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MEMORANDUM

To: Senate Committee on Agriculture and Natural Resources
From: Office of Revisor of Statutes
Date: January 26, 2021
Subject: SB 40—Division of Conservation Updates and Statutory Cleanup

Senate Bill 40 would update and clarify statutes pertaining to the Kansas Department of Agriculture Division of Conservation. In 2011, Executive Reorganization Order No. 40 transferred the state conservation commission to the Kansas department of agriculture as part of the newly created division of conservation. The powers of the state conservation commission were transferred to the secretary of agriculture and references to the state conservation commission were deemed to apply to the division of conservation, even though the state conservation commission was continued in existence. SB 40 would clarify the role of the division of conservation within the department, including the responsibilities of the state conservation commission and its director. Additionally, the bill updates certain outdated provisions relating to the division of conservation.

Section 1 of SB 40 would amend K.S.A. 2-1903, which establishes the definitions for the conservation districts law, to update certain definitions and to add new definitions for “director,” “invasive plant species” and “secretary.”

Section 2 would amend K.S.A. 2-1904, which establishes the state conservation commission. Currently, the director of the cooperative extension service and the director of the state agricultural experiment station serve as ex-officio members of the commission. SB 40 would require the dean of Kansas state university's college of agriculture to appoint two non-voting members of the commission. One such non-voting member would be appointed from the agricultural experiment station and one from the cooperative extension service.

Section 2 would also require the commission to review all rules and regulations proposed by the division of conservation. Additionally, policy program decisions made jointly by the division and commission would have to be approved by the secretary.

Section 3 would amend K.S.A. 2-1907 to allow the secretary, in consultation with the commission, to remove supervisors. Currently, the commission makes this decision.

Section 4 would make technical changes to K.S.A. 2-1907c, which concerns allocations for conservation districts.

Section 5 would amend K.S.A. 2-1908 to add "soil and grassland health initiatives" and "water quality" to the types of items that conservation districts have the power to address.

Section 6 would amend K.S.A. 2-1915 would allow grants to be given to develop irrigation technology, soil and grassland health, water quality and the control of invasive species. Additionally, section 6 would allow the division, with the approval of the secretary, to adopt rules and regulations to administer certain grant and protection programs.

Section 7 would amend K.S.A. 2-1916 to update references to the state soil conservation committee, which no longer exists, to instead refer to the division.

Sections 8 through 23 make clarifying and technical amendments to other relevant programs, including the conservation reserve enhancement program, the surface-mining land conservation and reclamation program; and the multipurpose small lakes program. Additionally, section 9 clarifies that only the secretary can impose a civil penalty for a violation of the water right transition assistance program.

SB 40 would take effect upon publication in the statute book.