

As Amended by House Committee

As Amended by Senate Committee

Session of 2011

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 banks  
9 or bed of the Arkansas, Kansas or Missouri rivers **from the effects of**  
10 **erosion**. It includes, but is ~~Such projects include, but are~~ not limited to,  
11 ~~projects that will aid in the protection of the river bed from degradation,~~  
12 ~~streambank restoration and the construction of any dams, weirs or other~~  
13 ~~structures associated with such projects or activities and those projects in~~  
14 ~~the Arkansas, Kansas or Missouri rivers that are under the jurisdiction of~~  
15 ~~the chief engineer of the division of water resources of the Kansas~~  
16 ~~department of agriculture, as provided in article 3 of chapter 82a of the~~  
17 ~~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, bridge,  
21 weir or other similar structure in or on state property, but shall exclude  
22 water rights; and

23 ~~(4)~~ "state property" means real property currently owned in full or in  
24 part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in  
25 and along the bed of the river to the ordinary high water mark on the banks  
26 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 for**  
30 **the expected life of the project and with** such terms and conditions as the  
31 director, after consultation with the Kansas department of agriculture, the  
32 Kansas department of health and environment, the Kansas department of  
33 wildlife and parks and the state conservation commission, may deem

1 appropriate.

2 (2) Notice of the easement shall be given to the county or counties in  
3 which the ~~conservation project or~~ easement is proposed and to any  
4 municipality or other governmental entity ~~holding a riparian interest at the~~  
5 ~~location on which such easement is proposed to be granted~~ **that, in the**  
6 **opinion of the director, holds a riparian interest in the river and may**  
7 **have an interest in the project or results thereof.** Those *persons or*  
8 entities receiving notice shall have a period, not to exceed 30 days, to  
9 provide comment on the proposed easement to the director.

10 (3) In the event such an easement is proposed to be granted on state  
11 property owned or managed by any other agency of the state, the director  
12 shall give notice of the proposed easement and project to that agency and  
13 shall jointly negotiate any easement so granted. ~~The director shall also give~~  
14 ~~notice of such proposed easement to the 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 office  
17 of the register of deeds for the county or counties in which the easement is  
18 located.

19 (c) The director shall adopt rules and regulations necessary to carry  
20 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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