

As Amended by Senate Committee

Session of 2011

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 as
6 follows: 82a-1021. The following terms when used in this act shall have the
7 limitations and meanings respectively ascribed to them in this section:

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

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

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

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

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

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

33 Each tract of land of 40 or more contiguous acres and each quantity of
34 water withdrawn or used in an amount of one acre-foot or more per year shall
35 be represented by but a single eligible voter. If the land is held by lease, under
36 an estate for years, under contract, or otherwise, the fee owner shall be the one

1 entitled to vote, unless the parties in interest agree otherwise. If the land is held
2 jointly or in common, the majority in interest shall determine which natural
3 person or corporation shall be entitled to vote. Each qualified voter shall be
4 entitled to cast only one vote. A person duly authorized to act in a
5 representative capacity for estates, trusts, municipalities, public corporations
6 or private corporations may also cast one vote for each estate, trust,
7 municipality, or public or private corporations so represented. Nothing herein
8 shall be construed to authorize proxy voting.

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

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

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

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

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

32 (h) "Management program" means a written report describing the
33 characteristics of the district and the nature and methods of dealing with
34 groundwater supply problems within the district. It shall include information
35 as to the groundwater management program to be undertaken by the district
36 and such maps, geological information; and other data as may be necessary for
37 the formulation of such a program.

38 (i) "Person" means ~~any natural person, private corporation, or~~
39 ~~municipality, or other public corporation~~ an individual, corporation, business
40 trust, estate, trust, partnership, limited liability company, association, joint
41 venture, government, governmental subdivision, agency or instrumentality;
42 ~~public corporation~~ **any natural person, public or private corporation,**
43 **municipality or any other legal or commercial entity.**

1 (j) "Water right" shall have the meaning ascribed to that term in K.S.A.
2 82a-701, and amendments thereto.

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

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

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

11