

**SENATE BILL No. 223**

By Committee on Ways and Means

2-11

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

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

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

14 (b) *For any macadam-road, plank-road, telegraph and telephone*  
15 *corporations, hydraulic, irrigating, oil company, pipeline company, gas*  
16 *company, partnership holding a certificate of convenience as a public*  
17 *utility issued by the state corporation commission, milling or*  
18 *manufacturing corporation using power ~~desiring that desires~~ the right to*  
19 *dam or take water from any stream, to conduct water in canals or raceways*  
20 *or pipes, ~~or to~~ conduct compressed air in pipes, ~~or to~~ conduct carbon*  
21 *dioxide in pipes, conduct oil in pipes ~~or~~, conduct gas in pipes; or transmit*  
22 *power or communications by shafting, belting, ~~or~~ belting and pulleys, ~~or~~*  
23 *ropes and pulleys, ~~or by~~ electrical current; ~~or by~~ compressed air, may*  
24 *obtain such right or the right-of-way for all necessary canals, raceways,*  
25 *pipes, shafting, belting and pulleys, ropes and pulleys or wires or cables in*  
26 *the same manner as ~~aforsaid~~, and is provided in K.S.A. 26-501 through*  
27 *26-518, and amendments thereto.*

28 (c) *Any such canals, raceways, pipes, shafting, belting, belting and*  
29 *pulleys, ropes and pulleys or wires or cables described in this section may*  
30 *be laid, carried or stretched on, through or over any land or lot, ~~or~~ along or*  
31 *upon any stream of water, using so much of the water thereof as may be*  
32 *needed for any of the purposes ~~aforsaid~~ described in this section, or*  
33 *through any street ~~or~~, alley or public ground of any city of the second or*  
34 *third class: ~~Provided, That~~. No such canal or raceway shall be located*  
35 *through any street ~~or~~, alley or any public ground of any city without the*  
36 *consent of the municipal authorities thereof: ~~Provided further, That~~.*

1       (d) It shall be unlawful for any person or corporation to locate or  
2 construct any irrigating canal or raceway along or upon any stream of  
3 water or take and use the water of any stream in such manner as to  
4 interfere with or in any ~~wise hinder~~ way *impede*, delay or injure any  
5 milling or irrigating improvements already constructed or located along or  
6 upon any stream of water, or to diminish the supply of water flowing to or  
7 through any established irrigating canal: ~~Provided further, That~~. In case of  
8 the erection of a dam, ~~the report of the commissioners~~, instead of defining  
9 the quantity and boundaries of the land overflowed, *the report of the*  
10 *commissioners* shall designate particularly the height of such dam.

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

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