

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.
3
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
9 banks ~~_____~~ of the Arkansas, Kansas or Missouri rivers *from the*
10 *effects of erosion. It includes, but is* ~~_____~~
11 ~~_____~~
12 ~~_____~~
13 ~~_____~~ and
14 those projects in the Arkansas, Kansas or Missouri rivers that are under
15 the jurisdiction of the chief engineer of the division of water resources
16 of the Kansas department of agriculture, as provided in article 3 of
17 chapter 82a of the 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,
21 bridge, weir or other similar structure in or on state property, but shall
22 exclude water rights; and
23 —(4) "state property" means real property currently owned in full or
24 in part by the state in the Arkansas, Kansas or Missouri rivers in
25 Kansas, in and along the bed of the river to the ordinary high water
26 mark on the banks 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*
30 ~~for the expected life of the project and~~ *with* such terms and conditions
31 as the director, after consultation with the Kansas department of
32 agriculture, the Kansas department of health and environment, the

1 Kansas department of wildlife and parks and the state conservation
2 commission, may deem appropriate.

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

11 (3) In the event such an easement is proposed to be granted on
12 state property owned or managed by any other agency of the state, the
13 director shall give notice of the proposed easement and project to that
14 agency and shall jointly negotiate any easement so granted. ~~The~~
15 ~~director shall also give notice of such proposed easement to the~~
16 ~~secretary of state.~~

17 (4) *A copy of* all easements so entered ~~into by the director~~ shall be
18 filed by the director with the office of the secretary of state and the
19 office of the register of deeds for the county or counties in which the
20 easement is located.

21 (c) The director shall adopt rules and regulations necessary to
22 carry out the provisions of this act.

23 Sec. 2. This act shall take effect and be in force from and after its
24 publication in the statute book.
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