) ~~the~~ secretary of agriculture or such secretary's designee;

19 (G) ~~the~~ secretary of health and environment or such secretary's
20 designee;

21 (H) ~~the~~ director of legislative research of the legislative research
22 department or such director's designee;

23 (I) ~~the~~ secretary of revenue or such secretary's designee;

24 (J) ~~the~~ secretary of transportation or such secretary's designee;

25 (K) ~~the~~ state librarian or such librarian's designee; and

26 (L) ~~the~~ executive director of the information network of Kansas or
27 such executive director's designee.

28 (c) Members appointed by the governor under subsection (b)(1) shall
29 be appointed for a four-year term and until such member's successors are
30 appointed and qualified, except as provided in subsection (d). Members
31 not appointed by the governor under subsection (b)(1) shall serve
32 consistent with their terms of office, employment or appointment.

33 (d) The governor may remove a member from the board for lack of
34 attendance or lack of participation.

35 (e) The governor shall select a chairperson and vice-chairperson from
36 among the members of the board who shall serve as chairperson and vice-
37 chairperson at the discretion of the governor. The board may elect other
38 officers among its members and may establish any committees deemed
39 necessary to discharge its duties.

40 (f) Board members shall not receive compensation, subsistence
41 allowance, mileage or associated expenses from the state. Officers or
42 employees of state agencies who serve on the board shall be authorized to
43 serve on the board as part of their duties.

1 Sec. 52. K.S.A. 2024 Supp. 75-3036 is hereby amended to read as
2 follows: 75-3036. (a) The state general fund is exclusively defined as the
3 fund into which shall be placed all public moneys and revenue coming into
4 the state treasury not specifically authorized by the constitution or by
5 statute to be placed in a separate fund, and not given or paid over to the
6 state treasurer in trust for a particular purpose, which unallocated public
7 moneys and revenue shall constitute the general fund of the state. Moneys
8 received or to be used under constitutional or statutory provisions or under
9 the terms of a gift or payment for a particular and specific purpose are to
10 be kept as separate funds and shall not be placed in the general fund or
11 ever become a part of it.

12 (b) The following funds shall be used for the purposes set forth in the
13 statutes concerning such funds and for no other governmental purposes. It
14 is the intent of the legislature that the following funds and the moneys
15 deposited in such funds shall remain intact and inviolate for the purposes
16 set forth in the statutes concerning such funds: Board of accountancy fee
17 fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special
18 litigation reserve fund of the board of accountancy; bank commissioner fee
19 fund, K.S.A. 9-1703, 16a-2-302 and 75-1308, and amendments thereto,
20 bank investigation fund, K.S.A. 9-1111b, and amendments thereto,
21 consumer education settlement fund and litigation expense fund of the
22 state bank commissioner; securities act fee fund and investor education
23 and protection fund, K.S.A. 17-12a601, and amendments thereto, of the
24 office of the securities commissioner of Kansas; credit union fee fund,
25 K.S.A. 17-2236, and amendments thereto, of the state department of credit
26 unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto,
27 and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of
28 the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and
29 amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and
30 amendments thereto, of the state fire marshal; food service inspection
31 reimbursement fund, K.S.A. 36-512, and amendments thereto, of the
32 Kansas department of agriculture; wage claims assignment fee fund,
33 K.S.A. 44-324, and amendments thereto, and workmen's compensation fee
34 fund, K.S.A. 74-715, and amendments thereto, of the department of labor;
35 veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of
36 the state board of veterinary examiners; mined-land reclamation fund,
37 K.S.A. 49-420, and amendments thereto, of the department of health and
38 environment; conservation fee fund and abandoned oil and gas well fund,
39 K.S.A. 55-155, 55-176, 55-192, 55-609, 55-711 and 55-901, and
40 amendments thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155,
41 and amendments thereto, and public service regulation fund, K.S.A. 66-
42 1503, and amendments thereto, of the state corporation commission; land
43 survey fee fund, K.S.A. 58-2011, and amendments thereto, of the state

1 historical society; real estate recovery revolving fund, K.S.A. 58-3074, and
2 amendments thereto, of the Kansas real estate commission; appraiser fee
3 fund, K.S.A. 58-4107, and amendments thereto, and appraisal
4 management companies fee fund of the real estate appraisal board;
5 amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and
6 amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and
7 amendments thereto, of the state board of mortuary arts; board of
8 barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the
9 Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-
10 2704, and amendments thereto, of the Kansas state board of cosmetology;
11 healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-
12 5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and
13 medical records maintenance trust fund, of the state board of healing arts;
14 other state fees fund, K.S.A. 65-4024b, and amendments thereto, of the
15 Kansas department for aging and disability services; board of nursing fee
16 fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing;
17 dental board fee fund, K.S.A. 74-1405, and amendments thereto, and
18 special litigation reserve fund, of the Kansas dental board; optometry fee
19 fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation
20 fund, of the board of examiners in optometry; state board of pharmacy fee
21 fund, K.S.A. 74-1609, and amendments thereto, and state board of
22 pharmacy litigation fund, of the state board of pharmacy; abstracters' fee
23 fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of
24 examiners; athletic fee fund, K.S.A. 74-50,188, and amendments thereto,
25 of the department of commerce; hearing instrument board fee fund, K.S.A.
26 74-5805, and amendments thereto, and hearing instrument litigation fund
27 of the Kansas board of examiners in fitting and dispensing of hearing
28 instruments; commission on disability concerns fee fund, K.S.A. 74-6708,
29 and amendments thereto, of the governor's department; technical
30 professions fee fund, K.S.A. 74-7009, and amendments thereto, and
31 special litigation reserve fund of the state board of technical professions;
32 behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and
33 amendments thereto, of the behavioral sciences regulatory board;
34 governmental ethics commission fee fund, K.S.A. 25-4119e, and
35 amendments thereto, of the governmental ethics commission; emergency
36 medical services board operating fund, K.S.A. 75-1514, and amendments
37 thereto, of the emergency medical services board; fire service training
38 program fund, K.S.A. 75-1514, and amendments thereto, of the university
39 of Kansas; uniform commercial code fee fund, K.S.A. 75-448, and
40 amendments thereto, of the secretary of state; prairie spirit rails-to-trails
41 fee fund of the Kansas department of wildlife, parks and tourism; water
42 marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas
43 ~~water~~ office of natural resources, division of water policy and planning;

1 insurance department service regulation fund, K.S.A. 40-112, and
2 amendments thereto, of the insurance department; state fair special cash
3 fund, K.S.A. 2-220, and amendments thereto, of the state fair board; scrap
4 metal theft reduction fee fund, K.S.A. 2024 Supp. 50-6,109a, and
5 amendments thereto; and any other fund in which fees are deposited for
6 licensing, regulating or certifying a person, profession, commodity or
7 product.

8 (c) If moneys received pursuant to statutory provisions for a specific
9 purpose by a fee agency are proposed to be transferred to the state general
10 fund or a special revenue fund to be expended for general government
11 services and purposes in the governor's budget report submitted pursuant
12 to K.S.A. 75-3721, and amendments thereto, or any introduced house or
13 senate bill, the person or business entity who paid such moneys within the
14 preceding 24-month period shall be notified by the fee agency within 30
15 days of such submission or introduction:

16 (1) By electronic means, if the fee agency has an electronic address
17 on record for such person or business entity. If no such electronic address
18 is available, the fee agency shall send written notice by first class mail; or

19 (2) any agency that receives fees from a tax, fee, charge or levy paid
20 to the commissioner of insurance shall post the notification required by
21 this subsection on such agency's website.

22 (d) Any such moneys that are wrongfully or by mistake placed in the
23 general fund shall constitute a proper charge against such general fund. All
24 legislative appropriations ~~which~~ *that* do not designate a specific fund from
25 which they are to be paid shall be considered to be proper charges against
26 the general fund of the state. All revenues received by the state of Kansas
27 or any department, board, commission, or institution of the state of
28 Kansas, and required to be paid into the state treasury shall be placed in
29 and become a part of the state general fund, except as otherwise provided
30 by law.

31 (e) The provisions of this section shall not apply to the 10% credited
32 to the state general fund to reimburse the state general fund for accounting,
33 auditing, budgeting, legal, payroll, personnel and purchasing services, and
34 any and all other state governmental services, as provided in K.S.A. 75-
35 3170a, and amendments thereto.

36 (f) ~~Beginning on January 8, 2018,~~ The director of the budget shall
37 prepare a report listing the unencumbered balance of each fund in
38 subsection (b) on June 30 of the previous fiscal year and January 1 of the
39 current fiscal year. Such report shall be delivered to the secretary of the
40 senate and the chief clerk of the house of representatives on or before the
41 first day of the regular legislative session each year.

42 (g) As used in this section, "fee agency" ~~shall include~~ *includes* the
43 state agencies specified in K.S.A. 75-3717(f), and amendments thereto,

1 and any other state agency that collects fees for licensing, regulating or
2 certifying a person, profession, commodity or product.

3 Sec. 53. K.S.A. 2024 Supp. 75-37,121 is hereby amended to read as
4 follows: 75-37,121. (a) There is created the office of administrative
5 hearings within the department of administration, to be headed by a
6 director appointed by the secretary of administration. The director shall be
7 in the unclassified service under the Kansas civil service act.

8 (b) The office may employ or contract with presiding officers, court
9 reporters and other support personnel as necessary to conduct proceedings
10 required by the Kansas administrative procedure act for adjudicative
11 proceedings of the state agencies, boards and commissions specified in
12 subsection (h). The office shall conduct adjudicative proceedings of any
13 state agency that is specified in subsection (h) when requested by such
14 agency. Only a person admitted to practice law in this state or a person
15 directly supervised by a person admitted to practice law in this state may
16 be employed as a presiding officer. The office may employ regular part-
17 time personnel. Persons employed by the office shall be under the
18 classified civil service.

19 (c) If the office cannot furnish one of its presiding officers within 60
20 days in response to a requesting agency's request, the director shall
21 designate in writing a full-time employee of an agency other than the
22 requesting agency to serve as presiding officer for the proceeding, but only
23 with the consent of the employing agency. The designee shall possess the
24 same qualifications required of presiding officers employed by the office.

25 (d) The director may furnish presiding officers on a contract basis to
26 any governmental entity to conduct any proceeding other than a
27 proceeding as provided in subsection (h).

28 (e) The secretary of administration may adopt rules and regulations
29 to:

30 (1) ~~to~~ Establish procedures for agencies to request and for the
31 director to assign presiding officers. An agency may neither select nor
32 reject any individual presiding officer for any proceeding except in
33 accordance with the Kansas administrative procedure act;

34 (2) ~~to~~ establish procedures and adopt forms, consistent with the
35 Kansas administrative procedure act, the model rules of procedure, and
36 other provisions of law, to govern presiding officers; and

37 (3) ~~to~~ facilitate the performance of the responsibilities conferred upon
38 the office by the Kansas administrative procedure act.

39 (f) The director may implement the provisions of this section and
40 rules and regulations adopted under its authority.

41 (g) The secretary of administration may adopt rules and regulations to
42 establish fees to charge a state agency for the cost of using a presiding
43 officer.

1 (h) The following state agencies, boards and commissions shall
2 utilize the office of administrative hearings for conducting adjudicative
3 hearings under the Kansas administrative procedure act in which the
4 presiding officer is not the agency head or one or more members of the
5 agency head:

6 (1) On and after July 1, 2005: Kansas department for children and
7 families, department of corrections, Kansas department for aging and
8 disability services, department of health and environment, Kansas public
9 employees retirement system, Kansas ~~water~~ office of *natural resources*,
10 *division of conservation*, *Kansas office of natural resources*, *division of*
11 *water policy and planning*, Kansas department of agriculture division of
12 animal health and Kansas insurance department.

13 (2) On and after July 1, 2006: Emergency medical services board,
14 emergency medical services council and Kansas human rights
15 commission.

16 (3) On and after July 1, 2007: Kansas lottery, Kansas racing and
17 gaming commission, state treasurer, pooled money investment board,
18 Kansas department of wildlife and parks and state board of tax appeals.

19 (4) On and after July 1, 2008: Department of human resources, state
20 corporation commission, ~~Kansas department of agriculture division of~~
21 ~~conservation~~, agricultural labor relations board, department of
22 administration, department of revenue, board of adult care home
23 administrators, Kansas state grain inspection department, board of
24 accountancy and Kansas wheat commission.

25 (5) On and after July 1, 2009, all other Kansas administrative
26 procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

27 (i) (1) Effective July 1, 2005, any presiding officer in agencies
28 specified in subsection (h)(1) that conduct hearings pursuant to the Kansas
29 administrative procedure act, except those exempted pursuant to K.S.A.
30 77-551, and amendments thereto, and support personnel for such presiding
31 officers, shall be transferred to and shall become employees of the office
32 of administrative hearings. Such personnel shall retain all rights under the
33 state personnel system and retirement benefits under the laws of this state
34 that had accrued to or vested in such personnel prior to the effective date
35 of this section. Such person's services shall be deemed to have been
36 continuous. All transfers of personnel positions in the classified service
37 under the Kansas civil service act shall be in accordance with civil service
38 laws and any rules and regulations adopted thereunder. This section shall
39 not affect any matter pending before an administrative hearing officer at
40 the time of the effective date of the transfer, and such matter shall proceed
41 as though no transfer of employment had occurred.

42 (2) Effective July 1, 2006, any presiding officer in agencies specified
43 in subsection (h)(2) that conduct hearings pursuant to the Kansas

1 administrative procedure act, except those exempted pursuant to K.S.A.
2 77-551, and amendments thereto, and support personnel for such presiding
3 officers, shall be transferred to and shall become employees of the office
4 of administrative hearings. Such personnel shall retain all rights under the
5 state personnel system and retirement benefits under the laws of this state
6 that had accrued to or vested in such personnel prior to the effective date
7 of this section. Such person's services shall be deemed to have been
8 continuous. All transfers of personnel positions in the classified service
9 under the Kansas civil service act shall be in accordance with civil service
10 laws and any rules and regulations adopted thereunder. This section shall
11 not affect any matter pending before an administrative hearing officer at
12 the time of the effective date of the transfer, and such matter shall proceed
13 as though no transfer of employment had occurred.

14 (3) Effective July 1, 2007, any presiding officer in agencies specified
15 in subsection (h)(3) that conduct hearings pursuant to the Kansas
16 administrative procedure act, except those exempted pursuant to K.S.A.
17 77-551, and amendments thereto, and support personnel for such presiding
18 officers, shall be transferred to and shall become employees of the office
19 of administrative hearings. Such personnel shall retain all rights under the
20 state personnel system and retirement benefits under the laws of this state
21 that had accrued to or vested in such personnel prior to the effective date
22 of this section. Such person's services shall be deemed to have been
23 continuous. All transfers of personnel positions in the classified service
24 under the Kansas civil service act shall be in accordance with civil service
25 laws and any rules and regulations adopted thereunder. This section shall
26 not affect any matter pending before an administrative hearing officer at
27 the time of the effective date of the transfer, and such matter shall proceed
28 as though no transfer of employment had occurred.

29 (4) Effective July 1, 2008, any full-time presiding officer in agencies
30 specified in subsection (h)(4) that conduct hearings pursuant to the Kansas
31 administrative procedure act, except those exempted pursuant to K.S.A.
32 77-551, and amendments thereto, and support personnel for such presiding
33 officers, shall be transferred to and shall become employees of the office
34 of administrative hearings. Such personnel shall retain all rights under the
35 state personnel system and retirement benefits under the laws of this state
36 that had accrued to or vested in such personnel prior to the effective date
37 of this section. Such person's services shall be deemed to have been
38 continuous. All transfers of personnel positions in the classified service
39 under the Kansas civil service act shall be in accordance with civil service
40 laws and any rules and regulations adopted thereunder. This section shall
41 not affect any matter pending before an administrative hearing officer at
42 the time of the effective date of the transfer, and such matter shall proceed
43 as though no transfer of employment had occurred.

1 (5) Effective July 1, 2009, any full-time presiding officer in agencies
2 specified in subsection (h)(5) that conduct hearings pursuant to the Kansas
3 administrative procedure act, except those exempted pursuant to K.S.A.
4 77-551, and amendments thereto, and support personnel for such presiding
5 officers, shall be transferred to and shall become employees of the office
6 of administrative hearings. Such personnel shall retain all rights under the
7 state personnel system and retirement benefits under the laws of this state
8 that had accrued to or vested in such personnel prior to the effective date
9 of this section. Such person's services shall be deemed to have been
10 continuous. All transfers of personnel positions in the classified service
11 under the Kansas civil service act shall be in accordance with civil service
12 laws and any rules and regulations adopted thereunder. This section shall
13 not affect any matter pending before an administrative hearing officer at
14 the time of the effective date of the transfer, and such matter shall proceed
15 as though no transfer of employment occurred.

16 Sec. 54. K.S.A. 2024 Supp. 75-5133 is hereby amended to read as
17 follows: 75-5133. (a) Except as otherwise more specifically provided by
18 law, all information received by the secretary of revenue, the director of
19 taxation or the director of alcoholic beverage control from returns, reports,
20 license applications or registration documents made or filed under the
21 provisions of any law imposing any sales, use or other excise tax
22 administered by the secretary of revenue, the director of taxation, or the
23 director of alcoholic beverage control, or from any investigation conducted
24 under such provisions, shall be confidential, and it shall be unlawful for
25 any officer or employee of the department of revenue to divulge any such
26 information except in accordance with other provisions of law respecting
27 the enforcement and collection of such tax, in accordance with proper
28 judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

29 (b) The secretary of revenue or the secretary's designee may:

30 (1) Publish statistics, so classified as to prevent identification of
31 particular reports or returns and the items thereof;

32 (2) allow the inspection of returns by the attorney general or the
33 attorney general's designee;

34 (3) provide the post auditor access to all such excise tax reports or
35 returns in accordance with and subject to the provisions of K.S.A. 46-
36 1106(e), and amendments thereto;

37 (4) disclose taxpayer information from excise tax returns to persons
38 or entities contracting with the secretary of revenue where the secretary
39 has determined disclosure of such information is essential for completion
40 of the contract and has taken appropriate steps to preserve confidentiality;

41 (5) provide information from returns and reports filed under article 42
42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,
43 to county appraisers as is necessary to ensure proper valuations of

1 property. Information from such returns and reports may also be
2 exchanged with any other state agency administering and collecting
3 conservation or other taxes and fees imposed on or measured by mineral
4 production;

5 (6) provide, upon request by a city or county clerk or treasurer or
6 finance officer of any city or county receiving distributions from a local
7 excise tax, monthly reports identifying each retailer doing business in such
8 city or county or making taxable sales sourced to such city or county,
9 setting forth the tax liability and the amount of such tax remitted by each
10 retailer during the preceding month, and identifying each business location
11 maintained by the retailer and such retailer's sales or use tax registration or
12 account number;

13 (7) provide information from returns and applications for registration
14 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
15 3601, and amendments thereto, to a city or county treasurer or clerk or
16 finance officer to explain the basis of statistics contained in reports
17 provided by subsection (b)(6);

18 (8) disclose the following oil and gas production statistics received by
19 the department of revenue in accordance with K.S.A. 79-4216 et seq., and
20 amendments thereto: Volumes of production by well name, well number,
21 operator's name and identification number assigned by the state
22 corporation commission, lease name, leasehold property description,
23 county of production or zone of production, name of purchaser and
24 purchaser's tax identification number assigned by the department of
25 revenue, name of transporter, field code number or lease code, tax period,
26 exempt production volumes by well name or lease, or any combination of
27 this information;

28 (9) release or publish liquor brand registration information provided
29 by suppliers, farm wineries, microdistilleries and microbreweries in
30 accordance with the liquor control act. The information to be released is
31 limited to: Item number, universal numeric code, type status, product
32 description, alcohol percentage, selling units, unit size, unit of
33 measurement, supplier number, supplier name, distributor number and
34 distributor name;

35 (10) release or publish liquor license information provided by liquor
36 licensees, distributors, suppliers, farm wineries, microdistilleries and
37 microbreweries in accordance with the liquor control act. The information
38 to be released is limited to: County name, owner, business name, address,
39 license type, license number, license expiration date and the process agent
40 contact information;

41 (11) release or publish cigarette and tobacco license information
42 obtained from cigarette and tobacco licensees in accordance with the
43 Kansas cigarette and tobacco products act. The information to be released

1 is limited to: County name, owner, business name, address, license type
2 and license number;

3 (12) provide environmental surcharge or solvent fee, or both,
4 information from returns and applications for registration filed pursuant to
5 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary
6 of health and environment or the secretary's designee for the sole purpose
7 of ensuring that retailers collect the environmental surcharge tax or solvent
8 fee, or both;

9 (13) provide water protection fee information from returns and
10 applications for registration filed pursuant to K.S.A. 82a-954, and
11 amendments thereto, to the secretary of the state board of agriculture or the
12 secretary's designee and the ~~secretary~~ *director* of the Kansas ~~water~~
13 *of natural resources, division of water policy and planning* or the
14 ~~secretary's director's~~ designee for the sole purpose of verifying revenues
15 deposited to the state water plan fund;

16 (14) provide to the secretary of commerce copies of applications for
17 project exemption certificates sought by any taxpayer under the enterprise
18 zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and
19 amendments thereto;

20 (15) disclose information received pursuant to the Kansas cigarette
21 and tobacco act and subject to the confidentiality provisions of this act to
22 any criminal justice agency, as defined in K.S.A. 22-4701(c), and
23 amendments thereto, or to any law enforcement officer, as defined in
24 K.S.A. 21-5111, and amendments thereto, on behalf of a criminal justice
25 agency, when requested in writing in conjunction with a pending
26 investigation;

27 (16) provide to retailers tax exemption information for the sole
28 purpose of verifying the authenticity of tax exemption numbers issued by
29 the department;

30 (17) provide information concerning remittance by sellers, as defined
31 in K.S.A. 12-5363, and amendments thereto, of prepaid wireless 911 fees
32 from returns to the local collection point administrator, as defined in
33 K.S.A. 12-5363, and amendments thereto, for purposes of verifying seller
34 compliance with collection and remittance of such fees;

35 (18) release or publish charitable gaming information obtained in
36 charitable gaming licensee and registration applications and renewals in
37 accordance with the Kansas charitable gaming act, K.S.A. 75-5171 et seq.,
38 and amendments thereto. The information to be released is limited to: The
39 name, address, phone number, license registration number and email
40 address of the organization, distributor or of premises;

41 (19) provide to the attorney general confidential information for
42 purposes of determining compliance with or enforcing K.S.A. 50-6a01 et
43 seq., and amendments thereto, the master settlement agreement referred to

1 therein and all agreements regarding disputes under the master settlement
 2 agreement. The secretary and the attorney general may share the
 3 information specified under this subsection with any of the following:

4 (A) Federal, state or local agencies for the purposes of enforcement
 5 of corresponding laws of other states; and

6 (B) a court, arbitrator, data clearinghouse or similar entity for the
 7 purpose of assessing compliance with or making calculations required by
 8 the master settlement agreement or agreements regarding disputes under
 9 the master settlement agreement, and with counsel for the parties or expert
 10 witnesses in any such proceeding, if the information otherwise remains
 11 confidential; and

12 (20) disclose taxpayer information that is received from income tax
 13 returns to the department of commerce that may be disclosed pursuant to
 14 the provisions of K.S.A. 2024 Supp. 74-50,227, and amendments thereto,
 15 for the purpose of including such information in the database required by
 16 K.S.A. 2024 Supp. 74-50,227, and amendments thereto.

17 (c) Any person receiving any information under the provisions of
 18 subsection (b) shall be subject to the confidentiality provisions of
 19 subsection (a) and to the penalty provisions of subsection (d).

20 (d) Any violation of this section shall be a class A, nonperson
 21 misdemeanor, and if the offender is an officer or employee of this state,
 22 such officer or employee shall be dismissed from office. Reports of
 23 violations of this paragraph shall be investigated by the attorney general.
 24 The district attorney or county attorney and the attorney general shall have
 25 authority to prosecute any violation of this section if the offender is a city
 26 or county clerk or treasurer or finance officer of a city or county.

27 Sec. 55. K.S.A. 2024 Supp. 82a-220 is hereby amended to read as
 28 follows: 82a-220. (a) As used in this act:

29 (1) "Conservation project" means any project or activity that the
 30 director of the Kansas water office determines will assist in restoring,
 31 protecting, rehabilitating, improving, sustaining or maintaining the banks
 32 of the Arkansas, Kansas or Missouri rivers from the effects of erosion;

33 (2) "director" means the director of the Kansas ~~water~~ office *of natural*
 34 *resources, division of water policy and planning*; and

35 (3) "state property" means real property currently owned in full or in
 36 part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in
 37 and along the bed of the river to the ordinary high water mark on the banks
 38 of such rivers.

39 (b) (1) The director is hereby authorized to negotiate and grant
 40 easements on state property for construction and maintenance of
 41 conservation projects with cooperating landowners in such projects for the
 42 expected life of the project and with such terms and conditions as the
 43 director, after consultation with the Kansas department of agriculture, the

1 Kansas department of health and environment, the Kansas department of
 2 wildlife and parks and the Kansas ~~department of agriculture~~ *office of*
 3 *natural resources*, division of conservation, may deem appropriate.

4 (2) Notice of the easement shall be given to the county or counties ~~in~~
 5 ~~which~~ *where* the easement is proposed and to any municipality or other
 6 governmental entity that, in the opinion of the director, holds a riparian
 7 interest in the river and may have an interest in the project or results
 8 thereof. Those persons or entities receiving notice shall have a period, not
 9 to exceed 30 days, to provide comment on the proposed easement to the
 10 director.

11 (3) In the event such an easement is proposed to be granted on state
 12 property owned or managed by any other agency of the state, the director
 13 shall give notice of the proposed easement and project to that agency and
 14 shall jointly negotiate any easement so granted.

15 (4) A copy of all easements so entered shall be filed by the director
 16 with the office of the secretary of state and the office of the register of
 17 deeds for the county or counties ~~in which~~ *where* the easement is located.

18 (c) The director shall adopt rules and regulations necessary to carry
 19 out the provisions of this act.

20 Sec. 56. K.S.A. 82a-301 is hereby amended to read as follows: 82a-
 21 301. (a) (1) Except as provided in subsections (c) and (d), without the prior
 22 consent or permit of the chief engineer of the *Kansas office of*
 23 *natural resources*, division of water resources ~~of the Kansas department of~~
 24 ~~agriculture~~, it shall be unlawful for any person, partnership, association,
 25 corporation or agency or political subdivision of the state government to:

26 (A) Construct, modify or add to any dam;

27 (B) construct, modify or add to any water obstruction in a designated
 28 stream; or

29 (C) change or diminish the course, current, or cross section of any
 30 designated stream within this state.

31 (2) Any application for any permit or consent shall be made in
 32 writing in such form as specified by the chief engineer.

33 (3) Revetments for the purpose of stabilizing a caving bank which are
 34 properly placed shall not be construed as obstructions for the purposes of
 35 this section.

36 (b) As used in K.S.A. 82a-301 et seq., and amendments thereto:

37 (1) "Dam" means any artificial barrier including appurtenant works
 38 with the ability to impound water, waste water or other liquids that has a
 39 height of 25 feet or more; or has a height of six feet or greater and a
 40 storage volume at the top of the emergency spillway elevation of 50 or
 41 more acre feet. The height of a dam or barrier shall be measured from the
 42 lowest elevation of the streambed, downstream toe or outside limit of the
 43 dam to the elevation of the top of the dam.

1 (2) "Designated stream" means a natural or man-made channel that
2 conveys drainage or runoff from a watershed having an area of:

3 (A) One or more square miles in zone one, which includes all
4 geographic points located in or east of Washington, Clay, Dickinson,
5 Marion, Harvey, Sedgwick or Sumner counties;

6 (B) two or more square miles in zone two, which includes all
7 geographic points located west of zone one and in or east of Smith,
8 Osborne, Russell, Barton, Stafford, Pratt or Barber counties; or

9 (C) three or more square miles in zone three, which includes all
10 geographic points located west of zone two.

