

SENATE BILL No. 559

By Committee on Agriculture

2-5

9 AN ACT concerning water supply and distribution districts; relating to
10 acquisition of grounds; amending K.S.A. 19-3502, 19-3511 and 19-
11 3552 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 19-3502 is hereby amended to read as follows: 19-
15 3502. One or more water districts, for the purpose of this act, may be
16 organized, created and established in the manner hereinafter provided in
17 any territory located in Miami, Franklin, Johnson and Wyandotte coun-
18 ties. Such water district or districts shall be located in territory outside
19 the limits of any territory served by or included within the limits of any
20 previously organized municipally-owned and operated public water sup-
21 ply and distribution system. Such water district or districts shall be or-
22 ganized, created and established without regard to county, township or
23 city boundaries and no such counties, townships or cities in any territory
24 in which a duly organized water district is located shall have or exercise
25 any jurisdiction or control over the administration of such water district,
26 except as specifically provided herein. Nor shall any such city, township,
27 or county create, organize or establish any municipally-owned and oper-
28 ated water supply and distribution system in any territory actually served,
29 supplied or serviced by any water district created under this act.

30 Each of such water districts shall be quasi-municipal body corporate
31 with the power of eminent domain, *within the boundaries of the district*
32 *in accordance with the provisions of K.S.A. 19-3511, and amendments*
33 *thereto*, which shall be exercised in the manner provided in ~~K.S.A. 26-~~
34 ~~501 to 26-517, inclusive~~ *article 5 of chapter 26 of the Kansas Statutes*
35 *Annotated, and amendments thereto*; such districts shall have power to
36 enter into contracts; to sue and be sued; to establish, construct, purchase,
37 operate and maintain a water supply and distribution system; to fix water
38 rates; and to issue revenue bonds in the manner hereinafter provided to
39 pay for the establishment, construction, purchase and operation of a water
40 supply and distribution system or systems.

41 Sec. 2. K.S.A. 19-3511 is hereby amended to read as follows: 19-
42 3511. Any water district established under this act is hereby empowered
43 to connect with any source of water supply or to construct, operate and

1 maintain waterworks or plants anywhere within ~~twenty (20)~~ 20 miles of
2 any boundary of such water district, either within or without the county;
3 to lay mains from any such waterworks or plants through and under and
4 along any street, public highway, alley, or park and across any public
5 property to any boundary of such water district; to construct, operate,
6 maintain, expand and extend waterworks or plants at any point along or
7 near the lines of such water mains; and to acquire suitable grounds ~~by~~
8 ~~purchase or by appropriate proceedings in condemnation~~ for the con-
9 struction, extension, expansion, operation or maintenance of any mains,
10 waterworks or plants mentioned herein: *(1) Within 20 miles of any bound-*
11 *ary of such water district, by purchase; or (2) within the boundary of*
12 *such water district, by purchase or by appropriate proceedings in con-*
13 *demnation.* Such condemnation proceedings shall be exercised in accord-
14 ance with the provisions of ~~K.S.A. 26-501 to 26-516, inclusive~~ *article 5 of*
15 *chapter 26 of the Kansas Statutes Annotated, and amendments thereto.*
16 Such district shall have jurisdiction over any such grounds acquired out-
17 side the water district the same as if such grounds were within the district
18 as far as may be necessary in order to protect, maintain and operate such
19 works.

20 Sec. 3. K.S.A. 19-3552 is hereby amended to read as follows: 19-
21 3552. For the purpose of providing a water supply or other services to
22 the participating public agencies the governing body of the district shall
23 have the following powers, authorities and privileges:

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

30 (2) to sue and be sued;

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

42 (4) to borrow money and evidence the same by warrants, notes, or
43 bonds as hereinafter provided in this act, and to refund the same by the

1 issuance of refunding obligations;

2 (5) to acquire land and interests in land by gift, purchase, exchange
3 or eminent domain, such power of eminent domain to be exercised within
4 ~~or without~~ the boundaries of the district in ~~accordance with provisions of~~
5 ~~K.S.A. 26-501~~ *the manner provided in article 5 of chapter 26 of the Kansas*
6 *Statutes Annotated*, and amendments thereto;

7 (6) to acquire by purchase or lease, construct, install, and operate
8 reservoirs, pipelines, wells, check dams, pumping stations, water purifi-
9 cation plants, and other facilities for the production, wholesale distribu-
10 tion and utilization of water and to own and hold such real and personal
11 property as may be necessary to carry out the purposes of its organization;

12 (7) to provide, by contract, to participating public agencies for the
13 construction, installation and operation of pipelines, wells, pumping sta-
14 tions and other facilities and services relating to the distribution of water
15 within the boundaries of the participating public agencies or retail distri-
16 bution and utilization of water and to own and hold such real and personal
17 property as may be necessary in relation thereto, except that, if the con-
18 tract amount for such services is \$10,000 or more, the district shall be
19 authorized to provide such services only if the award of the contract is
20 based on competitive bids;

21 (8) to provide, by contract, to participating public agencies for the
22 operation and maintenance of state-permitted wastewater treatment
23 works, systems and other facilities and services relating to the treatment
24 of wastewater within the boundaries of the participating public agencies;

25 (9) to have the general management, control, and supervision of all
26 the business, affairs, property, and facilities of the district, and of the
27 construction, installation, operation, and maintenance of district improve-
28 ments, and to establish regulations relating thereto;

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

1 (11) to adopt and amend rules and regulations not in conflict with
2 the constitution and laws of this state, necessary for the carrying on of
3 the business, objects and affairs of the governing body and of the district;
4 and

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

9 Sec. 4. K.S.A. 19-3502, 19-3511 and 19-3552 are hereby repealed.

10 Sec. 5. This act shall take effect and be in force from and after its
11 publication in the Kansas register.