

HOUSE BILL No. 2808

By Committee on Energy and Utilities

2-11

9 AN ACT concerning water; relating to public wholesale water supply
10 districts; amending K.S.A. 19-3552 and repealing the existing section.

11

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

13 Section 1. K.S.A. 19-3552 is hereby amended to read as follows: 19-
14 3552. For the purpose of providing a water supply or other services to
15 the participating public agencies the governing body of the district shall
16 have the following powers, authorities and privileges:

17 (1) To accept by gift or grant from any person, firm, corporation, trust
18 or foundation, or from this state or any other state or any political sub-
19 division or municipality thereof, or from the United States, any funds or
20 property or any interest therein for the uses and purposes of the district
21 and to hold title thereto in trust or otherwise and to bind the district to
22 apply the same according to the terms of such gift or grant;

23 (2) to sue and be sued;

24 (3) to enter into franchises, contracts and agreements with this or any
25 other state or the United States or any municipality, political subdivision
26 or district thereof, or any of their agencies or instrumentalities, or any
27 public or private person, partnership, association, or corporation of this
28 state or of any other state or the United States, and this state and any
29 such municipality, political subdivision, district, or any of their agencies
30 or instrumentalities, and any such public or private person, partnership,
31 association, or corporation is hereby authorized to enter into contracts
32 and agreements with such district for any term not exceeding 40 years
33 for the planning, development, construction, acquisition, or operation of
34 any facility or for any service rendered to, for, or by the district;

35 (4) to borrow money and evidence the same by warrants, notes, or
36 bonds as hereinafter provided in this act, and to refund the same by the
37 issuance of refunding obligations;

38 (5) to acquire land and interests in land by gift, purchase, exchange
39 or eminent domain, such power of eminent domain to be exercised within
40 ~~or without~~ the boundaries of the district in accordance with provisions of
41 K.S.A. 26-501, and amendments thereto;

42 (6) to acquire by purchase or lease, construct, install, and operate
43 reservoirs, pipelines, wells, check dams, pumping stations, water purifi-

1 cation plants, and other facilities for the production, wholesale distribu-
2 tion and utilization of water and to own and hold such real and personal
3 property as may be necessary to carry out the purposes of its organization;
4 (7) to provide, by contract, to participating public agencies for the
5 construction, installation and operation of pipelines, wells, pumping sta-
6 tions and other facilities and services relating to the distribution of water
7 within the boundaries of the participating public agencies or retail distri-
8 bution and utilization of water and to own and hold such real and personal
9 property as may be necessary in relation thereto, except that, if the con-
10 tract amount for such services is \$10,000 or more, the district shall be
11 authorized to provide such services only if the award of the contract is
12 based on competitive bids;

13 (8) to provide, by contract, to participating public agencies for the
14 operation and maintenance of state-permitted wastewater treatment
15 works, systems and other facilities and services relating to the treatment
16 of wastewater within the boundaries of the participating public agencies;

17 (9) to have the general management, control, and supervision of all
18 the business, affairs, property, and facilities of the district, and of the
19 construction, installation, operation, and maintenance of district improve-
20 ments, and to establish regulations relating thereto;

21 (10) to hire and retain agents, employees, engineers and attorneys
22 and to determine their compensation. The governing body shall select
23 and appoint a general manager of the district who shall serve at the plea-
24 sure of the governing body. The general manager shall have training and
25 experience in the supervision and administration of water systems and
26 shall manage and control the water system under the general supervision
27 of the governing body. All employees, servants and agents of the district
28 shall be under the immediate control and management of the general
29 manager. The general manager shall perform all such other duties as may
30 be prescribed by the governing body and shall give the governing body a
31 good and sufficient surety company bond in a sum to be set and approved
32 by the governing body conditioned upon the satisfactory performance of
33 the general manager's duties. The governing body also may require that
34 any other employees be bonded in such amount as it shall determine.
35 The cost of such bonds shall be paid out of the funds of the district;

36 (11) to adopt and amend rules and regulations not in conflict with
37 the constitution and laws of this state, necessary for the carrying on of
38 the business, objects and affairs of the governing body and of the district;
39 and

40 (12) to have and exercise all rights and powers necessary or incidental
41 to or implied from the specific powers granted herein. Such specific pow-
42 ers shall not be considered as a limitation upon any power necessary or
43 appropriate to carry out the purposes of this act.

- 1 Sec. 2. K.S.A. 19-3552 is hereby repealed.
- 2 Sec. 3. This act shall take effect and be in force from and after its
- 3 publication in the statute book.