11 (c) (1) The prior written consent or permit of the chief engineer shall
12 not apply to water obstructions that meet the following requirements:

13 (A) The change in the cross section of a designated stream is
14 obstructed less than 5% and the water obstruction or change is contained
15 within a land area measuring 25 feet or less along the stream length; or

16 (B) (i) the water obstruction is not a dam as defined in subsection (b);

17 (ii) the water obstruction is not located within an incorporated area;

18 (iii) every part of the water obstruction, and any water impounded by
19 such obstruction, is located more than 300 feet from any property
20 boundary; and

21 (iv) the watershed area above the water obstruction is five square
22 miles or less.

23 (2) If the water obstruction does not meet the requirements of
24 subsection (c)(1)(B)(iii), but meets all other requirements of subsection (c)
25 (1)(B), such water obstruction may be exempted from the permitting
26 requirements of subsection (a) if the chief engineer determines such water
27 obstruction has minimal impact upon safety and property based upon a
28 review of the information, to be provided by the owner, including:

29 (A) An aerial photo or topographic map depicting the location of the
30 proposed project, the location of the stream, the layout of the water
31 obstruction, the property lines and names and addresses of adjoining
32 property owners; and

33 (B) the principal dimensions of the project including, but not limited
34 to, the height above streambed.

35 (3) Notwithstanding any other provision of this section, the chief
36 engineer may require a permit for any water obstruction described in this
37 subsection if the chief engineer determines such permit is necessary for the
38 protection of life or property.

39 (d) The prior written consent or permit of the chief engineer shall not
40 be required for construction or modification of a hazard class A dam that:

41 (1) Has a height of less than 30 feet and a storage volume at the top
42 of the emergency spillway elevation of less than 125 acre feet, and the dam
43 location and dimensions have been registered with the division of water

1 resources in a written form prescribed by the chief engineer; or

2 (2) is a wastewater storage structure for a confined feeding facility
3 that has been approved by the secretary of health and environment
4 pursuant to K.S.A. 65-171d, and amendments thereto.

5 Sec. 57. K.S.A. 82a-301a is hereby amended to read as follows: 82a-
6 301a. It is the intent of the legislature by this act to provide for the
7 exclusive regulation of construction, operation and maintenance of all
8 dams or other water obstructions by the state to the extent required for the
9 protection of public safety. All dams or other water obstructions are
10 declared to be under the jurisdiction of the *Kansas office of natural*
11 *resources*, division of water resources—of the ~~Kansas department of~~
12 ~~agriculture~~ and the chief engineer thereof. The chief engineer or ~~his or her~~
13 *the chief engineer's* authorized representative shall supervise the
14 construction, modification, operation and maintenance of dams or other
15 water obstructions for the protection of life and property.

16 Sec. 58. K.S.A. 82a-303a is hereby amended to read as follows: 82a-
17 303a. The chief engineer of the *Kansas office of natural resources*,
18 division of water resources—of the ~~Kansas department of~~ ~~agriculture~~ shall
19 adopt and may from time to time amend rules and regulations in order to
20 establish standards for the construction, modification, operation and
21 maintenance of dams and other water obstructions and to administer and
22 enforce the provisions of this act.

23 Sec. 59. K.S.A. 2024 Supp. 82a-326 is hereby amended to read as
24 follows: 82a-326. When used in this act:

25 (a) "Water development project" means any project or plan that
26 requires a permit pursuant to K.S.A. 24-126, 24-1213, 82a-301 et seq., and
27 amendments thereto, or the multipurpose small lakes program act;

28 (b) "environmental review agencies" means the:

29 (1) Kansas department of wildlife and parks;

30 (2) Kansas forest service;

31 (3) state biological survey;

32 (4) Kansas department of health and environment;

33 (5) state historical society;

34 (6) ~~Kansas department of~~ ~~agriculture~~ *office of natural resources*,
35 division of conservation; and

36 (7) state corporation commission.

37 Sec. 60. K.S.A. 82a-328 is hereby amended to read as follows: 82a-
38 328. There is hereby created in the state treasury the water structures fund.
39 The chief engineer of the *Kansas office of natural resources*, division of
40 water resources, ~~Kansas department of~~ ~~agriculture~~ shall remit all moneys
41 received under K.S.A. 82a-302, 82a-303b and 24-126, and amendments
42 thereto, to the state treasurer in accordance with the provisions of K.S.A.
43 75-4215, and amendments thereto. Upon receipt of each such remittance,

1 the state treasurer shall deposit the entire amount in the state treasury to
2 the credit of the water structures fund. All expenditures from the water
3 structures fund shall be made in accordance with appropriation acts upon
4 warrants of the director of accounts and reports issued pursuant to
5 vouchers approved by the ~~secretary of agriculture~~ *executive director of the*
6 *Kansas office of natural resources* or by a person designated by the
7 ~~secretary~~ *executive director*.

8 Sec. 61. K.S.A. 82a-405 is hereby amended to read as follows: 82a-
9 405. Any landowner owning land in the state of Kansas, not within the
10 corporate limits in any city in this state, who shall lawfully by the
11 construction of a dam across a dry watercourse or any stream or
12 watercourse draining an area not exceeding 10 square miles, form upon
13 such landowner's own land one or more reservoirs, having along the axis
14 of the dam at the lowest point in the natural bed of a stream or watercourse
15 a depth of not less than 10 feet and a storage capacity at spillway level,
16 including the volume of any excavation in the reservoir area below such
17 level, of not less than five acre feet, for the collection and storage of
18 surface water or flood detention storage, and who shall maintain such dam
19 or dams in a condition satisfactory to the chief engineer of the *Kansas*
20 *office of natural resources*, division of water resources ~~in the Kansas~~
21 ~~department of agriculture~~, shall be entitled to an exemption from taxes
22 levied upon such land in the amount prescribed by K.S.A. 79-201g, and
23 amendments thereto.

24 Sec. 62. K.S.A. 82a-603 is hereby amended to read as follows: 82a-
25 603. Whenever a petition as provided in the preceding section is filed with
26 the county clerk, the county clerk shall thereupon give notice to the county
27 commissioners of the filing and pendency of such petition and the county
28 commissioners shall forthwith fix a time within 30 days from date of filing
29 of the petition, for a hearing of the same and the county clerk shall at least
30 seven days before date fixed for such hearing, give or send by mail,
31 written notice thereof to each of the petitioners, and shall transmit to the
32 chief engineer of the *Kansas office of natural resources*, division of water
33 resources, ~~Kansas department of agriculture~~, one copy of the petition and
34 notice of the date set for its consideration.

35 Sec. 63. K.S.A. 82a-612 is hereby amended to read as follows: 82a-
36 612. As used in this act, unless the context clearly requires otherwise:

37 (a) "District" means a rural water district organized pursuant to this
38 act;

39 (b) "board" means the governing body of a district;

40 (c) the terms "board of county commissioners" and "county clerk"
41 ~~shall mean~~ *means*, respectively, the board of county commissioners and
42 county clerk of the county ~~in which~~ *where* the greatest portion of the
43 territory of any existing or proposed rural water district is located;

1 (d) "participating member" means an individual, firm, partnership,
2 association or corporation ~~and that:~~

3 (1) ~~Which~~ Has subscribed to one or more benefit units of such
4 district; or

5 (2) ~~which~~ is charged a franchise fee for water service ~~which that~~ is
6 paid, either directly or indirectly through another water provider, to such
7 district;

8 (e) "chief engineer" means the chief engineer of the *Kansas office of*
9 *natural resources*, division of water resources, ~~Kansas department of~~
10 ~~agriculture.~~

11 Sec. 64. K.S.A. 82a-701 is hereby amended to read as follows: 82a-
12 701. ~~When~~ *As* used in this act, unless the context indicates otherwise, ~~the~~
13 ~~following words shall have the following meanings:~~

14 (a) "Person" ~~shall mean and include~~ *means* a natural person, a
15 partnership, an organization, a corporation, a municipality and any agency
16 of the state or federal government.

17 (b) "Chief engineer" means the chief engineer of the *Kansas office of*
18 *natural resources*, division of water resources ~~of the Kansas department of~~
19 ~~agriculture.~~

20 (c) "Domestic uses" means the use of water by any person or by a
21 family unit or household for household purposes, or for the watering of
22 livestock, poultry, farm and domestic animals used in operating a farm,
23 and for the irrigation of lands not exceeding a total of two acres in area for
24 the growing of gardens, orchards and lawns.

25 (d) "Vested right" means the right of a person under a common law or
26 statutory claim to continue the use of water having actually been applied to
27 any beneficial use, including domestic use, on or before June 28, 1945, to
28 the extent of the maximum quantity and rate of diversion for the beneficial
29 use made thereof, ~~and shall include.~~ *"Vested right" includes* the right to
30 take and use water for beneficial purposes where a person is engaged in
31 the construction of works for the actual application of water to a beneficial
32 use on June 28, 1945, provided such works shall be completed and water is
33 actually applied for such use within a reasonable time thereafter by such
34 person, such person's heirs, successors or assigns. ~~Such a right~~ *"Vested*
35 *right"* does not include, ~~however,~~ those common law claims under which a
36 person has not applied water to any beneficial use within the periods of
37 time set out in this subsection.

38 (e) "Appropriator" ~~means and includes~~ a person who has an
39 appropriation right that has been perfected in conformity with article 7 of
40 chapter 82a of the Kansas Statutes Annotated, and amendments thereto.

41 (f) "Appropriation right" is a right, acquired under the provisions of
42 article 7 of chapter 82a of the Kansas Statutes Annotated, and amendments
43 thereto, to divert from a definite water supply a specific quantity of water

1 at a specific rate of diversion, ~~provided if~~ such water is available in excess
2 of the requirements of all vested rights that relate to such supply and all
3 appropriation rights of earlier date that relate to such supply, and to apply
4 such water to a specific beneficial use or uses in preference to all
5 appropriations right of later date.

6 (g) "Water right" means any vested right or appropriation right under
7 which a person may lawfully divert and use water. ~~It~~ A "water right" is a
8 real property right appurtenant to and severable from the land on or in
9 connection with which the water is used and such water right passes as an
10 appurtenance with a conveyance of the land by deed, lease, mortgage, will,
11 or other disposal, or by inheritance.

12 Sec. 65. K.S.A. 2024 Supp. 82a-708b is hereby amended to read as
13 follows: 82a-708b. (a) (1) Any owner of a water right may change the
14 place of use, the point of diversion or the use made of the water, without
15 losing priority of right, provided such owner shall:

16 (A) Apply in writing to the chief engineer for approval of any
17 proposed change;

18 (B) demonstrate to the chief engineer that any proposed change is
19 reasonable and will not impair existing rights;

20 (C) demonstrate to the chief engineer that any proposed change
21 relates to the same local source of supply as that to which the water right
22 relates; and

23 (D) receive the approval of the chief engineer with respect to any
24 proposed change.

25 (2) The chief engineer shall approve or reject the application for
26 change in accordance with the provisions and procedures prescribed for
27 processing original applications for permission to appropriate water.

28 (3) If the chief engineer disapproves the application for change, the
29 rights, priorities and duties of the applicant shall remain unchanged.

30 (4) Any person aggrieved by an order or decision by the chief
31 engineer relating to an application for change may petition for review
32 thereof in accordance with the ~~provisions of K.S.A. 82a-1901, and~~
33 ~~amendments thereto~~ *Kansas judicial review act.*

34 (b) Each application to change the place of use, the point of diversion
35 or the use made of the water under this section shall be accompanied by
36 the application fee set forth in the schedule below:

- 37 (1) Application to change a point of diversion 300
38 feet or less.....\$100
- 39 (2) Application to change a point of diversion more
40 than 300 feet.....200
- 41 (3) Application to change the place of use..... 200
- 42 (4) Application to change the use made of water..... 300

1 On and after July 1, 2028, the application fee shall be set forth in the
2 schedule below:

- 3 (1) Application to change a point of diversion 300
4 feet or less..... \$50
- 5 (2) Application to change a point of diversion more
6 than 300 feet..... 100
- 7 (3) Application to change the place of use..... 100
- 8 (4) Application to change the use made of the water..... 150

9
10 The chief engineer shall render a decision on such permit applications
11 within 150 days of receiving a complete application except when the
12 application cannot be processed due to the standards established in K.A.R.
13 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
14 complete application, the application fee is subject to refund upon request.

15 (c) All fees collected by the chief engineer pursuant to this section
16 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
17 amendments thereto.

18 Sec. 66. K.S.A. 82a-711 is hereby amended to read as follows: 82a-
19 711. (a) If a proposed use neither impairs a use under an existing water
20 right nor prejudicially and unreasonably affects the public interest, the
21 chief engineer shall approve all applications for such use made in good
22 faith in proper form ~~which~~ that contemplate the utilization of water for
23 beneficial purpose, within reasonable limitations except that the chief
24 engineer shall not approve any application submitted for the proposed use
25 of fresh water in any case where other waters are available for such
26 proposed use and the use thereof is technologically and economically
27 feasible. Otherwise, the chief engineer shall make an order rejecting such
28 application or requiring its modification to conform to the public interest
29 to the end that the highest public benefit and maximum economical
30 development may result from the use of such water.

31 (b) In ascertaining whether a proposed use will prejudicially and
32 unreasonably affect the public interest, the chief engineer shall take into
33 consideration:

- 34 (1) Established minimum desirable streamflow requirements;
- 35 (2) the area, safe yield and recharge rate of the appropriate water
36 supply;
- 37 (3) the priority of existing claims of all persons to use the water of the
38 appropriate water supply;
- 39 (4) the amount of each claim to use water from the appropriate water
40 supply; and
- 41 (5) all other matters pertaining to such question.

42 (c) With regard to whether a proposed use will impair a use under an
43 existing water right, impairment shall include the unreasonable raising or

1 lowering of the static water level or the unreasonable increase or decrease
2 of the streamflow or the unreasonable deterioration of the water quality at
3 the water user's point of diversion beyond a reasonable economic limit.
4 Any person aggrieved by any order or decision by the chief engineer
5 relating to that person's application for a permit to appropriate water may
6 petition for review thereof in accordance with the provisions of K.S.A.
7 ~~82a-1901, and amendments thereto~~ *Kansas judicial review act.*

8 Sec. 67. K.S.A. 2024 Supp. 82a-714 is hereby amended to read as
9 follows: 82a-714. (a) Upon the completion of the construction of the
10 works and the actual application of water to the proposed beneficial use
11 within the time allowed, the applicant shall notify the chief engineer to that
12 effect. The chief engineer or the chief engineer's duly authorized
13 representative shall then examine and inspect the appropriation diversion
14 works and, if it is determined that the appropriation diversion works have
15 been completed and the appropriation right perfected in conformity with
16 the approved application and plans, the chief engineer shall issue a
17 certificate of appropriation in duplicate. The original of such certificate
18 shall be sent to the owner and shall be recorded with the register of deeds
19 in the county or counties ~~wherein~~ *where* the point of diversion is located,
20 as are other instruments affecting real estate, and the duplicate shall be
21 made a matter of record in the office of the chief engineer.

22 (b) Not later than 60 days before the expiration of the time allowed in
23 the permit to complete the construction of the appropriation diversion
24 works or the time allowed in the permit to actually apply water to the
25 proposed beneficial use, the chief engineer shall notify the permit holder
26 by certified mail that any request for extension of such time ~~must~~ *must* be
27 filed with the chief engineer before the expiration of the time allowed in
28 the permit.

29 (c) Unless the applicant requests an extension or the certificate has
30 not been issued due to the applicant's failure to comply with reasonable
31 requests for information or to allow the opportunity to examine and inspect
32 the appropriation diversion works, as necessary for certification, the chief
33 engineer shall certify an appropriation:

34 (1) Before July 1, 2004, if the time allowed in the permit to perfect
35 the water right expired before July 1, 1999, except in those cases in which
36 abandonment proceedings pursuant to K.S.A. 82a-718, and amendments
37 thereto, are pending on July 1, 2004;

38 (2) before July 1, 2006, in such cases in which an abandonment
39 proceeding was pending pursuant to K.S.A. 82a-718, and amendments
40 thereto, on July 1, 2004; or

41 (3) not later than five years after the date the applicant notifies the
42 chief engineer of the completion of construction of the works and the
43 actual application of water to the proposed beneficial use within the time

1 allowed, in all other cases.

2 ~~If the chief engineer fails to issue a certificate within the time provided~~
3 ~~by this subsection, the applicant may request review, pursuant to K.S.A.~~
4 ~~82a-1901, and amendments thereto, of the chief engineer's failure to act.~~

5 (d) Except for works constructed to appropriate water for domestic
6 use, each notification to the chief engineer under subsection (a) shall be
7 accompanied by a field inspection fee of \$400, or on and after July 1,
8 2028, a fee of \$200, except that for applications filed on or after July 1,
9 2009, for works constructed for sediment control use and for evaporation
10 from a groundwater pit for industrial use shall be accompanied by a field
11 inspection fee of \$200. Failure to pay the field inspection fee, after
12 reasonable notice by the chief engineer of such failure, shall result in the
13 permit to appropriate water being revoked, forfeiture of the priority date
14 and revocation of any appropriation right that may exist.

15 (e) A request for an extension of time to:

16 (1) Complete the diversion works; or

17 (2) perfect the water right, shall be accompanied by a fee of \$50, or
18 commencing July 1, 2002, and ending June 30, 2028, a fee of \$100.

19 (f) A request to reinstate a water right or a permit to appropriate water
20 that has been dismissed shall be filed with the chief engineer within 60
21 days of the date dismissed and shall be accompanied by a fee of \$100, or
22 commencing July 1, 2002, and ending June 30, 2028, a fee of \$200.

23 (g) All fees collected by the chief engineer pursuant to this section
24 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
25 amendments thereto.

26 Sec. 68. K.S.A. 82a-718 is hereby amended to read as follows: 82a-
27 718. (a) All appropriations of water must be for some beneficial purpose.
28 Every water right of every kind shall be deemed abandoned and shall
29 terminate when without due and sufficient cause no lawful, beneficial use
30 is henceforth made of water under such right for five successive years.
31 Before any water right shall be declared abandoned and terminated the
32 chief engineer shall conduct a hearing thereon. Notice shall be served on
33 the user at least 30 days before the date of the hearing. The determination
34 of the chief engineer pursuant to this section shall be subject to review in
35 accordance with the provisions of K.S.A. 82a-1901, and amendments
36 thereto *Kansas judicial review act.*

37 The verified report of the chief engineer or such engineer's authorized
38 representative shall be prima facie evidence of the abandonment and
39 termination of any water right.

40 (b) Except as provided in subsection (e), when no lawful, beneficial
41 use of water under a water right has been reported for three successive
42 years, the chief engineer shall notify the user, by certified mail, return
43 receipt requested, that:

1 (1) No lawful, beneficial use of the water has been reported for three
 2 successive years;

3 (2) if no lawful, beneficial use is made of the water for five
 4 successive years, the right may be terminated; and

5 (3) the right will not be terminated if the user shows that for one or
 6 more of the five consecutive years the beneficial use of the water was
 7 prevented or made unnecessary by circumstances that are due and
 8 sufficient cause for nonuse, which circumstances shall be included in the
 9 notice.

10 (c) The provisions of subsection (a) shall not apply to a water right
 11 that has not been declared abandoned and terminated before the effective
 12 date of this act if the five years of successive nonuse occurred exclusively
 13 and entirely before January 1, 1990. However, the provisions of subsection
 14 (a) shall apply if the period of five successive years of nonuse began
 15 before January 1, 1990, and continued after that date.

16 (d) Notwithstanding the provisions of subsection (a), an eligible
 17 water right enrolled in and continually in compliance with the water rights
 18 conservation program, pursuant to K.S.A. 82a-741, and amendments
 19 thereto, shall be deemed to have due and sufficient cause for nonuse and
 20 shall not be deemed abandoned.

21 (e) Notwithstanding the provisions of subsection (a), a groundwater
 22 right, ~~which~~ *that* has as its local supply an aquifer area that has been closed
 23 to new appropriations by rule, regulation or order of the chief engineer
 24 shall be deemed to have due and sufficient cause for nonuse and shall not
 25 be deemed abandoned.

26 Sec. 69. K.S.A. 82a-724 is hereby amended to read as follows: 82a-
 27 724. Any order pursuant to ~~K.S.A. 82a-1901~~ *section 8*, and amendments
 28 thereto, upon review of any action of the chief engineer pursuant to K.S.A.
 29 82a-704a, 82a-708b, 82a-711 or 82a-718, and amendments thereto, is
 30 subject to review in accordance with the Kansas judicial review act.

31 Sec. 70. K.S.A. 82a-731 is hereby amended to read as follows: 82a-
 32 731. There is hereby created in the state treasury the water appropriation
 33 certification fund. The chief engineer of the *Kansas office of natural*
 34 *resources*, division of water resources ~~of the Kansas department of~~
 35 ~~agriculture~~ shall remit all moneys received under K.S.A. 82a-708a, 82a-
 36 708b ~~and~~, 82a-727, ~~and amendments thereto, and~~ K.S.A. 82a-741, and
 37 amendments thereto, to the state treasurer in accordance with the
 38 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
 39 each such remittance, the state treasurer shall deposit the entire amount in
 40 the state treasury to the credit of the water appropriation certification fund.
 41 All expenditures from the water appropriation certification fund shall be
 42 made in accordance with appropriation acts upon warrants of the director
 43 of accounts and reports issued pursuant to vouchers approved by the

1 ~~secretary of agriculture~~ *executive director of the Kansas office of natural*
2 *resources* or by a person designated by the ~~secretary~~ *executive director*.

3 Sec. 71. K.S.A. 82a-732 is hereby amended to read as follows: 82a-

4 732. (a) The owner of a water right or permit to appropriate water for
5 beneficial use, except for domestic use, shall file or cause to be filed an
6 annual water use report for the previous calendar year on a form
7 prescribed by the chief engineer of the *Kansas office of natural resources*,
8 division of water resources ~~of the Kansas department of agriculture~~ on or
9 before March 1 following the end of the previous calendar year. The report
10 shall completely and accurately set forth such water use information as
11 requested by the chief engineer.

12 (b) Any owner of a water right or permit to appropriate water for
13 beneficial use, except for domestic use, who fails to timely file a water use
14 report or other documents required under the provisions of subsection (a)
15 shall be subject to a civil penalty in an amount not to exceed \$1,000 per
16 water right. In addition to assessing a civil penalty as provided in this
17 section, in the event the owner of a water right or permit to appropriate
18 water for beneficial use fails to file or cause to be filed an annual water use
19 report by June 1 of the calendar year in which it is due, the chief engineer
20 may issue an order indefinitely suspending all water use under such water
21 right or permit to appropriate water for beneficial use until such time as the
22 annual water use report has been submitted or the chief engineer has
23 determined that water use has been otherwise sufficiently documented
24 with the division. The chief engineer upon a finding that the owner of a
25 water right or permit to appropriate water for beneficial use has failed to
26 file or cause to be filed such a report may impose a civil penalty, suspend
27 the water right indefinitely, or require use of telemetry for the purpose of
28 documentation.

29 (c) Any person filing a document knowing it to contain any false
30 information as to a material matter shall be guilty of a class C
31 misdemeanor.

32 (d) All fines collected by the chief engineer pursuant to this section
33 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
34 amendments thereto.

35 (e) This section shall be *a* part of and supplemental to the water
36 appropriation act, K.S.A. 82a-701 et seq., and amendments thereto.

37 Sec. 72. K.S.A. 82a-733 is hereby amended to read as follows: 82a-

38 733. (a) The chief engineer may require an applicant for a permit to
39 appropriate water for beneficial use or the owner of a water right or permit
40 to appropriate water for beneficial use to adopt and implement
41 conservation plans and practices. The chief engineer shall not mandate the
42 adoption and implementation of conservation plans and practices except
43 pursuant to a finding that such plans and practices will assure public

1 benefit and promote public interest. In selecting the applications, water
2 rights or permits for which conservation plans and practices are required to
3 be adopted and implemented, the chief engineer shall give priority to: (1)
4 Water users that share a common source of supply that could be
5 insufficient during times of drought; (2) water users whose use is
6 significantly higher than their peers from the same geographical area with
7 comparable circumstances; and (3) water users who apply for any state
8 administered grant, loan or cost-share moneys for water-related projects.
9 Prior to requiring the adoption and implementation of conservation plans
10 and practices, the chief engineer shall assess the availability of technical
11 assistance and inform the owner of a water right or permit to appropriate
12 water for beneficial use or the applicant for such a permit who is required
13 to adopt and implement a conservation plan and practices of the available
14 sources of technical assistance to prepare the conservation plan.

15 (b) The chief engineer shall allow the owner of a water right or
16 permit to appropriate water for beneficial use or the applicant for such a
17 permit a minimum of 60 days to prepare a required conservation plan. The
18 time allowed to prepare the required conservation plan may be extended
19 by the chief engineer for good cause shown by the applicant. The chief
20 engineer shall provide the owner of the water right or permit to appropriate
21 water for beneficial use or the applicant for such a permit a reasonable
22 time to implement the conservation plan and, for good cause shown, such
23 as the need to apply extensive land treatment practices, the chief engineer
24 may extend the time for implementation for a period of up to five years.

25 (c) Plans and practices required pursuant to this section shall be
26 consistent with the guidelines for conservation plans and practices
27 developed and maintained by the Kansas ~~water~~ office *of natural resources,*
28 *division of water policy and planning* pursuant to ~~subsection (c) of~~ K.S.A.
29 74-2608(c), and amendments thereto. If requested by the owner of the
30 water right or permit to appropriate water for beneficial use or the
31 applicant for such a permit, the chief engineer, in consultation with the
32 director of the ~~Kansas water office~~ *division of water policy and planning,*
33 shall determine whether such plans and practices are consistent with the
34 guidelines adopted by the ~~Kansas water office~~ *division of water policy and*
35 *planning.* The ~~Kansas water office~~ *division of water policy and planning*
36 shall provide, or arrange to provide, technical assistance for water users
37 required to adopt and implement conservation plans and practices pursuant
38 to this section.

39 (d) Before any state agency makes any loan or grant, or provides any
40 cost-share funds, for any water-related projects to any person or entity, the
41 state agency may require the person or entity to submit to, and have
42 approved by, the chief engineer a water conservation plan consistent with
43 the guidelines for conservation plans and practices developed and

1 maintained by the ~~Kansas water office~~ *division of water policy and*
2 *planning* pursuant to ~~subsection (e)~~ of K.S.A. 74-2608(c), and
3 amendments thereto.

4 (e) As used in this section, "water-related projects" ~~shall include~~
5 *includes*, but *is not* ~~be~~ limited to, the following: Interconnections between
6 water supply systems; development of new water supply and delivery
7 systems; improvements or repairs to an existing water supply system,
8 sanitary sewer system or water treatment system, ~~which that~~ would
9 significantly increase the amount of water used; small lakes development,
10 improvement or repair; and development of other small impoundments for
11 public water supply or irrigation.

12 (f) The chief engineer may approve the conservation plans and
13 practices required pursuant to the provisions of this section on such terms,
14 conditions and limitations as deemed necessary to carry out the provisions
15 of this section. The implementation of the conservation plan and practices
16 as approved or any subsequent approved modification shall constitute a
17 condition of the water right or permit to appropriate water for beneficial
18 use.

19 (g) Any conservation plans and practices required pursuant to this
20 section with regard to any groundwater right or permit to appropriate
21 groundwater from within the boundaries of a groundwater management
22 district shall be subject to approval by both the chief engineer and the
23 board of directors of the groundwater management district unless such
24 plans and practices are incorporated in the groundwater management
25 district's management program ~~which that~~ has been approved by the chief
26 engineer pursuant to K.S.A. 82a-1029, and amendments thereto.

