

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

17 (2) "director" means the director of the Kansas water office;

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

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

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

32 (2) Notice of the easement shall be given to the county or
33 counties in which the conservation project or easement is proposed and to
34 any municipality or other governmental entity holding a riparian interest
35 at the location on which such easement is proposed to be granted. Those
36 entities receiving notice shall have a period, not to exceed 30 days, to

1 provide comment on the proposed easement to the director.
2 (3) In the event such an easement is proposed to be granted on
3 state property owned or managed by any other agency of the state, the
4 director shall give notice of the proposed easement and project to that
5 agency and shall jointly negotiate any easement so granted. The director
6 shall also give notice of such proposed easement to the secretary of state.
7 (4) All easements so entered into by the director shall be filed
8 by the director with the office of the secretary of state and the office of
9 the register of deeds for the county or counties in which the easement is
10 located.
11 (c) The director shall adopt rules and regulations necessary to
12 carry out the provisions of this act.
13 Sec. 2. This act shall take effect and be in force from and after its
14 publication in the statute book.
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