

## HOUSE BILL No. 2310

By Representative Xu

2-10

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1 AN ACT concerning agriculture; relating to soil and watershed health;  
2 creating the Kansas healthy soils fund and the Kansas healthy soils  
3 initiative for the purpose of promoting healthy soils practices;  
4 amending K.S.A. 2-1902 and 2-2002 and K.S.A. 2020 Supp. 2-1903, 2-  
5 1904, 2-1908, 2-1915 and 2-2003 and repealing the existing sections.  
6

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

8 Section 1. K.S.A. 2-1902 is hereby amended to read as follows: 2-  
9 1902. It is hereby declared, as a matter of legislative determination:

10 A. *The condition.* That the farm and grazing lands of the state of  
11 Kansas are among the basic assets of the state and that the preservation of  
12 these lands is necessary to protect and promote the health, safety, and  
13 general welfare of its people; that improper land-use practices have caused  
14 and have contributed to, and are now causing and contributing to, a  
15 progressively more serious *deterioration of soil and watershed health and*  
16 *erosion of the farm and grazing lands of this state by wind and water;* that  
17 the breaking of natural grass, plant; and forest cover have interfered with  
18 the natural factors of soil stabilization, causing loosening of soil and  
19 exhaustion of humus, and developing a soil condition that favors erosion;  
20 that the topsoil is being blown and washed out of fields and pastures; that  
21 there has been an accelerated washing of sloping fields; that these  
22 processes of erosion by wind and water speed up with removal of  
23 absorptive topsoil, causing exposure of less absorptive and less protective  
24 but more erosive subsoil; that failure by any land occupier to conserve the  
25 soil and control erosion upon said person's lands causes a washing and  
26 blowing of soil and water from said person's lands onto other lands and  
27 makes the conservation of soil, control of erosion, prevention of floods and  
28 management, control and protection of water and water quality on such  
29 other lands difficult or impossible.

30 B. *The consequences.* That the consequences of such *deterioration of*  
31 *soil and watershed health and soil erosion in the form of soil-blowing and*  
32 *soil-washing are the silting and sedimentation of stream channels,*  
33 *reservoirs, dams, ditches; and harbors; the loss of fertile soil material in*  
34 *dust storms; the piling up of soil on lower slopes, and its deposit over*  
35 *alluvial plains; the reduction in productivity or outright ruin of rich bottom*  
36 *lands by overwash of poor subsoil material, sand; and gravel swept out of*

1 the hills; deterioration of soil and its fertility, deterioration of crops grown  
2 thereon, and declining acre yields despite development of scientific  
3 processes for increasing such yields; loss of soil and water, which causes  
4 destruction of food and cover for wild life; a blowing and washing of soil  
5 into streams which silts over spawning beds, and destroys water plants,  
6 diminishing the food supply of fish; a diminishing of the underground  
7 water reserve, which causes water shortages, intensified periods of  
8 drought; and causes crop failures; *pollution of surface and ground water*  
9 *bodies resulting in degraded functioning, including from eutrophication;*  
10 an increase in the speed and volume of rainfall runoff, causing severe and  
11 increasing floods, which bring suffering, disease; and death;  
12 impoverishment of families attempting to farm eroding and eroded lands;  
13 damage to roads, highways, railways, farm buildings; and other property  
14 from floods and from dust storms; and losses in navigation, hydroelectric  
15 power; municipal water supply, irrigation developments, farming; and  
16 grazing.

17 *C. The appropriate corrective methods.* That to conserve soil resources  
18 and control and prevent soil erosion and reduce flood damages and to  
19 provide for the conservation, development, utilization and disposal of  
20 water, it is necessary that land-use practices contributing to *deteriorated*  
21 *soil and watershed health*, soil wastage and soil erosion be discouraged  
22 and discontinued, and *that* appropriate soil-conserving *and soil-creating*  
23 land-use practices and structural works of improvement be adopted and  
24 carried out; that among the procedures necessary for widespread adoption,  
25 are the carrying on of engineering operations such as the construction of  
26 terraces, terrace outlets, check-dams, dikes, ponds, ditches, detention  
27 dams, grade stabilization structures, channel improvements, floodways,  
28 water resource developments and the like; the utilization of strip cropping;  
29 lister furrowing, contour cultivating, and contour furrowing; *utilization of*  
30 *healthy soils practices*; land irrigation; seeding and planting of waste,  
31 sloping, abandoned, or eroded lands to water-conserving and erosion-  
32 preventing plants, trees, and grasses; forestation and reforestation; rotation  
33 of crops; soil stabilization with trees, grasses, legumes; and other thick-  
34 growing soil-holding crops; retardation of runoff by increasing absorption  
35 of rainfall; and retirement from cultivation of steep, highly erosive areas  
36 and areas now badly gullied or otherwise eroded.

