

HOUSE BILL No. 2379

By Committee on Agriculture

2-14

AN ACT concerning water and waterways; requiring certain standards for certain bridges, culverts and secondary drainage structures.

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

Section 1. (a) The division of water resources of the department of agriculture and the department of health and environment shall jointly develop construction, size and drainage capacity standards governing the erection, replacement or modification of bridges, culverts and secondary drainage structures within identifiable watersheds within the state. Such standards shall apply to all bridges, culverts and secondary drainage structures within such watersheds which are constructed, installed or replaced pursuant to K.S.A. 24-105, 42-349 or 42-351, and amendments thereto, or for which consent or a permit is required pursuant to K.S.A. 82a-302, and amendments thereto. Such standards shall consider and reflect the natural drainage capacity of the entire watershed and permit the construction, installation or replacement of bridges, culverts or secondary drainage structures no larger than the smallest size and capacity necessary at that point in the watershed to protect such watershed and of the smallest size and capacity consistent with the water removal capacity of the entire watershed drainage system.

(b) Any individual, business entity, drainage district or governmental body seeking to construct, install or replace a bridge, culvert or secondary drainage structure within any watershed affected by the standards shall first demonstrate to the chief engineer of the division of water resources of the department of agriculture that the proposed construction, installation or replacement of the same will not contribute to an unreasonable increase in or acceleration of the water that passes under or through such bridge, culvert or secondary drainage structure nor will such construction, installation or replacement cause harm or injury to individuals, residents or communities or the property thereof located below such bridge, culvert or secondary drainage structure within the drainage system.

(c) The standards required by this act shall be adopted as rules and regulations by the chief engineer of the division of water resources of the department of agriculture no later than January 1, 2005, and shall take effect on July 1, 2005.

1 Sec. 2. This act shall take effect and be in force from and after its
2 publication in the statute book.
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