

KANSAS OFFICE of
REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS

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MEMORANDUM

To: Committee on Water and Environment
From: Nick Myers, Assistant Revisor of Statutes
Date: February 14, 2017
Subject: House Bill 2311

House Bill 2311 would require a landowner, who enters into an agreement with any state entity for construction or installation of streambank stabilization projects, riparian area restoration projects or any other water quality protection projects, to maintain the state funded project for at least 20 years. If a landowner fails to maintain such state funded conservation project, the landowner would be required to reimburse the state entity as follows:

- 100% for projects that have been constructed or installed for less than 10 years;
- 80% for projects that have been constructed or installed for 10 years but less than 12 years;
- 60% for projects that have been constructed or installed for 12 years but less than 14 years;
- 40% for projects that have been constructed or installed for 14 years but less than 16 years;
- 20% for projects that have been constructed or installed for 16 years but less than 18 years;
- 10% for projects that have been constructed or installed for 18 years but less than 20 years;

If a change of ownership of the land occurs before the 20-year maintenance requirements have ended, the landowner would be required to contractually transfer the maintenance obligations to the new owner. If a landowner does not transfer of the maintenance obligations to the new owner, the 20-year maintenance requirement would remain binding upon the original landowner.

A landowner would not be required to reimburse the state for any damage due to acts of nature that are beyond the control of the landowner or for any amount of money that the landowner provided in cost-share assistance for the construction or installation of the conservation project.

House Water & Environment

Date: 2-14-17

Off: Attachment #: 1-1