37 *D. Declaration of policy.* It is hereby declared to be the policy of the  
38 legislature to provide for the conservation, *health, restoration*, use and  
39 development of the soil and water resources of this state, and for the  
40 control and prevention of soil erosion, flood damages and injury to the  
41 quality of water, and thereby to preserve natural resources, control floods,  
42 prevent impairment of dams and reservoirs, assist in maintaining the  
43 navigability of rivers and harbors, preserve wild life, protect the tax base,

1 protect public lands, and protect and promote the health, safety; and  
2 general welfare of the people of this state.

3 Sec. 2. K.S.A. 2020 Supp. 2-1903 is hereby amended to read as  
4 follows: 2-1903. As used in this act:

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

9 ~~(2)~~(b) "Supervisor" means one of the members of the governing body  
10 of a district, elected or appointed in accordance with the provisions of this  
11 act.

12 ~~(3)~~(c) "Commission" or "state conservation commission" means the  
13 conservation program policy board created in K.S.A. 2-1904, and  
14 amendments thereto.

15 ~~(4)~~(d) "State" means the state of Kansas.

16 ~~(5)~~(e) "Agency of this state" includes the government of this state and  
17 any subdivision, agency or instrumentality, corporation or otherwise, of  
18 the government of this state.

19 ~~(6)~~(f) "United States" or "agencies of the United States" includes the  
20 United States of America, the soil conservation service of the United  
21 States department of agriculture and any other agency or instrumentality,  
22 corporate or otherwise, of the United States of America.

23 ~~(7)~~(g) "Government" or "governmental" includes the government of  
24 this state, the government of the United States and any subdivision, agency  
25 or instrumentality, corporate or otherwise, of either of them.

26 ~~(8)~~(h) "Division" or "division of conservation" means the agency  
27 established in K.S.A. 74-5,126, and amendments thereto.

28 (i) *"Healthy soils practices" means agricultural practices that:*

29 (1) *Improve the health of soils, including through consideration of the*  
30 *water infiltration rate, water holding capacity, depth of topsoil horizons,*  
31 *organic carbon content, nutrient content, bulk density, biological activity,*  
32 *biological and microbiological diversity and minimizing bare ground in*  
33 *soils;*

34 (2) *follow the principles of keeping soil covered, minimizing soil*  
35 *disturbance and external inputs, maximizing biodiversity, maximizing the*  
36 *presence of living roots and integrating animals into land management,*  
37 *including grazing animals, birds, beneficial insects or keystone species,*  
38 *such as earthworms; and*

39 (3) *are achieved through conservation tillage or no-till, cover-*  
40 *cropping, planned grazing, integrated crop-livestock systems, integrated*  
41 *pest management, nutrient best management practices and those practices*  
42 *recommended by the United States department of agriculture natural*  
43 *resources conservation service field office technical guide that are*

1 *supported by the department of health and environment.*

2 (j) *"Soil health" means the overall composition of soil, including the*  
3 *amount of organic matter in and water holding capacity of the soil, and*  
4 *the continued capacity of the soil to function as a vital living ecosystem*  
5 *that sustains plants, animals and humans.*

6 (k) *"Watershed health" means the continued capacity of a surface*  
7 *and subsurface water ecosystem to function as a vital living ecosystem*  
8 *that is resilient to drought and storm events and that sustains plants,*  
9 *animals and humans.*

10 Sec. 3. K.S.A. 2020 Supp. 2-1904 is hereby amended to read as  
11 follows: 2-1904. (a) There is hereby established, to serve as a conservation  
12 program policy board of the state and to perform the functions conferred  
13 upon it in this act, the state conservation commission. The state  
14 conservation commission shall succeed to all the powers, duties and  
15 property of the state soil conservation committee. The commission shall  
16 consist of nine members as follows:

17 (1) The director of the cooperative extension service and the director  
18 of the state agricultural experiment station located at Manhattan, Kansas,  
19 or such persons' designees shall serve, ex officio, as members of the  
20 commission.