27 (h) The chief engineer may delegate authority to implement and
28 enforce any of the provisions of this section to a groundwater management
29 district on such terms as may be appropriate and necessary to carry out the
30 provisions of this section within the boundaries of such district.

31 (i) The chief engineer may delegate to any city ~~which that~~ has
32 conservation plans meeting state guidelines the authority to require
33 domestic water users within such city to adopt and implement
34 conservation plans and practices so that such city can require compliance
35 from private domestic well owners within the city limits.

36 (j) This section shall be *a* part of and supplemental to the Kansas
37 water appropriation act.

38 Sec. 73. K.S.A. 2024 Supp. 82a-736 is hereby amended to read as
39 follows: 82a-736. (a) It is hereby recognized that an opportunity exists to
40 improve water management by enabling multi-year flexibility in the use of
41 water authorized to be diverted under a groundwater water right, provided
42 that such flexibility neither impairs existing water rights, nor increases the
43 total amount of water diverted, so that such flexibility has no long-term

1 negative effect on the source of supply. It is therefore declared necessary
2 and advisable to permit the establishment of multi-year flex accounts for
3 groundwater water rights, together with commensurate protections for
4 existing water rights and their source of supply.

5 (b) As used in this section:

6 (1) "Alternative base average usage" means an allocation based on
7 net irrigation requirements calculated pursuant to subsection (c)(1)(D)(ii)
8 that may be used in place of the base average usage.

9 (2) "Base water right" means a water right under which an applicant
10 applies to the chief engineer to establish a multi-year flex account and
11 where all of the following conditions exist:

12 (A) The authorized source of supply is groundwater; and

13 (B) the water right is not currently the subject of a multi-year
14 allocation due to a change approval that allows an expansion of the
15 authorized place of use.

16 (3) "Multi-year flex account" means a term permit that suspends a
17 base water right during its term, except when the term permit may be no
18 longer exercised because of an order of the chief engineer, and is subject to
19 the terms and conditions as provided in subsection (e).

20 (4) "Base average usage" means:

21 (A) The average amount of water actually diverted for the authorized
22 beneficial use under the base water right during calendar years 2000
23 through 2009, excluding:

24 (i) Any amount diverted in any such year that exceeded the amount
25 authorized by the base water right;

26 (ii) any amount applied to an unauthorized place of use; and

27 (iii) diversions in calendar years when water was diverted under a
28 multi-year allocation with an expansion of the authorized place of use due
29 to a change approval;

30 (B) if water use records are inadequate to accurately determine actual
31 water use or upon demonstration of good cause by the applicant, the chief
32 engineer may calculate the base average usage with less than all 10
33 calendar years during 2000 and 2009. In no case shall the base average
34 usage be calculated with less than five calendar years during 2000 and
35 2009; or

36 (C) if the holder of the base water right shows to the satisfaction of
37 the chief engineer that water conservation reduced water use under the
38 base water right during calendar years 2000 through 2009, then the base
39 average usage shall be calculated with the five calendar years immediately
40 before the calendar year when water conservation began.

41 (5) "Chief engineer" means the chief engineer of the *Kansas office of*
42 *natural resources*, division of water resources—~~of the department of~~
43 ~~agriculture~~.

1 (6) "Flex account acreage" means the maximum number of acres
 2 lawfully irrigated during a calendar year, except for any acres irrigated
 3 under a multi-year allocation that allowed for an expansion of the
 4 authorized place of use due to a change approval and any of the following
 5 conditions are met:

- 6 (A) The calendar year is 2000 through 2009;
- 7 (B) if water conservation reduced water use under the base water
 8 right during calendar years 2000 through 2009, the calendar year is a year
 9 within the five calendar years immediately prior to the calendar year when
 10 water conservation began; or
- 11 (C) if an application to appropriate water was approved after
 12 December 31, 2004, the calendar year is any during the perfection period.

13 (7) "Net irrigation requirement" means the net irrigation requirement
 14 for 50% chance rainfall of the county that corresponds with the location of
 15 the authorized place of use of the base water right as provided in K.A.R. 5-
 16 5-12, on the effective date of this act.

17 (c) (1) Except as provided in K.S.A. 2024 Supp. 82a-774 and section
 18 ~~1 of chapter 76 of the 2023 Session Laws of Kansas~~, and amendments
 19 thereto, any holder of a base water right that has not been deposited or
 20 placed in a safe deposit account in a chartered water bank may establish a
 21 multi-year flex account where the holder may deposit, in advance, the
 22 authorized quantity of water from such water right for any five consecutive
 23 calendar years, except when the chief engineer determines a shorter period
 24 is necessary for compliance with a local enhanced management area or an
 25 intensive groundwater use control area and the corrective controls in the
 26 area do not prohibit the use of multi-year flex accounts, and subject to all
 27 of the following:

- 28 (A) The water right must be vested or shall have been issued a
 29 certificate of appropriation;
- 30 (B) the withdrawal of water pursuant to the water right shall be
 31 properly and adequately metered;
- 32 (C) the water right is not deemed abandoned and is in compliance
 33 with the terms and conditions of its certificate of appropriation, all
 34 applicable provisions of law and orders of the chief engineer;
- 35 (D) the amount of water deposited in the multi-year flex account shall
 36 not exceed the greatest of the following:
 - 37 (i) 500% of the base average usage;
 - 38 (ii) 500% of the product of the annual net irrigation requirement
 39 multiplied by the flex account acreage, multiplied by 110%, but not greater
 40 than five times the maximum annual quantity authorized by the base water
 41 right;
 - 42 (iii) if the authorized place of use is located wholly within the
 43 boundaries of a groundwater management district, an amount that shall not

1 increase the long-term average use of the groundwater right as specified by
2 rule or regulation promulgated pursuant to K.S.A. 82a-1028(o), and
3 amendments thereto; or

4 (iv) pursuant to subparagraph (F), the amount computed in (i), (ii) or
5 (iii) plus any deposited water remaining in a multi-year flex account up to
6 100% of the base average usage or alternative base average usage;

7 (E) if the multi-year flex account is approved for less than five
8 calendar years, the amount of water deposited in the multi-year flex
9 account shall be prorated based on the number of calendar years approved
10 and otherwise calculated as required by subsection (c)(1)(D)(i), (ii) or (iii);
11 and

12 (F) any deposited water remaining in a multi-year flex account up to
13 100% of the base average usage or alternative base average usage may be
14 added to the deposit amount calculated in subparagraph (D) if the base
15 water right is enrolled in another multi-year flex account during the
16 calendar year in which the existing multi-year flex account expires. The
17 total amount of water deposited in any multi-year flex account shall not
18 exceed 500% of the authorized quantity of the base water right.

19 (2) The provisions of K.A.R. 5-5-11 are limited to changes in annual
20 authorized quantity and shall not apply to this subsection.

21 (d) The chief engineer shall implement a program providing for the
22 issuance of term permits to holders of groundwater water rights who have
23 established flex accounts in accordance with this section. Such term
24 permits shall authorize the use of water in a flex account at any time
25 during the consecutive calendar years for which the application for the
26 term permit authorizing a multi-year flex account is made, without annual
27 limits on such use.

28 (e) Term permits provided for by this section shall be subject to the
29 following:

30 (1) A separate term permit shall be required for each point of
31 diversion authorized by the base water right.

32 (2) The quantity of water authorized for diversion shall be limited to
33 the amount deposited pursuant to subsection (c)(1)(D).

34 (3) The rate of diversion for each point of diversion authorized under
35 the term permit shall not exceed the rate of diversion for each point of
36 diversion authorized under the base water right.

37 (4) The authorized place of use shall be the place of use or a
38 subdivision of the place of use for the base water right. Any approval of an
39 application to change the place of use of the base water right shall
40 automatically result in a change to the place of use for the term permit.

41 (5) The point of diversion authorized by the term permit shall be
42 specified by referencing one point of diversion authorized by the base
43 water right at the time the multi-year flex account term permit application

1 is filed with the chief engineer or at the time any approvals changing such
2 referenced point of diversion of the base water right are approved during
3 the multi-year flex account period. For a base water right with multiple
4 points of diversion, each point of diversion authorized by a term permit
5 shall receive a specific assignment of a maximum authorized quantity of
6 water, assigned proportionately to the authorized annual quantities of the
7 respective points of diversion under the base water right.

8 (6) The chief engineer may establish, by rules and regulations, criteria
9 for such term permits.

10 (7) Except as explicitly provided for by this section, such term
11 permits shall be subject to all provisions of the Kansas water appropriation
12 act, and rules and regulations adopted under such act, and nothing in this
13 section shall authorize impairment of any vested right or prior
14 appropriation right by the exercise of such term permit.

15 (f) An application for a multi-year flex account shall be filed with the
16 chief engineer on or before December 31 of the first year of the multi-year
17 flex account term for which the application is being made.

18 (g) All costs of administration of this section shall be paid from fees
19 for term permits provided for by this section. Any appropriation or transfer
20 from any fund other than the water appropriation certification fund for the
21 purpose of paying such costs shall be repaid to the fund from where such
22 appropriation or transfer is made. At the time of repayment, the ~~secretary~~
23 ~~of agriculture~~ *executive director of the Kansas office of natural resources*
24 shall certify to the director of accounts and reports the amount to be repaid
25 and the fund to be repaid. Upon receipt of such certification, the director of
26 accounts and reports shall promptly transfer the amount certified to the
27 specified fund.

28 (h) The fee for a multi-year flex account term permit shall be the
29 same as specified for other term permits in K.S.A. 82a-708c, and
30 amendments thereto.

31 (i) The chief engineer shall have full authority pursuant to K.S.A.
32 82a-706c, and amendments thereto, to require any additional measuring
33 devices and any additional reporting of water use for term permits issued
34 pursuant to this section. Failure to comply with any measuring or reporting
35 requirement may result in a penalty, up to and including the revocation of
36 the term permit and the suspension of the base water right for the duration
37 of the term permit period.

38 (j) The chief engineer shall submit a written report on the
39 implementation of this section to the house standing committee on
40 agriculture and natural resources and the senate standing committee on
41 natural resources on or before February 1 of each year.

42 (k) This section shall be a part of and supplemental to the Kansas
43 water appropriation act.

1 Sec. 74. K.S.A. 82a-737 is hereby amended to read as follows: 82a-
2 737. (a) As used in this section:

3 ~~(1) "chief engineer" means the chief engineer of the Kansas office of~~
4 ~~natural resources, division of water resources of the department of~~
5 ~~agriculture.~~

6 ~~(2) "Secretary" means the secretary of agriculture.~~

7 (b) Any person who commits any of the following may incur a civil
8 penalty as provided by this section:

9 (1) Any violation of the Kansas water appropriation act, K.S.A. 82a-
10 701 et seq., and amendments thereto, or any rule and regulation adopted
11 thereunder;

12 (2) any violation of an order issued pursuant to K.S.A. 82a-1038, and
13 amendments thereto, relating to an intensive groundwater use control area;
14 or

15 (3) any violation of a term, condition or limitation imposed by the
16 chief engineer as authorized by law, including, but not limited to: (A)
17 Diversion of water from an unauthorized point of diversion; (B) failure to
18 limit the use of water to the authorized place of use; (C) failure to submit
19 or comply with the terms of conservation plans as required pursuant to
20 K.S.A. 82a-733, and amendments thereto; (D) failure to comply with the
21 maximum annual quantity or rate of diversion authorized; (E) failure to
22 properly install, maintain or assure the accuracy of acceptable water
23 measurement devices; (F) failure to comply with orders related to
24 minimum desirable stream flow, unlawful diversion, impairment of senior
25 water rights or waste of water; or (G) failure to limit the use of water to an
26 authorized type of use.

27 (c) The amount of the civil penalty provided for by this section shall
28 be not less than \$100 nor more than \$1,000 per violation. In the case of a
29 continuing violation, each day such violation continues may be deemed a
30 separate violation. Such civil penalty may be assessed in addition to any
31 other penalty provided by law.

32 (d) The chief engineer or the chief engineer's duly authorized agent,
33 upon a finding that a person has committed a violation specified in
34 subsection (b), may order the modification or suspension of the person's
35 water right or use of water, in addition to any other penalty provided by
36 law.

37 (e) No civil penalty or suspension or modification of a water right or
38 use of water shall be imposed pursuant to this section except on the written
39 order of the chief engineer or duly authorized agent of the chief engineer.
40 Such order shall state the nature of the violation, the factual basis for the
41 finding, the penalty to be imposed and the appropriate procedure for
42 appeal of the order, ~~as established by K.S.A. 82a-1901, and amendments~~
43 ~~thereto.~~

1 (f) Any person aggrieved by an order of the chief engineer, or the
2 chief engineer's duly authorized agent, ~~pursuant to this section may request~~
3 ~~a hearing or review as provided by K.S.A. 82a-1901, and amendments~~
4 ~~thereto, and, upon exhaustion of administrative remedies,~~ may appeal to
5 the district court in the manner provided by the Kansas judicial review act.

6 (g) The provisions of this section shall be a part of and supplemental
7 to the Kansas water appropriation act.

8 Sec. 75. K.S.A. 82a-739 is hereby amended to read as follows: 82a-
9 739. The Kansas ~~water~~ office of *natural resources, division of water policy*
10 *and planning* shall purchase one water flow measurement device, and any
11 required data recording device for use with such water flow measurement
12 device, and shall provide for the permanent installation of such devices
13 below the dam of the Cedar Bluff reservoir in accordance with this section.
14 The water flow measurement device and any required data recording
15 device shall be installed at a downstream, man-made channel or drop
16 structure. Prior to installing any such water flow measurement device and
17 any required data recording device, ~~the Kansas water office~~ *division of*
18 *water policy and planning* shall obtain a written authorization from all
19 owners of the property at the location where the water flow measurement
20 device and any required data recording device are to be installed. All data
21 collected by such water flow measurement device shall be made available
22 to the general public electronically through the internet on a real time basis
23 as it is collected ~~and shall be reported to the senate committee on natural~~
24 ~~resources, the senate committee on ways and means subcommittee on the~~
25 ~~Kansas water office, the house committee on environment, and the house~~
26 ~~agriculture and natural resources budget committee during the 2007~~
27 ~~regular session of the legislature.~~

28 Sec. 76. K.S.A. 82a-762 is hereby amended to read as follows: 82a-
29 762. As used in this act:

30 (a) "Bank boundary" means the geographic area where a water bank
31 operates and conducts the functions of a water bank and may encompass
32 more than one hydrologic unit.

33 (b) "Bank charter" means a document that sets out the articles of
34 incorporation and principal functions of a water bank.

35 (c) "Bankable water right" means a water right that has been
36 determined pursuant to K.S.A. 82a-764, and amendments thereto, to be
37 bankable.

38 (d) "Chief engineer" means the chief engineer of the division.

39 (e) "Conservation element" means the portion of a deposit that is
40 taken out of use for the duration of the deposit and is not allowed to be
41 withdrawn and used by subsequent users.

42 (f) "Deposit," other than as used in "safe deposit account," refers to
43 the deposit of a water right, or portion of a water right, in a water bank for

1 the purpose of having the bank lease water from such water right, or
2 portion of a water right, to another person or entity.

3 (g) "Division" means the *Kansas office of natural resources*, division
4 of water resources ~~of the Kansas department of agriculture~~.

5 (h) "Hydrologic unit" means a defined area from which water rights
6 authorizing diversion of water from a source of supply may be deposited
7 and from which water from the same source of supply may be leased, in
8 accordance with the provisions of this act, without causing impairment of
9 existing water rights or a significantly different hydrological effect to other
10 users of water from the same source or hydraulically connected sources of
11 supply.

12 (i) "Linked water rights" means two or more water rights that
13 authorize common points of diversion or a common place of use, or both.

14 (j) "Safe deposit account" means a personal account held in a water
15 bank where unused water from a bankable water right is placed for use in
16 future years.

17 (k) "Term permit" means a permit to appropriate water for a specified
18 period of time.

19 (l) "Water bank" means a private not-for-profit corporation that: (1)
20 Leases water from water rights that have been deposited in the bank; and
21 (2) provides safe deposit accounts. A "water bank" may be a groundwater
22 bank or a surface water bank, or both.

23 Sec. 77. K.S.A. 82a-767 is hereby amended to read as follows: 82a-
24 767. (a) Not later than five years after the establishment of a water bank or
25 pursuant to subsection (e), the director of the Kansas ~~water~~ *office of*
26 *natural resources, division of water policy and planning* shall convene a
27 team to evaluate the operation of the bank. The team shall consist of:

28 (1) The director of the Kansas ~~water~~ *office of natural resources,*
29 *division of water policy and planning*, or the director's designee, who shall
30 serve as chairperson of the team;

31 (2) the director of the Kansas geological survey, or the director's
32 designee;

33 (3) two members who represent water right holders and water users
34 who have used the bank's services, ~~which members~~ *who* shall be selected
35 by the governing body of the bank;

36 (4) members selected by the chief engineer as follows: (A) Two
37 members engaged in teaching or research at institutions of postsecondary
38 education in subjects involving water resources, including, but not limited to,
39 water resources engineering and hydrology; (B) a member who is an
40 economist with knowledge and experience in water resources; (C) one
41 member having knowledge and experience in water law; and (D) two
42 members having knowledge and experience in water policy issues and
43 residing outside the bank boundary, who shall represent the public interest;

1 (5) one representative of each groundwater management district
2 located in whole or in part within the bank boundary selected by the board
3 of directors of such district; and

4 (6) one representative of each water assurance district located in
5 whole or in part within the bank boundary selected by the board of
6 directors of such district.

7 (b) The staff of the Kansas ~~water~~ office *of natural resources, division*
8 *of water policy and planning* shall provide staff assistance to the
9 evaluation team.

10 (c) Not more than one year after a team is convened pursuant to this
11 section, the team shall submit a report of its evaluation and
12 recommendations to the governor, the Kansas ~~water~~ office *of natural*
13 *resources*, the Kansas water authority, ~~the secretary of agriculture~~, the
14 chief engineer and the senate standing committee on natural resources and
15 the house standing committee on environment, or the successors to such
16 committees regarding:

17 (1) The operations and policies of the bank and whether they are
18 consistent with the provisions of this act, the state water plan and all
19 applicable statutes, rules and regulations, findings and orders of the chief
20 engineer, groundwater management district policies and water assurance
21 district operations plans;

22 (2) whether the operations of the bank are achieving the goals and
23 objectives of water banking as set out in the state water plan and whether
24 changes could be made to further those goals and objectives;

25 (3) the bank's impact on the entire area of all hydrologic units, any
26 parts of which are encompassed in the bank's boundary;

27 (4) any other matters the team determines relevant to the future of
28 water banking in the state;

29 (5) whether the charter of the bank should lapse, or the bank should
30 become chartered; and

31 (6) the terms under which the bank's charter should be allowed to
32 lapse, if the team recommends that the charter not be extended.

33 (d) Unless otherwise provided by law, the chief engineer, in
34 accordance with the recommendations of the team, may extend the charter
35 of the bank or may allow the bank charter to lapse under the terms
36 recommended by the team.

37 (e) If a bank is chartered, such charter shall be subject to review not
38 less than every five years by a team convened as prescribed in subsection
39 (a). The review team shall submit a report on the matters listed in
40 subsections (c)(1) through (c)(4).

41 Sec. 78. K.S.A. 82a-770 is hereby amended to read as follows: 82a-
42 770. (a) In addition to any other provision of this act or the Kansas water
43 appropriation act, and subject to the provisions of subsection (b), the chief

1 engineer may suspend the use of water under a term permit, an approved
 2 application for a permit to appropriate water for beneficial use, an
 3 appropriation right or a vested right, acquired pursuant to the provisions of
 4 the Kansas water appropriation act, for the failure to comply with the
 5 provisions of this act. The suspension may be for a defined period in a
 6 subsequent calendar year or years but does not include or prevent the
 7 enforcement of the terms, conditions and limitations of a water right or
 8 permit during the current year of use.

9 (b) The chief engineer shall suspend the use of water under a permit
 10 or water right pursuant to subsection (a) only upon notice and hearing ~~in~~
 11 ~~accordance with the provisions of the Kansas administrative procedure act.~~

12 (c) Orders of the chief engineer issued pursuant to this section are
 13 subject to review in accordance with the ~~provisions of K.S.A. 82a-1901,~~
 14 ~~and amendments thereto~~ *Kansas judicial review act.*

15 Sec. 79. K.S.A. 82a-771 is hereby amended to read as follows: 82a-
 16 771. Each water bank shall pay all costs incurred by the ~~division and by~~
 17 ~~the Kansas water~~ *office of natural resources, division of water policy and*
 18 *planning* for assistance and services provided pursuant to this act,
 19 including, but not limited to, costs for personnel necessary to provide such
 20 assistance and services.

21 Sec. 80. K.S.A. 82a-773 is hereby amended to read as follows: 82a-
 22 773. (a) There is hereby created in the state treasury the water office cost
 23 fund. *The water office cost fund is hereby redesignated as the division of*
 24 *water policy and planning cost fund.* The director of the ~~Kansas water~~
 25 ~~office of natural resources, division of water policy and planning~~ shall
 26 remit to the state treasurer in accordance with the provisions of K.S.A. 75-
 27 4215, and amendments thereto, all moneys received by the ~~water office~~
 28 ~~division~~ to reimburse costs as required by K.S.A. 82a-771, and
 29 amendments thereto. Upon receipt, the state treasurer shall deposit the
 30 entire amount in the state treasury and credit it to the ~~water office division~~
 31 *of water policy and planning* cost fund.

32 (b) Moneys in the ~~water office division of water policy and planning~~
 33 ~~cost fund~~ shall be expended only for the ~~Kansas water office's~~ ~~costs of~~
 34 ~~incurred by the Kansas office of natural resources, division of water policy~~
 35 ~~and planning~~ providing assistance and services as provided by this act.

36 (c) On or before the 10th of each month, the director of accounts and
 37 reports shall transfer from the state general fund to the ~~water office~~
 38 ~~division of water policy and planning~~ cost fund interest earnings based on:

39 (1) The average daily balance of moneys in the ~~water office division~~
 40 ~~of water policy and planning~~ cost fund for the preceding month; and

41 (2) the net earnings rate for the pooled money investment portfolio
 42 for the preceding month.

43 (d) All expenditures from the ~~water office division of water policy~~

1 *and planning* cost fund shall be made in accordance with appropriation
2 acts upon warrants of the director of accounts and reports issued pursuant
3 to vouchers approved by the director of the Kansas ~~water~~ *office of natural*
4 *resources, division of water policy and planning* for the purposes set forth
5 in this section.

6 Sec. 81. K.S.A. 82a-902 is hereby amended to read as follows: 82a-
7 902. ~~The following words when~~ *As* used in this act, ~~shall have the meaning~~
8 ~~ascribed in this section~~, except where the context clearly indicates a
9 different meaning:

10 (a) "Person" means ~~and~~ includes a natural person, partnership,
11 organization, association, private corporation, public corporation, any
12 taxing district or political subdivision of the state, and any department or
13 agency of the state government.

14 (b) "Public corporation" means a body that has for its object the
15 government of a political subdivision of this state and includes any county,
16 township, city, district, authority, or other municipal corporation or
17 political subdivision of this state.

18 (c) "Federal government" means the United States of America or any
19 department or agency thereof.

20 (d) ~~"Office" means the Kansas water office~~ *"Division" means the*
21 *Kansas office of natural resources, division of water policy and planning.*

22 Sec. 82. K.S.A. 2024 Supp. 82a-903 is hereby amended to read as
23 follows: 82a-903. In accordance with the policies and long-range goals and
24 objectives established by the legislature, the ~~office~~ *division* shall formulate
25 on a continuing basis a comprehensive state water plan for the
26 management, conservation and development of the water resources of the
27 state. Such state water plan shall include sections corresponding with
28 water planning areas as determined by the ~~office~~ *division*. ~~The Kansas~~
29 ~~water office~~ *division* and the Kansas water authority shall seek advice from
30 the general public and from committees consisting of individuals with
31 knowledge of and interest in water issues in the water planning areas. The
32 plan shall set forth the recommendations of the ~~office~~ *division* for the
33 management, conservation and development of the water resources of the
34 state, including the general location, character, and extent of such existing
35 and proposed projects, programs, and facilities as are necessary or
36 desirable in the judgment of the ~~office~~ *division* to accomplish such
37 policies, goals and objectives. The plan shall specify standards for
38 operation and management of such projects, programs, and facilities as are
39 necessary or desirable. The plan shall be formulated and used for the
40 general purpose of accomplishing the coordinated management,
41 conservation and development of the water resources of the state. ~~The~~
42 ~~Kansas office of natural resources, division of water resources of the~~
43 ~~Kansas department of agriculture and division of conservation, state~~

1 geological survey, the division of environment of the department of health
2 and environment, department of wildlife and parks, ~~Kansas department of~~
3 ~~agriculture division of conservation~~ and all other interested state agencies
4 shall cooperate with the office in formulation of such plan.

5 Sec. 83. K.S.A. 82a-905 is hereby amended to read as follows: 82a-
6 905. Prior to the submission of the state water plan or any section thereof
7 or any amendment thereto to the Kansas water authority, the legislature
8 and the governor, the ~~office~~ *division* shall hold public hearings at such
9 place or places as may be convenient to the area affected, to consider the
10 state water plan or one or more sections thereof or amendments thereto,
11 and to hear protests or petitions of all interested persons. Notice of such
12 hearing shall be published at least twice prior to such hearing in the
13 Kansas register. The ~~office~~ *division* shall send, by United States mail, a
14 reasonable notice of hearing to:

15 (1) Such agencies of the state as have an interest in the management,
16 conservation and development of the water resources of the state;;

17 (2) the county clerk of each county affected by the proposed plan;;

18 (3) the agencies of the federal government having an interest in water
19 resources management, conservation and development; and

20 (4) such persons, public or private, as have requested notification in
21 writing from the ~~office~~ *division*.

22 In addition, the ~~office~~ *division* may send notice of a scheduled hearing
23 to any person or persons it deems proper. The ~~office~~ *division* shall furnish
24 a summary of the proposed plan to those persons it is required by law to
25 notify of a public hearing and to such other persons as request a summary.
26 The records of hearings shall be public records and open for inspection at
27 the ~~Kansas water~~ *office of natural resources, division of water policy and*
28 *planning*. The ~~office~~ *division* shall give due consideration to the matters
29 presented at such public hearing and shall then present the plan to the
30 Kansas water authority. Upon approval by the authority, the office shall
31 submit the plan to the legislature and the governor. Provisions in this
32 section concerning notice and summary shall be directive and not
33 jurisdictional.

34 Sec. 84. K.S.A. 82a-906 is hereby amended to read as follows: 82a-
35 906. The ~~Kansas water~~ *office division*, with the approval of the Kansas
36 water authority, annually shall submit to the legislature and to the governor
37 an up-dated water plan containing recommendations ~~which~~ *that* are
38 necessary to achieve the long-range goals and objectives for the
39 management, conservation and development of the waters of the state as
40 set forth in K.S.A. 82a-927, and amendments thereto.

