

SENATE BILL No. 122

By Committee on Natural Resources

2-7

1 AN ACT concerning the Kansas water office; relating to easements on
2 state property for conservation projects.
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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this act:

6 (1) "Conservation project" means any project or activity that the
7 director of the Kansas water office determines will assist in restoring,
8 protecting, rehabilitating, improving, sustaining or maintaining the
9 banks or bed of the Arkansas, Kansas or Missouri rivers ***from the***
10 ***effects of erosion***. ~~It includes, but is~~ ***Such projects include, but are*** not
11 limited to, projects that will aid in the protection of the river bed from
12 degradation, streambank restoration and the construction of any dams,
13 weirs or other structures associated with such projects or activities ~~and~~
14 ~~those projects in the Arkansas, Kansas or Missouri rivers that are under~~
15 ~~the jurisdiction of the chief engineer of the division of water resources~~
16 ~~of the Kansas department of agriculture, as provided in article 3 of~~
17 ~~chapter 82a of the Kansas Statutes Annotated, and amendments thereto;~~

18 (2) "director" means the director of the Kansas water office; ***and***

19 (3) ~~"interest in or along the river" means a riparian real property~~
20 ~~interest, including, but not limited to, an easement, project, dam,~~
21 ~~bridge, weir or other similar structure in or on state property, but shall~~
22 ~~exclude water rights; and~~

23 ~~—(4) "state property" means real property currently owned in full or~~
24 ~~in part by the state in the Arkansas, Kansas or Missouri rivers in~~
25 ~~Kansas, in and along the bed of the river to the ordinary high water~~
26 ~~mark on the banks of such rivers.~~

27 (b) (1) The director is hereby authorized to negotiate and grant
28 easements on state property for ***construction and maintenance of***
29 ***conservation projects with cooperating landowners in such projects***
30 ***with*** such terms and conditions as the director, after consultation with
31 the Kansas department of agriculture, the Kansas department of health
32 and environment, the Kansas department of wildlife and parks and the
33 state conservation commission, may deem appropriate.

- 1 (2) Notice of the easement shall be given to the county or counties
2 in which the ~~conservation project or~~ easement is proposed and to any
3 municipality or other governmental entity ~~holding a riparian interest at~~
4 ~~the location on which such easement is proposed to be granted~~ **that, in**
5 **the opinion of the director, holds a riparian interest in the river and**
6 **may have an interest in the project or results thereof.** Those **persons**
7 **or** entities receiving notice shall have a period, not to exceed 30 days,
8 to provide comment on the proposed easement to the director.
- 9 (3) In the event such an easement is proposed to be granted on
10 state property owned or managed by any other agency of the state, the
11 director shall give notice of the proposed easement and project to that
12 agency and shall jointly negotiate any easement so granted. ~~The~~
13 ~~director shall also give notice of such proposed easement to the~~
14 ~~secretary of state.~~
- 15 (4) **A copy of** all easements so entered ~~into by the director~~ shall be
16 filed by the director with the office of the secretary of state and the
17 office of the register of deeds for the county or counties in which the
18 easement is located.
- 19 (c) The director shall adopt rules and regulations necessary to
20 carry out the provisions of this act.
- 21 Sec. 2. This act shall take effect and be in force from and after its
22 publication in the statute book.
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