21 (2) The commission shall request the *United States* secretary of  
22 agriculture ~~of United States of America~~ to appoint one person and the  
23 *Kansas* secretary ~~of the Kansas department~~ of agriculture to appoint one  
24 person, each of whom shall be residents of the state of Kansas *and have*  
25 *expertise in healthy soils practices*, to serve as members of the  
26 commission. These members shall hold office for four years and until a  
27 successor is appointed and qualifies, with terms commencing on the  
28 second Monday in January beginning in 1973.

29 (3) Five members of the state commission shall be elected by the  
30 conservation district supervisors at a time and place to be designated by  
31 the state conservation commission. The method of electing such members  
32 to be conducted as follows: The state is to be divided into five separate  
33 areas. Area No. I to include the following counties: Cheyenne, Rawlins,  
34 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,  
35 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area  
36 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,  
37 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,  
38 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and  
39 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud,  
40 Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey,  
41 Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford.  
42 Area No. IV to include: Washington, Marshall, Nemaha, Brown,  
43 Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson,

1 Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary,  
2 Dickinson, Morris, Osage, Franklin and Miami. Area No. V to include:  
3 Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson,  
4 Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,  
5 Montgomery, Labette and Cherokee. Areas II and IV will elect in even  
6 number years and Areas I, III and V shall elect in odd number years for  
7 two year terms. The elected commission members from Areas I, III and V  
8 shall take office on January 1, of the even number years. The remaining  
9 two elected members of the state commission from Areas II and IV shall  
10 take office on January 1, of the odd number years. The method of election  
11 is to be by area caucus of the district supervisors of each of the five  
12 separate areas of Kansas. The commission shall give each district notice of  
13 the time and place of such annual election meeting by letter if a member is  
14 to be elected to the commission from that area that year. The selection of a  
15 successor to fill an unexpired term shall be by appointment by the  
16 commission. The successor who is appointed to fill the unexpired term  
17 shall be a resident of the same area as that of the predecessor. *To be*  
18 *eligible for re-election, and to be eligible for election on and after January*  
19 *1, 2022, a member shall demonstrate competency in healthy soils*  
20 *practices.*

21 (b) The commission shall keep a record of its official actions, ~~shall~~  
22 adopt a seal ~~which seal~~ that shall be judicially noticed; and may perform  
23 such acts, hold such public hearings and adopt rules and regulations  
24 necessary for the execution of its functions under this act.

25 (c) In addition to the powers and duties conferred in this section, the  
26 state conservation commission shall have the powers and duties not  
27 delegated to the Kansas department of agriculture division of conservation  
28 pursuant to K.S.A. 74-5,126, and amendments thereto.

29 (d) The commission shall designate its chairperson and, from time to  
30 time, may change such designation. A majority of the commission shall  
31 constitute a quorum, and the concurrence of a majority in any matter  
32 within their duties shall be required for its determination. Members of the  
33 state conservation commission attending meetings of such commission or  
34 attending a subcommittee meeting thereof authorized by such commission  
35 shall be paid compensation, subsistence allowances, mileage and other  
36 expenses as provided in K.S.A. 75-3223, and amendments thereto. The  
37 commission shall provide for keeping of a full and accurate record of all  
38 proceedings and of all resolutions, regulations and orders issued or  
39 adopted.

40 (e) The state conservation commission together with the Kansas  
41 department of agriculture division of conservation shall make conservation  
42 program policy decisions, including modification of current conservation  
43 programs, creation of new conservation programs and budget

1 recommendations.

