SENATE BILL No. 395

By Committee on Ways and Means

AN ACT concerning eminent domain; relating to the conduct of carbon
dioxide in pipes; amending K.S.A. 17-618 and repealing the existing
section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 17-618 is hereby amended to read as follows: 17-
618. (a) Lands may be appropriated in the same manner as is provided in
K.S.A. 26-501 through 26-518, and amendments thereto, for the use of
macadam-road, plank-road, hospital corporation or association, telegraph
and telephone corporations, electric, hydraulic, irrigating, milling and
manufacturing corporations using power, oil companies, pipeline
companies; and for the piping of gas in the same manner as is provided in
K.S.A. 26-501 to 26-516, inclusive, and.

(b) For any macadam-road, plank-road, telegraph and telephone
corporations, hydraulic, irrigating, oil company, pipeline company, gas
company, partnership holding a certificate of convenience as a public
utility issued by the state corporation commission, milling or
manufacturing corporation using power desiring that desires the right to
dam or take water from any stream, to conduct water in canals or raceways
or pipes, or to conduct compressed air in pipes, or to conduct carbon
dioxide in pipes, conduct oil in pipes or, conduct gas in pipes, or transmit
power or communications by shafting, belting, or belting and pulleys, or
ropes and pulleys, or by electrical current, or by compressed air, may
obtain such right or the right-of-way for all necessary canals, raceways,
pipes, shafting, belting and pulleys, ropes and pulleys or wires or cables in
the same manner as aforesaid, and is provided in K.S.A. 26-501 through
26-518, and amendments thereto.

(c) Any such canals, raceways, pipes, shafting, belting and pulleys,
ropes and pulleys or wires or cables described in this section may
be laid, carried or stretched on, through or over any land or lot, or along or
upon any stream of water, using so much of the water thereof as may be
needed for any of the purposes aforesaid described in this section, or
through any street or alley or public ground of any city of the second or
third class. Provided, That. No such canal or raceway shall be located
through any street or, alley or any public ground of any city without the
consent of the municipal authorities thereof. Provided further, That.
(d) It shall be unlawful for any person or corporation to locate or construct any irrigating canal or raceway along or upon any stream of water or take and use the water of any stream in such manner as to interfere with or in any wise hinder way impede, delay or injure any milling or irrigating improvements already constructed or located along or upon any stream of water, or to diminish the supply of water flowing to or through any established irrigating canal. Provided further, That in case of the erection of a dam, the report of the commissioners, instead of defining the quantity and boundaries of the land overflowed, the report of the commissioners shall designate particularly the height of such dam.

Sec. 2. K.S.A. 17-618 is hereby repealed.

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