

Proposed Groundwater Management District (GMD) Act Changes in HB 2686

Current	HB 2686
<p>Elections:</p> <ul style="list-style-type: none"> - A meeting shall be held annually for the election of directors whose terms are expiring. - Each director shall serve for a period of 3 years. - Petition for organization of the district shall include the numbers of persons that will constitute the elected board of directors, which shall be an uneven number of not less than 3 or more than 15. 	<p>Elections (New Section 10):</p> <ul style="list-style-type: none"> - Nonpartisan elections would be conducted by the county election officer of the county where the home office of the GMD is located. - General election for district board directors would be on the Tuesday following the first Monday in November of each odd-numbered year. - Primary elections for district board directors would be on the first Tuesday in August of each odd-numbered year. - Notice of time and place of each primary and general election would be published by the county election officer in a newspaper published in the county. - Primary and general elections of district board directors would be conducted jointly with other local elections - Current GMD boards would determine if 5, 7, or 9 members would be elected at-large from the district beginning with the 2023 election. - Directors would serve a term of four years except 2, 3, or 5 elected in 2023 would be elected to 2-year terms, to create a staggered election cycle.
<p>Definition of Eligible Voter:</p> <ul style="list-style-type: none"> - Eligible voter must be a natural person 18 years of age or older, or a public or private corporation, municipality or any other legal or commercial entity that: <ul style="list-style-type: none"> A. Is a landowner that any land comprising 40 or more contiguous acres located within the boundaries of the district and not within the corporate limits of a municipality; or B. Withdraws or uses groundwater from within the boundaries of a district in an amount of one acre-foot or more per year. 	<p>Definition of Eligible Voter (Section 15):</p> <ul style="list-style-type: none"> - Would include any person who is over 18 years or older who is a qualified elector of the district.

<p>District Board Candidates:</p> <ul style="list-style-type: none"> - Any eligible voter, as defined above, is eligible to be a board member candidate. <p>New GMD Organization:</p> <ul style="list-style-type: none"> - A petition must be signed by not less than 50 eligible voters or 50% of the eligible voters of the district, whichever is smaller. <p>New GMD Organization Petition:</p> <ul style="list-style-type: none"> - After the Chief Engineer approves the organization petition, the steering committee shall call for an election at which eligible voters shall be entitled to vote on the question of whether a district should be organized. <p>Vacant GMD Board Positions:</p> <ul style="list-style-type: none"> - The Board shall fill any vacancy by selecting a replacement from among the eligible voters, as defined above. <p>Election Procedure for Changing Number of Directors:</p> <ul style="list-style-type: none"> - The number of directors may be changed at any annual meeting if notice of the proposition is included in the notice of the annual meeting at which the changes are to be considered. 	<p>District Board Candidates (New Section 11 and Section 15): Any eligible voter of the district would be eligible to be a board candidate</p> <p>New GMD Organization (Section 16):</p> <ul style="list-style-type: none"> - A petition must be signed by not less than 10% of the eligible voters of the district. <p>New GMD Organization Petition (Section 17):</p> <ul style="list-style-type: none"> - After Chief Engineer approves organization petition, the steering committee would be able to submit the petition to the county election official to place the district organization question on the next election ballot. <p>Vacant GMD Board Positions (Section 18):</p> <ul style="list-style-type: none"> - Would provide procedures when there aren't enough eligible candidates to fill the vacant GMD board positions. - Would specify that board directors cannot serve more than 2 consecutive terms but would be eligible to serve again after not serving for one full term. <p>Election Procedure for Changing Number of Directors (New Section 12):</p> <ul style="list-style-type: none"> - Would provide elections procedures for changing the number of directors of a GMD and would provide how that should be presented to qualified electors in the district. <p>Annual Reports to Legislature (New Section 13):</p> <ul style="list-style-type: none"> - The bill would require each GMD to submit an annual report to appropriate committees of the Legislature.
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<p>Management Program to the CE:</p> <ul style="list-style-type: none"> - The board of a district must prepare a management program and submit a copy to the Chief Engineer. - After approval by the Chief Engineer, the board shall fix a time and place for a public hearing. <p><i>Note: This would be not amended by HB 2686.</i></p>	<ul style="list-style-type: none"> - Written report would be on the finances and activities of the previous year in the district. - Report would be due by Feb. 1 of each year. - Report would contain a detailed financial statement prepared according to generally accepted accounting principles. - Financial statement would also include an itemized list of all income and income sources, all expenditures, and an accounting of assets held by the GMD board. - Failure to timely provide the annual report would result in suspension of GMD board's authority to make any further expenditures in the calendar year the report was due. <p>Conservation and Stabilization Plans to CE (New Section 14):</p> <ul style="list-style-type: none"> - Would require GMD boards to identify all areas of concern with the district by January 1, 2024. - Would require GMD boards to submit conservation and stabilization plans to the Chief Engineer by January 1, 2026. - GMD board would also be directed to conduct education and outreach in each area so the GMD board can develop plans to address the concern areas based on input from water right owners and users in the area. - Plans developed under this section would be incorporated into the GMD's management program and submitted to the Chief Engineer by January 1, 2026. - The Chief Engineer would implement any plans that require Chief Engineer action if the plans are approved. - If the GMD board fails to identify or adequately address areas of concern and submit a management program, then the Chief Engineer would be authorized to initiate IGUCA proceedings pursuant to the GMD Act.
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<p>Dissolution of GMD:</p> <ul style="list-style-type: none"> - The board shall call for an election at a special meeting to determine the dissolution of a district after a two-thirds vote of all members of the board and a petition signed by 20% of eligible voters of the district. - A GMD may be dissolved at that election by a majority vote of eligible voters. 	<ul style="list-style-type: none"> - The Chief Engineer would be required to submit annual reports to the Legislature detailing any activities taken pursuant to Section 14. <p>Dissolution of GMD (Section 19):</p> <ul style="list-style-type: none"> - Would allow the question of dissolution of a GMD on a ballot at the next primary or general election by 2/3 vote of board members in the same manner as Sec. 12 or by a written petition signed by 20% of the eligible voters submitted to the board secretary.
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