2 (f) The Kansas department of agriculture division of conservation in  
3 consultation with the state conservation commission shall have the  
4 following duties and powers:

5 (1) To offer such assistance as may be appropriate to the supervisors  
6 of conservation districts, organized as provided hereinafter, in the carrying  
7 out of any of their powers and programs;

8 (2) to keep the supervisors of each of the several districts organized  
9 under the provisions of this act informed of the activities and experience of  
10 all other districts organized hereunder and to facilitate an interchange of  
11 advice and experience between such districts and cooperation between  
12 them;

13 (3) to coordinate the programs of the several conservation districts  
14 organized hereunder;

15 (4) to secure the cooperation and assistance of the United States and  
16 any of its agencies and of agencies of this state; in the work of such  
17 districts and to contract with or to accept donations, grants, gifts and  
18 contributions in money, services or otherwise from the United States or  
19 any of its agencies or from the state or any of its agencies in order to carry  
20 out the purposes of this act;

21 (5) to disseminate information throughout the state concerning the  
22 activities and programs of the conservation districts organized hereunder  
23 and to encourage the formation of such districts in areas where their  
24 organization is desirable;

25 (6) to cooperate with and give assistance to watershed districts and  
26 other special purpose districts in the state of Kansas for the purpose of  
27 cooperating with the United States through the secretary of agriculture in  
28 the furtherance of conservation pursuant to the provisions of the watershed  
29 protection and flood prevention act, as amended;

30 (7) to cooperate in and carry out, in accordance with state policies,  
31 activities and programs to conserve and develop the water resources of the  
32 state and maintain and improve the quality of such water resources;

33 (8) *to cooperate in and carry out, in accordance with state policies,*  
34 *activities and programs to conserve and restore soil and improve soil and*  
35 *watershed health using healthy soils practices;*

36 (9) to enlist the cooperation and collaboration of state, federal,  
37 regional, interstate, local, public and private agencies with the  
38 conservation districts;

39 ~~(9)~~(10) to facilitate arrangements under which conservation districts  
40 may serve county governing bodies and other agencies as their local  
41 operating agencies in the administration of any activity concerned with the  
42 conservation of natural resources; and

43 ~~(10)~~(11) to take such actions as are necessary to restore, establish,

1 enhance and protect natural resources with conservation easements for the  
2 purpose of compensatory mitigation required under section 404 of the  
3 federal clean water act, including:

4 (A) Accepting, purchasing or otherwise acquiring conservation  
5 easements, as defined in K.S.A. 58-3810, and amendments thereto, on  
6 behalf of watershed districts for the purpose of protecting compensatory  
7 mitigation sites;

8 (B) contracting with engineering consultants, surveyors and  
9 construction contractors for the purpose of restoration, establishment and  
10 enhancement of natural resources; and

11 (C) establishing fees for the acquisition and administration of  
12 conservation easements held on behalf of watershed districts, accepting  
13 such fees from state and local government agencies, and assuming  
14 responsibility to ensure the terms of the conservation easement are met, as  
15 approved by the department, for the length of term of the easement for  
16 which fees have been accepted.

17 (g) There is hereby established in the state treasury the compensatory  
18 mitigation fund, ~~which~~ that shall be administered by the *Kansas*  
19 department of agriculture. All expenditures from the compensatory  
20 mitigation fund shall be for conservation. All expenditures from the  
21 compensatory mitigation fund shall be made in accordance with  
22 appropriation acts upon warrants of the director of accounts and reports  
23 issued pursuant to vouchers approved by the secretary of agriculture or the  
24 designee of the secretary. The secretary of agriculture shall remit all  
25 moneys received by or for the secretary under this section to the state  
26 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
27 amendments thereto. Upon each such remittance, the state treasurer shall  
28 deposit the entire amount in the state treasury to the credit of the  
29 compensatory mitigation fund.

30 (h) All costs associated with compensatory mitigation, including, but  
31 not limited to, the costs of any litigation or civil fines or penalties, shall be  
32 paid by the watershed district for which the Kansas department of  
33 agriculture division of conservation holds the conservation easement.

34 (i) (1) Except as provided in subsection (i)(2), the Kansas department  
35 of agriculture shall not expend moneys appropriated from the state general  
36 fund or from any special revenue fund or funds for the purpose of  
37 accepting, purchasing or otherwise acquiring conservation easements on  
38 behalf of watershed districts.

39 (2) The Kansas department of agriculture may expend moneys in the  
40 compensatory mitigation fund established by this section for the purpose  
41 of accepting, purchasing or otherwise acquiring conservation easements on  
42 behalf of watershed districts and for the administration of such  
43 conservation easements.

1 (j) The Kansas department of agriculture division of conservation  
2 shall not accept, purchase or otherwise acquire any conservation easement  
3 other than for the purposes of this section.