41 Sec. 85. K.S.A. 82a-907 is hereby amended to read as follows: 82a-
42 907. In formulating the state water plan the ~~office~~ *division* shall consider:

43 (a) The management, conservation and development of the water

1 resources of the state for the benefit of the state as a whole;

2 (b) the benefits to be derived from development of reservoir sites for
3 the combined purposes of flood control, water supply storage and
4 recreation;

5 (c) the safeguards to public health, aquatic and animal life established
6 by K.S.A. 65-161 ~~to~~ through 65-171t, ~~inclusive~~, and amendments thereto,
7 and the Kansas water quality management plan approved and adopted as
8 provided by chapter 351 of the 1979 Session Laws;

9 (d) the water development policies, whenever possible, consistent
10 with the beneficial development of other natural resources;

11 (e) the public health and general welfare of the people of the state;

12 (f) all appropriation and other rights to the use of water that exist
13 pursuant to the Kansas water appropriation act and the state water plan
14 storage act;

15 (g) the interrelationship of groundwater and surface water supplies
16 and the effects of evapotranspiration on water supply;

17 (h) the alternative plans, programs and projects in the interest of
18 effective water resource management, conservation and development;

19 (i) the means and methods for the protection of aquatic and other
20 wildlife;

21 (j) the use of waters to augment the flow of surface streams for the
22 support of aquatic and other wildlife and to improve the water quality of
23 the stream and to protect the public health;

24 (k) the inclusion of conservation storage in reservoir development
25 and planning for the regulation of streamflow for the purpose of quality
26 control, such inclusion not to serve as a substitute for methods of
27 controlling wastes at their sources;

28 (l) the maintenance, preservation and protection of the sovereignty of
29 the state over all the waters within the state;

30 (m) plans, projects and recommendations of public corporations, the
31 federal government and state agencies prepared pursuant to statutory
32 authority;

33 (n) plans, recommendations and projects of private associations or
34 organizations as they relate to the water resources of the state;

35 (o) the need of the state to control storage in federal reservoirs by
36 purchase or agreement; and

37 (p) such other matters as the ~~office~~ *division* deems proper or
38 desirable.

39 Sec. 86. K.S.A. 82a-910 is hereby amended to read as follows: 82a-
40 910. (a) Subject to the approval of the Kansas water authority, the ~~office~~
41 *division* may recommend to any agency of the federal government the
42 inclusion in any proposed or authorized federal project of any conservation
43 storage features for water supply that the ~~office~~ *division* expects will be

1 needed within the state in the future for the achievement of the purposes of
2 this act and the ~~office~~ *division* may extend to and procure for any agency
3 of the federal government reasonable assurances and evidence that such
4 expected future demands for the use of such storage will be made within a
5 period of time ~~which~~ *that* will permit payment of the costs allocated to
6 such purposes within the life of the project, if such assurances have been
7 authorized by the state water plan.

8 (b) When, in addition to actions taken under subsection (a), the ~~office~~
9 ~~shall find~~ *division finds* it necessary or desirable for the achievement of the
10 purposes of this act, the ~~office~~ *division* may enter into agreements with the
11 federal government for the repayment of costs for the inclusion of any
12 conservation storage features for water supply that the ~~office~~ *division*
13 expects will be needed within the state in the future for achievement of
14 such purposes if such agreements have been authorized by the state water
15 plan and a person or persons have contracted for the use of a substantial
16 portion of the recommended conservation storage and that such person or
17 persons will use the water supply thereof within a period of time ~~which~~
18 *that* will permit them to pay their proportionate share of the costs allocated
19 to such needs within the life of the project.

20 (c) Any person wishing the ~~office~~ *division* to make a recommendation
21 for storage features for expected future water supply needs, as provided in
22 subsection (a), may petition the ~~office~~ *division* and show that ~~it~~ *such*
23 *person*:

24 (1) Has good reason to and does believe that ~~it~~ *such person* will have
25 future needs for the use of the additional storage;

26 (2) will request the use of such storage by a time and for a duration
27 that will permit ~~it~~ *such person* to pay the costs allocated to such purposes
28 within the life of the project;

29 (3) will be able to repay to the state the costs of the requested storage
30 features; and

31 (4) will insure compliance with such maintenance and operational
32 requirements in the use of the expected future water supply requested as
33 the ~~office~~ *shall direct* *division directs* for the achievement of the purposes
34 of this act.

35 Sec. 87. K.S.A. 82a-911 is hereby amended to read as follows: 82a-
36 911. In its discretion, either upon its own initiative or in response to a
37 specific request, the ~~office~~ *division*, subject to the approval of the Kansas
38 water authority, may include in the state water plan recommendations for
39 the inclusion at state expense of any conservation storage features for
40 water supply in any proposed or authorized or constructed water
41 development project of the federal government of any conservation storage
42 features for water supply that, in the opinion of the ~~office~~ *division* will be
43 needed within the state in the future to achieve the purposes of this act.

1 Before making such recommendations the ~~office~~ *division* shall find that:

2 (1) Such recommended features are consistent with the state water
3 plan;

4 (2) the recommended features will achieve or tend to achieve the
5 purposes of this act;

6 (3) the federal government will not at its expense include those
7 features for the purposes contemplated by the ~~office~~ *division* under terms
8 ~~which that~~ would assure essential state control of the waters of the state or
9 meeting of state objectives, ~~which~~. *Such* purposes may include
10 maintenance and operational requirements in the use thereof that the ~~office~~
11 *division* shall specify for achievement of the purposes of this act; and

12 (4) in the future some responsible person ~~or persons~~ will have needs
13 for the use of all or a portion of the recommended conservation storage
14 and that such person ~~or persons~~ will request the use thereof within a period
15 of time ~~which that~~ will permit ~~them~~ *such person* to pay out ~~their~~ *such*
16 *person's* proportionate share of the costs allocated to such needs within the
17 life of the project.

18 Sec. 88. K.S.A. 82a-915 is hereby amended to read as follows: 82a-
19 915. The ~~office~~ *division* is hereby authorized to negotiate with the federal
20 government relative to releases of water from projects or reservoirs and to
21 enter into agreements with the federal government with respect to the
22 operation of projects or reservoirs for the releases of water, if such
23 agreements are recommended by the state water plan.

24 Sec. 89. K.S.A. 82a-920 is hereby amended to read as follows: 82a-
25 920. The ~~office~~ *division* shall maintain in continuous process and revision
26 tentative projected costs of water management projects for the coming
27 years covering a total period of not less than 25 years, ~~which~~. *The division*
28 *shall submit such* projected costs ~~the office shall submit~~ with its annual
29 budget request. In preparing such projections, the ~~office~~ *division* shall
30 include all items for which payment is expected to be made from state
31 funds and anticipated revenues expected to be paid to the state.

32 Sec. 90. K.S.A. 82a-922 is hereby amended to read as follows: 82a-
33 922. All expenditures from appropriations for the ~~office~~ *division* shall be
34 made in accordance with the applicable appropriation act upon warrants of
35 the director of accounts and reports issued pursuant to vouchers approved
36 by the director of the Kansas ~~water~~ *office of natural resources, division of*
37 *water policy and planning* or by a person or persons designated by the
38 director.

39 Sec. 91. K.S.A. 82a-923 is hereby amended to read as follows: 82a-
40 923. The *Kansas office of natural resources, division of water policy and*
41 *planning* shall adopt, amend, promulgate, and enforce such rules and
42 regulations as are necessary and proper to carry out the provisions of this
43 act. Such rules and regulations shall be filed in the office of the secretary

1 of state as provided by law. The Kansas ~~water~~ office of *natural resources*
2 may prepare and distribute, free or at cost, compilations of ~~its~~ *the* rules and
3 regulations *of the division of water policy and planning*.

4 Sec. 92. K.S.A. 82a-932 is hereby amended to read as follows: 82a-
5 932. The *Kansas office of natural resources, division of water policy and*
6 *planning* shall enter into negotiations and agreements with the federal
7 government relative to the operation of, or the release of water from, any
8 project that has been authorized or constructed by the federal government
9 when the Kansas water authority shall deem such negotiations and
10 agreements to be necessary for the achievement of the policies of the state
11 of Kansas relative to the water resources thereof.

12 Sec. 93. K.S.A. 82a-933 is hereby amended to read as follows: 82a-
13 933. The *Kansas office of natural resources, division of water policy and*
14 *planning* may provide evidence of need to any agency of the federal
15 government relative to the inclusion in any proposed or authorized water
16 resource project of any conservation storage features for water supply that
17 the ~~office~~ *division* anticipates will be needed in the future.

18 Sec. 94. K.S.A. 82a-934 is hereby amended to read as follows: 82a-
19 934. The *Kansas office of natural resources, division of water policy and*
20 *planning*, on behalf of the state, shall enter into negotiations and
21 agreements with the federal government relative to the inclusion or the
22 purchase of, and the payment for, conservation storage features for water
23 supply in any project that has been planned, authorized or constructed by
24 the federal government when the Kansas water authority shall deem such
25 negotiations and agreements to be necessary for the achievement of the
26 policies of the state of Kansas relative to the water resources thereof. Such
27 agreements shall be binding upon the state to the extent that future
28 appropriations are made in support thereof. Subject to the foregoing, any
29 agreement made under this section may provide that a portion of the
30 reimbursement cost shall include any payment made by the United States
31 to third parties as a result of the finding of liability by a court of competent
32 jurisdiction or by settlement arising out of the use of the water storage
33 space and the release therefrom, except that no reimbursement shall be
34 made to the extent that the liability arises from the sole fault of the United
35 States.

36 Sec. 95. K.S.A. 82a-954 is hereby amended to read as follows: 82a-
37 954. (a) On and after July 1, 1989, there is hereby imposed a water
38 protection fee at the rate of:

39 (1) Three cents per 1,000 gallons of water sold at retail by a public
40 water supply system and delivered through mains, lines or pipes;

41 (2) subject to the provisions of subsection (c), three cents per 1,000
42 gallons of water appropriated for industrial use pursuant to a permit
43 granted in accordance with the Kansas water appropriation act; and

1 (3) three cents per 1,000 gallons of water appropriated for
2 stockwatering pursuant to a permit granted in accordance with the Kansas
3 water appropriation act.

4 (b) As used in this section, "industrial use" and "stockwatering" ~~have~~
5 ~~the meanings~~ *mean the same as* provided by rules and regulations of the
6 chief engineer of the *Kansas office of natural resources*, division of water
7 resources ~~of the Kansas department of agriculture~~ and the determination of
8 gallons used shall be based upon figures supplied to the secretary of
9 revenue by the division of water resources.

10 (c) The fees imposed by subsections (a)(2) and (3) shall be based on
11 the actual amount used for industrial use or stockwatering during the
12 preceding calendar year as reported to the chief engineer ~~of the division of~~
13 ~~water resources of the Kansas department of agriculture~~ in accordance
14 with the provisions of K.S.A. 82a-732, and amendments thereto, except
15 that:

16 (1) The amount of surface water used for flow through cooling
17 purposes for electric power generating plants shall be based on an average
18 consumptive factor as determined by the division of water resources; and

19 (2) no such fee shall be imposed on the amount of water used for
20 commercial fish farming.

21 If no water use report is filed for such year, the fee shall be based on
22 the amount authorized for industrial use or stockwatering in such year.

23 (d) The fee imposed by subsection (a)(1) shall be paid quarterly by
24 the public water supplier and shall be transmitted to the department of
25 revenue not later than 45 days following the end of each quarter. The
26 public water supplier may collect the fee directly from each consumer to
27 which water is sold at retail or may pay the amount owed to the
28 department from moneys in its operating or other fund available for that
29 purpose. The fees imposed by subsections (a)(2) and (3) shall be paid by
30 the owner of the permit. If any retailer or permit owner fails to pay the fee
31 required to be collected and paid under this section, there shall be added,
32 to the unpaid balance of the fee, penalty and interest as prescribed under
33 K.S.A. 79-3615, and amendments thereto, for the late payment of sales
34 tax.

35 (e) The director of taxation shall administer, enforce and collect the
36 fees imposed by this section. All laws and rules and regulations of the
37 secretary relating to the administration, enforcement and collection of the
38 retailers' sales tax shall apply to such fee insofar as they can be made
39 applicable, and the secretary shall adopt such additional rules and
40 regulations as necessary for the efficient and effective administration,
41 enforcement and collection thereof.

42 (f) The director of taxation shall remit all moneys collected from fees
43 imposed pursuant to this section to the state treasurer in accordance with

1 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 2 of each such remittance, the state treasurer shall deposit the entire amount
 3 in the state treasury to the credit of the state water plan fund created by
 4 K.S.A. 82a-951, and amendments thereto.

5 (g) An owner of an industrial use permit who has a contract with the
 6 state for withdrawal and use of water pursuant to K.S.A. 82a-1301 et seq.,
 7 and amendments thereto, shall be exempt from the fee imposed by
 8 subsection (a)(2) on any water for which the permit owner is required to
 9 pay charges under such contract.

10 Sec. 96. K.S.A. 82a-1021 is hereby amended to read as follows: 82a-
 11 1021. (a) As used in this section:

12 (1) "Aquifer" means any geological formation capable of yielding
 13 water in sufficient quantities that it can be extracted for beneficial
 14 purposes.

15 (2) "Board" means the board of directors constituting the governing
 16 body of a groundwater management district.

17 (3) "Chief engineer" means the chief engineer of the *Kansas office of*
 18 *natural resources*, division of water resources ~~of the Kansas department of~~
 19 ~~agriculture~~.

20 (4) "District" means a contiguous area which overlies one or more
 21 aquifers, together with any area in between, ~~which~~ *that* is organized for
 22 groundwater management purposes under this act and acts amendatory
 23 thereof or supplemental thereto.

24 (5) "Eligible voter" means a natural person 18 years of age or older,
 25 or a public or private corporation, municipality or any other legal or
 26 commercial entity that:

27 (A) Is a landowner that owns, of record, any land, or any interest in
 28 land, comprising 40 or more contiguous acres located within the
 29 boundaries of the district and not within the corporate limits of any
 30 municipality; or

31 (B) withdraws or uses groundwater from within the boundaries of the
 32 district in an amount of one acre-foot or more per year.

33 (6) "Land" means real property ~~as that term is~~ defined by the laws of
 34 the state of Kansas.

35 (7) "Landowner" means the person who is the record owner of any
 36 real estate within the boundaries of the district or who has an interest
 37 therein as contract purchaser of 40 or more contiguous acres in the district
 38 not within the corporate limits of any municipality. "*Landowner*" *does not*
 39 *include* owners of oil leases, gas leases, mineral rights, easements; or
 40 mortgages shall not be considered landowners by reason of such
 41 ownership.

42 (8) "Management program" means a written report describing the
 43 characteristics of the district and the nature and methods of dealing with

1 groundwater supply problems within the district.—It shall include—
2 "Management program" includes information as to the groundwater
3 management program to be undertaken by the district and such maps,
4 geological information, and other data as may be necessary for the
5 formulation of such a program.

6 (9) "Person" means any natural person, public or private corporation,
7 municipality or any other legal or commercial entity.

8 (10) "Water right" ~~shall have the meaning ascribed to that term~~ means
9 the same as defined in K.S.A. 82a-701, and amendments thereto.

10 (11) "Water user" means any person who is withdrawing or using
11 groundwater from within the boundaries of the district in an amount not
12 less than one acre-foot per year. If a municipality is a "water user" within
13 the district, ~~it~~ such municipality shall represent all persons within its
14 corporate limits who are not "water users" ~~as defined above~~.

15 (b) Each tract of land of 40 or more contiguous acres and each
16 quantity of water withdrawn or used in an amount of one acre-foot or more
17 per year shall be represented by but a single eligible voter. If the land is
18 held by lease, under an estate for years, under contract, or otherwise, the
19 fee owner shall be the one entitled to vote, unless the parties in interest
20 agree otherwise. If the land is held jointly or in common, the majority in
21 interest shall determine which natural person or corporation shall be
22 entitled to vote. Each eligible voter, or such eligible voter's duly authorized
23 representative, shall be entitled to cast only one vote per eligible voter.
24 Nothing herein shall be construed to authorize proxy voting.

25 (c) Any landowner who is not a water user may have such
26 landowner's land excluded from any district assessments and thereby
27 abandon the right to vote on district matters by serving a written notice of
28 election of exclusion with the steering committee or the board. Such
29 landowner may again become an eligible voter by becoming a water user
30 or by serving a written notice of inclusion on the board stating that the
31 landowner has elected to be reinstated as a voting member of the district
32 and will be subject to district assessments.

33 (d) Any eligible voter who is the owner of a tract or tracts of land
34 comprising not less than 640 acres, located within the boundaries of the
35 district, on which no water is being used or from which no water is being
36 withdrawn, may have such tract or tracts of land excluded from district
37 assessment in the manner described above.

38 (e) All notices of inclusion or exclusion of land shall be submitted to
39 the board not later than January 1 of the effective year.

40 Sec. 97. K.S.A. 82a-1023 is hereby amended to read as follows: 82a-
41 1023. (a) Within 12 months after certification of the description of the
42 lands to be included within the proposed district, and before any
43 groundwater management district shall be organized, a petition shall be

1 circulated by the steering committee and filed with the secretary of state
 2 after being signed by not less than 50 eligible voters or 50% of the eligible
 3 voters of the district, whichever is the smaller.

4 (b) The petition shall set forth:

5 (1) The proposed name of the district, which name shall end with the
 6 words "groundwater management district No. _____." It shall be the duty
 7 of the secretary of state to assign a number to each such district in the
 8 order in which petitions for organizations are received in his or her office.

9 (2) A description of the lands to be included within the proposed
 10 district identified by township, range, and section numbers and fractions
 11 thereof, and other areas as appropriate and a map showing the contiguous
 12 lands to be included in the district.

13 (3) A statement of the purposes for which the district is to be
 14 organized.

15 (4) A statement of the number of persons that will constitute the
 16 elected board of directors of the district, which shall be an uneven number
 17 of not less than three or more than 15.

18 (5) The names and addresses of the persons who constitute the
 19 steering committee.

20 (6) A prayer for the organization and incorporation of the district.

21 (7) Any other matter deemed essential by the steering committee.

22 (c) The petition shall be in substantially the following form:

23 "Before the secretary of state of the state of Kansas in the matter of the
 24 proposed _____ groundwater management district No. _____,
 25 in _____ county, (counties), Kansas.

26 PETITION

27 "Come now the undersigned persons and state that (1) they are eligible
 28 voters of the aforementioned groundwater management district, hereinafter
 29 more fully described; (2) each signer's post-office address is set forth
 30 beside the signer's name; (3) the purposes for which this district is
 31 organized are: (statement of purposes); (4) a seven-member steering
 32 committee for the organization of the district has been established; (5) the
 33 names of persons who serve on the steering committee, of which the first
 34 named shall be chairman, and their respective addresses are as follows:
 35 (list of names and addresses); and (6) the governing body of the district
 36 shall be an elected board of directors composed of _____ eligible voters.

37 "Attached hereto, marked exhibit A and made a part hereof, is a
 38 description of the lands proposed to be included in the district.

39 "Attached hereto, marked exhibit B and made a part hereof, is a map
 40 showing the lands proposed to be included in the district.

41 "Wherefore, the undersigned individually and collectively pray that a
 42 groundwater management district be organized in the manner provided by
 43 law for the purposes set forth herein, and that the secretary of state and the

1 chief engineer of the *Kansas office of natural resources*, division of water
2 resources ~~of the Kansas department of agriculture~~ proceed diligently in the
3 performance of their duties so that the organization and incorporation of
4 this proposed district may be completed and approved at the earliest
5 possible time.

6 "Submitted to the secretary of state this _____ day of _____,
7 ____."

8 Sec. 98. K.S.A. 2024 Supp. 82a-1038 is hereby amended to read as
9 follows: 82a-1038. (a) In any case where the chief engineer finds that any
10 one or more of the circumstances set forth in K.S.A. 82a-1036, and
11 amendments thereto, exist and that the public interest requires that any one
12 or more corrective controls be adopted, the chief engineer shall designate,
13 by order, the area in question, or any part thereof, as an intensive
14 groundwater use control area.

15 (b) The order of the chief engineer shall define specifically the
16 boundaries of the intensive groundwater use control area and shall indicate
17 the circumstances upon which the findings of the chief engineer are made.
18 The order of the chief engineer may include any one or more of the
19 following corrective control provisions:

20 (1) A provision closing the intensive groundwater use control area to
21 any further appropriation of groundwater in which event the chief engineer
22 shall thereafter refuse to accept any application for a permit to appropriate
23 groundwater located within such area;

24 (2) a provision determining the permissible total withdrawal of
25 groundwater in the intensive groundwater use control area each day, month
26 or year, and, insofar as may be reasonably done, the chief engineer shall
27 apportion such permissible total withdrawal among the valid groundwater
28 right holders in such area in accordance with the relative dates of priority
29 of such rights;

30 (3) a provision reducing the permissible withdrawal of groundwater
31 by any one or more appropriators thereof, or by wells in the intensive
32 groundwater use control area;

33 (4) a provision requiring and specifying a system of rotation of
34 groundwater use in the intensive groundwater use control area;

35 (5) a provision allowing flexibility in the use of water rights,
36 including, but not limited to, multi-year allocations and use in excess of a
37 water right's annual authorized quantity in any given year so long as the
38 overall use of water is reduced during the term of the intensive
39 groundwater use control area management plan; and

40 (6) any one or more other provisions making such additional
41 requirements as are necessary to protect the public interest.

42 The chief engineer is hereby authorized to delegate the enforcement of
43 any corrective control provisions ordered for an intensive groundwater use

1 control area to any groundwater management district or to any city, if such
2 district or city is located within or partially within the boundaries of such
3 area.

4 (c) Except as provided by subsection (d), the order of designation of
5 an intensive groundwater use control area shall be in full force and effect
6 from the date of its entry in the records of the chief engineer's office unless
7 and until its operation shall be stayed by an appeal ~~from an order entered~~
8 ~~on review~~ of the chief engineer's order ~~pursuant to K.S.A. 82a-1901, and~~
9 ~~amendments thereto~~, in accordance with the ~~provisions of the~~ Kansas
10 judicial review act. The chief engineer upon request shall deliver a copy of
11 such order to any interested person who is affected by such order, and shall
12 file a copy of the same with the register of deeds of any county ~~within~~
13 ~~which~~ *where* such designated control area lies.

14 (d) If the holder of a groundwater right within the area designated as
15 an intensive groundwater use control area applies for review of the order
16 of designation ~~pursuant to K.S.A. 82a-1901, and amendments thereto~~, the
17 provisions of the order with respect to the inclusion of the holder's right
18 within the area may be stayed in accordance with the Kansas
19 administrative procedure act.

20 Sec. 99. K.S.A. 2024 Supp. 82a-1041 is hereby amended to read as
21 follows: 82a-1041. (a) Whenever a groundwater management district
22 recommends the approval of a local enhanced management plan within the
23 district to address any of the conditions set forth in K.S.A. 82a-1036(a)
24 through (d), and amendments thereto, the chief engineer shall review the
25 local enhanced management plan submitted by the groundwater
26 management district. The chief engineer's review shall be limited to
27 whether the plan:

- 28 (1) Proposes clear geographic boundaries;
- 29 (2) pertains to an area wholly within the groundwater management
30 district;
- 31 (3) proposes goals and corrective control provisions as provided in
32 subsection (f) adequate to meet the stated goals;
- 33 (4) gives due consideration to water users who already have
34 implemented reductions in water use resulting in voluntary conservation
35 measures;
- 36 (5) includes a compliance monitoring and enforcement element; and
- 37 (6) is consistent with state law.

38 If, based on such review, the chief engineer finds that the local
39 enhanced management plan is acceptable for consideration, the chief
40 engineer shall initiate, as soon as practicable thereafter, proceedings to
41 designate a local enhanced management area.

42 (b) In any case where proceedings to designate a local enhanced
43 management area are initiated, the chief engineer shall conduct an initial

1 public hearing on the question of designating such an area as a local
2 enhanced management area according to the local enhanced management
3 plan. The initial public hearing shall resolve the following findings of fact
4 whether:

5 (1) One or more of the circumstances specified in K.S.A. 82a-1036(a)
6 through (d), and amendments thereto, exist;

7 (2) the public interest of K.S.A. 82a-1020, and amendments thereto,
8 requires that one or more corrective control provisions be adopted; and

9 (3) the geographic boundaries are reasonable.

10 The chief engineer shall conduct a subsequent hearing or hearings only
11 if the initial public hearing is favorable on all three issues of fact and the
12 expansion of geographic boundaries is not recommended. At least 30 days
13 prior to the date set for any hearing, written notice of such hearing shall be
14 given to every person holding a water right of record within the area in
15 question and by one publication in any newspaper of general circulation
16 within the area in question. The notice shall state the question and shall
17 denote the time and place of the hearing. At every such hearing,
18 documentary and oral evidence shall be taken and a complete record of the
19 same shall be kept.

20 (c) The subject matter of the hearing or hearings set forth in
21 subsection (b) shall be limited to the local enhanced management plan that
22 the chief engineer previously reviewed pursuant to subsection (a) and set
23 for hearing.

24 (d) Within 120 days of the conclusion of the final public hearing set
25 forth in subsections (b) and (c), the chief engineer shall issue an order of
26 decision:

27 (1) Accepting the local enhanced management plan as sufficient to
28 address any of the conditions set forth in K.S.A. 82a-1036(a) through (d),
29 and amendments thereto;

30 (2) rejecting the local enhanced management plan as insufficient to
31 address any of the conditions set forth in K.S.A. 82a-1036(a) through (d),
32 and amendments thereto;

33 (3) returning the local enhanced management plan to the groundwater
34 management district, giving reasons for the return and providing the
35 district with the opportunity to resubmit a revised plan for public hearing
36 within 90 days of the return of the deficient plan; or

37 (4) returning the local enhanced management plan to the groundwater
38 management district and proposing modifications to the plan, based on
39 testimony at the hearing or hearings, that will improve the administration
40 of the plan, but will not impose reductions in groundwater withdrawals
41 that exceed those contained in the plan. If the groundwater management
42 district approves of the modifications proposed by the chief engineer, the
43 district shall notify the chief engineer within 90 days of receipt of return of

1 the plan. Upon receipt of the groundwater management district's approval
2 of the modifications, the chief engineer shall accept the modified local
3 management plan. If the groundwater management district does not
4 approve of the modifications proposed by the chief engineer, the local
5 management plan shall not be accepted.

6 (e) In any case where the chief engineer issues an order of decision
7 accepting the local enhanced management plan pursuant to subsection (d),
8 the chief engineer, within a reasonable time, shall issue an order of
9 designation that designates the area in question as a local enhanced
10 management area.

11 (f) The order of designation shall define the boundaries of the local
12 enhanced management area and shall indicate the circumstances upon
13 which the findings of the chief engineer are made. The order of
14 designation may include any of the following corrective control provisions
15 set forth in the local enhanced management plan:

16 (1) Closing the local enhanced management area to any further
17 appropriation of groundwater. In which event, the chief engineer shall
18 thereafter refuse to accept any application for a permit to appropriate
19 groundwater located within such area;

20 (2) determining the permissible total withdrawal of groundwater in
21 the local enhanced management area each day, month or year, and, insofar
22 as may be reasonably done, the chief engineer shall apportion such
23 permissible total withdrawal among the valid groundwater right holders in
24 such area in accordance with the relative dates of priority of such rights;

25 (3) reducing the permissible withdrawal of groundwater by any one
26 or more appropriators thereof, or by wells in the local enhanced
27 management area;

28 (4) requiring and specifying a system of rotation of groundwater use
29 in the local enhanced management area;

30 (5) allowing flexibility in the use of water rights, including, but not
31 limited to, multi-year allocations and use in excess of a water right's
32 annual authorized quantity in any given year so long as the overall use of
33 water is reduced during the term of the local enhanced management plan;
34 or

35 (6) any other provisions making such additional requirements as are
36 necessary to protect the public interest.

37 The chief engineer is hereby authorized to delegate the enforcement of
38 any corrective control provisions ordered for a local enhanced
39 management area to the groundwater management district in which that
40 area is located, upon written request by the district.

41 (g) The order of designation shall follow, insofar as may be
42 reasonably done, the geographical boundaries recommended by the local
43 enhanced management plan.

