

SENATE BILL No. 417

By Committee on Agriculture and Natural Resources

1-29

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 concerning~~
3 ~~wildlife and parks; relating to eminent domain; limiting the~~
4 ~~secretary's authority to exercise the right of eminent domain;~~
5 ~~amending K.S.A. 2023 Supp. 32-840 and repealing the existing~~
6 ~~section.~~

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

9 *Section 1. K.S.A. 2023 Supp. 32-840 is hereby amended to read as*
10 *follows: 32-840. (a) The secretary, in the name of the state of Kansas,*
11 *may exercise the right of eminent domain in accordance with the*
12 *eminent domain procedure act, K.S.A. 26-501 et seq., and amendments*
13 *thereto, for the purpose of acquiring lands, water and water rights*
14 *necessary to:*

15 *(1) Carry out the provisions of the wildlife and parks laws of this*
16 *state and the purposes for which the department is created; or*

17 *(2) protect, add to and improve state parks, state lakes, recreational*
18 *areas, wildlife areas and sanctuaries, natural areas, fish hatcheries and*
19 *other lands, waters and facilities provided for by K.S.A. 32-807, and*
20 *amendments thereto.*

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

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

36 ~~Section 1.~~ *Sec. 2. K.S.A. 2023 Supp. 32-840 is hereby repealed.*

1 Sec.~~2~~. **3.** This act shall take effect and be in force from and after its
2 publication in the Kansas register.