SENATE BILL No. 214

By Committee on Ways and Means

AN ACT concerning the groundwater management district act; amending K.S.A. 2010 Supp. 82a-1021 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 82a-1021 is hereby amended to read as follows: 82a-1021. The following terms when used in this act shall have the limitations and meanings respectively ascribed to them in this section:

(a) "Aquifer" means any geological formation capable of yielding water in sufficient quantities that it can be extracted for beneficial purposes.

(b) "Board" means the board of directors constituting the governing body of a groundwater management district.

(c) "Chief engineer" means the chief engineer of the division of water resources of the Kansas department of agriculture.

(d) "District" means a contiguous area which overlies one or more aquifers, together with any area in between, which is organized for groundwater management purposes under this act and acts amendatory thereof or supplemental thereto.

(e) "Eligible voter" means any person who is a landowner or a water user as defined in this act except as hereafter qualified. Every natural person of the age of 18 years of age or upward shall be an eligible voter of a district under this act if (1) the person is a landowner who owns, of record, any land, or any interest in land, comprising 40 or more contiguous acres located within the boundaries of the district and not within the corporate limits of any municipality, or (2) the person withdraws or uses groundwater from within the boundaries of the district in an amount of one acre-foot or more per year.

Except as is hereafter qualified, every public or private corporation shall be an eligible voter of a district under this act either (1) if it is a landowner who owns of record any land, or any interest in land, comprised of 40 or more contiguous acres located within the boundaries of the district and not within the corporate limits of any municipality, or (2) if it is a corporation that withdraws groundwater from within the district in an amount of one acre-foot or more per year.

Each tract of land of 40 or more contiguous acres and each quantity of
water withdrawn or used in an amount of one acre-foot or more per year
shall be represented by but a single eligible voter. If the land is held by
lease, under an estate for years, under contract, or otherwise, the fee
owner shall be the one entitled to vote, unless the parties in interest agree
otherwise. If the land is held jointly or in common, the majority in
interest shall determine which natural person or corporation shall be
entitled to vote. Each qualified voter shall be entitled to cast only one
vote. A person duly authorized to act in a representative capacity for
estates, trusts, municipalities, public corporations or private corporations
may also cast one vote for each estate, trust, municipality, or public or
private corporations so represented. Nothing herein shall be construed to
authorize proxy voting.

Any landowner who is not a water user may have such landowner's
land excluded from any district assessments and thereby abandon the
right to vote on district matters by serving a written notice of election of
exclusion with the steering committee or the board. Such a landowner
may again become an eligible voter by becoming a water user or by
serving a written notice of inclusion on the board stating that the
landowner has elected to be reinstated as a voting member of the district
and will be subject to district assessments.

Any eligible voter who is a landowner or water user as defined in this
act, and also is the owner of a tract or tracts of land comprising not less
than 640 acres in area, located within the boundaries of the district, on
which no water is being used or from which no water is being withdrawn,
may have such tract or tracts of land on or from which no water is used or
withdrawn, excluded from district assessment in the manner described
above.

All notices of inclusion or exclusion of land shall be submitted to the
board not later than January 1 of the effective year.

(f) "Land" means real property as that term is defined by the laws of
the state of Kansas.

(g) "Landowner" means the person who is the record owner of any
real estate within the boundaries of the district or who has an interest
therein as contract purchaser of 40 or more contiguous acres in the
district not within the corporate limits of any municipality. Owners of oil
leases, gas leases, mineral rights, easements; or mortgages shall not be
considered landowners by reason of such ownership.

(h) "Management program" means a written report describing the
characteristics of the district and the nature and methods of dealing with
groundwater supply problems within the district. It shall include
information as to the groundwater management program to be undertaken
by the district and such maps, geological information; and other data as
may be necessary for the formulation of such a program.
(i) "Person" means any natural person, private corporation, or municipality, or other public corporation an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency or instrumentality; public corporation or any other legal or commercial entity.

(j) "Water right" shall have the meaning ascribed to that term in K.S.A. 82a-701, and amendments thereto.

(k) "Water user" means any person who is withdrawing or using groundwater from within the boundaries of the district in an amount not less than one acre-foot per year. If a municipality is a water user within the district, it shall represent all persons within its corporate limits who are not water users as defined above.

Sec. 2. K.S.A. 2010 Supp. 82a-1021 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.