

As Amended by House Committee

HOUSE BILL No. 2302

By Committee on Water

2-6

Proposed Amendments for HB 2302
Senate Committee on
Agriculture and Natural Resources
March 15, 2023
Office of Revisor of Statutes

making and concerning appropriations for fiscal year 2023
for the state treasurer;

1 AN ACT concerning water; relating to funding for the state water plan and
2 water infrastructure projects; ~~creating the water technical assistance~~
3 fund and water projects grant fund; authorizing the Kansas water office
4 to provide grants from such funds and adopt rules and regulations to
5 establish the criteria for grants from such funds; distributing a portion
6 of the revenue from the sales and compensating use tax to the state
7 water plan fund; amending K.S.A. 82a-951 and K.S.A. 2022 Supp. 79-
8 3620, 79-3710, 79-4804 and 82a-953a and repealing the existing
9 sections.
10

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

11
12 New Section 1. (a) On July 1, 2023, and each July 1 thereafter
13 through July 1, 2028, no transfers to the state water plan fund pursuant to
14 K.S.A. 79-4804 and 82a-953a, and amendments thereto, shall be made if
15 the full amount of sales tax revenue authorized for distribution by K.S.A.
16 79-3620 and 79-3710, and amendments thereto, is transferred to the state
17 water plan fund.

18 (b) (1) The state water plan fund shall continue to be appropriated and
19 expended for the purposes prescribed in K.S.A. 82a-951, and amendments
20 thereto, except that:

21 (A) on July 1, 2023, and each July 1 thereafter through July 1, 2028,
22 or as soon thereafter on such dates as moneys are available:

23 (i) \$5,000,000 shall be transferred from the state water plan fund to
24 the water technical assistance fund established in section 2, and
25 amendments thereto; and

26 (ii) \$15,000,000 shall be transferred from the state water plan fund to
27 the water projects grant fund established in section 3, and amendments
28 thereto; and

29 (B) ~~for the fiscal years ending June 30, 2024, June 30, 2025, and June~~
30 ~~30, 2026, an amount not less than \$15,000,000 from the state water plan~~
31 ~~fund shall be applied toward the retirement of any water supply storage~~
32 ~~debt for Milford and Perry Lake reservoirs until such debt is retired.~~

33 (2) The appropriation acts required by paragraph (1) shall only be
34 made if the full amount of sales tax revenue authorized for distribution by
35 K.S.A. 79-3620 and 79-3710, and amendments thereto, is transferred to
36 the state water plan fund.

Insert Attachment A

STATE TREASURER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Water supply storage debt payment for Milford and Perry reservoirs.....\$52,000,000

Provided, That notwithstanding the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, or any other statute, the state treasurer shall invest all moneys in the water supply storage debt payment for Milford and Perry reservoirs account in United States treasury bills until the interest rate for such treasury bills is equal to or less than the interest rate for water supply storage debt payments as determined by the state treasurer: *Provided further*; That upon determination of the state treasurer that the United States treasury bill rate is equal to or less than the interest rate on such storage debt, expenditures shall be made by the above agency from the water supply storage debt payment for Milford and Perry reservoirs account during fiscal year 2023 for the payment of water supply storage debt for Milford and Perry reservoirs: *Provided, however*; That if, during the fiscal year ending June 30, 2023, the director of the Kansas water office certifies to the state treasurer and the governor that there is a need for the Kansas water office to call the water supply storage into service, the state finance council shall authorize the state treasurer to immediately make expenditures from the water supply storage debt payment for Milford and Perry reservoirs account for the payment of water supply storage debt for Milford and Perry reservoirs: *And provided further*; That 75-3711(c), and amendments thereto, except that such authorization also may be given while the legislature is in session: *And provided further*; That at the same time such certification is transmitted to the state treasurer and the governor, the director of the Kansas water office shall transmit a copy of such certification to the director of the budget and the director of legislative research.

STATE TREASURER

(a) Any unencumbered balance in the water supply storage debt payment for Milford and Perry reservoirs account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *Provided*, That notwithstanding the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, or any other statute, the state treasurer shall invest all moneys in the water supply storage debt payment for Milford and Perry reservoirs account in the United States treasury bills until the interest rate for such treasury bills is equal to or less than the interest rate for water supply storage debt payments as determined by the state treasurer: *Provided further*; That upon determination of the state treasurer that the United States treasury bill rate is equal to or less than the interest rate on such storage debt, expenditures shall be made by the above agency from the water supply storage debt payment for Milford and Perry reservoirs account during the fiscal year 2024 for the payment of water supply storage debt for Milford and Perry reservoirs: *Provided, however*; That if, during the fiscal year ending June 30, 2024, the director of the Kansas water office certifies to the state treasurer and the governor that there is a need for the Kansas water office to call the water supply storage into service, the state finance council shall authorize the state treasurer to immediately make expenditures from the water supply storage debt payment for Milford and Perry reservoirs account for the payment of water supply storage debt for Milford and Perry reservoirs: *And provided further*; That such state finance council action on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, except that such authorization also may be given while the legislature is in session: *And provided further*; That at the same time such certification is transmitted to the state treasurer and the governor, the director of the Kansas water office shall transmit a copy of such certification to the director of the budget and the director of legislative research.