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February 3, 2019

Senator Jeff Longbine and Representative Ron Highland
Room 341-E and Room 458-W
Kansas State Capitol Building
300 SW 10th St.
Topeka, KS 66612

RE: Bill # HB2085

Dear Senator Longbine and Representative Highland,

As the Chair and Vice-Chair of Rural Water District No. 2 Wabaunsee County, Kansas we would like to bring to your attention to some apparent shortcomings of the recently modified Rural Water District statutes. In particular we are referencing K.S.A. 82a-621 (d) which reads:

“(d) 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.”

In order to comply with this statute enacted on July 1, 2017 it would seem that we will have to reserve capacity in our water system indefinitely in anticipation of a property owner with a previously forfeited meter demanding to be reinstated. If case you are not familiar with rural water systems, they are designed under USDA guidelines primarily to supply domestic water service needs (e.g. not fire protection) and consequently use much smaller pipe sizes which have a limited capacity. Being a user fee based utility, reserving this capacity in perpetuity not only denies us the revenue that this capacity may have generated but it may also deny a prospective user needed service. We would suggest placing a reasonable time limit on these reinstatements (e.g. 2 years) or using the language found elsewhere in the Rural Water District statutes:

“If the capacity of the district’s facilities permits,.....” or “As long as the capacity of the district’s facilities permits,....”

Secondly, clarification of how/when this change applies would be helpful. Does this apply only to forfeitures subsequent to statute enactment? Again, as written, this statute would seem to apply to all forfeitures – which would be a major problem for rural water districts. How does this statute apply to forfeitures prior to enactment demanding reinstatement after enactment? We believe that the same time limits or capacity language suggested above would resolve this concern also.

In our modern economy of home foreclosures, dealing with forfeitures of water service has become a more common issue. Obviously, no one instance of water service forfeiture is a huge concern but the long term effects of this statute, as written, will eventually have negative consequences on rural water districts. Thank you for your time and legislative service,

Frank Harrison, Chair
RWD #2 Wabaunsee Co., Kansas

Greg Dekat, P.E., Vice-Chair
RWD #2 Wabaunsee Co., Kansas

cc: Mr. Elmer Ronnebaum, Kansas Rural Water Association, General Manager
Mr. Ron Highland, Representative - District 51