4 Sec. 4. K.S.A. 2020 Supp. 2-1908 is hereby amended to read as  
5 follows: 2-1908. A conservation district organized under the provisions of  
6 K.S.A. 2-1901 et seq., and amendments thereto, shall constitute a  
7 governmental subdivision of this state, and a public body corporate and  
8 politic, exercising public powers, and such district, and the supervisors  
9 thereof, shall have the following powers, in addition to others granted in  
10 other sections of this act:

11 (a) To conduct surveys, investigations; and research relating to the  
12 character of soil erosion, flood damage and the preventive and control  
13 measures needed, *including healthy soils practices*, to publish the results  
14 of such surveys, investigations; or research, and to disseminate  
15 information concerning such preventive and control measures. In order to  
16 avoid duplication of research activities, no district shall initiate any  
17 research program except in cooperation with the government of this state  
18 or any of its agencies, or with the United States or any of its agencies;

19 (b) to conduct demonstrational projects within the district on lands,  
20 owned or controlled by this state or any of its agencies, with the  
21 cooperation of the agency administering and having jurisdiction thereof,  
22 and on any other lands within the district upon obtaining the consent of the  
23 occupier of such lands or the necessary rights or interests in such lands, in  
24 order to demonstrate by example the means, methods; and measures,  
25 *including with healthy soils practices*, by which *soil and watershed health*,  
26 soil and soil resources may be conserved *and restored*, and soil erosion in  
27 the form of soil blowing and soil washing may be prevented and  
28 controlled; and to demonstrate by example, the means, methods, and  
29 measures by which water and water resources may be conserved,  
30 developed, used and disposed of to alleviate ~~drought~~ *drought*, to maintain  
31 and improve water quality and to reduce flooding and impaired drainage;

32 (c) to carry out preventive and control measures within the district  
33 including, but not limited to, engineering operations, methods of  
34 cultivation, the growing of vegetation, changes in use of land; and the  
35 ~~measures~~ *appropriate corrective methods* listed in ~~subsection C of~~ K.S.A.  
36 2-1902, and amendments thereto, on lands owned or controlled by this  
37 state or any of its agencies, with the cooperation of the agency  
38 administering and having jurisdiction thereof, and on any other lands  
39 within the district upon obtaining the consent of the occupier of such lands  
40 or the necessary rights or interests in such lands;

41 (d) to cooperate, or enter into agreements with, and within the  
42 limitations of appropriations duly made available to it by law, to furnish  
43 financial or other aid to, any agency, governmental or otherwise, or any



1 occupier of lands within the district, in the carrying on of erosion-control  
2 flood prevention and water management operations within the district,  
3 subject to such conditions as the supervisors may deem necessary to  
4 advance the purposes of this act;

5 (e) to obtain options upon and to acquire, by purchase, exchange,  
6 lease, gift, grant, bequest, devise; or otherwise, any property, real or  
7 personal; or rights or interest therein; to maintain, administer; and improve  
8 any properties acquired, to receive income from such properties and to  
9 expend such income in carrying out the purposes and provisions of this  
10 act; and to sell, lease, or otherwise dispose of any of its property or  
11 interests therein in furtherance of the purposes and the provisions of this  
12 act;

13 (f) to make available, on such terms as it shall prescribe, to land  
14 occupiers within the district, agricultural and engineering machinery and  
15 equipment, fertilizer, seeds; and seedlings, and such other material or  
16 equipment, as will assist such land occupiers to carry on operations upon  
17 their lands for the conservation of soil resources and for the prevention and  
18 control of soil erosion;

19 (g) to develop comprehensive plans for the conservation *and*  
20 *restoration* of soil, *watershed health* and water resources and for the  
21 control and prevention of soil erosion, flood damages, impaired drainage,  
22 the effects of ~~drought~~ *drought* within the district and the maintenance and  
23 improvement of water quality, which plans shall specify in such detail as  
24 may be possible, the acts, procedures, performances, and avoidances  
25 ~~which~~ *that* are necessary or desirable for the effectuation of such plans,  
26 including the specification of engineering operations, methods of  
27 cultivation, the growing of vegetation, cropping programs, tillage  
28 practices, *healthy soils practices* and changes in use of land; and to  
29 publish such plans and information and bring them to the attention of  
30 occupiers of lands within the district;

