

HOUSE BILL No. 2807

By Committee on Energy and Utilities

2-11

9 AN ACT concerning rural water districts; amending K.S.A. 2007 Supp.
10 82a-612 and 82a-619 and repealing the existing sections.

11

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

13 Section 1. K.S.A. 2007 Supp. 82a-612 is hereby amended to read as
14 follows: 82a-612. As used in this act, unless the context clearly requires
15 otherwise:

16 (a) “District” means a rural water district organized pursuant to this
17 act;

18 (b) “board” means the governing body of a district;

19 (c) the terms “board of county commissioners” and “county clerk”
20 shall mean, respectively, the board of county commissioners and county
21 clerk of the county in which the greatest portion of the territory of any
22 existing or proposed rural water district is located;

23 (d) “participating member” means an individual, firm, partnership,
24 association or corporation which owns land located within a district and:

25 (1) Which has subscribed to one or more benefit units of such district;
26 *or*

27 (2) *which is charged a franchise fee for water service which is paid,*
28 *either directly or indirectly through another water provider, to such*
29 *district;*

30 (e) “chief engineer” means the chief engineer of the division of water
31 resources, Kansas department of agriculture.

32 Sec. 2. K.S.A. 2007 Supp. 82a-619 is hereby amended to read as
33 follows: 82a-619. (a) Every district incorporated under this act shall have
34 perpetual succession, subject to dissolution or consolidation pursuant to
35 law and shall have the power to:

36 ~~(a)~~ (1) Exercise eminent domain within the boundaries of such
37 district;

38 ~~(b)~~ (2) sue and be sued;

39 ~~(c)~~ (3) contract;

40 ~~(d)~~ (4) hold real and personal property acquired by will, gift, pur-
41 chase, or otherwise, as authorized by law;

42 ~~(e)~~ (5) construct, install, maintain and operate such ponds, reservoirs,
43 pipelines, wells, check dams, pumping installations or other facilities for

1 the storage, transportation or utilization of water and such appurtenant
2 structures and equipment necessary to carry out the purposes of its
3 organization;

4 ~~(f)~~ (6) contract with cities or counties, or both, to operate and main-
5 tain state-permitted wastewater treatment works, systems and other fa-
6 cilities relating to the treatment of wastewater within the boundaries of
7 the district;

8 ~~(g)~~ (7) cooperate with and enter into agreements with the secretary
9 of the United States department of agriculture or the secretary's duly
10 authorized representative necessary to carry out the purposes of its or-
11 ganization; and to accept financial or other aid which the secretary of the
12 United States department of agriculture is empowered to give pursuant
13 to 16 U.S.C.A., secs. 590r, 590s, 590x-1, 590x-a and 590x-3, and amend-
14 ments thereto;

15 ~~(h)~~ (8) acquire loans for the financing of up to 95% of the cost of the
16 construction or purchase of any project or projects necessary to carry out
17 the purposes for which such district was organized and to execute notes
18 and mortgages in evidence thereof with interest, or combined interest
19 and mortgage insurance charges, which shall not exceed 13%, except that
20 for purposes of interim financing, interest or combined interest and mort-
21 gage insurance charges shall not exceed 14%. Any district shall have the
22 same power to acquire loans for the refinancing of up to 95% of the
23 original cost of any such project or projects. The balance of the cost of
24 construction shall be acquired by subscription, donation, gift or otherwise
25 than through the medium of loans, except that in the case of cooperative
26 corporations and corporations not for profit being converted to water
27 districts as provided for in K.S.A. 82a-631 to 82a-635, inclusive, and
28 amendments thereto, the district may assume 100% of the indebtedness
29 of the corporation, providing the corporation originally raised at least 10%
30 of the construction cost by means otherwise than through the medium of
31 loans. Any such loan may be secured by any or all of the physical assets
32 owned by the district, including easements and rights-of-way, except that
33 no district organized under this act shall have any power or authority to
34 levy any taxes.

35 *(b) If a governing body, such as a city or county, offers to pay off a*
36 *federal loan to a water district from the United States department of*
37 *agriculture, the district must accept the offer and allow the governing*
38 *body to pay off the loan.*

39 Sec. 3. K.S.A. 2007 Supp. 82a-612 and 82a-619 are hereby repealed.

40 Sec. 4. This act shall take effect and be in force from and after its
41 publication in the statute book.