

**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.~~

7  
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~~*

1 *department pursuant to this section.*

2 ~~Section 1.~~**Sec. 2.** K.S.A. **2023 Supp.** 32-840 is hereby repealed.

3 ~~Sec. 2.~~ **3.** This act shall take effect and be in force from and after its

4 publication in the Kansas register.