

CHAPTER 161  
HOUSE BILL No. 2641

AN ACT concerning drainage districts; pertaining to the definition of taxpayer in certain drainage districts; amending K.S.A. 24-414 and 24-459 and repealing the existing sections.

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

Section 1. K.S.A. 24-414 is hereby amended to read as follows: 24-414. (a) Elections to choose directors shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by law, and all persons desiring to be voted upon as director, in any election, shall, not later than 12:00 noon of the Wednesday next following the primary election as such term is defined in subsection (b) of K.S.A. 25-2006, *and amendments thereto*, file a declaration of candidacy with the county election officer of the county wherein the district is located, as a candidate in such election, and the election officer in making up the ballots and in placing the names thereon shall place the names on the ballots in alphabetical order, but the returns of all special or bond elections shall be made to the secretary and canvassed by the board of directors. The county election officer of the county wherein the drainage district is situated shall appoint election boards as provided by law for other elections and shall designate places for holding the election. The county clerk shall cause to be ascertained the names of all persons within the district who are also qualified electors, and shall furnish lists thereof to the judges of the election.

(b) Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper published in the county and posted in a conspicuous place in the office of the board of directors at least five days before the holding thereof. At all elections and meetings held under the provisions of this act, only persons who are qualified electors shall be entitled to vote. In counties having a population of more than 150,000, at all elections and meetings held under the provisions of this act, only persons who are taxpayers and residents of the district who are qualified electors shall be entitled to vote. All election expenses shall be paid for out of the general fund of the drainage district. Election officials shall receive the same compensation as provided under the general election laws.

(c) *As used in this section, "taxpayer" means any person who owns any real property or tangible property within the district who pays taxes assessed on such property.*

Sec. 2. K.S.A. 24-459 is hereby amended to read as follows: 24-459. (a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-458 shall consist of three *qualified persons who own land within the district but need not be residents therein as defined in paragraph (3) of subsection (e) of this section.*

(b) The directors for the first term after the incorporation of the drainage district shall be selected and designated in the petition for the incorporation of the district and shall be declared directors by the county commissioners to which the petition is presented.

(c) The directors shall hold office until the first Tuesday in April next after the incorporation of the district, at which time and every four years thereafter directors shall be elected and shall hold their office for the term of four years and until their successors are elected and qualified.

(d) ~~Every taxpayer qualified person of the district, owning real estate therein, whether a resident of the district or not, shall be entitled to vote at the election or at any election which may be held in the district.~~

(e) *For the purposes of this section:*

(1) *"Owner" or "person who owns land" means any person or entity who is the record owner of the fee in any real estate in the district or the fee in the surface rights of any real estate in the district, but the owners of an oil and gas lease, mineral rights or interest, easements or mortgages as such shall not be considered owners, and school districts, cemetery associations, and municipal corporations shall not be considered owners.*

(2) *"Taxpayer" means any owner who has paid all taxes currently due on such real estate.*

(3) *"Qualified person" means any taxpayer 18 years of age or older, whether a resident of the district or not. A taxpayer who is a qualified*

*person and who is not an individual may designate an individual to cast its vote or to serve as a director of the district.*

*(f) The county clerk shall determine the qualified persons entitled to vote at any election in the district. Any entity desiring to vote at an election shall register the name of its designated representative with the county election officer no later than 14 days in advance of any such election.*

Sec. 3. K.S.A. 24-414 and 24-459 are hereby repealed.

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

Approved May 17, 2004.

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