1 (h) Except as provided in subsection (f), the order of designation of a
2 local enhanced management area shall be in full force and effect from the
3 date of its entry in the records of the chief engineer's office unless and
4 until its operation shall be stayed by an appeal from ~~an order entered on~~
5 ~~review~~ of the chief engineer's order ~~pursuant to K.S.A. 82a-1901, and~~
6 ~~amendments thereto~~, and in accordance with the provisions of the Kansas
7 judicial review act. The chief engineer upon request shall deliver a copy of
8 such order to any interested person who is affected by such order and shall
9 file a copy of the same with the register of deeds of any county within
10 which any part of the local enhanced management area lies.

11 (i) If the holder of a groundwater right within the local enhanced
12 management area applies for review of the order of designation pursuant to
13 ~~K.S.A. 82a-1901, and amendments thereto~~ *the Kansas judicial review act*,
14 the provisions of the order with respect to the inclusion of the holder's
15 water right within the area may be stayed ~~in accordance with the Kansas~~
16 ~~administrative procedure act~~.

17 (j) Unless otherwise specified in the proposed enhanced management
18 plan and included in the order of designation, a public hearing to review
19 the designation of a local enhanced management area shall be conducted
20 by the chief engineer within seven years after the order of designation is
21 final. A subsequent review of the designation shall occur within 10 years
22 after the previous public review hearing or more frequently as determined
23 by the chief engineer. Upon the request of a petition signed by at least 10%
24 of the affected water users in a local enhanced management area, a public
25 review hearing to review the designation shall be conducted by the chief
26 engineer. This requested public review hearing shall not be conducted
27 more frequently than every four years.

28 (k) The chief engineer shall adopt rules and regulations to effectuate
29 and administer the provisions of this section.

30 (l) The provisions of this section shall be a part of and supplemental
31 to article 10 of chapter 82a of the Kansas Statutes Annotated, and
32 amendments thereto.

33 Sec. 100. K.S.A. 82a-1042 is hereby amended to read as follows:
34 82a-1042. To further implement the provisions of the groundwater
35 management district act, if the ~~secretary of agriculture~~ *executive director*
36 *of the Kansas office of natural resources* or the chief engineer of the
37 *Kansas office of natural resources*, division of water resources ~~of the~~
38 ~~Kansas department of agriculture~~ propose rules and regulations that may
39 change an adopted local groundwater management program or impact
40 water use in a groundwater management district, the ~~secretary~~ *executive*
41 *director* or chief engineer shall notify the groundwater management
42 district board of directors of such requested management program change
43 or proposed rules and regulations and provide a copy of such requested

1 management program change or proposed rules and regulations to the
2 board. Upon such notice, the board of directors shall prepare a response of
3 intended board actions. The board of directors shall follow the provisions
4 of K.S.A. 82a-1029, and amendments thereto, for revising active
5 groundwater management programs.

6 Sec. 101. K.S.A. 82a-1301 is hereby amended to read as follows:
7 82a-1301. As used in this act, unless the context otherwise requires:

8 (a) "Director" means the director of the Kansas ~~water~~ office of
9 *natural resources, division of water policy and planning.*

10 (b) "Chief engineer" means the chief engineer of the *Kansas office of*
11 *natural resources, division of water resources* ~~of the Kansas department of~~
12 ~~agriculture.~~

13 (c) "Authority" means the Kansas water authority.

14 (d) "Person" means ~~and includes~~ a natural person, partnership,
15 organization, association, private corporation, public corporation, any
16 taxing district or political subdivision of the state, and any department or
17 agency of the state government.

18 (e) "Public corporation" means a body that has for its object the
19 government of a political subdivision of this state and includes any county,
20 township, city, district, authority, or other municipal corporation or
21 political subdivision of this state.

22 (f) "Federal government" means the United States of America or any
23 department or agency thereof.

24 (g) "Point of diversion for a reservoir" means the point where the
25 longitudinal axis of the dam of a reservoir crosses the center of the
26 streambed.

27 (h) "Point of rediversion" means the point where released water is
28 taken for beneficial use from the watercourse by which it is transported.

29 (i) "Point of withdrawal from the reservoir" means the point at which
30 water is taken from the reservoir by pump, siphon, canal or any other
31 device or released through a dam by gates, conduits or any other means.

32 (j) "Capital cost" means all costs, including the principal and interest
33 thereon, incurred by the state in the construction or acquisition of
34 conservation storage water supply capacity in the reservoir system from
35 which water may be contracted for sale.

36 (k) "Surplus waters" means waters within the conservation storage
37 water supply capacity committed to the state, but not required to meet
38 contractual requirements made pursuant to K.S.A. 82a-1305, and
39 amendments thereto.

40 Sec. 102. K.S.A. 82a-1303 is hereby amended to read as follows:
41 82a-1303. (a) Notwithstanding any other provisions in the statutes of this
42 state, the director, in the manner provided in K.S.A. 82a-1304, and
43 amendments thereto, shall be authorized, subject to approval of the

1 authority, to acquire on behalf of the state a water reservation right to
2 divert and store the waters of all streams flowing into the conservation
3 storage water supply capacity or into the conservation storage water
4 quality capacity of any reservoirs in which the state controls storage space
5 whether under contracts with the federal government or otherwise. A water
6 reservation right for waters flowing into the conservation storage water
7 supply capacity shall be in an amount sufficient to insure a yield of water
8 from the reservoir for beneficial use through a drought having a 2%
9 chance of occurrence in any one year with the reservoir in operation. A
10 water reservation right for waters flowing into the conservation storage
11 water quality capacity shall be in an annual amount equal to the volume of
12 the conservation storage water quality capacity, as agreed upon by the
13 ~~director of the Kansas water office~~ and the chief engineer. The rights of the
14 state under this section and those ~~which are~~ acquired under K.S.A. 82a-
15 1304, and amendments thereto, shall be subject to all vested rights,
16 appropriation rights, applications filed for permits to appropriate water and
17 other vested property interests acquired prior to the state's acquisition, but
18 not to those acquired thereafter. The chief engineer shall provide as a
19 condition to a water reservation right acquired under K.S.A. 82a-1304, and
20 amendments thereto, for waters flowing into the conservation storage
21 water quality capacity in any reservoir that the state may divert and store
22 inflows under such right only at times when the inflows exceed certain
23 threshold levels, to be agreed upon jointly by the chief engineer and the
24 ~~director of the Kansas water office~~.

25 (b) Whenever the authority shall determine that it is in the public
26 interest to acquire, reserve or purchase water located in another state for
27 this state's conservation storage water supply capacity, it shall authorize
28 the director to enter into contract negotiations to acquire, reserve or
29 purchase such water. Any such contract shall be subject to final approval
30 of the authority.

31 Sec. 103. K.S.A. 82a-1311a is hereby amended to read as follows:
32 82a-1311a. (a) The date of receipt of each application submitted pursuant
33 to K.S.A. 82a-1310a, and amendments thereto, shall be stamped thereon
34 and authenticated as directed by the director. Applicants shall notify the
35 director in writing that they wish to commence negotiations for a contract
36 to withdraw and use water. Within 10 days after the completion of
37 negotiations for a contract to withdraw and use water, the director shall
38 transmit to the chairperson of the authority a copy of the proposed
39 contract.

40 (b) Upon request of the chairperson of the authority, the director shall
41 transmit all available information necessary to determine whether or not to
42 approve a contract to purchase water from the state's conservation water
43 supply capacity or to use surplus waters for minimum streamflow

1 requirements, unless an emergency exists.

2 (c) In order to determine whether a proposed contract for the sale of
3 water from the state's conservation water supply capacity is in the interest
4 of the people of the state of Kansas and whether the benefits to the state
5 for approving the contract outweigh the benefits to the state for not
6 approving the contract, the authority shall consider all matters pertaining
7 to such questions, including:

8 (1) The present and future water supply needs of the applicant;

9 (2) any current beneficial uses being made of the noncontracted water
10 proposed to be diverted;

11 (3) any reasonably foreseeable future beneficial uses of the water;

12 (4) the economic, environmental, public health and welfare and other
13 benefits or adverse impact of approving the contract;

14 (5) alternative sources of water available to the applicant;

15 (6) the preliminary plan of design, construction and operation of any
16 works or facilities used in conjunction with carrying the water to its point
17 of use;

18 (7) whether the proposed purchase is consistent with the state water
19 plan approved by the legislature;

20 (8) the date of receipt of the application to contract for withdrawal
21 and use of water;

22 (9) minimum streamflow requirements; and

23 (10) whether the applicant has adopted and implemented a water
24 conservation plan.

25 (d) The authority may require an applicant for a contract for the sale
26 of water from the state's conservation water supply capacity to adopt and
27 implement conservation plans and practices. Such plans and practices shall
28 be consistent with the guidelines for conservation plans and practices
29 developed and maintained by the Kansas ~~water~~ office of *natural resources*,
30 *division of water policy and planning* pursuant to ~~subsection (c)~~ of K.S.A.
31 74-2608(c), and amendments thereto. Prior to approval of an application,
32 the director ~~of the Kansas water office~~, in consultation with the chief
33 engineer, shall determine whether such plans and practices are consistent
34 with the guidelines adopted by the Kansas ~~water~~ office of *natural*
35 *resources, division of water policy and planning*.

36 (e) The authority may approve or reject the proposed contract and
37 may recommend purchase of water from an alternative source. The
38 authority may approve a contract for a smaller amount of water than
39 requested and may approve a contract upon such terms, conditions and
40 limitations as ~~it~~ *the authority* deems necessary for the protection of the
41 public interest of the state as a whole.

42 Sec. 104. K.S.A. 82a-1315b is hereby amended to read as follows:
43 82a-1315b. (a) The director, subject to approval of the authority, shall

1 acquire or develop conservation storage water supply capacity in
2 impoundments deemed necessary to implement the state water plan.

3 (b) That portion of all moneys received by the state treasurer pursuant
4 to K.S.A. 82a-1315a, and amendments thereto, ~~which~~ *that* is not
5 attributable to: (1) The annual repayment on water storage costs in federal
6 reservoirs as computed under ~~subsection (a)(1) of~~ K.S.A. 82a-1308a(a)(1),
7 and amendments thereto; (2) the operation, maintenance and repair costs
8 associated with the state's conservation water supply capacity; and (3) the
9 costs in administering and enforcing the provisions of this act, shall be
10 deposited in the state treasury to the credit of the state conservation storage
11 water supply fund which is hereby established. The director shall provide
12 the treasurer with an accounting of the total remittances and shall deposit
13 money only to the credit of the state conservation storage water supply
14 fund after the full amount of the costs attributable to the water marketing
15 fund from the preceding calendar year have been repaid. For purposes of
16 calculating the rate in K.S.A. 82a-1308a, and amendments thereto,
17 ~~effective beginning calendar year 1986,~~ all moneys received pursuant to
18 this act since 1975 shall be credited for repayment of the components in
19 the following order: Paragraphs (1), (4), (3), (2); ~~then (5) of subsection (a)~~
20 of K.S.A. 82a-1308a(a), and amendments thereto.

21 (c) The state conservation storage water supply fund shall serve in
22 part as a savings fund to further the purpose of this act and the fund shall
23 be credited amounts for interest earned thereon in accordance with
24 subsection (e). The director may accept or receive moneys from any
25 source, governmental or private, for the purposes for which expenditures
26 may be made from this fund. The director shall remit all such moneys to
27 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
28 and amendments thereto. Upon receipt of each such remittance, the state
29 treasurer shall deposit the entire amount in the state treasury to the credit
30 of the state conservation storage water supply fund.

31 (d) All expenditures from the state conservation storage water supply
32 fund shall be made in accordance with appropriation acts upon warrants of
33 the director of accounts and reports issued pursuant to vouchers approved
34 by the director ~~of the Kansas water office~~ or by a person or persons
35 designated by the director and shall be used solely for the purpose of
36 acquisition, development or maintenance of conservation storage water
37 supply in impoundments deemed necessary to implement the state water
38 plan, including expenditures related to the issuance of revenue bonds for
39 such purposes and nonwater supply benefits associated with such
40 purposes.

41 (e) On or before the 10th of each month, the director of accounts and
42 reports shall transfer from the state general fund to the conservation
43 storage water supply fund interest earnings based on:

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

3 (2) the net earnings rate of the pooled money investment portfolio for
4 the preceding month.

5 Sec. 105. K.S.A. 82a-1315c is hereby amended to read as follows:
6 82a-1315c. (a) There is hereby created in the state treasury the water
7 marketing fund. The director of the Kansas ~~water~~ office of natural
8 resources, division of water policy and planning may accept or receive
9 moneys from any source, governmental or private, for the purposes for
10 which expenditures may be made from the water marketing fund. The
11 director shall remit all moneys so received to the state treasurer in
12 accordance with the provisions of K.S.A. 75-4215, and amendments
13 thereto. Upon receipt of each such remittance, the state treasurer shall
14 deposit the entire amount in the state treasury to the credit of the water
15 marketing fund.

16 (b) Moneys credited to the water marketing fund shall be used for the
17 following purposes:

18 (1) Payment to the federal government of annual capital costs
19 associated with water supply storage space in reservoirs under the state
20 water plan storage act;

21 (2) repayment to the state general fund for moneys advanced to make
22 annual capital cost payments for water supply storage space in reservoirs
23 under the state water plan storage act;

24 (3) payment to the federal government of annual operation,
25 maintenance and repair costs associated with the water supply storage
26 space under the state water plan storage act;

27 (4) payment of administration and enforcement costs of the state
28 associated with the state water plan storage act;

29 (5) an annual set-aside to a reserve account which is hereby created as
30 part of this fund of an amount specified by the director of the Kansas ~~water~~
31 office but not more than ~~1¢~~ \$0.01 per 1,000 gallons of water sold, such
32 reserve to be used to meet any shortfall in revenue or unusual expenses
33 relating to operation, maintenance and repair costs; and

34 (6) deposit of receipts as required under K.S.A. 82a-1315b, and
35 amendments thereto.

36 (c) All expenditures from the water marketing fund shall be made in
37 accordance with appropriation acts upon warrants of the director of
38 accounts and reports issued pursuant to vouchers approved by the director
39 of the Kansas ~~water~~ office or by a person designated by the director.

40 Sec. 106. K.S.A. 82a-1332 is hereby amended to read as follows:
41 82a-1332. The Kansas ~~water~~ office of natural resources, division of water
42 policy and planning, with advice from basin advisory committees, eligible
43 water right holders and the chief engineer and with approval of the Kansas

1 water authority, may negotiate and enter into contracts for assurance
2 storage from federal reservoirs to be used for water assurance.

3 Sec. 107. K.S.A. 82a-1333 is hereby amended to read as follows:
4 82a-1333. Before a water assurance district is organized, and upon the
5 request of the Kansas ~~water~~ office of natural resources, division of water
6 policy and planning, the chief engineer shall determine the eligible water
7 rights of the proposed district. In determining whether a water right may
8 benefit, the chief engineer shall consider the following factors:

- 9 (a) The annual quantity and rate of diversion authorized by the water
10 right and the frequency and the distribution of such use with time;
- 11 (b) the consumptive use, location and source of the water right; and
- 12 (c) such other factors as may be necessary to fully determine and
13 understand the degree of such benefits.

14 Sec. 108. K.S.A. 82a-1335 is hereby amended to read as follows:
15 82a-1335. (a) Before any water assurance district is organized, a petition
16 shall be filed in the office of the secretary of state, signed by the eligible
17 water right holders of water rights totaling more than 20% of the combined
18 quantities of all eligible water rights within the proposed district as shown
19 by a verified enumeration of the eligible water right holders and the total
20 combined quantities of all eligible water rights taken by the chief engineer.
21 A verified copy of the enumeration shall be attached to and filed with the
22 petition in the office of the secretary of state.

- 23 (b) Every petition filed pursuant to subsection (a) shall state:
 - 24 (1) The name of the proposed district, which name shall end with the
25 words "water assurance district number _____." It shall be the
26 duty of the secretary of state to assign a number to each such district in the
27 order ~~in which~~ that petitions for their organization are received by the
28 secretary's office;
 - 29 (2) a list of the water rights, by file number as recorded in the office
30 of the chief engineer, to be included within the proposed district;
 - 31 (3) a statement of the purposes for which the district is to be
32 organized;
 - 33 (4) a statement of the number of persons that will constitute the board
34 of directors of the district, which shall be an uneven number of not less
35 than three nor more than nine, together with the names and addresses of
36 the persons who will constitute the original steering committee;
 - 37 (5) any other matter deemed essential; and
 - 38 (6) a prayer for the organization of the district as a nonprofit
39 corporation.

40 The petition shall be in substantially the following form:
41 BEFORE THE SECRETARY OF STATE OF THE STATE OF KANSAS
42 In the Matter of _____ Water Assurance District Number _____,
43 _____ and _____ counties, Kansas.

PETITION

1
 2 Come now the undersigned persons, or authorized representatives, and
 3 state that they are eligible water right holders within the proposed
 4 boundaries of the aforementioned water assurance district, hereinafter more
 5 fully described, and that each signer states that the signer's respective post
 6 office address is set forth beside the signer's name. That the purposes for
 7 which this district is organized are (state purposes). That a steering
 8 committee for the organization of the district is hereby fixed and
 9 constituted with five members; that the names of persons who will serve
 10 on the original steering committee, of which the first named shall be acting
 11 chairperson, and their respective addresses are as follows:

12 (List names and addresses.)

13 The governing body of the district shall be constituted in a board of
 14 directors composed of (number) qualified members.

15 Wherefore, the undersigned, individually and collectively, pray that a
 16 water assurance district be organized in the manner provided by law, for
 17 the purposes set forth herein, and that the secretary of state and the chief
 18 engineer of the *Kansas office of natural resources*, division of water
 19 resources ~~of the Kansas department of agriculture~~ proceed diligently in the
 20 performance of their duties so that the organization of this proposed
 21 district may be completed and approved at the earliest possible time.

22 Submitted to the secretary of state this _____ day of _____,
 23 _____.

24 Sec. 109. K.S.A. 82a-1345 is hereby amended to read as follows:
 25 82a-1345. (a) The water assurance district shall impose a charge against
 26 each member of the water assurance district. The total of such charges
 27 shall be sufficient to enable the district to pay the state the full annual
 28 amortized cost to the state of acquiring the assurance storage from the
 29 federal government by purchase or trade, the cost of operation and
 30 maintenance of the assurance storage, the cost of state administration and
 31 enforcement of the assurance program. The water assurance district also
 32 may impose a charge against each member of the district in an amount
 33 sufficient to cover district operating costs. The water assurance district
 34 shall impose any charges necessary for the payment of the principal of and
 35 interest on revenue bonds issued by the ~~Kansas-water~~ *office of natural*
 36 *resources, division of water policy and planning* pursuant to the provisions
 37 of Chapter 394 of the Laws of 1986. The water assurance district shall
 38 determine the amount of the charge for each member and ~~shall~~
 39 ~~remit~~ moneys collected to the ~~Kansas-water~~ *office of natural resources, division*
 40 *of water policy and planning* for deposit in the fund created pursuant to
 41 K.S.A. 82a-1364, *and amendments thereto*. Charges to be paid by
 42 members of a water assurance district may vary and shall be based on the
 43 principle of having each member pay for the pro rata quantity authorized

1 to each member from the assurance program. In determining the charge,
2 the governing body of the district shall adopt rules ~~which that~~ establish
3 guidelines for prospective members.

4 (b) The director of the Kansas ~~water~~ office of natural resources,
5 division of water policy and planning shall request releases of assurance
6 water by the federal government under the agreements with the federal
7 government that govern operations of reservoirs containing assurance
8 storage.

9 (c) No member below a reservoir shall divert water from releases of
10 assurance water unless the member has a conservation plan ~~which that~~ has
11 been approved in the manner provided by K.S.A. 82a-1348, and
12 amendments thereto, and ~~which~~ is in effect at the time of the desired
13 diversion.

14 (d) An entity ~~which that~~ becomes a holder of a water right in a river
15 basin after an assurance program is in place for that basin shall become a
16 member if the chief engineer determines that sufficient additional water
17 may be yielded from assurance reservoirs to benefit the potential new
18 member.

19 (e) The director ~~of the Kansas water office~~ and the chief engineer
20 each shall adopt any rules and regulations necessary to carry out the
21 purposes and procedures of this act. The director and the chief engineer
22 shall consider the advice of any existing assurance districts in the
23 preparation of any rules and regulations adopted pursuant to this
24 subsection.

25 (f) Any holder of a water right below a reservoir aggrieved by a
26 decision of the chief engineer under this act by being either included or
27 excluded as a member in the assurance program may appeal to the district
28 court under K.S.A. 82a-724, and amendments thereto.

29 (g) Payments required under a contract between a water assurance
30 district and the Kansas ~~water~~ office of natural resources, division of water
31 policy and planning shall be for storage capacity contracted in federal
32 reservoirs. Nothing in this act shall be deemed to authorize any suit against
33 the state or any agency of the state or person employed by the state on an
34 implied contract or for negligence or any other tort. The director ~~of the~~
35 Kansas ~~water office~~ may sue to enforce any claim arising out of a contract.
36 Payment of the assessment shall be a condition imposed on every member
37 and the chief engineer is authorized to declare the suspension of any use of
38 assurance water where a payment is not made.

39 (h) Rights of members to receive assurance water may not be
40 transferred separately from their water rights.

41 Sec. 110. K.S.A. 82a-1347 is hereby amended to read as follows:
42 82a-1347. If any eligible water right holder in a water assurance district
43 organized under the provisions of this act requests an opportunity to

1 renegotiate any existing contracts for the purchase of water supply under
2 the terms of K.S.A. 82a-1301 et seq., and amendments thereto, the Kansas
3 water authority and the Kansas~~-water~~ office *of natural resources, division*
4 *of water policy and planning* shall conduct such negotiations on a timely
5 basis and on the provisions for which negotiations are requested.

6 Sec. 111. K.S.A. 82a-1348 is hereby amended to read as follows: 82a-
7 1348. Each member of a water assurance district shall adopt conservation
8 plans and practices for such member. Such plans and practices shall be
9 consistent with the guidelines for conservation plans and practices
10 developed and maintained by the Kansas~~-water~~ office *of natural resources,*
11 *division of water policy and planning* pursuant to K.S.A. 74-2608, and
12 amendments thereto. Prior to entering into a contract with an assurance
13 district, the director of the Kansas~~-water~~ office *of natural resources,*
14 *division of water policy and planning,* in consultation with the chief
15 engineer, shall determine whether such plans and practices are consistent
16 with the guidelines for conservation plans and practices adopted by the
17 Kansas~~-water~~ office *of natural resources, division of water policy and*
18 *planning.*

19 Sec. 112. K.S.A. 82a-1349 is hereby amended to read as follows:
20 82a-1349. (a) There is hereby created in the state treasury the water supply
21 storage assurance fund. The director of the Kansas~~-water~~ office *of natural*
22 *resources, division of water policy and planning* may accept or receive
23 moneys from water assurance districts for the purposes for which
24 expenditures may be made from the water supply storage assurance district
25 fund. The director shall remit all moneys so received to the state treasurer
26 at least monthly. Upon receipt of any such remittance the state treasurer
27 shall deposit the entire amount in the state treasury and credit such amount
28 to the water supply storage assurance fund. Moneys deposited to the credit
29 of the water supply storage assurance fund which are received from a
30 water assurance district shall be credited to a separate subaccount.

31 (b) Moneys in such subaccounts may be expended for the following
32 purposes:

33 (1) Payment to the federal government of annual capital costs of
34 water supply storage in federal reservoirs under the water assurance
35 program act;

36 (2) payment and reimbursement to the water marketing fund for water
37 supply storage space previously paid for with revenue from the water
38 marketing fund, if such storage space has been transferred to the water
39 assurance program;

40 (3) payment and reimbursement to the state general fund for water
41 supply storage space previously paid for with revenue from the state
42 general fund, if such storage space has been transferred to the water
43 assurance program;

1 (4) payment and reimbursement to the state water plan fund for water
 2 supply storage space previously paid for with revenue from the state water
 3 plan fund, if such storage space has been transferred to the water assurance
 4 program;

5 (5) payment to the federal government of annual operation,
 6 maintenance and repair costs associated with the water supply storage
 7 space dedicated for the use of water assurance districts; and

8 (6) payment and reimbursement to the water marketing fund and the
 9 state general fund for costs incurred by the state for the administration and
 10 enforcement of applicable state laws governing the operations and
 11 management of the water assurance program as provided in contracts with
 12 water assurance districts.

13 (c) 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 *of natural resources, division of water policy and planning* or by a person
 17 designated by the director.

18 Sec. 113. K.S.A. 82a-1360 is hereby amended to read as follows:
 19 82a-1360. As used in K.S.A. 82a-1360 ~~to~~ *through* 82a-1368, ~~inclusive and~~
 20 ~~amendments thereto~~, unless the context otherwise requires:

21 (a) "Director" means the director of the Kansas ~~water~~ office *of*
 22 *natural resources, division of water policy and planning*.

23 (b) "Revenue bonds" means bonds issued pursuant to this act and
 24 payable as to both principal and interest from:

25 (1) The revenue derived from water supply contracts with water users
 26 who will derive benefits from the construction of a large reservoir project
 27 or from the purchase of space in existing reservoirs;

28 (2) the revenue from participants in water assurance programs;

29 (3) in the discretion of the director, the proceeds of any grant-in-aid
 30 ~~which may be received~~ from any source; or

31 (4) any one or more of the foregoing.

32 (c) "Large reservoir project" means a structure that has been planned,
 33 authorized and constructed by the federal government or the state of
 34 Kansas ~~which~~ *that* contains waters for conservation storage water supply.

35 Sec. 114. K.S.A. 82a-1361 is hereby amended to read as follows:
 36 82a-1361. (a) The Kansas ~~water~~ office *of natural resources, division of*
 37 *water policy and planning* is hereby authorized to issue and sell revenue
 38 bonds for the purpose of paying all or part of the cost of acquiring a site or
 39 sites, constructing, reconstructing, improving and expanding large
 40 reservoir projects or to finance the purchase of storage in existing
 41 reservoirs. The revenue bonds may be issued from time to time and sold in
 42 amounts ~~which~~ *that* the director deems necessary for such purposes.

43 (b) Prior to the issuance of the revenue bonds, the director shall adopt

1 a resolution or resolutions in the name and on behalf of the Kansas ~~water~~
2 office, ~~which~~ *of natural resources, division of water policy and planning.*
3 *Such* resolution or resolutions, unless otherwise provided therein, shall
4 take effect immediately and:

5 (1) Determine an interest rate or rates to be paid on the principal of
6 the revenue bonds not in excess of the maximum rate of interest prescribed
7 by K.S.A. 10-1009, and amendments thereto;

8 (2) determine that the revenue bonds will be term or serial bonds or
9 any combination thereof maturing not later than 40 years from the date of
10 issuance;

11 (3) make provision for charges in water supply contracts with water
12 users who will derive benefits from the construction of a large reservoir
13 project or from the purchase of space in existing reservoirs and fix charges
14 to participants in water assurance programs in an amount necessary to
15 assure the prompt payment of the principal of and interest on the revenue
16 bonds as they become due, to maintain any required reserves and to
17 provide for any deficits resulting from failure to receive sums payable to
18 the Kansas ~~water~~ office *of natural resources, division of water policy and*
19 *planning* by such water users or participants in water assurance programs
20 or resulting from any other cause, and shall sell the revenue bonds in the
21 manner provided by K.S.A. 10-106, and amendments thereto, at a price of
22 not less than 90% of the par value thereof; and

23 (4) register the revenue bonds with the state treasurer.

