

**HOUSE BILL No. 2311**

By Committee on Water and Environment

2-8

1 AN ACT concerning water; relating to water quality protection projects;  
2 maintenance requirements.

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

5 Section 1. (a) If any agency or instrumentality of the state enters into  
6 an agreement with any landowner to provide funds for construction or  
7 installation of streamside conservation projects, including, but not limited to,  
8 streambank stabilization projects, riparian area restoration projects or  
9 other water quality protection projects, the landowner shall maintain such  
10 conservation project in accordance with subsection (b).

11 (b) A landowner shall:

12 (1) Maintain the conservation project for a minimum of 20 years;

13 (2) permit access to such landowner's land for the necessary agencies  
14 or instrumentalities of the state to allow inspection of maintenance of the  
15 conservation project; and

16 (3) upon a failure to maintain the conservation project, reimburse the  
17 state in a pro rata basis as follows:

18 (A) For conservation projects that have been constructed or installed  
19 for less than 10 years, as determined by the project completion date, the  
20 landowner shall reimburse the state 100% of the funds provided by any  
21 agency or instrumentality of the state;

22 (B) for conservation projects that have been constructed or installed  
23 for 10 or more years, but less than 12 years, as determined by the project  
24 completion date, the landowner shall reimburse the state 80% of the funds  
25 provided by any agency or instrumentality of the state;

26 (C) for conservation projects that have been constructed or installed  
27 for 12 or more years, but less than 14 years, as determined by the project  
28 completion date, the landowner shall reimburse the state 60% of the funds  
29 provided by any agency or instrumentality of the state;

30 (D) for conservation projects that have been constructed or installed  
31 for 14 or more years, but less than 16 years, as determined by the project  
32 completion date, the landowner shall reimburse the state 40% of the funds  
33 provided by any agency or instrumentality of the state;

34 (E) for conservation projects that have been constructed or installed  
35 for 16 or more years, but less than 18 years, as determined by the project  
36 completion date, the landowner shall reimburse the state 20% of the funds

1 provided by any agency or instrumentality of the state;

2 (F) for conservation projects that have been constructed or installed  
3 for 18 or more years, but less than 20 years, as determined by the project  
4 completion date, the landowner shall reimburse the state 10% of the funds  
5 provided by any agency or instrumentality of the state.

6 (c) If a change of ownership of the land occurs before the 20-year  
7 maintenance requirements of subsection (b) have ended, it shall be the  
8 responsibility of the landowner to obtain in writing a contractual  
9 agreement with any new owner to transfer the maintenance obligations. A  
10 copy of such contractual agreement shall be provided to the agency or  
11 instrumentality of the state that provided funds for construction or  
12 installation of the streamside conservation project. If no such contractual  
13 agreement is made to transfer the maintenance obligations, the  
14 maintenance provisions of subsection (b) shall remain binding upon the  
15 original landowner.

16 (d) A landowner shall not be required to reimburse the state pursuant  
17 to subsection (b) for:

18 (1) Destruction or damage caused by acts of nature that are beyond  
19 the control of the landowner; or

20 (2) any amount of money that the landowner provided in cost-share  
21 assistance for the construction or installation of the streamside  
22 conservation project.

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