

Session of 2021

**SENATE BILL No. 40**

By Committee on Agriculture and Natural Resources

1-21

1 AN ACT concerning agriculture; relating to the Kansas department of  
2 agriculture division of conservation; implementing the provisions of  
3 2011 executive reorganization order No. 40; amending K.S.A. 2-1916,  
4 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603,  
5 82a-1607 and 82a-1702 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-  
6 1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933, 49-603, 49-  
7 606 and 49-621 and repealing the existing sections; also repealing  
8 K.S.A. 49-619.  
9

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

11 Section 1. K.S.A. 2020 Supp. 2-1903 is hereby amended to read as  
12 follows: 2-1903. As used in this act:

13 (1) "District" or "conservation district" means a governmental  
14 subdivision of this state, and a public body corporate and politic, organized  
15 in accordance with the provisions of this act, for the purposes, with the  
16 powers, and subject to the restrictions hereinafter set forth.

17 (2) "Supervisor" means one of the members of the governing body of  
18 a district, elected or appointed in accordance with the provisions of this  
19 act.

20 (3) "~~Commission~~ or ~~state conservation commission~~" means the  
21 conservation program policy board created in K.S.A. 2-1904, and  
22 amendments thereto, *including the state conservation commission*  
23 *continued in existence by K.S.A. 75-5,128, and amendments thereto.*

24 (4) "State" means the state of Kansas.

25 (5) "Agency of this state" includes the government of this state and  
26 any subdivision, agency or instrumentality, corporation or otherwise, of  
27 the government of this state.

28 (6) "United States" or "agencies of the United States" includes the  
29 United States of America, the ~~soil~~ *natural resources* conservation service  
30 of the United States department of agriculture and any other agency or  
31 instrumentality, corporate or otherwise, of the United States of America.

32 (7) "Government" or "governmental" includes the government of this  
33 state, the government of the United States and any subdivision, agency or  
34 instrumentality, corporate or otherwise, of either of them.

35 (8) "~~Division~~ or ~~division of conservation~~" means the ~~agency~~  
36 *division of conservation* established *within the Kansas department of*

Proposed Amendment for SB 40  
 Senate Committee on Agriculture & Natural Resources  
 Clarifying Language on Page 9 Lines 21 and 25  
 January 27, 2021  
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 Office of Revisor of Statutes

1 interests therein in furtherance of the purposes and the provisions of this  
2 act;

3 (f) to make available, on such terms as it shall prescribe, to land  
4 occupiers within the district, agricultural and engineering machinery and  
5 equipment, fertilizer, seeds; and seedlings, and such other material or  
6 equipment, as will assist such land occupiers to carry on operations upon  
7 their lands for the conservation of soil resources, *soil and grassland*  
8 *health, protection of water quality* and for the prevention and control of  
9 soil erosion;

10 (g) to develop comprehensive plans for the conservation of soil and  
11 water resources and for the control and prevention of soil erosion, flood  
12 damages, impaired drainage, the effects of ~~drought~~ *drought* within the  
13 district and the maintenance and improvement of water quality, ~~which with~~  
14 ~~such plans shall specify~~ *specifying* in such detail as may be possible, the  
15 acts, procedures, performances; and avoidances ~~which that~~ are necessary  
16 or desirable for the effectuation of such plans, including the specification  
17 of engineering operations, methods of cultivation, the growing of  
18 vegetation, cropping programs, tillage practices; and changes in use of  
19 land, and to publish such plans and information and bring them to the  
20 attention of occupiers of lands within the district;

21 (h) to take over, by purchase, lease, ~~or otherwise~~, and to administer,  
22 any soil-conservation, erosion-control, ~~or soil and grassland health,~~  
23 erosion-prevention, flood prevention, *water quality* or water management  
24 project located within its boundaries undertaken by the United States or  
25 any of its agencies, or by this state or any of its agencies; to manage, as  
26 agent of the United States or any of its agencies, or of this state or any of  
27 its agencies, any soil-conservation, erosion-control, or erosion-prevention,  
28 flood prevention or water management project within its boundaries; to act  
29 for the district or as agent for the United States, or any of its agencies, or  
30 for this state or any of its agencies, in connection with the acquisition,  
31 construction, operation, maintenance, or administration of any soil-  
32 conservation, erosion-control, ~~or soil and grassland health,~~ erosion-  
33 prevention, flood prevention, *water quality* or water management project  
34 within its boundaries; to accept donations, gifts; and contributions in  
35 money, services, materials; or otherwise, from the United States or any of  
36 its agencies, or from this state or any of its agencies, and from persons,  
37 firms, corporations or associations, and to use or expend such moneys,  
38 services, materials; or other contributions in carrying on its operations;

39 (i) to sue and be sued in the name of the district; to have a seal, which  
40 seal shall be judicially noticed; to have perpetual succession unless  
41 terminated as hereinafter provided; to make and execute contracts and  
42 other instruments, necessary or convenient to the exercise of its powers; to  
43 make, and from time to time amend and repeal, rules and regulations not

, gift

donation

subject to the authority of  
the authorizing state or  
federal agency