24 (c) Prior to the issuance of the revenue bonds, the director may:

25 (1) Pledge to the payment of the principal and interest on the revenue
26 bonds the gross revenues derived from water supply contracts with water
27 users from revenue from participants in water assurance programs or from
28 any one or more or all of such sources;

29 (2) pledge to the payment of the principal of and interest on the
30 revenue bonds the proceeds of any grant-in-aid, gift, donation, bequest or
31 other such fund, or the income from any of such sources obtained by the
32 Kansas ~~water~~ office *of natural resources, division of water policy and*
33 *planning* directly or in trust;

34 (3) pledge to the payment of the principal of and interest on any
35 revenue bonds issued to acquire conservation water supply storage
36 capacity in federal reservoirs, if moneys otherwise authorized to be
37 pledged are insufficient, moneys appropriated from the following, in
38 descending order of priority: The state water plan fund created by K.S.A.
39 82a-951, and amendments thereto, the state economic development
40 initiatives fund created by K.S.A. 79-4804, and amendments thereto, or the
41 state general fund;

42 (4) create and maintain:

43 (A) Revenue bond funds adequate to promptly pay both the principal

1 of and interest on the revenue bonds when they become due; and

2 (B) a reasonable reserve fund; and

3 (5) covenant or contract with respect to any and all matters consistent
4 with the authority granted herein necessary and convenient in the
5 determination of the director to sell the revenue bonds and obtain the most
6 favorable interest rate thereon, including, but not limited to, maturities,
7 priority of liens, number of issuances, special funds for security,
8 redemption privileges, investments of the proceeds of the revenue bonds
9 and any other funds pledged to the payment thereof or held as security
10 therefor, security agreements, trust indentures, paying agencies,
11 registration provisions and conversion privileges.

12 Sec. 115. K.S.A. 82a-1362 is hereby amended to read as follows:
13 82a-1362. (a) Revenue bonds issued hereunder, including refunding
14 revenue bonds authorized hereunder, shall be special obligations of the
15 Kansas-~~water~~ office of natural resources, division of water policy and
16 planning in accordance with their terms and shall not constitute an
17 indebtedness of the state of Kansas or the Kansas-~~water~~ office of natural
18 resources, division of water policy and planning, nor shall they constitute
19 indebtedness within the meaning of any constitutional or statutory
20 provision limiting the incurring of indebtedness.

21 (b) All contracts, agreements and covenants contained in the
22 resolution authorizing the issuance of revenue bonds shall be binding in all
23 respects upon the Kansas-~~water~~ office of natural resources, division of
24 water policy and planning, its officials, agents, employees and successors.
25 Such agreements, contracts and covenants shall be enforceable by
26 appropriate legal action brought pursuant to the terms of the resolution
27 authorizing the issuance of revenue bonds.

28 Sec. 116. K.S.A. 82a-1363 is hereby amended to read as follows:
29 82a-1363. The Kansas-~~water~~ office of natural resources, division of water
30 policy and planning may issue revenue bonds for the purpose of refunding
31 revenue bonds issued hereunder pursuant to the terms and authority of
32 K.S.A. 10-116a, and amendments thereto.

33 Sec. 117. K.S.A. 82a-1364 is hereby amended to read as follows:
34 82a-1364. The proceeds derived from the sale of all revenue bonds issued
35 under this act shall be deposited to the credit of the Kansas-~~water~~ office of
36 natural resources, division of water policy and planning in either an
37 account administered pursuant to K.S.A. 75-4251 et seq., and amendments
38 thereto, or in an account arranged pursuant to K.S.A. 75-3799, and
39 amendments thereto, and used solely for the purposes for which the
40 revenue bonds are authorized. The director is authorized to make all
41 contracts and execute all instruments-~~which~~ that in the director's discretion
42 may be deemed necessary or advisable for the purpose of acquiring a site
43 or sites, constructing, reconstructing, improving and expanding large

1 reservoir projects or to finance the purchase of space in existing reservoirs
2 and to provide for the manner of disbursement of the funds for such
3 purposes. Other than contracts with federal, state or local governmental
4 units, contracts authorized by this act shall be made pursuant to K.S.A. 75-
5 3739 or 75-3799, and amendments thereto. Nothing contained in this act
6 shall be construed as placing in the state treasury any money collected
7 under this act or requiring such action, and the legislature hereby declares
8 that funds deposited under this section shall not be subject to the
9 provisions of section 24 of article 2 of the Kansas constitution.

10 Sec. 118. K.S.A. 82a-1367 is hereby amended to read as follows:
11 82a-1367. (a) This act constitutes full and complete authority for the
12 purposes set out in this act, and no procedure or proceedings other than
13 those required by this act shall be necessary for the performance of the
14 provisions thereof. The powers conferred by this act shall be in addition
15 and supplemental to and not in substitution for, and the limitations
16 imposed by this act shall not affect, the powers conferred on the Kansas
17 ~~water~~ office of natural resources, division of water policy and planning by
18 any other law.

19 (b) The provisions of this act are severable, and if any provision,
20 section, subsection, sentence, clause or phrase of this act, including, but
21 not limited to, the provisions relating to any of the sources of revenues for
22 payment of bonds authorized pursuant to this act are for any reason held to
23 be unconstitutional or otherwise invalid by any court of competent
24 jurisdiction, such decision shall not affect the validity of the remaining
25 portions of this act. The legislature hereby declares that it would have
26 passed this act and each provision, section, subsection, sentence, clause or
27 phrase thereof irrespective of the fact that any one or more of the same are
28 declared invalid.

29 Sec. 119. K.S.A. 82a-1368 is hereby amended to read as follows:
30 82a-1368. Prior to the issuance of any revenue bonds under authority of
31 this act and after the adoption of a resolution authorizing any revenue
32 bonds under this act, the director shall cause to be published once in the
33 Kansas register a notice to all persons interested that the Kansas-~~water~~
34 office of natural resources, division of water policy and planning has
35 determined to issue revenue bonds under authority of this act. The notice
36 shall state the amount or maximum amount of revenue bonds to be issued
37 pursuant to such resolution, together with a brief statement of the purposes
38 for which the proceeds are to be used, and further, that unless an action to
39 contest the legality of the proposed revenue bonds shall be filed in a court
40 of law within 30 days from the date of such publication, the right to
41 contest the legality of any revenue bonds issued in compliance with the
42 proceedings taken by the Kansas-~~water~~ office of natural resources,
43 division of water policy and planning prior to the date of such publication

1 and the right to contest the validity of the provisions of such proceedings
2 shall cease to exist and no court shall thereafter have authority to inquire
3 into such matters. After the expiration of the 30 days, no one shall have
4 any right to commence an action contesting the validity of such revenue
5 bonds or the provisions of such proceedings and all revenue bonds shall be
6 conclusively presumed to be legal, and no court shall thereafter have
7 authority to inquire into such matters.

8 Sec. 120. K.S.A. 82a-1370 is hereby amended to read as follows:
9 82a-1370. (a) To provide financing to acquire conservation water supply
10 storage in federal reservoirs, the pooled money investment board is
11 authorized and directed to loan to the director of the Kansas-~~water~~ office
12 *of natural resources, division of water policy and planning*, upon request
13 therefor, sufficient funds for such purpose. The pooled money investment
14 board is authorized and directed to use any moneys in the operating
15 accounts, investment accounts or other investments, of the state of Kansas
16 to provide funds for such loan. On the loan date of such loan, the pooled
17 money investment board shall transfer the loan amount to the director of
18 the Kansas-~~water~~ office *of natural resources, division of water policy and*
19 *planning* by depositing the same in the state treasury to the credit of the
20 water supply storage acquisition financing fund.

21 (b) Such loan shall bear interest from the date of the loan at an annual
22 rate of interest which is not less than the average yield before taxes
23 received on 91-day United States treasury bills as determined by the
24 federal reserve banks as fiscal agents of the United States at its most recent
25 public offering of such bills in effect on January 1 of such year. The
26 principal and interest thereon shall be payable in accordance with
27 subsection (c). Such loan shall not be deemed to be an indebtedness or
28 debt of the state of Kansas within the meaning of section 6 of article 11 of
29 the Constitution of the state of Kansas.

30 (c) The principal and interest on any loan made under this section,
31 shall be payable in accordance with appropriations acts from the following
32 sources, in descending order of priority:

33 (1) Amounts received under contracts entered into pursuant to the
34 state water plan storage act or the water assurance program act, if the
35 water supply storage capacity purchased with the loan proceeds is to be
36 used to service such contracts;

37 (2) state water plan fund created by K.S.A. 82a-951, and amendments
38 thereto;

39 (3) the state economic development initiatives fund created by K.S.A.
40 79-4804, and amendments thereto; and

41 (4) the state general fund.

42 (d) There is hereby created in the state treasury the water supply
43 storage acquisition financing fund. On or before the 10th day of each

1 month, the director of accounts and reports shall transfer from the state
2 general fund to the water supply storage acquisition financing fund interest
3 earnings based on:

4 (1) The average daily balance of moneys in the water supply storage
5 acquisition financing fund for the preceding month; and

6 (2) the net earnings rate for the pooled money investment portfolio
7 for the preceding month.

8 (e) All expenditures from the water supply storage acquisition
9 financing fund shall be made for the purpose of financing the acquisition
10 of water supply storage in federal reservoirs and for the purpose of paying
11 the principal and interest on the loan received under this section in
12 accordance with appropriation acts upon warrants of the director of
13 accounts and reports issued pursuant to vouchers approved by the director
14 of the Kansas ~~water~~ office of *natural resources, division of water policy*
15 *and planning* or by a person designated by the director.

16 Sec. 121. K.S.A. 82a-1402 is hereby amended to read as follows:
17 82a-1402. As used in this act, unless the context otherwise requires:

18 (a) "Authority" means the Kansas water authority;

19 (b) "Director" means the director of the Kansas ~~water~~ office of
20 *natural resources, division of water policy and planning*.

21 (c) "Naturally" means arising from a phenomenon of nature.

22 (d) "Operational program" means weather modification activity
23 conducted to increase rainfall or suppress hail damage whether such
24 activity is conducted not-for-profit, for profit or purely for research.

25 (e) "Person" means ~~and includes~~ a natural person, a partnership, an
26 organization, a corporation, a municipality and any department or agency
27 of the state.

28 (f) "Research and development operation" or "research and
29 development project" means an operation ~~which~~ *that* is conducted solely to
30 advance scientific and technical knowledge.

31 (g) "Weather modification activity" means any operation or
32 experimental process which has as its objective inducing change, by
33 artificial means, in the composition, behavior, or dynamics of clouds and
34 the atmosphere.

35 Sec. 122. K.S.A. 2024 Supp. 82a-1501 is hereby amended to read as
36 follows: 82a-1501. As used in the water transfer act:

37 (a) (1) "Water transfer" means the diversion and transportation of
38 water in a quantity of 2,000 acre feet or more per year for beneficial use at
39 a point of use outside a 35-mile radius from the point of diversion of such
40 water. In determining the amount of water transferred in the case of a
41 water transfer supplying water to multiple public water supply systems or
42 other water users, the amount of water transferred shall be considered to be
43 the aggregate amount of water that will be supplied by the transfer to all

1 public water supply systems and other water users whose points of use are
2 located outside a 35-mile radius from the point of diversion of such water.

3 (2) "Water transfer" does not include a release of water from a
4 reservoir to the water's natural watercourse for use within the natural
5 watercourse or watershed, made under the authority of the state water plan
6 storage act, K.S.A. 82a-1301 et seq., and amendments thereto, or the water
7 assurance program act, K.S.A. 82a-1330 et seq., and amendments thereto.

8 (b) "Point of diversion" means:

9 (1) The point where the longitudinal axis of the dam crosses the
10 center line of the stream in the case of a reservoir;

11 (2) the location of the headgate or intake in the case of a direct
12 diversion from a river, stream or other watercourse;

13 (3) the location of a well in the case of groundwater diversion; or

14 (4) the geographical center of the points of diversion in the case of
15 multiple diversion points.

16 (c) "Point of use" means the geographical center of each water user's
17 proposed or authorized place of use where any water authorized by the
18 proposed transfer will be used.

19 (d) "Chief engineer" means the chief engineer of the *Kansas office of*
20 *natural resources*, division of water resources ~~of the Kansas department of~~
21 ~~agriculture~~.

22 (e) "Secretary" means the secretary of the department of health and
23 environment, or the director of the division of environment of the
24 department of health and environment if designated by the secretary.

25 (f) "Director" means the director of the ~~Kansas water~~ *office of*
26 *natural resources, division of water policy and planning*.

27 (g) "Panel" means the water transfer hearing panel.

28 (h) (1) "Party" means:

29 (A) The applicant; or

30 (B) any person who successfully intervenes pursuant to K.S.A. 82a-
31 1503, and amendments thereto, and actively participates in the hearing.

32 (2) "Party" does not include a person who makes a limited
33 appearance for the purpose of presenting a statement for or against the
34 water transfer.

35 (i) "Commenting agencies" means groundwater management districts
36 and state natural resource and environmental agencies, including, but not
37 limited to, the Kansas department of health and environment, the Kansas
38 ~~water~~ *office of natural resources, division of water policy and planning*,
39 the Kansas water authority, the Kansas department of wildlife and parks
40 and the *Kansas office of natural resources*, division of water resources ~~of~~
41 ~~the Kansas department of agriculture~~.

42 (j) "Public water supply system" means any water supply system,
43 whether publicly or privately owned, for which a permit is required

1 pursuant to K.S.A. 65-163, and amendments thereto.

2 Sec. 123. K.S.A. 82a-1502 is hereby amended to read as follows:
3 82a-1502. (a) No person shall make a water transfer in this state unless and
4 until the transfer is approved pursuant to the provisions of this act. No
5 water transfer shall be approved ~~which~~ *if such transfer* would reduce the
6 amount of water required to meet the present or any reasonably
7 foreseeable future beneficial use of water by present or future users in the
8 area from which the water is to be taken for transfer unless:

9 (1) The panel determines that the benefits to the state for approving
10 the transfer outweigh the benefits to the state for not approving the
11 transfer;

12 (2) the chief engineer recommends to the panel and the panel concurs
13 that an emergency exists which affects the public health, safety or welfare;
14 or

15 (3) the governor has declared that an emergency exists ~~which~~ *that*
16 affects the public health, safety or welfare. Whenever an emergency exists,
17 a water transfer may be approved by the panel on a temporary basis for a
18 period of time not to exceed one year under rules and regulations adopted
19 by the chief engineer. The emergency approval shall be subject to the
20 terms, conditions and limitations specified by the panel.

21 (b) No water transfer shall be approved under the provisions of this
22 act:

23 (1) If such transfer would impair water reservation rights, vested
24 rights, appropriation rights or prior applications for permits to appropriate
25 water; and

26 (2) unless the presiding officer determines that the applicant has
27 adopted and implemented conservation plans and practices that:

28 (A) Are consistent with the guidelines developed and maintained by
29 the Kansas ~~water~~ *office of natural resources, division of water policy and*
30 *planning* pursuant to K.S.A. 74-2608, and amendments thereto;;

31 (B) have been in effect for not less than 12 consecutive months
32 immediately prior to the filing of the application on which the hearing is
33 being held; and

34 (C) if the transfer is for use by a public water supply system, include
35 the implementation of a rate structure ~~which~~ *that* encourages the efficient
36 use of water that is determined by the presiding officer to be effective and
37 if designed, implemented and maintained properly, will result in wise use
38 and responsible conservation and management of water used by the
39 system.

40 (c) To determine whether the benefits to the state for approving the
41 transfer outweigh the benefits to the state for not approving the transfer,
42 the presiding officer shall consider all matters pertaining thereto, including
43 specifically:

- 1 (1) Any current beneficial use being made of the water proposed to
 - 2 be diverted, including minimum desirable streamflow requirements;
 - 3 (2) any reasonably foreseeable future beneficial use of the water;
 - 4 (3) the economic, environmental, public health and welfare and other
 - 5 impacts of approving or denying the transfer of the water;
 - 6 (4) alternative sources of water available to the applicant and present
 - 7 or future users for any beneficial use;
 - 8 (5) whether the applicant has taken all appropriate measures to
 - 9 preserve the quality and remediate any contamination of water currently
 - 10 available for use by the applicant;
 - 11 (6) the proposed plan of design, construction and operation of any
 - 12 works or facilities used in conjunction with carrying the water from the
 - 13 point of diversion, ~~which~~. *Such* plan shall be in sufficient detail to enable
 - 14 all parties to understand the impacts of the proposed water transfer;
 - 15 (7) the effectiveness of conservation plans and practices adopted and
 - 16 implemented by the applicant and any other entities to be supplied water
 - 17 by the applicant;
 - 18 (8) the conservation plans and practices adopted and implemented by
 - 19 any persons protesting or potentially affected by the proposed transfer,
 - 20 which plans and practices shall be consistent with the guidelines for
 - 21 conservation plans and practices developed and maintained by the Kansas
 - 22 ~~water~~ office of *natural resources, division of water policy and planning*
 - 23 pursuant to K.S.A. 74-2608, and amendments thereto; and
 - 24 (9) any applicable management program, standards, policies and rules
 - 25 and regulations of a groundwater management district.
- 26 Sec. 124. K.S.A. 2024 Supp. 82a-1602 is hereby amended to read as
- 27 follows: 82a-1602. In order to provide public water supply storage and
- 28 water related recreational facilities in the state, there is hereby established
- 29 a multipurpose small lakes program. The program shall be administered by
- 30 the division. Except as otherwise provided by this act, the division, with
- 31 the approval of the ~~secretary~~ *executive director*, shall adopt all rules and
- 32 regulations necessary to implement the provisions of this act.
- 33 Sec. 125. K.S.A. 2024 Supp. 82a-1603 is hereby amended to read as
- 34 follows: 82a-1603. When used in this act:
- 35 (a) "Chief engineer" means the chief engineer of the *Kansas office of*
 - 36 *natural resources, division of water resources* ~~of the department of~~
 - 37 ~~agriculture~~.
 - 38 (b) "Class I funded project" means a proposed new project or
 - 39 renovation of an existing project located within the boundaries of an
 - 40 organized watershed district that is receiving or is eligible to receive
 - 41 financial participation from the division for the flood control storage
 - 42 portion of the project.
 - 43 (c) "Class II funded project" means a proposed new project or

1 renovation of an existing project that is receiving or is eligible to receive
2 financial participation from the federal government.

3 (d) "Class III funded project" means a proposed new project or
4 renovation of an existing project located outside the boundaries of an
5 organized watershed district that is not receiving or is not eligible to
6 receive financial participation from the division or the federal government
7 except as provided in K.S.A. 82a-1606, and amendments thereto.

8 (e) "Division" means the division of conservation established within
9 the Kansas ~~department of agriculture in K.S.A. 74-5,126, and amendments~~
10 ~~thereto~~ office of natural resources.

11 (f) "*Executive director*" means the executive director of the Kansas
12 office of natural resources.

13 (g) "Flood control storage" means storage space in reservoirs to hold
14 flood waters.

15 ~~(g)~~(h) "Future use public water supply storage" means storage space
16 that the Kansas water office determines will be needed within the next 20
17 years for use by public water supply users in an area but for which there is
18 no current sponsor.

19 ~~(h)~~(i) "General plan" means a preliminary engineering report
20 describing the characteristics of the project area, the nature and methods of
21 dealing with the soil and water problems within the project area and the
22 projects proposed to be undertaken by the sponsor within the project area.
23 Such plan shall include: Maps, descriptions and other data as may be
24 necessary for the location, identification and establishment of the character
25 of the work to be undertaken; a cost-benefit analysis of alternatives to the
26 project, including, but not limited to, nonstructural flood control options
27 and water conservation and reuse to reduce need for new water supply
28 storage; and any other data and information as the chief engineer may
29 require.

30 ~~(i)~~(j) "Land right" means real property as that term is defined by the
31 laws of the state of Kansas and all rights thereto and interest therein and
32 includes any road, highway, bridge, street, easement or other right-of-way
33 thereon.

34 ~~(j)~~(k) "Multipurpose small lake project" means a dam and lake
35 containing: (1) Flood control storage; and (2) either public water supply
36 storage or recreation features, or both.

37 ~~(k)~~(l) "Public water supply" means a water supply for municipal,
38 industrial or domestic use.

39 ~~(l)~~(m) "Public water supply storage" means storage of water for
40 municipal, industrial or domestic use.

41 ~~(m)~~(n) "Recreation feature" means water storage and related facilities
42 for activities such as swimming, fishing, boating, camping or other related
43 activities.

1 ~~(n)~~(o) "Renovation" means repair or restoration of an existing lake
2 that contains water storage space for use as a public water supply and that
3 has either recreational purposes or flood control purposes, or both.

4 ~~(o) "Secretary" means the secretary of the Kansas department of~~
5 ~~agriculture.~~

6 (p) "Sponsor" means: (1) Any political subdivision of the state that
7 has the power of taxation and the right of eminent domain; (2) any public
8 wholesale water supply district; or (3) any rural water district.

9 (q) "Water user" means any city, rural water district, wholesale water
10 district or any other political subdivision of the state that is in the business
11 of furnishing municipal or industrial water to the public.

12 Sec. 126. K.S.A. 82a-1604 is hereby amended to read as follows:
13 82a-1604. (a) The state may participate with a sponsor in the development,
14 construction or renovation of a class I multipurpose small lake project if
15 the sponsor has a general plan ~~which~~ *that* has been submitted to and
16 approved by the chief engineer in the manner provided by K.S.A. 24-1213
17 and 24-1214, and amendments thereto. If the Kansas ~~water~~ *office of*
18 *natural resources, division of water policy and planning* determines that
19 additional public water supply storage shall be needed in that area of the
20 state within 20 years from the time such project is to be completed and a
21 water user is not available to finance public water supply storage, the state
22 may include future use public water supply storage in the project. The
23 Kansas ~~water~~ *office of natural resources, division of water policy and*
24 *planning* shall apply for a water appropriation right sufficient to insure a
25 dependable yield from the public water supply storage. The Kansas ~~water~~
26 *office of natural resources, division of water policy and planning* shall be
27 exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et
28 seq., and amendments thereto, for such applications. The Kansas ~~water~~
29 *office of natural resources, division of water policy and planning* shall
30 have authority to adopt rules and regulations relative to the inclusion of
31 public water supply storage in proposed projects under this act and the
32 disposition of state-owned water rights and associated public water supply
33 storage space in such projects.

34 (b) The sponsor of such class I project shall be responsible for
35 acquiring land rights and for the costs of operation and maintenance of
36 such project. The state may provide up to 50% of the engineering and
37 construction costs and up to 50% of the costs of land rights associated with
38 recreation features. Subject to the provisions of subsections (a) and (c), the
39 state may pay up to 100% of the engineering and construction costs of
40 flood control and public water supply storage. All other costs of such
41 project, including land, construction, operation and maintenance shall be
42 paid by the sponsor.

43 (c) The state shall not participate in the costs of public water supply

1 storage in a renovation project unless the Kansas~~-water~~ office of *natural*
2 *resources, division of water policy and planning* determines that
3 renovation is the most cost effective alternative for such storage. The state
4 shall be authorized to pay only up to 50% of the engineering and
5 construction costs of public water supply storage in such a renovation
6 project.

7 (d) The Kansas~~-water~~ office of *natural resources, division of water*
8 *policy and planning* may recover the state's costs incurred in providing
9 public water supply storage in such class I project, and interest on such
10 costs, by selling such storage and the associated water rights. Interest on
11 such costs shall be computed at a rate per annum equal to the average of
12 the monthly net earnings rate for the pooled money investment portfolio
13 for the preceding calendar year for each year of storage.

14 Sec. 127. K.S.A. 82a-1605 is hereby amended to read as follows:
15 82a-1605. (a) The state may participate with a sponsor in the development,
16 construction or renovation of a class II multipurpose small lake project if
17 the sponsor has a general plan~~-which~~ that has been submitted to and
18 approved by the chief engineer in the manner provided by K.S.A. 24-1213
19 and 24-1214, and amendments thereto. If the Kansas~~-water~~ office of
20 *natural resources, division of water policy and planning* determines that
21 additional public water supply storage shall be needed in that area of the
22 state within 20 years from the time such project is to be completed and a
23 water user is not available to finance public water supply storage, the state
24 may include future use public water supply storage in the project. The
25 Kansas~~-water~~ office of *natural resources, division of water policy and*
26 *planning* shall apply for a water appropriation right sufficient to insure a
27 dependable yield from public water supply storage. The Kansas~~-water~~
28 office of *natural resources, division of water policy and planning* shall be
29 exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et
30 seq., and amendments thereto, for such applications. The Kansas~~-water~~
31 office of *natural resources, division of water policy and planning* shall
32 have authority to adopt rules and regulations relative to the inclusion of
33 public water supply storage in proposed projects under this act and the
34 disposition of state-owned water rights and associated public water supply
35 storage space in such projects.

36 (b) In a class II project, the state may assume initial financial
37 obligations for public water supply storage in watersheds by entering into
38 long-term contracts with the federal government. In order to provide
39 security to the federal government, the state may grant assignments of
40 water rights, either appropriation rights or water reservation rights;
41 assignments of rights under existing or prospective water purchase
42 contracts; assignments, mortgages or other transfers of interests in real
43 property held by the state and devoted to the specific small lake project for

1 which security is sought; or may provide other security that is permissible
2 under state law and acceptable by the federal government. Instead of
3 contracting to repay costs under long-term contracts, the state may pay all
4 of the required costs of the public water supply storage in a lump sum.

5 (c) The sponsor of such class II project shall be responsible for
6 acquiring land rights and for the costs of operation and maintenance of
7 such project. The state or federal government may provide up to 50% of
8 the engineering and construction costs and up to 50% of the costs of land
9 rights associated with recreation features. Subject to the provisions of
10 subsection (d), the state may pay up to 100% of the engineering and
11 construction costs of flood control and public water supply storage. All
12 other costs of such project, including land, construction, operation and
13 maintenance shall be paid by the sponsor.

14 (d) The state shall not participate in the costs of public water supply
15 storage in a renovation project unless the Kansas~~-water~~ office of *natural*
16 *resources, division of water policy and planning* determines that
17 renovation is the most cost effective alternative for such storage. The state
18 shall be authorized to pay only up to 50% of the engineering and
19 construction costs of public water supply storage in such a renovation
20 project.

21 (e) The Kansas~~-water~~ office of *natural resources, division of water*
22 *policy and planning* may recover the state's costs incurred in providing
23 public water supply storage in such class II project, and interest on such
24 costs, by selling such storage and the associated water rights. Interest on
25 such costs shall be computed at a rate per annum equal to the average of
26 the monthly net earnings rate for the pooled money investment portfolio
27 for the preceding calendar year for each year of storage.

28 Sec. 128. K.S.A. 82a-1606 is hereby amended to read as follows:
29 82a-1606. (a) The state may participate with a sponsor in the development,
30 construction or renovation of a class III multipurpose small lake project if
31 the sponsor has a general plan~~-which~~ *that* has been submitted to and
32 approved by the chief engineer in the manner provided by K.S.A. 24-1213
33 and 24-1214, and amendments thereto. If public water supply storage is
34 included in the project, the sponsor of such class III project shall pay for
35 100% of the costs associated with the public water supply storage portion
36 of such project unless the Kansas~~-water~~ office of *natural resources,*
37 *division of water policy and planning* determines that additional public
38 water supply storage shall be needed in that area of the state within 20
39 years from the time such project is to be completed and a sponsor is not
40 available to finance 100% of the costs associated with the public water
41 supply storage, the state may participate in the future use public water
42 supply storage costs of the project. If the state participates in the public
43 water supply storage costs, the Kansas~~-water~~ office of *natural resources,*

1 *division of water policy and planning* shall apply for a water appropriation
2 right sufficient to insure a dependable yield from public water supply
3 storage. The Kansas~~-water~~ office of *natural resources, division of water*
4 *policy and planning* shall be exempt from all applicable fees imposed
5 pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such
6 applications. The Kansas~~-water~~ office of *natural resources, division of*
7 *water policy and planning* shall have authority to adopt rules and
8 regulations relative to the inclusion of public water supply storage in
9 proposed projects under this act and the disposition of state-owned water
10 rights and associated public water supply storage space in such projects.