31 (h) to take over, by purchase, lease; or otherwise, and to administer;  
32 any soil-conservation, erosion-control; or erosion-prevention, flood  
33 prevention or water management project located within its boundaries  
34 undertaken by the United States or any of its agencies, or by this state or  
35 any of its agencies; to manage, as agent of the United States or any of its  
36 agencies, or of this state or any of its agencies, any soil-conservation,  
37 erosion-control, or erosion-prevention, flood prevention or water  
38 management project within its boundaries; to act for the district or as agent  
39 for the United States, or any of its agencies, or for this state or any of its  
40 agencies, in connection with the acquisition, construction, operation,  
41 maintenance; or administration of any soil-conservation, erosion-control;  
42 or erosion-prevention, flood prevention; or water management project  
43 within its boundaries; to accept donations, gifts; and contributions in

1 money, services, materials; or otherwise, from the United States or any of  
2 its agencies, or from this state or any of its agencies, and from persons,  
3 firms, corporations or associations, and to use or expend such moneys,  
4 services, materials; or other contributions in carrying on its operations;

5 (i) to sue and be sued in the name of the district; to have a seal, ~~which~~  
6 ~~seal~~ *that* shall be judicially noticed; to have perpetual succession unless  
7 terminated as hereinafter provided; to make and execute contracts and  
8 other instruments, necessary or convenient to the exercise of its powers; to  
9 make, and from time to time amend and repeal, rules and regulations not  
10 inconsistent with this act, to carry into effect its purposes and powers;

11 (j) as a condition to the extending of any benefits under this act, ~~to~~ or  
12 *to* the performance of work upon; any lands not owned or controlled by  
13 this state or any of its agencies, the supervisors may require contributions  
14 in money, services, materials; or otherwise to any operations conferring  
15 such benefits, and may require land occupiers to enter into and perform  
16 such agreements or covenants as to the permanent use of such lands as will  
17 tend to prevent or control erosion thereon;

18 (k) no provisions with respect to the acquisition, operation; or  
19 disposition of property by other public bodies shall be applicable to a  
20 district organized hereunder unless the legislature shall specifically so  
21 state;

22 (l) the supervisors of any district shall not contract debts or  
23 obligations in the name of the district beyond the current appropriation  
24 made available to the district by the committee or federal grants or other  
25 financial sources;

26 (m) to accept and expend funds donated to the district for purposes of  
27 providing at least a 20% cost-share for the purchase of an eligible water  
28 right from the holder of the water right under the provisions of K.S.A. 2-  
29 1915, and amendments thereto; and

30 (n) to control and eradicate sericea lespedeza within the district in any  
31 county that the secretary of agriculture has designated as a sericea  
32 lespedeza disaster area.

33 Sec. 5. K.S.A. 2020 Supp. 2-1915 is hereby amended to read as  
34 follows: 2-1915. (a) Appropriations may be made for grants out of funds in  
35 the treasury of this state for terraces, terrace outlets, check dams, dikes,  
36 ponds, ditches, critical area planting, grassed waterways, tailwater  
37 recovery irrigation systems, precision land forming, range seeding,  
38 detention and grade stabilization structures, *healthy soils practices* and  
39 other enduring water conservation practices installed on public lands and  
40 on privately owned lands and, the control and eradication of sericea  
41 lespedeza as provided in ~~subsection (n) of~~ K.S.A. 2-1908(n), and  
42 amendments thereto, on public lands and on privately owned lands. Except  
43 as provided by the multipurpose small lakes program act, any such grant

1 shall not exceed 80% of the total cost of any such practice.

2 (b) A program for protection of riparian and wetland areas shall be  
3 developed by the Kansas department of agriculture division of  
4 conservation and implemented by the conservation districts. The  
5 conservation districts shall prepare district programs to address resource  
6 management concerns of water quality, erosion and sediment control and  
7 wildlife habitat as part of the conservation district long-range and annual  
8 work plans. Preparation and implementation of conservation district  
9 programs shall be accomplished with assistance from appropriate state and  
10 federal agencies involved in resource management.

