

Ron,

Per our last phone discussion regarding the change in the rural water statute 82a-621 (d) the District has the following suggested options for a change in the language to prevent forfeited benefit unit capacity from being reserved and unused in perpetuity. I think that any of these would take care of our concerns. I took language from elsewhere in the statute for the first two options. I tend to prefer the last option so that there is no engineering judgement involved with determining what "capacity" is. Ten engineers will give you ten different answers about what the capacity is. I am not sure what the intent of the new language was so hopefully this change is not somehow contrary to the purpose of the original language.

(d) **As long as the capacity of the district's facilities permits,** the board of a district shall reinstate any benefit unit forfeited for nonpayment of fees and charges upon payment of: (1) All fees and charges due to the district in addition to any fees and charges that would have accrued since the date of forfeiture; and (2) a benefit unit reinstatement fee which shall not exceed 20% of the district's current new benefit unit fee. (e) If the capacity of the district's facilities permits, the district may sell water to persons engaged in hauling water and to any municipal, quasi-municipal or nonprofit corporation organized for any purpose consistent with that for which the district was organized.

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(d) **For a period of one (1) year from the date of forfeiture,** the board of a district shall reinstate any benefit unit forfeited for nonpayment of fees and charges upon payment of: (1) All fees and charges due to the district in addition to any fees and charges that would have accrued since the date of forfeiture; and (2) a benefit unit reinstatement fee which shall not exceed 20% of the district's current new benefit unit fee. (e) If the capacity of the district's facilities permits, the district may sell water to persons engaged in hauling water and to any municipal, quasi-municipal or nonprofit corporation organized for any purpose consistent with that for which the district was organized.

Thanks,

Frank Harrison, Chair
Greg Dekat, Vice Chair (785-617-1111)
Nathan Anderson, Manager

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