

SENATE BILL No. 527

By Committee on Elections and Local Government

2-6

AN ACT concerning drainage districts; relating to the transfer of territory from one drainage district to another; amending K.S.A. 24-128, 24-129 and 24-130 and repealing the existing sections.

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

Section 1. K.S.A. 24-128 is hereby amended to read as follows: 24-128. ~~The petition for transfer of territory from one drainage district to another shall be addressed to the board of county commissioners of the county in which the drainage districts affected are situated and shall describe the territory to be transferred by metes and bounds, or, if platted, by appropriate descriptions as lots or blocks or parts of lots or blocks, from what drainage district and to what drainage district such transfer is sought, that the proposed transfer has been recommended by each of the drainage districts affected by resolution duly adopted by the board of directors of each district, that the proposed transfer of territory will result in more efficient or more adequate protection of the territory described in the petition from overflow or damage and injury resulting therefrom, or will be conducive to the public health, convenience and welfare. Such petition shall contain a prayer that the territory described therein be transferred from one drainage district named therein to another drainage district named therein. The petition for transfer of territory from one drainage district to another shall be addressed to the board of county commissioners of the county in which the drainage districts affected are situated. The petition shall:~~

(a) Describe the territory to be transferred by metes and bounds, or, if platted, by appropriate descriptions as lots or blocks or parts of lots or blocks;

(b) state from what drainage district and to what drainage district such transfer is sought;

(c) state that the proposed transfer has been recommended by at least one of the drainage districts affected by resolution duly adopted by the board of directors of such district;

(d) state that: (1) The proposed transfer of territory will result in more efficient or more adequate protection of the territory described in the petition from overflow or damage and injury resulting therefrom or

1 *will be conducive to the public health, convenience and welfare; or*

2 (2) *the district requesting the transfer of territory is obligated to op-*
3 *erate or maintain one or more dikes, levees or other flood control works*
4 *previously constructed by the United States army corps of engineers or*
5 *other agencies of the United States government on the territory requested*
6 *for transfer, which have been completed and turned over to the requesting*
7 *drainage district for the purpose of maintaining and operating any dikes,*
8 *levees or other flood control works heretofore or hereafter constructed for*
9 *the purpose of protecting such drainage from floods.*

10 (e) *contain a prayer that the territory described in such petition be*
11 *transferred from one drainage district named therein to another drainage*
12 *district named therein; and*

13 (f) *contain any other information in support of the proposed transfer.*

14 Sec. 2. K.S.A. 24-129 is hereby amended to read as follows: 24-129.
15 Whenever a petition in conformity to K.S.A. 24-128, signed by the board
16 of directors of ~~both one or more~~ of the affected drainage districts shall be
17 presented to the board of county commissioners of the proper county, it
18 shall be the duty of such board of county commissioners forthwith to fix
19 a time for the hearing of such petition and to cause the county clerk to
20 give notice thereof at least five (5) days before the date fixed for the
21 hearing by one publication in some newspaper published and of general
22 circulation in the county.

23 Sec. 3. K.S.A. 24-130 is hereby amended to read as follows: 24-130.
24 ~~At the time set for the hearing of the petition as provided in K.S.A. 24-~~
25 ~~129, it shall be the duty of the board of county commissioners to first~~
26 ~~ascertain and determine whether notice has been given of the time of~~
27 ~~hearing as required by this act, and, if it shall be determined that such~~
28 ~~notice has been given, to make a declaration and finding of that fact and~~
29 ~~cause the same to be entered upon its records, and thereupon to hear all~~
30 ~~persons in favor or opposed to granting the prayer of said petition and all~~
31 ~~other evidence that it may desire to hear for the purpose of ascertaining~~
32 ~~whether the statements in said petition are true; and if upon such hearing~~
33 ~~it shall be found that such petition is in conformity to the requirements~~
34 ~~of this act, and that the allegations thereof are true, then such board of~~
35 ~~county commissioners shall make a finding and decision to that effect,~~
36 ~~and shall thereupon declare the territories described in the petition to be~~
37 ~~detached from the one drainage district, naming it, and to be attached to~~
38 ~~the other drainage district, naming it, and shall fix the date that such~~
39 ~~transfer shall become effective; and if such board of county commission-~~
40 ~~ers upon such hearing finds that such petition is not in conformity to this~~
41 ~~act or that the statements in such petition are not true or that said transfer~~
42 ~~should not be made then such board of county commissioners shall make~~
43 ~~a finding and decision to that effect and reject that petition. Such affir-~~

1 ~~mative decision and order of the board of county commissioners may~~
2 ~~provide for the transfer of all or part of the territory described in the~~
3 ~~notice of hearing, but shall not include any territory not so described. (a)~~
4 *At the time set for the hearing of the petition as provided in K.S.A. 24-*
5 *129, and amendments thereto, the board of county commissioners shall*
6 *first ascertain and determine whether notice has been given of the time*
7 *of hearing as required by this act. If the board of county commissioners*
8 *determines that such notice has been given, the board of county commis-*
9 *sioners shall make a written finding of that fact and commence a public*
10 *hearing to determine whether the petition should be granted.*

11 *(b) At the hearing, the county commission shall take testimony from*
12 *all persons interested in the proposed transfer of territory and any other*
13 *evidence relevant to the issue.*

14 *(1) If the board of county commissioners, determines that the petition*
15 *conforms to the requirements of this act, and that the allegations of the*
16 *petition are true, then the board of county commissioners shall make a*
17 *finding and decision to that effect. The decision shall declare the territories*
18 *described in the petition to be detached from the one drainage district,*
19 *naming it, and to be attached to the other drainage district, naming it,*
20 *and fix the date that such transfer shall become effective.*

21 *(2) If the board of county commissioners finds that the petition does*
22 *not conform to the requirements of this act, the statements in the petition*
23 *are not true, or the proposed transfer should not be made, then the board*
24 *of county commissioners shall make a finding and decision to that effect*
25 *and reject such petition. An order of the board of county commissioners*
26 *under this section may provide for the transfer of all or part of the ter-*
27 *ritory described in the notice of hearing, but shall not include any terri-*
28 *tory not so described.*

29 *(c) Any decision of the board of county commissioners required by*
30 *this section may be made by a majority of such board.*

31 Sec. 4. K.S.A. 24-128, 24-129 and 24-130 are hereby repealed.

32 Sec. 5. This act shall take effect and be in force from and after its
33 publication in the statute book.

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