

STATE AFFAIRS COMMITTEE  
March 22, 1967

The meeting was called to order by the Chairman with all members present. Representative Rogg appeared to discuss a proposal which he would like introduced as a Committee bill. After a brief discussion, it was unanimously agreed to recommend it to the Committee of the whole. No. 1626 has been assigned to this proposal. An amendment was discussed which would make it effective upon publication in the state newspaper.

Mr. Ernie Mosher of the Kansas League of Municipalities appeared on H.B. 1577, and explained the proposal. Mr. Robert Hill, Secretary of the Kansas Association of Rural Water Districts and Mr. T. J. Dickerson appeared in opposition to the proposal. (see attached statement) A letter was also read from Mr. James Ingwerson of the Kansas Grange, stating that to require a unanimous decision by the board of County Commissioners is unrealistic and not in harmony with majority rule.

Representatives Turner and Bell appeared on H.B. 1370, and discussed it at length.

Representative Fribley was also heard on H.B. 1118.

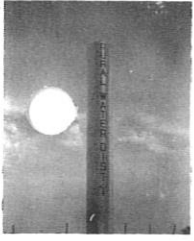
Representative Unruh discussed H.B. 1519 and also, House Resolution 1021. Mr. Moline appeared on H.C.R. 1020.

Thereupon, the meeting was adjourned.

Margaret Gentry, Secretary

(as dictated by the Chairman)

# THE STATE ASSOCIATION OF KANSAS RURAL WATER DISTRICTS



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COMMENTS ON H. B. 1577

Before the

COMMITTEE ON STATE AFFAIRS

By

Robert C. Hill, Lafontaine, Kans., Wilson County

Secretary

THE STATE ASSOCIATION OF KANSAS RURAL WATER DISTRICTS

22 March 1967

## Comments on H.B. 1577

On behalf of The State Association of Kansas Rural Water Districts we wish to express our appreciation for this opportunity to appear before this Committee to express our views on H.B. 1577

## PRESENT STATUS OF THE WATER DISTRICT PROGRAM

There are now about 100 water districts in operation in more than half the counties in the state, and others in construction or final planning, which brings the total approved to 118. In process of securing approval are 78 more districts and as many as 50 or 60 more are in preliminary stages of organization. The present 11,000 connections serve an estimated 60,000 Kansas citizens and that number will soon double, possibly within a year. Investments and commitments amount to between 25 and 30 million dollars.

On a national basis 1650 water and sewer projects representing an investment of 280 million dollars are operating or soon to be built and will serve the homes of 1.5 million people. Applications for 3,000 more projects valued at 600 million dollars have been completed.

These figures illustrate the rapid growth and expansion of the water district program ~~and~~ throughout the nation and in Kansas.

## THE STATE ASSOCIATION

The State Association of Kansas Rural Water Districts has been organized with the purpose of promoting the formation of Rural Water Districts in order that rural residents, towns and communities may be supplied with water. We believe that the benefits which water districts provide should be extended to all citizens where such service is practical. We believe in the water district program and that it can and will provide water service to a large proportion of our rural population just as the Rural Electrification program now provides them with electric service.

The State Association held its annual meeting for 1967 on March 17, at Iola. At that meeting, attended by approximately 150 delegates and others, representing a large number of the districts in the state, H B 1577 was discussed, so I feel that we can speak with authority for the Association on this measure.

H. B. 1577

Section 3. K S A 1965 Supp. 82a-616 (H B 1577, P 4, Line 31 & P 5, Line 1) provides under certain conditions, "That a unanimous vote of a Board of commissioners shall be required". We oppose this requirement for a unanimous vote as being contrary to the established, traditional principle of majority rule. A majority of a three man board amounts to two-thirds of the membership. A unanimous vote of a Board of County Commissioners is not required to decide other matters, and we do not believe that a unanimous vote should be required to incorporate a water district. It is possible that one member of a board might oppose his colleagues because of personal or political considerations which should have no bearing on the question of the incorporation of a water district. It may be argued that the conditions requiring unanimity are such that the unanimous vote would seldom be required. However, we oppose this provision on principle. It would establish a questionable precedent, which if extended to other matters and other units of government would seriously restrict and hamper administration. If such a provision were applied to committees of our legislature, you gentlemen might be seriously handicapped.

We wish also to express our reservations concerning certain other provisions of H B 1577 and the language of those provisions.

We direct attention to Section 1. K S A 1965 Supp. 82a-614 (H B 1577, P 2, lines 8 through 12) where it is provided that it must be found that a proposed district, "will not be harmful to the orderly growth of the areas adjacent to the district".

Section 3. K S A 1965 Supp. 82a-616 (H B 1577, P 4, Lines 8 through 12) would provide that county commissioners could not make an affirmative finding on the incorporation of a water district unless such district would promote, "orderly development of land within the district and within the general area wherein it is located; (5) whether such district will tend to promote substandard urban type land development in areas immediately adjacent to cities".

We wish to comment on the following terms and phrases used in the Sections cited: "orderly growth", "orderly development" and "substandard urban type land development".

