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MEMORANDUM

To: The House Standing Committee on Agriculture

From: Kyle Hamilton, Assistant Revisor of Statutes

Date: February 3, 2020

Re: HB 2462

In 2011, Executive Reorganization Order 40 was implemented and transferred the state conservation commission to the Kansas department of agriculture and made it part of a new state conservation division. HB 2462 would clarify the role of the division within the department, including the responsibilities of the state conservation commission and its director.

Section 1 would amend K.S.A. 2-1903, the definitions section for the conservation districts law, which creates the conservation commission and sets up the conservation districts and their responsibilities. Section 1 would update certain definitions and add new definitions for “director” “invasive plant species” and “secretary”.

Section 2 would amend the statute that established the commission. Instead of the director of the cooperative extension service and the director of the state agricultural experiment station serving as ex-officio members of the commission, the dean of Kansas state university’s college of agriculture would now appoint two non-voting members. One such non-voting member would be appointed from the agricultural experiment station and one from the cooperative extension service. And instead of the commission reaching out to the USDA to appoint a member, the secretary would reach out to the USDA. An amendment in subsection (b) would require the commission would have to review all rules and regulations proposed by the division. Changes in subsection (e) would require the division and the commission would work together to make policy program decisions, which would then have to be approved by the secretary.

Section 3 amends the statute that establishes the governing bodies of the conservation districts. The statute would be amended near the end of the section to state that the secretary, in consultation with the commission, could remove supervisors – the removal of supervisors would no longer be a unilateral decision by the commission.

Section 4, starting on page 7, concerns allocations for the conservation districts and contains just a few technical changes.

Section 5 would make some amendments to the powers of the conservation districts. The statute lists different powers concerning soil erosion, flood damage, and water management. The scope of those powers would be clarified by the bill by specifically adding “soil” and “grassland health initiatives” and “water quality” to the existing list.

Section 6, starting on page 10, line 22, amends a statute concerning conservation structures and grants. Subsection (a) would allow grants to be given to develop irrigation technology, soil and grassland health, water quality and the control of invasive species. The end of section 6 starting at the bottom of page 11, would state that the division, with the approval of the secretary, could adopt rules and regulations in accordance with the rules and regulations filing act.

Section 7, starting on page 12, line 16, would amend the statute that allows individuals to petition for the dissolution of a conservation district. The statute currently makes references to the state soil conservation committee – this entity was succeeded by the state conservation commission – and so references in the statute to the old committee have been changed accordingly.

Sections 8 and 9 amend the statutes that establish the water right transition assistance program, which is run by the division. These sections would largely make the same types of technical changes as the preceding sections. However, a more unique change is made in section 9, on page 18, line 9. This is the penalties section for the water right transition assistance program and an amendment would be inserted to make clear that only the secretary could impose a civil penalty.

Sections 10 through 23 make the same types of clarifying and technical amendments to other relevant programs that were made in the previous sections. The programs in these sections

include the conservation reserve enhancement program, the surface-mining land conservation and reclamation program; and the multipurpose small lakes program.

HB 2462 would become effective upon publication in the statute book, on July 1, 2020.