

1 *[As Amended by Senate Committee of the Whole]*

2
3 *[As Amended by House Committee of the Whole]*

4 *Session of 2002*

5
6 **HOUSE BILL No. 2607**

7
8 By Representative Sloan

9
10 11-28

11
12 AN ACT *[concerning water; concerning groundwater management*
13 *districts;]* concerning elections, relating to mail ballot elections,
14 amending K.S.A. 25-432 *[certain rural water districts; authorizing*
15 *certain elections to be held by mail ballot; amending K.S.A. 82a-*
16 *626] [and K.S.A. 2001 Supp. 82a-1030]* and repealing the existing
17 *section [sections].*

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. ~~K.S.A. 25-432 is hereby amended to read as follows: 25-~~
21 ~~432. An election shall not be conducted under this act unless:~~

22 ~~— (a) Conducted on a date, mutually agreed upon by the governing~~
23 ~~body of the political or taxing subdivision and the county election officer,~~
24 ~~not later than 120 days following the date the request is submitted by the~~
25 ~~political or taxing subdivision; and~~

26 ~~— (b) the secretary of state approves a written plan for conduct of the~~
27 ~~election, which shall include a written timetable for the conduct of the~~
28 ~~election, submitted by the county election officer; and~~

29 ~~— (c) the election is nonpartisan; and~~

30 ~~— (d) the election is not one at which any candidate is elected, retained~~
31 ~~or recalled; and~~

32 ~~— (e) the election is not held on the same date as another election in~~
33 ~~which the qualified electors of that subdivision of government are eligible~~
34 ~~to cast ballots; and~~

35 ~~— (f) the election is a question submitted election at which all of the~~
36 ~~qualified electors of one of the following subdivisions of government are~~
37 ~~the only electors eligible to vote:~~

38 ~~— (1) Counties;~~

39 ~~— (2) cities;~~

40 ~~— (3) school districts, except in an election held pursuant to K.S.A. 72-~~
41 ~~7302 *et seq.*, and amendments thereto;~~

42 ~~— (4) townships;~~

43 ~~— (5) benefit districts as organized under K.S.A. 31-301, and amend-~~

- 1 ments thereto;
2 —(6) cemetery districts as organized under K.S.A. 15-1013 or 17-1330,
3 and amendments thereto;
4 —(7) combined sewer districts as organized under K.S.A. 19-27,160,
5 and amendments thereto;
6 —(8) community college districts as organized under K.S.A. 71-1101 *et*
7 *seq.*, and amendments thereto;
8 —(9) fire districts as organized under K.S.A. 19-3601 or 80-1512, and
9 amendments thereto;
10 —(10) hospital districts;
11 —(11) improvement districts as organized under K.S.A. 19-2753, and
12 amendments thereto;
13 —(12) Johnson county park and recreation district as organized under
14 K.S.A. 19-2859, and amendments thereto;
15 —(13) sewage disposal districts as organized under K.S.A. 19-27,140,
16 and amendments thereto; or
17 —(14) water districts as organized under K.S.A. 19-3501 *et seq.*, and
18 amendments thereto; or
19 —(15) rural water districts organized under K.S.A. 82a-612 *et seq.*, and
20 amendments thereto.
21 —Sec. 2. K.S.A. 25-432 is hereby repealed.

22 [New Section 1. A rural water district organized under K.S.A.
23 82a-612 *et seq.*, and amendments thereto, may provide for any elec-
24 tion of the district to be conducted by mail ballot in accordance
25 with the bylaws of the district.

26 [Sec. 2. K.S.A. 82a-626 is hereby amended to read as follows:
27 82a-626. (a) The term of office of every member elected to an
28 original board shall be until the date of the annual meeting of the
29 participating members of either the first, second or third year fol-
30 lowing the year of the incorporation of the district and until their
31 successors are elected and have qualified, and as nearly as possible
32 the terms of an equal number of directors on any such board shall
33 expire on each of said such dates.

34 [(b) Except as provided by the bylaws of the district pursuant to sec-
35 tion 1, and amendments thereto, at the annual meeting of each year
36 after the year of the election of the original board members, elec-
37 tions shall be held to elect directors to fill any position on the
38 board, the term of office of which has expired, and any director so
39 elected shall hold office for a term of three years and until such
40 director's successor is elected and has qualified. For the purpose
41 of election of board members and for such other purposes as the
42 bylaws may prescribe, annual meetings of participating members
43 shall be held by each district between January 1 and April 1 of

1 each year following the year of incorporation of such district. The
2 board of directors shall cause notice of the time and place of each
3 annual meeting and the purpose thereof to be mailed to each of
4 its participating members or shall cause such notice to be pub-
5 lished in a newspaper of general circulation within the district.
6 Every such notice shall be mailed or published not less than 10
7 nor more than 30 days prior to any such meeting. Each partici-
8 pating member shall be entitled to a single vote, regardless of the
9 number of benefit units to which such member has subscribed.

