

HOUSE BILL No. 2061

By Committee on Agriculture and Natural Resources

1-20

1 AN ACT concerning agriculture; relating to the Kansas department of
2 agriculture division of conservation; state conservation commission;
3 powers and duties thereof; amending K.S.A. 2014 Supp. 2-1904 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2014 Supp. 2-1904 is hereby amended to read as
8 follows: 2-1904. (a) There is hereby established, to serve as a conservation
9 program policy board of the state and to perform the functions conferred
10 upon it in this act, the state conservation commission. The state
11 conservation commission shall succeed to all the powers, duties and
12 property of the state soil conservation committee. The commission shall
13 consist of nine members as follows:

14 (1) The director of the cooperative extension service and the director
15 of the state agricultural experiment station located at Manhattan, Kansas,
16 or such persons' designees shall serve, ex officio, as members of the
17 commission.

18 (2) The commission shall request the secretary of agriculture of
19 United States of America to appoint one person and the secretary of the
20 Kansas department of agriculture to appoint one person, each of whom
21 shall be residents of the state of Kansas to serve as members of the
22 commission. These members shall hold office for four years and until a
23 successor is appointed and qualifies, with terms commencing on the
24 second Monday in January beginning in 1973.

25 (3) Five members of the state commission shall be elected by the
26 conservation district supervisors at a time and place to be designated by
27 the state conservation commission. The method of electing such members
28 to be conducted as follows: The state is to be divided into five separate
29 areas. Area No. I to include the following counties: Cheyenne, Rawlins,
30 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,
31 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area
32 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,
33 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,
34 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and
35 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud,
36 Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey,

1 Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford.
2 Area No. IV to include: Washington, Marshall, Nemaha, Brown,
3 Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson,
4 Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary,
5 Dickinson, Morris, Osage, Franklin and Miami. Area No. V to include:
6 Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson,
7 Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,
8 Montgomery, Labette and Cherokee. Areas II and IV will elect in even
9 number years and Areas I, III and V shall elect in odd number years for
10 two year terms. The elected commission members from Areas I, III and V
11 shall take office on January 1, of the even number years. The remaining
12 two elected members of the state commission from Areas II and IV shall
13 take office on January 1, of the odd number years. The method of election
14 is to be by area caucus of the district supervisors of each of the five
15 separate areas of Kansas. The commission shall give each district notice of
16 the time and place of such annual election meeting by letter if a member is
17 to be elected to the commission from that area that year. The selection of a
18 successor to fill an unexpired term shall be by appointment by the
19 commission. The successor who is appointed to fill the unexpired term
20 shall be a resident of the same area as that of the predecessor.

21 (b) The commission shall keep a record of its official actions, shall
22 adopt a seal which seal shall be judicially noticed, and may perform such
23 acts, hold such public hearings and adopt rules and regulations necessary
24 for the execution of its functions under this act.

25 (c) In addition to the powers and duties conferred in this section, the
26 state conservation commission shall have the powers and duties not
27 delegated to the Kansas department of agriculture division of conservation
28 pursuant to K.S.A. 2014 Supp. 74-5,126, and amendments thereto.

29 (d) The commission shall designate its chairperson and, from time to
30 time, may change such designation. A majority of the commission shall
31 constitute a quorum, and the concurrence of a majority in any matter
32 within their duties shall be required for its determination. Members of the
33 state conservation commission attending meetings of such commission or
34 attending a subcommittee meeting thereof authorized by such commission
35 shall be paid compensation, subsistence allowances, mileage and other
36 expenses as provided in K.S.A. 75-3223, and amendments thereto. The
37 commission shall provide for keeping of a full and accurate record of all
38 proceedings and of all resolutions, regulations and orders issued or
39 adopted.

40 (e) The state conservation commission together with the Kansas
41 department of agriculture division of conservation shall make conservation
42 program policy decisions, including modification of current conservation
43 programs, creation of new conservation programs and budget

1 recommendations.

