

**SENATE BILL No. 214**

By Committee on Ways and Means

2-21

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

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

36 Each tract of land of 40 or more contiguous acres and each quantity of

1 water withdrawn or used in an amount of one acre-foot or more per year  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

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

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

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

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

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

38 (h) "Management program" means a written report describing the  
39 characteristics of the district and the nature and methods of dealing with  
40 groundwater supply problems within the district. It shall include  
41 information as to the groundwater management program to be undertaken  
42 by the district and such maps, geological information; and other data as  
43 may be necessary for the formulation of such a program.

1 (i) "Person" means ~~any natural person, private corporation, or~~  
2 ~~municipality, or other public corporation~~ *an individual, corporation,*  
3 *business trust, estate, trust, partnership, limited liability company,*  
4 *association, joint venture, government; governmental subdivision, agency*  
5 *or instrumentality; public corporation or any other legal or commercial*  
6 *entity.*

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

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

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

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

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