11 (c) (1) (A) *There is hereby created in the state treasury the Kansas*  
12 *healthy soils fund. The fund shall be administered by the Kansas*  
13 *department of agriculture. All expenditures from such fund shall be made*  
14 *in accordance with appropriation acts upon warrants of the director of*  
15 *accounts and reports issued pursuant to vouchers approved by the*  
16 *secretary of agriculture or the secretary's designee.*

17 (B) *The secretary of agriculture may not use more than 5% of the*  
18 *moneys appropriated or deposited into the fund to pay costs associated*  
19 *with administering the fund and shall use at least 95% of the moneys*  
20 *appropriated or deposited into the fund for the purpose of providing*  
21 *funding to healthy soils programs in accordance with this section.*

22 (C) *There shall be credited to the fund any moneys from:*

23 (i) *Appropriations or other moneys authorized by the legislature and*  
24 *specifically designated to be credited to the fund;*

25 (ii) *any gifts, grants or private contributions to the fund; and*

26 (iii) *all other sources dedicated to such fund.*

27 (D) *All moneys received by the department of agriculture for the*  
28 *Kansas healthy soils initiative shall remitted to the state treasurer in*  
29 *accordance with the provisions of K.S.A. 75-4215, and amendments*  
30 *thereto. Upon receipt of each remittance, the state treasurer shall deposit*  
31 *the entire amount in the state treasury to the credit of the Kansas healthy*  
32 *soils fund.*

33 (E) *No expenditure from the fund shall cause the fund to be in*  
34 *deficiency at the close of the fiscal year. Any balance remaining in the*  
35 *Kansas healthy soils fund at the end of the fiscal year shall be carried*  
36 *forward into the Kansas healthy soils fund for succeeding fiscal years.*

37 (F) *On or before the 10<sup>th</sup> day of each month, the director of accounts*  
38 *and reports shall transfer from the state general fund to the Kansas*  
39 *healthy soils fund interest earnings based on:*

40 (i) *The average daily balance of moneys in the Kansas healthy soils*  
41 *fund for the preceding month; and*

42 (ii) *the net earnings rate of the pooled money investment portfolio for*  
43 *the preceding month.*

1       (2) (A) *Subject to the availability of appropriations, the Kansas*  
2 *department of agriculture division of conservation, in consultation with*  
3 *the department of health and environment, shall develop the Kansas*  
4 *healthy soils initiative for the purpose of promoting healthy soils practices*  
5 *in the state of Kansas.*

6       (B) *Grants, loans and incentives shall, subject to the availability of*  
7 *appropriations, be made to:*

8       (i) *Farmers and agricultural cooperatives to enhance the education,*  
9 *training, employment, income, productivity and retention of such farmers*  
10 *and agricultural cooperatives that are working or aspiring to implement*  
11 *healthy soils practices; and*

12       (ii) *provide incentives for healthy soils practices in the state.*

13       (C) *Amounts credited to the Kansas healthy soils fund shall be used*  
14 *for the costs associated with administering and implementing the initiative*  
15 *and may also be used to provide grants or loans on a competitive basis to*  
16 *public, private and charitable entities to finance projects in furtherance of*  
17 *the healthy soils initiative.*

18       (D) *The program shall be designed to prioritize granting incentives*  
19 *to socially disadvantaged and beginning farmers and ranchers, as defined*  
20 *in 7 U.S.C. § 2279(a). The executive director of the Kansas department of*  
21 *agriculture division of conservation shall ensure that expenditures from*  
22 *the fund for this purpose shall complement and not replace existing local,*  
23 *state, private or federal funding for related programs. The Kansas*  
24 *department of agriculture division of conservation may enter into*  
25 *agreements with other state and federal agencies to implement the Kansas*  
26 *healthy soils initiative.*

27       (d) *Subject to the provisions of K.S.A. 2-1919, and amendments*  
28 *thereto, any holder of a water right, as defined by ~~subsection (g)~~ of K.S.A.*  
29 *82a-701(g), and amendments thereto, who is willing to voluntarily return*  
30 *all or a part of the water right to the state shall be eligible for a grant not to*  
31 *exceed 80% of the total cost of the purchase price for such water right. The*  
32 *Kansas department of agriculture division of conservation shall administer*  
33 *this cost-share program with funds appropriated by the legislature for such*  
34 *purpose. The chief engineer shall certify to the Kansas department of*  
35 *agriculture division of conservation that any water right for which*  
36 *application for cost-share is received under this section is eligible in*  
37 *accordance with the criteria established in K.S.A. 2-1919, and*  
38 *amendments thereto.*

