

2012 Kansas Statutes

82a-2407. Same; formation of district; election required, procedure; certificate of incorporation. (a)

Within 10 days after receipt of a certified copy of the report from the director of the Kansas water office approving the petition or the petition as amended, the chairperson of the steering committee of the proposed district shall call a meeting of the committee by mailing a written notice fixing the time and place of such meeting to each eligible water right holder in the proposed district. The committee shall meet at the time and place fixed in the notice for the purpose of adopting a resolution giving notice of an election at which all eligible water right holders shall be entitled to vote on the question of whether the district should be formed in accordance with the petition as approved by the director. A copy of such resolution shall be mailed to all eligible water right holders of the proposed district not less than 21 days prior to such vote. The resolution shall state when and where the election shall be held and the proposition to be voted on. It shall contain a copy of the petition as approved by the director and shall be signed by the chairperson and attested by the secretary of the steering committee. The steering committee shall conduct the election, canvass the vote and certify the results to the secretary of state and to the director of the Kansas water office.

(b) If eligible water right holders representing more than 50% of the combined quantities of the eligible water rights of the proposed district vote in favor of the organization and creation of the district, the secretary of state shall issue a certificate of incorporation for the district to the steering committee, such certificate shall be filed in the office of the register of deeds of each county in which all or a portion of the district lies. Upon the recordation of the certificate of incorporation, the district shall be authorized to function in accordance with the provision of this act and its certificate of incorporation.

(c) If eligible water right holders representing more than 50% of the combined quantities of the water rights within the proposed district vote against the organization and creation of the district, the secretary of state shall endorse that fact on the face of the petition and the proceedings shall be closed.

(d) No action attacking the legal incorporation of any reservoir improvement district organized under this section shall be maintained unless filed within 90 days after the issuance of the certificate of incorporation for such district by the secretary of state, nor shall the alleged illegality of the incorporation of any such district be interposed as a defense to any action brought after such time.

History: L. 2012, ch. 97, § 7; July 1.