We certainly do not oppose orderly growth and development nor do we favor substandard urban type land development. However, we submit that these terms and phrases are difficult to define. When we talk of substandard development we imply that there is an established standard, but what is standard and what substandard and how can a clear line be drawn between them? Does one tumble-down building make an area substandard, and if so, how large an area? Who is able to predict with assurance and accuracy as to what type of growth will occur in the future in a given area? To require county commissioners to make findings on such matters, even with expert advice, places a difficult responsibility on their shoulders.

There are examples of disorderly growth and substandard development in areas adjacent to cities where no water districts now exist. If such an area already exists, would it then be said that the incorporation of a water district would tend to promote the already existing condition, and for that reason should be denied?

It is our contention that an adequate supply of water would improve an area. In fact it seems to us that the way to assure disorderly growth and substandard development would be to deny an area a needed water supply.

There are also examples of substandard development within city limits, in slum areas, but surely such conditions could not be improved or alleviated by denying a water supply.

The tools for promoting orderly growth and preventing or improving substandard development are planning, zoning and annexation.

Water districts welcome any opportunity to coordinate plans with city or county planning agencies, and do not object to submitting to the authority and jurisdiction of duly established boards or commissions. Statutes establishing such planning agencies provide for their jurisdiction in water district planning.

At the present time approximately two-thirds of the water districts obtain their water supplies from city water plants; this is ample evidence of cooperation between cities and water districts. Most of these districts could not have been organized unless the cities were willing to supply them with water.

We recognize the legitimate interest of cities in their adjacent areas, and we also recognize the interest of residents of those areas in trying to secure adequate water supplies. We do not wish to interfere with the normal process of annexation by cities. We deplore any attitude of hostility between cities and rural areas and express our conviction that mutual cooperation will lead to satisfactory solutions to any problems which may arise.

Agriculture is our most important industry. Improvement in the agricultural economy also improves the urban economy. Each segment depends upon the other.

We would also like to point out what seems to us to be another, and serious difficulty inherent in H B 1577. This measure would require county commissioners to make findings as to areas adjacent to cities. Inevitably this will lead to county commissioners in one county being called on to make such findings concerning cities in counties other than their own. This would almost certainly present serious legal problems.

Many water districts now operate across county lines. The trend is toward larger and larger districts. Thus a single water district could involve an approach to within one mile of two or more cities and in different counties.

For example: Rural Water District No. 9, Wilson County, which is soon to start construction, will obtain its water supply from Toronto in Woodson County. It will serve rural areas in both counties and the City of Coyville in Wilson County. If this district were being organized under H B 1577, the Wilson County Board of Commissioners would be called on to make findings concerning the area adjacent to the City of Toronto in Woodson County. If Toronto raised objections, then an affirmative finding could be made only by a unanimous vote of the board. We believe that this situation could present serious problems and difficulties.

#### Summary

To summarize, we believe in the water district program. No other program offers greater benefits to rural areas and small towns. We are interested in promoting and expanding this program. We oppose any action which would tend to restrict or curtail the program or make its accomplishment more difficult.

Present statutes require findings on certain broad requirements in order to organize water districts. It must be found that the area to be served is without an adequate supply of water and that a water supply would promote the public health, convenience and welfare.

H B 1577 would impose additional requirements for findings on orderly growth, on substandard land development, on areas adjacent to cities, and on a unanimous vote by a board of county commissioners under certain conditions. We fear that these additional requirements would complicate and restrict the future organization of water districts and jeopardize the continued growth of the program.

For the reasons set forth above, we respectfully solicit your careful consideration of those parts of H B 1577 to which we have directed attention.

## THE STATE ASSOCIATION OF KANSAS RURAL WATER DISTRICTS

### PURPOSES AND OBJECTIVES OF THE ORGANIZATION

Since an ample supply of pure water is essential to the health and well-being of our citizens and to the improvement of the economy through the development of industry and the production of crops and livestock, it shall be the objective of this organization to promote the formation and operation of Rural Water Districts in order that rural residents, towns and communities may be supplied with water. It is now generally recognized that water is our most important and valuable resource, and the public interest demands the orderly development of water supplies and the equitable distribution of available water to all citizens. Rural Water Districts are making an important contribution to health and economy in many areas and the benefits which such districts provide should be extended to all citizens and communities where it is practical to provide water service.

The purposes and objectives of this organization may be promoted and achieved by, but not limited to, the following means:

1. Assisting in the development of sources of water supply.
2. Conservation of water resources through education and co-operation.
3. Study and planning to prevent and abate the pollution of streams and other sources of water.
4. Sponsorship and study of legislation and regulations governing the organization, financing and operation of Rural Water Districts in order to foster orderly and economical development and extend the benefits of water service and to protect the interests of districts and members.
5. Dissemination of information emphasizing the importance of proper and equitable utilization of all water resources for public health and economy.
6. Improvement of service and efficiency by co-operation and exchange of information and plans between districts.
7. Promotion and cooperation in research directed toward increased efficiency, lower costs and improved service, which includes the compiling and analysis of statistical information and material from all districts.
8. Cooperation with any governmental agency that may provide technical service and/or guidance in the development and successful operation of the Rural Water Districts.
9. Standardization of methods and procedures.