

## SENATE BILL No. 558

By Committee on Ways and Means

2-25

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9 AN ACT concerning interstate water; relating to the interstate water lit-  
10 igation fund; amending K.S.A. 82a-1802 and K.S.A. 2009 Supp. 82a-  
11 1804 and repealing the existing sections.  
12

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

14 Section 1. K.S.A. 82a-1802 is hereby amended to read as follows:  
15 82a-1802. (a) There is hereby established in the state treasury the inter-  
16 state water litigation fund, to be administered by the attorney general.

17 (b) Revenue from the following sources shall be credited to the in-  
18 terstate water litigation fund:

19 (1) Amounts provided for by K.S.A. 82a-1801, *and amendments*  
20 *thereto*; and

21 (2) moneys received from any source by the state in the form of gifts,  
22 grants, reimbursements or appropriations for use for the purposes of the  
23 fund.

24 (c) From the moneys first credited to the interstate water litigation  
25 fund, persons or entities that contributed moneys to the court cost fund  
26 account of the office of the attorney general for use in the litigation de-  
27 scribed in subsection (b)(1) shall be reimbursed the amount contributed.  
28 The balance of moneys credited to the fund shall be expended only for  
29 the purpose of paying expenses incurred by the state in:

30 (1) Current or future litigation or preparation for future litigation  
31 with another state, the federal government or an Indian nation to resolve  
32 a dispute concerning water; or

33 (2) monitoring or enforcing compliance with the terms of an inter-  
34 state water compact or a settlement, judgment or decree in past or future  
35 litigation to resolve a dispute with another state, the federal government  
36 or an Indian nation concerning water.

37 (d) ~~Interest attributable to moneys in the interstate water litigation~~  
38 ~~fund shall be credited to the state general fund as provided by K.S.A. 75-~~  
39 ~~4210a and amendments thereto~~ *On or before the 10th of each month, the*  
40 *director of accounts and reports shall transfer from the state general fund*  
41 *to the interstate water litigation fund interest earnings based on:*

42 (1) *The average daily balance of moneys in the interstate water liti-*  
43 *gation fund for the preceding month; and*

1       (2) *the net earnings rate for the pooled money investment portfolio*  
2 *for the preceding month.*

3       (e) All expenditures from the interstate water litigation fund shall be  
4 made in accordance with appropriation acts upon warrants of the director  
5 of accounts and reports issued pursuant to vouchers approved by the  
6 attorney general or a person designated by the attorney general.

7       (f) ~~Unless the attorney general certifies to the director of accounts~~  
8 ~~and reports as of June 30, 2001, that there is on-going litigation or prep-~~  
9 ~~aration for litigation between the state of Kansas and another state, the~~  
10 ~~federal government or an Indian nation to resolve a dispute concerning~~  
11 ~~water, on July 1, 2001. (1) The director of accounts and reports shall~~  
12 ~~transfer and credit all moneys in the interstate water litigation fund to~~  
13 ~~the state general fund, and (2) the interstate water litigation fund shall~~  
14 ~~thereupon be abolished. The interstate water litigation fund shall be used~~  
15 ~~for the purposes set forth in this section and for no other governmental~~  
16 ~~purposes. It is the intent of the legislature that the fund shall remain intact~~  
17 ~~and inviolate for the purposes set forth in this section and moneys in the~~  
18 ~~fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a~~  
19 ~~and 75-3726a, and amendments thereto.~~

20       Sec. 2. K.S.A. 2009 Supp. 82a-1804 is hereby amended to read as  
21 follows: 82a-1804. (a) Moneys recovered by the state of Kansas from the  
22 states of Nebraska or Colorado to resolve disputes arising under the Re-  
23 publican river compact shall be deposited in the state treasury and cred-  
24 ited as follows:

25       (1) 100% of moneys from both Nebraska and Colorado shall be cred-  
26 ited to the interstate water litigation fund created by K.S.A. 82a-1802,  
27 and amendments thereto. ~~Whenever moneys are credited to the interstate~~  
28 ~~water litigation fund pursuant to this subsection (a)(1), the director of~~  
29 ~~accounts and reports shall transfer all such moneys from the interstate~~  
30 ~~water litigation fund to the interstate water litigation reserve account of~~  
31 ~~the state general fund until the balance in the interstate water litigation~~  
32 ~~reserve account of the state general fund equals \$20,000,000. The attor-~~  
33 ~~ney general shall certify to the director of accounts and reports any ex-~~  
34 ~~penditures incurred by the state in any litigation brought by the state of~~  
35 ~~Kansas against the states of Nebraska or Colorado to resolve disputes~~  
36 ~~arising under the Republican river compact and in preparation for such~~  
37 ~~litigation.~~

38       (2) Once the balance in the interstate water litigation ~~reserve account~~  
39 ~~of the state general fund equals \$20,000,000, all moneys remaining re-~~  
40 ~~covered from Nebraska shall be credited to the Republican river water~~  
41 ~~conservation projects — Nebraska moneys fund as directed by subsection~~  
42 ~~(b) of this section, and all moneys remaining recovered from Colorado~~  
43 ~~shall be credited to the Republican river water conservation projects —~~

1 Colorado moneys fund as directed by subsection (c) ~~of this section~~.

2 (b) There is hereby established in the state treasury the Republican  
3 river water conservation projects — Nebraska moneys fund to be admin-  
4 istered by the director of the Kansas water office.

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

10 (2) two-thirds of the money deposited in this fund shall be expended  
11 only for conservation projects, utilization efficiency, administrative  
12 requirements and delivery projects, and similar types of projects set forth  
13 in subsection (d), in those areas of the state lying in the lower Republican  
14 river basin between the Kansas/Nebraska border and Milford dam in all  
15 or parts of Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic,  
16 Riley, Smith and Washington counties.

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

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

22 (2) two-thirds of the money deposited in this fund shall be expended  
23 only for conservation projects, utilization efficiency, administrative  
24 requirements and delivery projects, and similar types of projects set forth  
25 in subsection (d), in those areas of the state lying in the upper Republican  
26 river basin in northwest Kansas in all or parts of Cheyenne, Decatur,  
27 Norton, Phillips, Rawlins, Sheridan, Sherman and Thomas counties.

28 (d) The types of projects that may be funded under subsections (b)  
29 and (c) include: (1) Efficiency improvements to canals or laterals managed  
30 and paid for by an irrigation district or projects to improve the operational  
31 efficiency or management of such canals or laterals;

32 (2) water use efficiency upgrades;

33 (3) implementation of water conservation of irrigation and other  
34 types of water uses;

35 (4) implementation of water management plans or actions by water  
36 rights holders;

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

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

42 (7) maintenance of the channel and the tributaries of the Republican  
43 river;

- 1 (8) reservoir maintenance or the purchase, lease, construction or
  - 2 other acquisition of existing or new storage space in reservoirs;
  - 3 (9) purchase, lease or other acquisition of a water right; and
  - 4 (10) expenses incurred to construct and operate off-stream storage.
- 5 Sec. 3. K.S.A. 82a-1802 and K.S.A. 2009 Supp. 82a-1804 are hereby
- 6 repealed.
- 7 Sec. 4. This act shall take effect and be in force from and after its
- 8 publication in the statute book.