11 (b) The sponsor of such class III project shall be responsible for
12 acquiring land rights and for the costs of operation and maintenance of the
13 project. The state may provide up to 50% of the engineering and
14 construction costs and up to 50% of the costs of land rights associated with
15 recreation features. Subject to the provisions of subsection (c), the state
16 may pay up to 100% of the engineering and construction costs of flood
17 control storage and public water supply storage. All other costs of such
18 project, including land, construction, operation and maintenance, shall be
19 paid by the sponsor.

20 (c) The state shall not participate in the costs of public water supply
21 storage in a renovation project unless the Kansas~~-water~~ office of *natural*
22 *resources, division of water policy and planning* determines that
23 renovation is the most cost effective alternative for such storage. The state
24 shall be authorized to pay only up to 50% of the engineering and
25 construction costs of public water supply storage in such a renovation
26 project.

27 (d) The Kansas~~-water~~ office of *natural resources, division of water*
28 *policy and planning* may recover the state's costs incurred in providing
29 public water supply storage in such class III project, and interest on such
30 costs, by selling such storage and the associated water rights. Interest on
31 such costs shall be computed at a rate per annum equal to the average of
32 the monthly net earnings rate for the pooled money investment portfolio
33 for the preceding calendar year for each year of storage.

34 Sec. 129. K.S.A. 2024 Supp. 82a-1607 is hereby amended to read as
35 follows: 82a-1607. Sponsors shall apply to the division for participation in
36 the multipurpose small lakes program. The review and approval process of
37 the division shall be established by rules and regulations that shall be
38 consistent with the state water plan. Following review, the division, with
39 the approval of the ~~secretary~~ *executive director of the Kansas office of*
40 *natural resources*, shall request appropriations for specific projects from
41 the legislature. Any funds appropriated to carry out the provisions of this
42 act shall be administered by the division.

43 Sec. 130. K.S.A. 82a-1608 is hereby amended to read as follows:

1 82a-1608. (a) If state financial participation is approved for a multipurpose
2 small lake project, the ~~Kansas department of agriculture~~ *office of natural*
3 *resources*, division of conservation shall require a local nonpoint source
4 management plan for the watersheds draining into the proposed lake. Such
5 plan shall be submitted to and approved by the ~~Kansas department of~~
6 ~~agriculture~~ *office of natural resources*, division of conservation before any
7 state funds may be used for the proposed project.

8 (b) If public water supply storage is included in such a project, the
9 sponsor shall have a water conservation plan which has been submitted to
10 and approved by the chief engineer.

11 (c) Any funding provided by the state shall include money necessary
12 to pay for cost-sharing expenses incurred for nonpoint source management
13 pursuant to the plan required by subsection (a).

14 Sec. 131. K.S.A. 82a-1609 is hereby amended to read as follows:
15 82a-1609. (a) Before the ~~Kansas department of agriculture~~ *office of*
16 *natural resources*, division of conservation requests any appropriation for
17 any multipurpose small lake project, the chief engineer shall review the
18 cost-benefit analysis of alternatives to the project and shall:

19 (1) Submit the general plan to the appropriate state environmental
20 review agencies pursuant to K.S.A. 82a-325, 82a-326 and 82a-327, and
21 amendments thereto, for review and comment as provided by those
22 sections; and

23 (2) publish notice of the review in the Kansas register, make the
24 general plan available to the public and receive public comments on the
25 proposed project for a period of 30 days following publication of the
26 notice.

27 (b) If, in the review, a reasonable, less expensive alternative to the
28 proposed project is identified and the ~~Kansas department of agriculture~~
29 division of conservation nevertheless requests an appropriation for the
30 proposed project, the division shall submit its reasons for proceeding with
31 participation in the project, together with substantiating documentation,
32 with the budget estimate and program statement for such project.

33 (c) This section shall be a part of and supplemental to the
34 multipurpose small lakes program act.

35 Sec. 132. K.S.A. 2024 Supp. 82a-1702 is hereby amended to read as
36 follows: 82a-1702. (a) The state shall provide financial assistance to
37 certain public corporations for part of the costs or reimbursement of part of
38 the costs of installation of water development projects that derive general
39 benefits to the state as a whole or to a section thereof beyond the
40 boundaries of such public corporation.

41 (b) (1) Any public corporation shall be eligible for state financial
42 assistance for a part of the costs it becomes actually and legally obligated
43 to pay for all lands, easements and rights-of-way for the water

1 development projects in the event the ~~Kansas department of agriculture~~
2 *office of natural resources*, division of conservation shall find that:

3 (A) Such public corporation has made application for approval of
4 such financial assistance with the ~~Kansas department of agriculture~~
5 division of conservation in such form and manner as the ~~Kansas~~
6 ~~department of agriculture~~ division of conservation may require, which
7 application each public corporation is hereby authorized to make;

8 (B) such works will confer general flood control benefits beyond the
9 boundaries of such public corporation in excess of 20% of the total flood
10 control benefits of the works;

11 (C) such works are consistent with the state water plan;

12 (D) such public corporation will need such financial assistance for
13 actual expenditures within the fiscal year next following; and

14 (E) the legislature has appropriated funds for the payment of such
15 sum.

16 (2) The payment authorized hereunder shall be limited to an amount
17 equal to the total costs the public corporation shall become actually and
18 legally obligated to spend for lands, easements and rights-of-way for such
19 water resource development works, multiplied by the ratio that the flood
20 control benefits conferred beyond the boundaries of the public corporation
21 bear to the total flood control benefits of the project. Such findings shall
22 each be made at and in such manner as is provided by procedural rules and
23 regulations that shall be adopted by the ~~Kansas department of agriculture~~
24 division of conservation with the approval of the ~~secretary executive~~
25 *director*.

26 (c) Any public corporation receiving financial assistance under this
27 section shall apply those sums toward the satisfaction of the legal
28 obligations for the specific lands, easements and rights-of-way for which ~~it~~
29 *such corporation* receives them or toward the reimbursement of those
30 accounts from which those legal obligations were satisfied, in whole or in
31 part, and ~~it~~ *such corporation* shall return to the state any sums that are not
32 in fact so applied. In ascertaining costs of lands, easements and rights-of-
33 way under this section, the ~~Kansas department of agriculture~~ division of
34 conservation shall not consider any costs that relate to land treatment
35 measures or any costs for which federal aid for construction costs is
36 granted pursuant to the watershed protection and flood prevention acts or
37 pursuant to any other federal acts.

38 Sec. 133. K.S.A. 82a-1703 is hereby amended to read as follows:
39 82a-1703. The governing body of each public corporation eligible for state
40 financial assistance under the provisions of this act shall make application
41 for state payment each year to the ~~Kansas department of agriculture~~ *office*
42 *of natural resources*, division of conservation in such form and manner as
43 the ~~Kansas department of agriculture~~ division of conservation may

1 prescribe by its *in* rules and regulations. Each year the ~~Kansas department~~
2 ~~of agriculture~~ division of conservation shall determine what persons are
3 eligible to receive financial assistance from the state, and the amounts
4 thereof, pursuant to this act. In the event the ~~Kansas department of~~
5 ~~agriculture~~ division of conservation shall determine that any such
6 application, including the amounts thereof, is proper and in compliance
7 with this act and is supported by a resolution as provided in K.S.A. 82a-
8 1704, and amendments thereto, the ~~Kansas department of agriculture~~
9 division of conservation may submit a request therefor as a part of its
10 annual budget requests and estimates. Each such request shall be
11 separately stated and identified. The budget item for each project shall
12 contain the name of the project, the name of the public corporation ~~to~~
13 ~~which~~ *that* the item relates, the county or counties ~~in which~~ *where* such
14 public corporation is located, the identification of the agreement or
15 resolution supporting the request, and the amount of state payment
16 requested therefor.

17 Sec. 134. K.S.A. 82a-1704 is hereby amended to read as follows:
18 82a-1704. In order that any public corporation eligible for state payments
19 under the provisions of this act may receive payment from the state, the
20 governing body of the public corporation shall adopt and transmit to the
21 ~~Kansas department of agriculture~~ *office of natural resources*, division of
22 conservation an appropriate resolution requesting the ~~Kansas department~~
23 ~~of agriculture~~ division of conservation to approve payment to the
24 requesting body of a sum or sums to be named within the limits of and for
25 the purposes defined in this act. The resolution shall show the total cost
26 allocated to the requesting body for providing the lands, easements, and
27 rights-of-way for the works of improvement of the requesting body and
28 shall pledge that all money received from the state under authority of this
29 act will be applied solely to the purposes specified in this act.

30 Sec. 135. K.S.A. 82a-1803 is hereby amended to read as follows:
31 82a-1803. (a) There is hereby established in the state treasury the water
32 conservation projects fund, to be administered by the director of the
33 ~~Kansas water~~ *office of natural resources, division of water policy and*
34 *planning*. The water conservation projects fund is hereby redesignated as
35 the Arkansas river water conservation projects fund.

36 (b) Revenue from the following sources shall be credited to the
37 Arkansas river water conservation projects fund:

38 (1) Amounts provided for by K.S.A. 82a-1801, and amendments
39 thereto; and

40 (2) moneys received from any source by the state in the form of gifts,
41 grants, reimbursements or appropriations for use for the purposes of the
42 fund.

43 (c) Moneys credited to the Arkansas river water conservation projects

1 fund shall be expended only *for* conservation projects, utilization
 2 efficiency, administrative requirements and delivery projects, and similar
 3 types of projects, in those areas of the state lying in the upper Arkansas
 4 river basin and directly impacted by the provisions of the Arkansas river
 5 compact between this state and the state of Colorado.

6 (d) The types of projects that may be funded under ~~subsection (a)(1)~~
 7 of K.S.A. 82a-1801(a)(1), and amendments thereto, include:

8 (1) Efficiency improvements to canals or laterals owned by a ditch
 9 company or projects to improve the operational efficiency or management
 10 of such canals or laterals;

11 (2) water use efficiency devices, tailwater systems or irrigation
 12 system efficiency upgrades;

13 (3) water measurement flumes, meters, gauges, data collection
 14 platforms or related monitoring equipment;

15 (4) artificial recharge or purchase of water rights for stream recovery
 16 or aquifer restoration;

17 (5) maintenance of the Arkansas river channel; or

18 (6) monitoring and enforcement of Colorado's compliance with the
 19 Arkansas river compact.

20 Moneys credited to the fund may be expended to reimburse costs of
 21 projects described by this subsection that were required by the division of
 22 water resources and commenced on or after July 1, 1994.

23 Sec. 136. K.S.A. 82a-1804 is hereby amended to read as follows:
 24 82a-1804. (a) There is hereby established in the state treasury the
 25 Republican river water conservation projects — Nebraska moneys fund to
 26 be administered by the director of the Kansas ~~water~~ office of *natural*
 27 *resources, division of water policy and planning*.

28 (b) Revenue from the following sources shall be credited to the
 29 Republican river water conservation projects — Nebraska moneys fund:

30 (1) Amounts provided for by K.S.A. 82a-1801, and amendments
 31 thereto; and

32 (2) moneys received from any source by the state in the form of gifts,
 33 grants, reimbursements or appropriations for use for the purposes of the
 34 fund.

35 (c) Moneys credited to the Republican river water conservation
 36 projects — Nebraska moneys fund shall be expended only for
 37 conservation projects, utilization efficiency, administrative requirements
 38 and delivery projects, and similar types of projects set forth in subsection
 39 (g), in those areas of the state lying in the lower Republican river basin
 40 between the Kansas/Nebraska border and Milford dam in all or parts of
 41 Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic, Riley, Smith
 42 and Washington counties.

43 (d) There is hereby established in the state treasury the Republican

1 river water conservation projects — Colorado moneys fund to be
2 administered by the director of the Kansas ~~water~~ office of natural
3 resources, division of water policy and planning.

4 (e) Revenue from the following sources shall be credited to the
5 Republican river water conservation projects — Colorado moneys fund:

6 (1) Amounts provided for by K.S.A. 82a-1801, and amendments
7 thereto; and

8 (2) moneys received from any source by the state in the form of gifts,
9 grants, reimbursements or appropriations for use for purposes of the fund.

10 (f) Moneys credited to the Republican river water conservation
11 projects — Colorado moneys fund shall be expended only for conservation
12 projects, utilization efficiency, administrative requirements and delivery
13 projects, and similar types of projects set forth in subsection (g), in those
14 areas of the state lying in the upper Republican river basin in northwest
15 Kansas in all or parts of Cheyenne, Decatur, Norton, Phillips, Rawlins,
16 Sheridan, Sherman and Thomas counties.

17 (g) The types of projects that may be funded under ~~paragraphs (2) and~~
18 ~~(3) of subsection (a) of~~ K.S.A. 82a-1801(a)(2) and (3), and amendments
19 thereto, include:

20 (1) Efficiency improvements to canals or laterals managed and paid
21 for by an irrigation district or projects to improve the operational
22 efficiency or management of such canals or laterals;

23 (2) water use efficiency upgrades;

24 (3) implementation of water conservation of irrigation and other types
25 of water uses;

26 (4) implementation of water management plans or actions by water
27 rights holders;

28 (5) water measurement flumes, meters, gauges, data collection
29 platforms or related monitoring equipment and upgrades;

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

33 (7) maintenance of the channel and the tributaries of the Republican
34 river;

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

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

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

39 Sec. 137. K.S.A. 82a-1805 is hereby amended to read as follows:
40 82a-1805. (a) (1) Any person or entity may apply to the director of the
41 Kansas ~~water~~ office of natural resources, division of water policy and
42 planning for expenditure of moneys in the Arkansas river water
43 conservation projects fund for the purposes set forth in ~~paragraph (1) of~~

1 ~~subsection (a) of K.S.A. 82a-1801(a)(1), and amendments thereto.~~

2 (2) Any person or entity may apply to the director of the Kansas
3 water office for expenditure of moneys in the Republican river water
4 conservation projects — Nebraska moneys fund and the Republican river
5 water conservation projects — Colorado moneys fund for the purposes set
6 forth in ~~paragraphs (2) and (3) of subsection (a) of K.S.A. 82a-1801(a)(2)~~
7 ~~and (3), and amendments thereto.~~

8 (b) The director of the Kansas ~~water~~ office of *natural resources,*
9 *division of water policy and planning* and the chief engineer of ~~the Kansas~~
10 ~~department of agriculture,~~ division of water resources shall review and
11 approve each proposed project for which moneys in either fund will be
12 expended. In reviewing and approving proposed projects the director and
13 the chief engineer shall give priority to:

14 (1) Projects needed to achieve or maintain compliance with the
15 Arkansas river compact or the Republican river compact;

16 (2) projects that achieve greatest water conservation efficiency for the
17 general good; and

18 (3) projects that have been required by the division of water
19 resources. Upon such review and approval, the director of the Kansas
20 ~~water~~ office of *natural resources, division of water policy and planning*
21 shall request the legislature to appropriate, as a line item, moneys from
22 either fund to pay all or a portion of the costs for a specific project, except
23 that any project which an aggregate of less than \$10,000 will be expended
24 from either fund shall not require a line item appropriation.

25 (c) Interest attributable to moneys in the Arkansas river water
26 conservation projects fund, Republican river water conservation projects
27 — Nebraska moneys fund and the Republican river water conservation
28 projects — Colorado moneys fund shall be credited to the state general
29 fund as provided by K.S.A. 75-4210a, and amendments thereto.

30 (d) All expenditures from the Arkansas river water conservation
31 projects fund, Republican river water conservation projects — Nebraska
32 moneys fund and the Republican river water conservation projects —
33 Colorado moneys fund shall be made in accordance with appropriation
34 acts upon warrants of the director of accounts and reports issued pursuant
35 to vouchers approved by the director of the Kansas ~~water~~ office of *natural*
36 *resources, division of water policy and planning* or a designee of the
37 ~~director of the Kansas water office.~~

38 Sec. 138. K.S.A. 82a-1904 is hereby amended to read as follows:
39 82a-1904. The chief engineer of the *Kansas office of natural resources,*
40 *division of water resources* ~~of the Kansas department of agriculture,~~ for
41 good cause shown, may grant an exemption from or waiver of a rule and
42 regulation adopted by the chief engineer if the chief engineer determines
43 that the exemption or waiver will not prejudicially or unreasonably affect

1 the public interest and will not impair any existing water right. The
2 exemption or waiver shall be in writing and shall include the reason for the
3 exemption or waiver.

4 Sec. 139. K.S.A. 82a-1905 is hereby amended to read as follows:
5 82a-1905. Before any proposed rules and regulations of the chief engineer
6 of the *Kansas office of natural resources*, division of water resources ~~of~~
7 ~~the department of agriculture~~ are submitted to the secretary of
8 administration or the attorney general pursuant to K.S.A. 77-420, and
9 amendments thereto:

10 (a) The chief engineer shall submit such rules and regulations to the
11 ~~secretary of agriculture~~ *executive director of the office of natural*
12 *resources*; and

13 (b) ~~the secretary of agriculture~~ *executive director* shall review and
14 make recommendations to the chief engineer regarding such proposed
15 rules and regulations.

16 Sec. 140. K.S.A. 82a-1906 is hereby amended to read as follows:
17 82a-1906. (a) The *Kansas office of natural resources*, division of water
18 resources ~~of the Kansas department of agriculture~~ shall post all complete
19 applications and all orders issued by the division pursuant to K.S.A. 82a-
20 706b, 82a-708a ~~and~~, 82a-708b, ~~and amendments thereto~~, and K.S.A. 82a-
21 745, and amendments thereto, on its official website.

22 (b) The division, in conjunction with the groundwater management
23 district ~~within which~~ *where* such water right is situated, shall notify all
24 water right owners with a point of diversion within half a mile, or further if
25 deemed necessary by a rule and regulation of the chief engineer, of a water
26 right pending request or application pursuant to K.S.A. 82a-706b, 82a-
27 708a ~~and~~, 82a-708b, ~~and amendments thereto~~, and K.S.A. 82a-745, and
28 amendments thereto, except for change applications requesting a point of
29 diversion move 300 feet or less from the currently authorized location.

30 Sec. 141. K.S.A. 82a-2007 is hereby amended to read as follows:
31 82a-2007. Subject to appropriations, there shall be an additional employee
32 at the ~~Kansas department of agriculture~~ *office of natural resources*,
33 division of conservation to work on total maximum daily load compliance
34 and to coordinate with the department and other appropriate federal and
35 state agencies to further implement voluntary incentive based conservation
36 programs to protect water quality.

37 Sec. 142. K.S.A. 82a-2101 is hereby amended to read as follows:
38 82a-2101. (a) ~~On and after January 1, 2002~~, There is hereby imposed a
39 clean drinking water fee at the rate of \$.03 per 1,000 gallons of water sold
40 at retail by a public water supply system and delivered through mains,
41 lines or pipes. Such fee shall be paid, administered, enforced and collected
42 in the manner provided for the fee imposed by ~~subsection (a)(1) of~~ K.S.A.
43 82a-954(a)(1), and amendments thereto. The price to the consumer of

1 water sold at retail by any such system shall not include the amount of
2 such fee.

3 (b) (1) A public water supply system may elect to opt out of the fee
4 imposed by this section by notifying, before October 1, 2001, the Kansas
5 ~~water~~ *office of natural resources, division of water policy and planning*
6 and the department of revenue of the election to opt out. Except as
7 provided by subsection (b)(2), such election shall be irrevocable. Such
8 public water supply system shall continue to pay all applicable sales tax on
9 direct and indirect purchases of tangible personal property and services
10 purchased by such system.

11 (2) ~~On and after January 1, 2005,~~ Any public water supply system
12 ~~which~~ *that* elected to opt out of the fee imposed by subsection (a) may
13 elect to collect such fee as provided by subsection (a) and direct and
14 indirect purchases of tangible personal property and services by such
15 system shall be exempt from sales tax as provided by K.S.A. 79-3606, and
16 amendments thereto. Such election shall be irrevocable.

17 (c) The director of taxation shall remit to the state treasurer in
18 accordance with the provisions of K.S.A. 75-4215, and amendments
19 thereto, all moneys received or collected from the fee imposed pursuant to
20 this section. Upon receipt thereof, the state treasurer shall deposit the
21 entire amount in the state treasury and credit it as follows:

22 (1) $\frac{5}{106}$ of such amount shall be credited to the state highway fund
23 and the remainder to the state general fund; and

24 (2) on and after July 1, 2007, $\frac{5}{106}$ of such amount shall be credited to
25 the state highway fund and the remaining amount shall be credited to the
26 state water plan fund created by K.S.A. 82a-951, and amendments thereto,
27 for use as follows: (A) Not less than 15% shall be used to provide on-site
28 technical assistance for public water supply systems, as defined in K.S.A.
29 65-162a, and amendments thereto, to aid such systems in conforming to
30 responsible management practices and complying with regulations of the
31 United States environmental protection agency and rules and regulations
32 of the department of health and environment; and (B) the remainder shall
33 be used to renovate and protect lakes which are used directly as a source of
34 water for such public water supply systems, so long as where appropriate,
35 watershed restoration and protection practices are planned or in place.

36 (d) The Kansas ~~department of agriculture~~ *office of natural resources,*
37 *division of conservation* shall promulgate rules and regulations in
38 coordination with the ~~Kansas water office~~ *division of water policy and*
39 *planning* establishing the project application evaluation criteria for the use
40 of such moneys under subsection (c)(2)(B).

41 Sec. 143. K.S.A. 82a-2302 is hereby amended to read as follows:
42 82a-2302. There is hereby established the lower smoky hill water supply
43 access program within the Kansas ~~water~~ *office of natural resources,*

1 *division of water policy and planning.* The ~~Kansas water office~~ *division,*
2 with approval of the Kansas water authority, may negotiate and enter into
3 contracts for water supply access storage to be used for the purposes of
4 this act. The ~~water office~~ *division* may designate all or any portion of such
5 water so held in the kanopolis reservoir to water supply access storage to
6 meet the needs of the district.

7 Sec. 144. K.S.A. 82a-2303 is hereby amended to read as follows:
8 82a-2303. There is hereby established in the state treasury the lower
9 smoky hill water supply access fund which shall be administered by the
10 ~~Kansas water~~ *office of natural resources, division of water policy and*
11 *planning.* All expenditures from the lower smoky hill water supply access
12 fund shall be for the purposes of this act. All expenditures from the lower
13 smoky hill water supply access fund shall be made in accordance with
14 appropriation acts upon warrants of the director of accounts and reports
15 pursuant to vouchers approved by the director of the ~~Kansas water office~~
16 *division of water policy and planning* or the director's designee. All
17 moneys received for the purposes of this act shall be deposited in the state
18 treasury in accordance with the provisions of K.S.A. 75-4215, and
19 amendments thereto, and shall be credited to the lower smoky hill water
20 supply access fund. The director of the ~~Kansas water office~~ *division of*
21 *water policy and planning* may accept or receive moneys from the district
22 into the lower smoky hill water supply access fund.

23 Sec. 145. K.S.A. 82a-2304 is hereby amended to read as follows:
24 82a-2304. (a) There is hereby authorized the lower smoky hill water
25 supply access district.

26 (b) Upon receipt of an application for membership within the district,
27 the director of the ~~Kansas water~~ *office of natural resources, division of*
28 *water policy and planning* may determine the need to create an
29 incorporating governing body for the district, and upon such
30 determination, shall certify to the secretary of state and the members of the
31 district that such district is eligible for formation and should be
32 incorporated. The notice of certification should fix a date, time and place
33 for an organizational meeting of such district.

34 (c) The members of the district shall meet on the date and time set by
35 such director to form the incorporating governing body of such district.

36 (d) The incorporating governing body, if created, shall consist of five
37 directors. Eligible water rights holders, or their representatives, who apply
38 for membership, shall be the incorporating entities and shall determine the
39 articles of incorporation. Such articles of incorporation shall provide the
40 board of directors of the lower smoky hill water supply access district so
41 formed, shall have an odd number of directors and shall include a
42 provision that no less than one representative of the lower smoky hill
43 special irrigation district serve as a member of the lower smoky hill water

1 supply access district board, if such special irrigation district is formed
2 under the provisions of this act. Upon incorporation of the district, such
3 incorporating governing body shall dissolve and shall be replaced by the
4 governing body as determined by the articles of incorporation and bylaws
5 of the district.

6 (e) The directors of the incorporating governing body shall elect an
7 incorporating chairperson. The chairperson, on behalf of the incorporating
8 governing body, shall attest to all documents necessary for incorporation
9 of the district by the secretary of state and for the business of the district.
10 The secretary of state shall issue a certificate of incorporation for the
11 district, which shall be filed of record in the office of the register of deeds
12 of each county ~~in which~~ *where* all or a portion of the district lies.

13 (f) Upon recordation of such certificate of incorporation, the district
14 shall be authorized to function in accordance with the provision of this act
15 and its certificate of incorporation. No action attacking the legal
16 incorporation of any district organized under this section shall be
17 maintained unless filed within 30 days after the issuance of such certificate
18 of incorporation for such district by the secretary of state, nor shall the
19 alleged illegality of the incorporation of any such district be interposed as
20 a defense to any action brought after such time.

21 Sec. 146. K.S.A. 82a-2305 is hereby amended to read as follows:
22 82a-2305. (a) A prospective member may join the district if the
23 prospective member:

24 (1) Applies to the Kansas ~~water~~ *office of natural resources, division*
25 *of water policy and planning* for water supply access storage, for the
26 purposes of this act; and

27 (2) has or applies for a water right eligible for membership under this
28 act.

29 (b) Prospective members may be approved for membership by the
30 director of the Kansas ~~water~~ *office of natural resources, division of water*
31 *policy and planning*, after consultation with the chief engineer, if the
32 director finds that:

33 (1) The proposed membership is in the public interest or has a public
34 benefit sufficient for membership;

35 (2) there is adequate water supply access storage to meet the
36 additional demand; and

37 (3) such other issues as may be determined by such director have
38 been resolved.

39 Sec. 147. K.S.A. 82a-2310 is hereby amended to read as follows:
40 82a-2310. (a) The district shall impose charges against each member for
41 the purposes of the district.

42 (1) The total of such charges shall be sufficient to enable the district
43 to pay the Kansas ~~water~~ *office of natural resources, division of water*

1 *policy and planning* the full annual amortized cost incurred by the Kansas
2 ~~water office division~~ for the operation, administration and enforcement of
3 the program, including, but not limited to, the costs of acquiring the water
4 supply access storage from the federal government by purchase or trade
5 and the cost of operation and maintenance of such water supply access
6 storage.

7 (2) The district may also impose charges against each member of the
8 district in an amount sufficient to cover district operating costs.

9 (3) The district shall impose any charges necessary for the payment
10 of the principal of and interest on revenue bonds issued by the Kansas
11 ~~water~~ office of *natural resources, division of water policy and planning*
12 pursuant to K.S.A. 82a-1360 et seq., and amendments thereto.

13 (4) The district shall determine the amount of the charges for each
14 member and shall remit all moneys collected to the Kansas ~~water~~ office of
15 *natural resources, division of water policy and planning* for deposit in the
16 lower smoky hill water supply access fund created pursuant to this act.
17 Charges to be paid by such members may vary and shall be based on the
18 principle of having each member pay for the pro rata quantity authorized
19 to each member by the district. In determining the charge, the board of
20 directors of the district shall adopt guidelines for such members.

21 (b) The director of the Kansas ~~water~~ office of *natural resources,*
22 *division of water policy and planning* shall request releases of water
23 supply access water by the federal government from the kanopolis
24 reservoir under such agreements with the federal government that govern
25 operations of such reservoir. The chairperson of the governing body of the
26 district or designee shall communicate with the Kansas ~~water~~ office of
27 *natural resources, division of water policy and planning* regarding any
28 member's need for such releases by the district.

