

SENATE BILL No. 417

By Committee on Agriculture and Natural Resources

1-29

Proposed Amendments for SB 417
Senate Agriculture and Natural Resources
Amend K.S.A. 32-840
February 15, 2024
Office of Revisor of Statutes

1 AN ACT repealing K.S.A. 32-840; removing the secretary of wildlife and
2 park's authority to exercise the right of eminent domain.

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

4 Section 1. K.S.A. 32-840 is hereby repealed.

5 Sec. 2. This act shall take effect and be in force from and after its
6 publication in the Kansas register.
7

concerning wildlife and parks; relating to eminent domain; limiting the secretary's authority to exercise the right of eminent domain; amending K.S.A. 32-840 and repealing the existing section

K.S.A. 32-840 is hereby amended to read as follows: 32-840. (a) The secretary, in the name of the state of Kansas, may exercise the right of eminent domain in accordance with the eminent domain procedure act, K.S.A. 26-501 et seq., and amendments thereto, for the purpose of acquiring lands, water and water rights necessary to:

- (1) Carry out the provisions of the wildlife and parks laws of this state and the purposes for which the department is created; or
- (2) protect, ~~add to~~ and improve state parks, state lakes, recreational areas, wildlife areas and sanctuaries, natural areas, fish hatcheries and other lands, waters and facilities provided for by K.S.A. 32-807, and amendments thereto.

(b) The taking, using and appropriating of property as authorized by ~~subsection (a) (2) for the purposes of protecting lands, waters and facilities and their environs and preserving the view, appearance, light, air, health and usefulness thereof by reselling such property with such restrictions in the deeds of resale as will protect the property taken for such purposes~~ this section for the purpose of access to land ~~already owned by the department of wildlife and parks~~ is hereby declared to be taking, using and appropriating of such property for public use. ~~The proceeds arising from the resale of any property so taken shall be used by the secretary for the purpose of improving lands, waters and facilities under the jurisdiction and control of the secretary.~~

(c) Upon request of the secretary, the attorney general ~~shall~~ may proceed by proper action to acquire by condemnation all lands, or rights therein or thereon, and all water or water rights required by the department pursuant to this section. Sec. 2

remember sections accordingly