

2012 Kansas Statutes

82a-2415. Same; cost and charges to administer general plan; notice; hearing; modified plan.

(a) When the general plan is approved by the director of the Kansas water office, the board shall propose by resolution, that the cost to the district of all improvements contemplated in the plan be paid by imposing a charge against each eligible water right holder of the district in proportion to each such holder's water right. The total of such charges shall be sufficient to enable the district to pay the cost of administering the general plan. The reservoir improvement district also may impose a charge against each eligible water right holder of the district in an amount sufficient to cover district operating costs. Charges paid by eligible water right holders of a reservoir improvement district may vary and shall be based on the principle of having each eligible water right holder pay for the pro rata quantity of water used from the reservoir. In determining the charge, the governing body of the district shall adopt rules which establish guidelines for prospective eligible water right holders.

(b) The board shall fix a time and place conveniently near the reservoir for a public hearing upon the general plan and the resolution proposing a method of financing costs of the works contemplated in the plan. A notice of such hearing shall be given in one publication at least 20 days prior to the date fixed for the hearing, setting forth the time and place of hearing upon the plan and resolution, that a copy of the plan and resolution is available for public inspection in the office of the secretary of the district. Any eligible water right holder of the district desiring to be heard in the matter must file, in duplicate, with the secretary of the board at the secretary's office, at least five days before the date of the hearing, a written statement of such holder's intent to appear at the hearing and the substance of the views they wish to express. Upon receipt of any such statements, the secretary of the board shall immediately transmit one copy of the statements to the director of the Kansas water office. The director of the Kansas water office or the director of the Kansas water office's duly appointed representative may attend the hearing. At the hearing any eligible water right holder of the district who has filed a written statement shall be heard and may present information in support of the eligible water right holder's position in the matter. After hearing all such statements, the board, by resolution, shall adopt as official or reject the general plan. The board shall also adopt as official or reject the proposed method of financing the costs of the works contemplated in the general plan or determine that the general plan or the proposed method of financing or both should be modified. The board shall notify the director of the Kansas water office of the board's action to accept or reject the general plan and proposed method of financing. If it is determined that the general plan should be modified, any proposed changes approved by the board shall be incorporated in a modified general plan which shall be submitted to the director of the Kansas water office for further consideration.

(c) The director of the Kansas water office shall review the modified plan and shall transmit a supplemental written report of the results of the director's study and investigation to the board, including the director of the Kansas water office's written approval or disapproval of the modified general plan. If the modified general plan is approved by the director of the Kansas water office, the board, by resolution, shall adopt the modified plan as the official general plan of the district and notify the director of the Kansas water office of the board's action. If it is determined that the proposed method of financing should be modified, the board shall give consideration to the modified method of financing and, following adoption of the general plan or an approved modification thereof, the board, by further resolution setting forth such modified method of financing, shall adopt it as the official method of the district for financing costs of the works contemplated in the official general plan. If a board is unable to carry out a general plan because insufficient funds have been provided, they may reconsider the general plan or the method of financing, or both, and by following the procedure set forth in subsections (a) and (b), resubmit a general plan or method of financing, or both.

History: L. 2012, ch. 97, § 15; July 1.