2 (f) The Kansas department of agriculture division of conservation in
3 consultation with the state conservation commission shall have the
4 following duties and powers:

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

8 (2) to keep the supervisors of each of the several districts organized
9 under the provisions of this act informed of the activities and experience of
10 all other districts organized hereunder and to facilitate an interchange of
11 advice and experience between such districts and cooperation between
12 them;

13 (3) to coordinate the programs of the several conservation districts
14 organized hereunder;

15 (4) to secure the cooperation and assistance of the United States and
16 any of its agencies and of agencies of this state, in the work of such
17 districts and to contract with or to accept donations, grants, gifts and
18 contributions in money, services or otherwise from the United States or
19 any of its agencies or from the state or any of its agencies in order to carry
20 out the purposes of this act;

21 (5) to disseminate information throughout the state concerning the
22 activities and programs of the conservation districts organized hereunder
23 and to encourage the formation of such districts in areas where their
24 organization is desirable;

25 (6) to cooperate with and give assistance to watershed districts and
26 other special purpose districts in the state of Kansas for the purpose of
27 cooperating with the United States through the secretary of agriculture in
28 the furtherance of conservation pursuant to the provisions of the watershed
29 protection and flood prevention act, as amended;

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

33 (8) to enlist the cooperation and collaboration of state, federal,
34 regional, interstate, local, public and private agencies with the
35 conservation districts; ~~and~~

36 (9) to facilitate arrangements under which conservation districts may
37 serve county governing bodies and other agencies as their local operating
38 agencies in the administration of any activity concerned with the
39 conservation of natural resources; *and*

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

1 (A) *Accepting, purchasing or otherwise acquiring conservation*
2 *easements, as defined in K.S.A. 58-3810, and amendments thereto, for the*
3 *purpose of protecting compensatory mitigation sites;*

4 (B) *contracting with engineering consultants, surveyors and*
5 *construction contractors for the purpose of restoration, establishment and*
6 *enhancement of natural resources; and*

7 (C) *establishing fees for the **acquisition and** administration of*
8 *~~compensatory mitigation credits~~ **conservation easements**, accepting such*
9 *fees from state and local government agencies, and assuming*
10 *responsibility to ensure the ~~mitigation projects are in existence~~ **terms of***
11 ***the conservation easement are met**, as approved by the department, for*
12 *the length of term of the easement for which fees have been accepted.*

13 (g) *There is hereby established in the state treasury the conservation*
14 *fund, which shall be administered by the department of agriculture. All*
15 *expenditures from the conservation fund shall be for conservation. All*
16 *expenditures from the conservation fund shall be made in accordance with*
17 *appropriation acts upon warrants of the director of accounts and reports*
18 *issued pursuant to vouchers approved by the secretary of agriculture or*
19 *the designee of the secretary. The secretary of agriculture shall remit all*
20 *moneys received by or for the secretary under this section to the state*
21 *treasurer in accordance with the provisions of K.S.A. 75-4215, and*
22 *amendments thereto. Upon each such remittance, the state treasurer shall*
23 *deposit the entire amount in the state treasury to the credit of the*
24 *conservation fund.*

25 (h) *All costs associated with compensatory mitigation, including,*
26 *but not limited to, the costs of any litigation or civil fines or penalties,*
27 *shall be paid by the watershed district for which the Kansas department*
28 *of agriculture division of conservation holds the conservation easement.*

29 (i) (1) *Except as provided in subsection (i)(2), the Kansas*
30 *department of agriculture shall not expend moneys appropriated from*
31 *the state general fund or from any special revenue fund or funds for the*
32 *purpose of accepting, purchasing or otherwise acquiring conservation*
33 *easements.*

34 (2) *The Kansas department of agriculture may expend moneys in*
35 *the conservation fund established by this section for the purpose of*
36 *accepting, purchasing or otherwise acquiring conservation easements.*

37 (j) *The Kansas department of agriculture division of conservation*
38 *shall not accept, purchase or otherwise acquire any conservation*
39 *easement other than for the purposes of this section.*

40 Sec. 2. K.S.A. 2014 Supp. 2-1904 is hereby repealed.

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