2020 Kansas Statutes

49-417.   Reclamation by secretary; use of authorized funds; authority to contract; competitive bids; posting of bond or cash deposit by contractor; release of operator's bond, when. (a) In the reclamation of land affected by surface mining for which funds are available to the secretary, the secretary may avail itself of any services which may be provided by other state agencies or by agencies of the federal government, and may compensate them for such services. The secretary also may receive any federal funds, state funds or any other funds for the reclamation of land affected by surface mining. The secretary may cause the reclamation work to be done by departmental employees or by the employees of other governmental agencies, soil conservation districts, or through contracts with qualified persons. Such contracts shall be awarded to the lowest responsible bidder upon competitive bids after advertising for bids in the Kansas register at least 30 days prior to bid opening. The department and any other agency and any contractor under a contract with the secretary shall have the right of access to the land affected to carry out such reclamation.

(b)   Any funds available to the secretary and any public works program, both funds and services, may be used and expended to reclaim and rehabilitate any lands that have been subjected to surface mining that have not been reclaimed and rehabilitated in accordance with standards set by this act and which are not covered by bond to guarantee such reclamation.

(c)   A person or organization having qualifications acceptable to the secretary may post bond or a cash deposit in a sum determined by the secretary and assume the liability for carrying out the reclamation plan approved by the secretary in areas where the mining operation and any necessary grading have been completed. The secretary then shall release the bond posted by the operator for such area.

History: L. 1968, ch. 395, § 17; L. 1983, ch. 274, § 3; L. 1988, ch. 192, § 23; July 1.