39       ~~(d)~~(e) (1) *Subject to appropriation acts therefor, the Kansas*  
40 *department of agriculture division of conservation shall develop the*  
41 *Kansas water quality buffer initiative for the purpose of restoring riparian*  
42 *areas using best management practices. The executive director of the*  
43 *Kansas department of agriculture division of conservation shall ensure that*

1 the initiative is complementary to the federal conservation reserve  
 2 program. *The Kansas department of agriculture division of conservation*  
 3 *may enter into agreements with other state and federal agencies to*  
 4 *implement the Kansas water quality buffer initiative.*

5 (2) There is hereby created in the state treasury the Kansas water  
 6 quality buffer initiative fund. All expenditures from such fund shall be  
 7 made in accordance with appropriation acts upon warrants of the director  
 8 of accounts and reports issued pursuant to vouchers approved by the  
 9 executive director of the Kansas department of agriculture division of  
 10 conservation or the executive director's designee. Money credited to the  
 11 fund shall be used for the purpose of making grants to install water quality  
 12 best management practices pursuant to the initiative.

13 (3) The county or district appraiser shall identify and map riparian  
 14 buffers consisting of at least one contiguous acre per parcel of real  
 15 property located in the appraiser's county. Notwithstanding any other  
 16 provisions of law, riparian buffers shall be valued by the county or district  
 17 appraiser as tame grass land, native grass land or waste land, as  
 18 appropriate. As used in ~~this subsection~~ *paragraph (3)*, "riparian buffer"  
 19 means an area of stream-side vegetation that:

20 (A) Consists of tame or native grass and may include forbs and  
 21 woody plants;

22 (B) is located along a perennial or intermittent stream, including the  
 23 stream bank and adjoining floodplain; and

24 (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

25 ~~(e)~~(f) The Kansas department of agriculture division of conservation  
 26 with the approval of the state conservation commission shall adopt rules  
 27 and regulations to administer such grant and protection programs *under*  
 28 *this section.*

29 ~~(f)~~(g) Any district is authorized to make use of any assistance  
 30 whatsoever given by the United States, or any agency thereof, or derived  
 31 from any other source, for the planning and installation of such practices  
 32 *under this section.* ~~The Kansas department of agriculture division of~~  
 33 ~~conservation may enter into agreements with other state and federal~~  
 34 ~~agencies to implement the Kansas water quality buffer initiative.~~

35 Sec. 6. K.S.A. 2-2002 is hereby amended to read as follows: 2-2002.  
 36 To conserve the natural resources of the state, and to prevent the injurious  
 37 effects of dust storms, it is hereby made the duty of the owner of real  
 38 property in this state to prevent dust, plant or weed blowing therefrom, as  
 39 nearly as that can be done, by planting of perennial grasses, shrubs, trees,  
 40 annual or biennial crops, ~~or~~ by cultivation *or by healthy soils practices as*  
 41 *defined in K.S.A. 2-1903, and amendments thereto*, at such times and in  
 42 such manner as will prevent or minimize erosion of the soil and dust, plant  
 43 or weed blowing therefrom.

1       Sec. 7. K.S.A. 2020 Supp. 2-2003 is hereby amended to read as  
2 follows: 2-2003. To carry out and make effective the purposes of this act it  
3 is hereby made the duty of the secretary of agriculture to collect from all  
4 available sources data and information respecting soil erosion, dust storms  
5 and plant or weed blowing and practical methods of preventing or  
6 minimizing them by planting or cultivating the soil *or by healthy soils*  
7 *practices as defined in K.S.A. 2-1903, and amendments thereto*, with  
8 particular reference to the different kinds of planting and types of  
9 cultivation most suitable to the respective types of soil in the different  
10 parts of the state taking into consideration topography and climatic  
11 conditions thereof, and most effective to accomplish the principal purposes  
12 of this act, and to transmit such data and information to the respective  
13 boards of county commissioners, members of the legislature, the governor,  
14 and make the same available to the general public.

15       Sec. 8. K.S.A. 2-1902 and 2-2002 and K.S.A. 2020 Supp. 2-1903, 2-  
16 1904, 2-1908, 2-1915 and 2-2003 are hereby repealed.

17       Sec. 9. This act shall take effect and be in force from and after its  
18 publication in the statute book.