29 (c) The director and the chief engineer each shall adopt any rules and
30 regulations necessary to carry out the purposes and procedures of this act.
31 The director and the chief engineer shall consider the advice of the Kansas
32 water authority and stakeholders in the program area, in the preparation of
33 any rules and regulations adopted pursuant to this subsection.

34 (d) Any holder of an eligible water right aggrieved by a decision of
35 the Kansas ~~water~~ office of *natural resources, division of water policy and*
36 *planning* under this act by being excluded as a member in the program
37 may appeal to the district court under K.S.A. 82a-724, and amendments
38 thereto.

39 (e) Payments required under a contract between the district and the
40 Kansas ~~water~~ office of *natural resources, division of water policy and*
41 *planning* shall be for storage capacity contracted in a federal reservoir.

42 (f) Nothing in this act shall be deemed to authorize any suit against
43 the state or any agency of the state or person employed by the state on or

1 under a claim for implied contract, negligence or any other tort. The
2 director of the Kansas ~~water~~ office of natural resources, division of water
3 policy and planning may sue to enforce any claim arising out of a contract.
4 Payment of the charges shall be a condition imposed on every member and
5 the director is authorized to declare the suspension of any use of water
6 supply access water where a payment is not made.

7 (g) Rights of members to receive access water may not be transferred
8 without the approval of the Kansas ~~water~~ office of natural resources,
9 division of water policy and planning.

10 Sec. 148. K.S.A. 82a-2311 is hereby amended to read as follows:
11 82a-2311. If any member of the district requests an opportunity to
12 renegotiate any existing contracts for the purchase of water supply, as
13 described in K.S.A. 82a-1301 et seq., and amendments thereto, the Kansas
14 water authority and the Kansas ~~water~~ office of natural resources, division
15 of water policy and planning shall conduct such negotiations on a timely
16 basis and on the provisions for which negotiations are requested.

17 Sec. 149. K.S.A. 82a-2312 is hereby amended to read as follows:
18 82a-2312. (a) The chief engineer shall protect releases of water from the
19 Kanopolis reservoir for water supply access storage as may be necessary to
20 effectuate the purposes of the releases made pursuant to this act and for the
21 benefit of the district members for whom such releases are made.

22 (b) The ~~Kansas water office~~ division of water policy and planning
23 shall communicate to the chief engineer the date and quantity of such
24 release, the district member or members for whom such release is made
25 and such other information as the chief engineer may request to insure
26 protection of the release.

27 Sec. 150. K.S.A. 82a-2313 is hereby amended to read as follows:
28 82a-2313. Each member of the district shall adopt conservation plans and
29 practices for such member. Such plans and practices shall be consistent
30 with the guidelines for conservation plans and practices developed and
31 maintained by the Kansas ~~water~~ office of natural resources, division of
32 water policy and planning as provided in K.S.A. 74-2608, and
33 amendments thereto. Prior to entering into a contract the district and the
34 director of the ~~Kansas water office~~ division of water policy and planning,
35 in consultation with the chief engineer, shall determine whether such plans
36 and practices are consistent with the guidelines for conservation plans and
37 practices adopted by the ~~Kansas water office~~ division of water policy and
38 planning.

39 Sec. 151. K.S.A. 82a-2314 is hereby amended to read as follows:
40 82a-2314. (a) The Kansas ~~water~~ office of natural resources, division of
41 water policy and planning is hereby authorized to issue and sell revenue
42 bonds for the purpose of paying all or part of the cost of acquiring a site or
43 sites, constructing, reconstructing, improving and expanding projects

1 within the program area or to finance the purchase of storage in the
2 reservoir using procedures established for issuing such bonds as described
3 in K.S.A. 82a-1360 et seq., and amendments thereto.

4 (b) The district may negotiate to make annual payments over a period
5 of not to exceed 20 years for any access storage water purchased under this
6 act.

7 Sec. 152. K.S.A. 82a-2317 is hereby amended to read as follows:
8 82a-2317. (a) The lower smoky hill special irrigation district shall be
9 formed upon petition by eligible irrigation water right holders to the
10 director of the Kansas ~~water~~ office *of natural resources, division of water*
11 *policy and planning*, demonstrating a need for and requesting purchase of
12 500 acre feet or more for water supply access storage for the proposed
13 special irrigation district. The petition shall provide contact information for
14 each person signing, information on the land proposed for membership in
15 the district, information necessary for verification of the water rights held
16 on the eligible land and the amount of water requested from Kanopolis
17 reservoir water supply access storage by each person so signing. The
18 Kansas ~~water~~ office *of natural resources, division of water policy and*
19 *planning* may request additional information from each person signing
20 such petition.

21 (b) The director of the Kansas ~~water~~ office *of natural resources,*
22 *division of water policy and planning*, in consultation with the chief
23 engineer, shall verify the ownership of subject land within the proposed
24 special irrigation district for the lands noted in the petition, the water rights
25 held for subject land by each person so signing and other matters the
26 Kansas ~~water~~ office *of natural resources, division of water policy and*
27 *planning* may deem necessary. Upon verification of the eligibility of those
28 signing such petition the director of the Kansas ~~water~~ office *of natural*
29 *resources, division of water policy and planning* shall set a date, time and
30 place for the first meeting of such district for the purposes of electing a
31 governing board for the special irrigation district.

32 Sec. 153. K.S.A. 82a-2324 is hereby amended to read as follows:
33 82a-2324. The Kansas ~~water~~ office *of natural resources, division of water*
34 *policy and planning* shall adopt rules and regulations to implement the
35 lower smoky hill water supply access program.

36 Sec. 154. K.S.A. 82a-2402 is hereby amended to read as follows:
37 82a-2402. As used in this act, unless context otherwise requires:

38 (a) "Board" means the board of directors of a reservoir improvement
39 district;

40 (b) "district" means a reservoir district for which organization is
41 proposed or has been organized under the provisions of this act, and
42 amendments thereto;

43 (c) "eligible water right holder" means any person:

- 1 (1) Holding a water right or permit, pursuant to K.S.A. 82a-701 et
- 2 seq., and amendments thereto, to appropriate water from a reservoir;
- 3 (2) with a contract to withdraw and use water pursuant to K.S.A. 82a-
- 4 1301 et seq., and amendments thereto; or
- 5 (3) with a water appropriation right in a water assurance district
- 6 pursuant to K.S.A. 82a-1330 et seq., and amendments thereto;
- 7 (d) "general plan" means a preliminary engineering report describing
- 8 the characteristics of the reservoir, the nature and methods of dealing with
- 9 the bed and water problems in the reservoir or the reservoir watershed and
- 10 the projects proposed to be undertaken by the district. ~~It shall include~~
- 11 "*General plan*" includes maps, descriptions and any other data as may be
- 12 necessary for the location, identification and establishment of the character
- 13 of the work to be undertaken and any other data and information as the
- 14 director of the Kansas ~~water~~ *office of natural resources, division of water*
- 15 *policy and planning* may require;
- 16 (e) "person" means any person, firm, partnership, association or
- 17 corporation;
- 18 (f) "specific project" means any project outlined and proposed by the
- 19 board of directors and may constitute all or part of the general plan;
- 20 (g) "steering committee" means the group of eligible water right
- 21 holders, not less than the number to be chosen for the board of directors,
- 22 who shall serve as the governing body of the proposed reservoir
- 23 improvement district until the first board of directors is elected;
- 24 (h) "water right" ~~shall have the meaning provided~~ *means the same as*
- 25 *defined* in K.S.A. 82a-701, and amendments thereto; and
- 26 (i) "watershed" means all the area within the state draining toward a
- 27 selected point on a reservoir.

28 Sec. 155. K.S.A. 82a-2403 is hereby amended to read as follows:
 29 82a-2403. Before any reservoir improvement district is organized, a
 30 petition shall be filed in the office of the secretary of state, signed by the
 31 eligible water right holders who have water rights totaling more than 20%
 32 of the combined quantities of all eligible water rights within the proposed
 33 district as shown by a verified enumeration of the eligible water right
 34 holders and the total combined quantities of all eligible rights taken by the
 35 director of the Kansas ~~water~~ *office of natural resources, division of water*
 36 *policy and planning*. A verified copy of the enumeration shall be attached
 37 to and filed with the petition in the office of the secretary of state.

38 Sec. 156. K.S.A. 82a-2404 is hereby amended to read as follows:
 39 82a-2404. (a) Every petition filed pursuant to K.S.A. 82a-2403, and
 40 amendments thereto, shall state:

- 41 (1) The name of the proposed district which shall include the name of
- 42 the reservoir and end with the words "reservoir improvement district";
- 43 (2) a list of the water rights, by file number as recorded in the Kansas

1 ~~water~~ office of natural resources, division of water policy and planning, to
2 be included within the proposed district;

3 (3) a statement of the purposes for which the district is to be
4 organized;

5 (4) a statement of the number of persons that will constitute the board
6 of directors of the district, which shall be an odd number of not less than
7 three nor more than five, together with the names and addresses of the
8 persons who will constitute the original steering committee;

9 (5) any other matter deemed essential; and

10 (6) a request for the organization of the district as a nonprofit
11 corporation.

12 (b) The petition shall be in substantially the following form:

13 BEFORE THE SECRETARY OF STATE OF THE STATE OF KANSAS

14 In the Matter of _____ Reservoir Improvement District

15 PETITION

16 Come now the undersigned persons and state that they own water rights
17 or are an eligible water right holder in the _____
18 reservoir, for which a reservoir improvement district is proposed, and that
19 each signer states that the signer's respective post office address is set forth
20 beside the signer's name. That the purposes for which this district is
21 organized are (state purposes). That a steering committee for the
22 organization of the district is hereby fixed and constituted with five
23 members; that the names of persons who will serve on the original steering
24 committee, of which the first named shall be acting chairperson, and their
25 respective addresses are as follows:

26 (List names and addresses.)

27 The governing body of the district shall be constituted in a board of
28 directors composed of (number) qualified members.

29 Wherefore, the undersigned, individually and collectively, request that
30 a reservoir improvement district be organized in the manner provided by
31 law, for the purposes set forth herein, and that the secretary of state and the
32 director of the Kansas ~~water~~ office of natural resources, division of water
33 policy and planning proceed diligently in the performance of their duties
34 so that the organization of this proposed district may be completed and
35 approved at the earliest possible time.

36 Submitted to the secretary of state this _____ day of _____,
37 _____.

38 Sec. 157. K.S.A. 82a-2406 is hereby amended to read as follows:
39 82a-2406. (a) If the secretary of state finds the petition, as required by
40 K.S.A. 82a-2403, and amendments thereto, to be sufficient as to form and
41 the number and qualifications of the petitioners, the secretary of state shall
42 prepare a certified copy of the petition and transmit the same to the
43 director of the Kansas ~~water~~ office of natural resources, division of water

1 *policy and planning* within five days from the date of such finding. Upon
2 receipt of such certified copy, the director ~~of the Kansas water office~~ shall
3 institute an investigation of the proposed district, its water usage and
4 purposes. Within 90 days after receipt of the copy, the director ~~of the~~
5 ~~Kansas water office~~ shall transmit a written report of the findings on the
6 petition and the director's written approval or disapproval of the petition to
7 the secretary of state and the acting chairperson of the steering committee
8 named in the petition.

9 (b) The director of the Kansas ~~water~~ office *of natural resources,*
10 *division of water policy and planning* shall approve such petition if the
11 director finds that construction of works of improvement on the reservoir
12 for which the district is proposed would benefit the sustainability,
13 conservation and maintenance of such reservoir.

14 If the director ~~of the Kansas water office~~ approves such petition, the
15 director shall transmit a certified copy of the report containing all findings
16 to the secretary of state and to the chairperson of the steering committee
17 named in the petition.

18 Sec. 158. K.S.A. 82a-2407 is hereby amended to read as follows:
19 82a-2407. (a) Within 10 days after receipt of a certified copy of the report
20 from the director of the Kansas ~~water~~ office *of natural resources, division*
21 *of water policy and planning* approving the petition or the petition as
22 amended, the chairperson of the steering committee of the proposed
23 district shall call a meeting of the committee by mailing a written notice
24 fixing the time and place of such meeting to each eligible water right
25 holder in the proposed district. The committee shall meet at the time and
26 place fixed in the notice for the purpose of adopting a resolution giving
27 notice of an election at which all eligible water right holders shall be
28 entitled to vote on the question of whether the district should be formed in
29 accordance with the petition as approved by the director. A copy of such
30 resolution shall be mailed to all eligible water right holders of the
31 proposed district not less than 21 days prior to such vote. The resolution
32 shall state when and where the election shall be held and the proposition to
33 be voted on. It shall contain a copy of the petition as approved by the
34 director and shall be signed by the chairperson and attested by the
35 secretary of the steering committee. The steering committee shall conduct
36 the election, canvass the vote and certify the results to the secretary of
37 state and to the director of the Kansas ~~water~~ office *of natural resources,*
38 *division of water policy and planning.*

39 (b) If eligible water right holders representing more than 50% of the
40 combined quantities of the eligible water rights of the proposed district
41 vote in favor of the organization and creation of the district, the secretary
42 of state shall issue a certificate of incorporation for the district to the
43 steering committee, such certificate shall be filed in the office of the

1 register of deeds of each county ~~in which~~ *where* all or a portion of the
2 district lies. Upon the recordation of the certificate of incorporation, the
3 district shall be authorized to function in accordance with the provision of
4 this act and its certificate of incorporation.

5 (c) If eligible water right holders representing more than 50% of the
6 combined quantities of the water rights within the proposed district vote
7 against the organization and creation of the district, the secretary of state
8 shall endorse that fact on the face of the petition and the proceedings shall
9 be closed.

10 (d) No action attacking the legal incorporation of any reservoir
11 improvement district organized under this section shall be maintained
12 unless filed within 90 days after the issuance of the certificate of
13 incorporation for such district by the secretary of state, nor shall the
14 alleged illegality of the incorporation of any such district be interposed as
15 a defense to any action brought after such time.

16 Sec. 159. K.S.A. 82a-2408 is hereby amended to read as follows:
17 82a-2408. If the organization of the proposed reservoir improvement
18 district is defeated at the election or if the petition is disapproved by the
19 director of the Kansas ~~water~~ *office of natural resources, division of water*
20 *policy and planning*, the steering committee named in the petition shall
21 determine the amount of money necessary to pay all of the costs and
22 expenses incurred in the preparation and filing of the petition, and in the
23 conduct of the election and the steering committee shall assume the
24 obligation for the payment of such costs and expenses by assessing the
25 eligible water right holders a fee in proportion to each such holder's water
26 right to the total of such water right. No cost shall be assessed by any state
27 agency.

28 Sec. 160. K.S.A. 82a-2411 is hereby amended to read as follows:
29 82a-2411. (a) In not less than 12 months, nor more than 13 months after
30 the recording of the certificates of incorporation, and annually thereafter, a
31 meeting shall be held for the election of directors whose terms expire and
32 also to render a report on the financial condition and activities of the
33 district, including the estimated construction date of all proposed projects
34 to be initiated within the next five years and the board's determination as to
35 whether each of these projects is still cost effective and in the current
36 public interest. Notice of the annual meeting shall be given at least 10 days
37 prior to the date thereof to all members in the district.

38 (b) The number of directors of a district or the date of the annual
39 meeting, or both, may be changed at an annual meeting if notice of the
40 proposed changes is included in the notice for the annual meeting at which
41 such changes are to be considered.

42 (c) Copies of the minutes of the annual meeting and report on the
43 financial condition and activities of the district shall be furnished to the

1 eligible water right holders of the district and the Kansas ~~water~~ office of
2 *natural resources, division of water policy and planning.*

3 Sec. 161. K.S.A. 82a-2412 is hereby amended to read as follows:
4 82a-2412. Regular meetings of the board of directors shall be held no less
5 than once each quarter on a day and place as is selected by the board of
6 directors. Notice of such meeting shall be mailed to each director at least
7 five days before the date of the meeting. Special meetings may be held at
8 any time upon waiver of notice of such meeting by all directors or may be
9 called by any two directors at any time. Notice in writing, signed by the
10 persons calling any special meeting, shall be mailed to each director at
11 least two days prior to the time fixed for such special meeting. A majority
12 of directors shall constitute a quorum for the transaction of business and in
13 the absence of any of the duly elected officers of the district a quorum at
14 any meeting may select a director to act as such officer pro tem. Each
15 meeting of the board, whether regular or special, shall be open to the
16 public. Copies of the minutes of regular and special meetings shall be
17 furnished to the eligible water right holders of the district and the Kansas
18 ~~water~~ office of *natural resources, division of water policy and planning.*

19 Sec. 162. K.S.A. 82a-2414 is hereby amended to read as follows:
20 82a-2414. (a) Upon the incorporation of the reservoir improvement
21 district, the board shall cause work to be commenced on the preparation of
22 a general plan of the district. In addition, there shall be prepared an
23 estimate of costs as to installation, maintenance and operation of the
24 proposed improvements. Upon completion of the general plan and
25 estimates of costs, the board shall carefully examine and consider such
26 plan. ~~If they approve~~ *the board approves* the general plan and estimate of
27 cost, ~~they~~ *the board* shall transmit a complete copy of the general plan to
28 the director of the Kansas ~~water~~ office of *natural resources, division of*
29 *water policy and planning* and additional copies shall be made available
30 upon request by the director of the ~~Kansas water office~~ *division*. Copies of
31 such plans, estimates and information in the Kansas ~~water~~ office of *natural*
32 *resources, division of water policy and planning* shall be open to
33 inspection by the public at all reasonable times.

34 (b) The director of the ~~Kansas water office~~ *division* shall examine and
35 study such general plans as to:

- 36 (1) Feasibility;
- 37 (2) coordination of the plan with any other plan for the reservoir for
38 which the district is formed;
- 39 (3) the safety of the works and improvements proposed; and
- 40 (4) conformity with the intents and purposes of this act.

41 (c) The director of the Kansas ~~water~~ office of *natural resources,*
42 *division of water policy and planning* shall transmit a written report of the
43 results of such study and investigation to the board of directors, ~~which that~~

1 shall include any changes or modifications ~~which~~ *that* have been deemed
2 necessary and ~~which shall~~ include a specific approval or disapproval of the
3 general plan.

4 Sec. 163. K.S.A. 82a-2415 is hereby amended to read as follows:
5 82a-2415. (a) When the general plan is approved by the director of the
6 Kansas ~~water~~ office *of natural resources, division of water policy and*
7 *planning*, the board shall propose by resolution, that the cost to the district
8 of all improvements contemplated in the plan be paid by imposing a
9 charge against each eligible water right holder of the district in proportion
10 to each such holder's water right. The total of such charges shall be
11 sufficient to enable the district to pay the cost of administering the general
12 plan. The reservoir improvement district also may impose a charge against
13 each eligible water right holder of the district in an amount sufficient to
14 cover district operating costs. Charges paid by eligible water right holders
15 of a reservoir improvement district may vary and shall be based on the
16 principle of having each eligible water right holder pay for the pro rata
17 quantity of water used from the reservoir. In determining the charge, the
18 governing body of the district shall adopt rules which establish guidelines
19 for prospective eligible water right holders.

20 (b) The board shall fix a time and place conveniently near the
21 reservoir for a public hearing upon the general plan and the resolution
22 proposing a method of financing costs of the works contemplated in the
23 plan. A notice of such hearing shall be given in one publication at least 20
24 days prior to the date fixed for the hearing, setting forth the time and place
25 of hearing upon the plan and resolution, that a copy of the plan and
26 resolution is available for public inspection in the office of the secretary of
27 the district. Any eligible water right holder of the district desiring to be
28 heard in the matter must file, in duplicate, with the secretary of the board
29 at the secretary's office, at least five days before the date of the hearing, a
30 written statement of such holder's intent to appear at the hearing and the
31 substance of the views they wish to express. Upon receipt of any such
32 statements, the secretary of the board shall immediately transmit one copy
33 of the statements to the director of the Kansas ~~water~~ office *of natural*
34 *resources, division of water policy and planning*. The director ~~of the~~
35 ~~Kansas water office~~ or the ~~director of the Kansas water office's~~ *director's*
36 duly appointed representative may attend the hearing. At the hearing any
37 eligible water right holder of the district who has filed a written statement
38 shall be heard and may present information in support of the eligible water
39 right holder's position in the matter. After hearing all such statements, the
40 board, by resolution, shall adopt as official or reject the general plan. The
41 board shall also adopt as official or reject the proposed method of
42 financing the costs of the works contemplated in the general plan or
43 determine that the general plan or the proposed method of financing or

1 both should be modified. The board shall notify the director of the Kansas
2 ~~water office~~ of the board's action to accept or reject the general plan and
3 proposed method of financing. If it is determined that the general plan
4 should be modified, any proposed changes approved by the board shall be
5 incorporated in a modified general plan which shall be submitted to the
6 director of the Kansas ~~water office~~ for further consideration.

7 (c) The director of the Kansas ~~water~~ office *of natural resources,*
8 *division of water policy and planning* shall review the modified plan and
9 shall transmit a supplemental written report of the results of the director's
10 study and investigation to the board, including the ~~director of the Kansas~~
11 ~~water office's~~ *director's* written approval or disapproval of the modified
12 general plan. If the modified general plan is approved by the director of
13 the Kansas ~~water~~ office *of natural resources, division of water policy and*
14 *planning*, the board, by resolution, shall adopt the modified plan as the
15 official general plan of the district and notify the director of the Kansas
16 ~~water office~~ of the board's action. If it is determined that the proposed
17 method of financing should be modified, the board shall give consideration
18 to the modified method of financing and, following adoption of the general
19 plan or an approved modification thereof, the board, by further resolution
20 setting forth such modified method of financing, shall adopt it as the
21 official method of the district for financing costs of the works
22 contemplated in the official general plan. If a board is unable to carry out a
23 general plan because insufficient funds have been provided, ~~they~~ *the board*
24 may reconsider the general plan or the method of financing, or both, and
25 by following the procedure set forth in subsections (a) and (b), resubmit a
26 general plan or method of financing, or both.

27 Sec. 164. K.S.A. 82a-2416 is hereby amended to read as follows:
28 82a-2416. (a) Following the adoption of the general plan and adoption of
29 the method of financing, the board of directors may determine the order in
30 which specific projects contemplated by the general plan shall be
31 undertaken. The board shall then cause accurate surveys of all work
32 deemed necessary to be done and accurate estimates and calculations to be
33 made by a competent engineer who shall prepare detailed construction
34 plans and specifications showing the location, amount, and character of
35 work to be done and the estimated cost of right of way, construction,
36 maintenance and operation, ~~which~~. *Such* plans, specifications and
37 estimates of costs shall be filed in the office of the secretary of the board
38 and shall at all reasonable times be open to public inspection. The board
39 shall carefully examine and consider the same and if they approve such
40 plans, specifications and estimates of costs, they shall transmit a complete
41 copy thereof to the director of the Kansas ~~water~~ office *of natural*
42 *resources, division of water policy and planning*, who shall examine and
43 study the plans and specifications as to conformance to the general plan

1 and other applicable state laws on water use and control and transmit a
2 written report of the results of the director's study and investigation to the
3 board ~~which~~. *Such* report shall include any changes or modifications,
4 ~~which that~~ the director deems necessary, and ~~which shall include~~ *includes*
5 a specific approval or disapproval of the plans and specifications.

6 (b) Ten years following approval of the general plan and every five
7 years thereafter, the board shall review the general plan to determine if
8 projects proposed to be undertaken by the district in its original plan are
9 still feasible. A report of the review shall be given at a public meeting
10 called for that purpose. This review is not required of reservoir
11 improvement districts that have completed all the projects in the general
12 plans.

13 Any revisions or amendments to the general plan shall be submitted to
14 the director of the Kansas ~~water~~ office *of natural resources, division of*
15 *water policy and planning* in the manner provided by K.S.A. 82a-2414,
16 and amendments thereto.

17 Sec. 165. K.S.A. 82a-2419 is hereby amended to read as follows:
18 82a-2419. (a) Upon receipt from the secretary of state of the certificate of
19 dissolution of the reservoir improvement district under the provisions of
20 this act, the secretary of the board of directors of the reservoir
21 improvement district shall notify the directors of the reservoir
22 improvement district of such certification.

23 (b) The directors shall immediately pay all obligations of said district,
24 including all costs incurred by the district, the director of the Kansas ~~water~~
25 office *of natural resources, division of water policy and planning* and the
26 secretary of state in regard to the dissolution proceedings.

27 (c) Upon receipt of such notification from the state treasurer, the
28 secretary of the district shall have the certificate of dissolution published
29 once in a newspaper of general circulation, located in a county where the
30 reservoir or a part thereof is located and proof of such publication shall be
31 filed with the secretary of state's office. The effective date of the
32 dissolution, unless otherwise provided, shall be the date on which the
33 proof of publication is filed in the office of the secretary of state, but in no
34 event shall the date of dissolution be a date prior to the date of publication
35 of the certificate of dissolution.

36 Sec. 166. K.S.A. 2-1903, 2-1904, 2-1907, 2-1915, 2-1930, 2-1933,
37 12-541, 12-636, 12-761, 12-766, 12-2713, 19-2963, 24-407, 24-418, 24-
38 656, 24-659, 24-1202, 24-1204, 24-1211, 24-1212, 42-701, 42-703, 42-
39 722, 42-722a, 42-725, 68-1414, 68-2203, 74-506a, 74-506b, 74-5,121, 74-
40 5,126, 74-5,127, 74-5,128, 74-5,129, 74-5,130, 74-5,131, 74-5,132, 74-
41 5,132a, 74-2608, 74-2609, 74-2613, 74-99f04, 82a-301, 82a-301a, 82a-
42 303a, 82a-328, 82a-405, 82a-603, 82a-612, 82a-701, 82a-711, 82a-718,
43 82a-724, 82a-731, 82a-732, 82a-733, 82a-737, 82a-738, 82a-739, 82a-762,

1 82a-767, 82a-770, 82a-771, 82a-773, 82a-902, 82a-905, 82a-906, 82a-907,
2 82a-910, 82a-911, 82a-915, 82a-920, 82a-922, 82a-923, 82a-932, 82a-933,
3 82a-934, 82a-954, 82a-1021, 82a-1023, 82a-1042, 82a-1301, 82a-1303,
4 82a-1311a, 82a-1315b, 82a-1315c, 82a-1332, 82a-1333, 82a-1335, 82a-
5 1345, 82a-1347, 82a-1348, 82a-1349, 82a-1360, 82a-1361, 82a-1362, 82a-
6 1363, 82a-1364, 82a-1367, 82a-1368, 82a-1370, 82a-1402, 82a-1502, 82a-
7 1604, 82a-1605, 82a-1606, 82a-1608, 82a-1609, 82a-1703, 82a-1704, 82a-
8 1803, 82a-1804, 82a-1805, 82a-1901, 82a-1904, 82a-1905, 82a-1906, 82a-
9 2007, 82a-2101, 82a-2302, 82a-2303, 82a-2304, 82a-2305, 82a-2310, 82a-
10 2311, 82a-2312, 82a-2313, 82a-2314, 82a-2317, 82a-2324, 82a-2402, 82a-
11 2403, 82a-2404, 82a-2406, 82a-2407, 82a-2408, 82a-2411, 82a-2412, 82a-
12 2414, 82a-2415, 82a-2416 and 82a-2419 and K.S.A. 2024 Supp. 32-1403,
13 49-603, 49-606, 49-611, 49-613, 49-618, 49-620, 49-621, 49-623, 55-153,
14 74-2622, 75-3036, 75-37,121, 75-5133, 82a-220, 82a-326, 82a-708b, 82a-
15 714, 82a-736, 82a-903, 82a-1038, 82a-1041, 82a-1501, 82a-1602, 82a-
16 1603, 82a-1607 and 82a-1702 are hereby repealed.

17 Sec. 167. This act shall take effect and be in force from and after July
18 1, 2026 and its publication in the statute book.