10 *[Sec. 3. K.S.A. 2001 Supp. 82a-1030 is hereby amended to read*
11 *as follows: 82a-1030. (a) In order to finance the operations of the*
12 *district, the board may assess an annual water user charge against*
13 *every person who withdraws groundwater from within the bound-*
14 *aries of the district. The board shall base such charge upon the*
15 *amount of groundwater allocated for such person's use pursuant to*
16 *such person's water right. Such charge shall not exceed ~~\$.60~~ \$1 for*
17 *each acre-foot (325,851 gallons) of groundwater withdrawn within*
18 *the district or allocated by the water right, except that the annual*
19 *user charge for the fiscal year of the district beginning on or after*
20 *July 1, 2001, and before July 1, 2002, may be in an amount not*
21 *exceeding \$.65. Whenever a person shows by the submission to the*
22 *board of a verified claim and any supportive data which may be*
23 *required by the board that such person's actual annual ground-*
24 *water withdrawal is in a lesser amount than that allocated by the*
25 *water right of such person, the board shall assess such annual*
26 *charge against such person on the amount of water shown to be*
27 *withdrawn by the verified claim. Any such claim shall be submitted*
28 *by April 1 of the year in which such annual charge is to be assessed.*
29 *The board may also make an annual assessment against each land-*
30 *owner of not to exceed \$.05 for each acre of land owned within the*
31 *boundaries of the district. Special assessments may also be levied,*
32 *as provided hereafter, against land specially benefited by a capital*
33 *improvement without regard to the limits prescribed above.*

34 *[(b) Before any assessment is made, or user charge imposed, the*
35 *board shall submit the proposed budget for the ensuing year to the*
36 *eligible voters of the district at a hearing called for that purpose by*
37 *one publication in a newspaper or newspapers of general circula-*
38 *tion within the district at least 28 days prior to the meeting. Fol-*
39 *lowing the hearing, the board shall, by resolution, adopt either the*
40 *proposed budget or a modified budget and determine the amount*
41 *of land assessment or user charge, or both, needed to support such*
42 *budget.*

43 *[(c) Both the user charges assessed for groundwater withdrawn*

1 *and the assessments against lands within the district shall be cer-*
2 *tified to the proper county clerks and collected the same as other*
3 *taxes in accordance with K.S.A. 79-1801, and acts amendatory*
4 *thereof or supplemental thereto, and the amount thereof shall at-*
5 *tach to the real property involved as a lien in accordance with*
6 *K.S.A. 79-1804, and acts amendatory thereof or supplemental*
7 *thereto. All moneys so collected shall be remitted by the county*
8 *treasurer to the treasurer of the groundwater management district*
9 *who shall deposit them to the credit of the general fund of the dis-*
10 *trict. The accounts of each groundwater management district shall*
11 *be audited annually by a public accountant or certified public*
12 *accountant.*

13 *[(d) Subsequent to the certification of approval of the organi-*
14 *zation of a district by the secretary of state and the election of a*
15 *board of directors for such district, such board shall be authorized*
16 *to issue no-fund warrants in amounts sufficient to meet the oper-*
17 *ating expenses of the district until money therefor becomes availa-*
18 *ble pursuant to user charges or assessments under subsection (a).*
19 *In no case shall the amount of any such issuance be in excess of 20%*
20 *of the total amount of money receivable from assessments which*
21 *could be levied in any one year as provided in subsection (a). No*
22 *such warrants shall be issued until a resolution authorizing the*
23 *same shall have been adopted by the board and published once in*
24 *a newspaper having a general circulation in each county within the*
25 *boundaries of the district. Whereupon such warrants may be issued*
26 *unless a petition in opposition to the same, signed by not less than*
27 *10% of the eligible voters of such district and in no case by less than*
28 *20 of the eligible voters of such district, is filed with the county*
29 *clerk of each of the counties in such district within 10 days following*
30 *such publication. In the event such a petition is filed, it shall be the*
31 *duty of the board of such district to submit the question to the eli-*
32 *gible voters at an election called for such purpose. Such election*
33 *shall be noticed and conducted as provided by K.S.A. 82a-1031, and*
34 *amendments thereto.*

35 *[Whenever no-fund warrants are issued under the authority of*
36 *this subsection, the board of directors of such district shall make*
37 *an assessment each year for three years in approximately equal in-*
38 *stallments for the purpose of paying such warrants and the interest*
39 *thereon. All such assessments shall be in addition to all other as-*
40 *sessments authorized or limited by law. Such warrants shall be is-*
41 *sued, registered, redeemed and bear interest in the manner and in*
42 *the form prescribed by K.S.A. 79-2940, and amendments thereto,*
43 *except they shall not bear the notation required by said statute and*

1 *may be issued without the approval of the state board of tax appeals.*
2 *Any surplus existing after the redemption of such warrants shall be*
3 *handled in the manner prescribed by K.S.A. 79-2940, and amend-*
4 *ments thereto.]*

5 [Sec. ~~3~~ [4.] K.S.A. 82a-626 ~~is~~ [and K.S.A. 2001 Supp. 82a-1030
6 are] hereby repealed.]

7 Sec. ~~3~~ [4.] [5.] This act shall take effect and be in force from and
8 after its publication in the statute book.

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