

CORRECTED
SESSION OF 2002

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2727

As Amended by Senate Committee of the Whole

Brief*

HB 2727 would delete a restriction in the improvement district law, KSA 19-2753 *et seq.*, which grants certain added powers to improvement districts located more than five miles from an existing city so that any improvement district could exercise these expanded powers. The bill permits the board of county commissioners to allow corporations providing mental health services to hold title to buildings used for this purpose; establishes a new procedure for transfer of drainage district territory to another drainage district; and amends the law regarding the Blue Valley Recreation Commission.

The added powers of any improvement district, regardless of location in reference to a city, include the ability to abate nuisances, require the removal of grass and weeds, regulate and prohibit domestic animals running at large, adopt regulations to insure peace and order, and assess unpaid utility bills against property.

The bill alters the procedure for the transfer of territory from one drainage district to another. The bill establishes a procedure whereby one or more of the affected drainage districts may petition the board of county commissioners for a hearing following proper notice to decide the transfer issue.

The petition shall:

1. Describe the territory to be transferred;
2. State from what drainage district and to what drainage district the transfer is sought;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>

3. State that the proposed transfer has been recommended by at least one of the drainage districts;
4. State either that:
 - a. 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 or will be conducive to the public health, convenience, and welfare; or
 - b. the district requesting the transfer of territory is obligated to operate or maintain one or more dikes, levees, or other flood control works previously constructed by the United States Army Corps of Engineers or other agencies of the United States government on the territory requested for transfer;
5. Contain a prayer that the territory described in the petition be transferred from one drainage district to another; and
6. Contain any other information in support of the proposed transfer.

If the board of county commissioners determines that the petition conforms to the requirements of the act, and that the allegations in the petition are true, then the board of county commissioners must declare the territories described to be detached from the one drainage district, and attached to the other drainage district and fix the date that such transfer shall become effective. The board may order the transfer of all or part of the territory described in the notice of hearing.

The bill also deletes from the recreation commission law certain special provisions (enacted in 1994) that applied just to the Blue Valley Recreation Commission created by USD 229 including the following:

- ! The authority of the school district to modify the recreation commission budget;
- ! The requirement that the recreation commission be governed by a seven member commission (the bill permits any recreation

commission having a seven member board to reduce the size to five or to continue with the seven member commission;

- ! Deletes an exclusion for the Blue Valley Recreation Commission from petition procedures to abolish the recreation commission; and
- ! Deletes the power of the Blue Valley Recreation Commission to purchase real property if USD 229 approves.

Further, the bill clarifies that any recreation commission which is abolished, the authority of the taxing authority for the recreation commission may continue to levy a tax until all debts are paid and if real property is owned by a recreation commission, it shall vest in the taxing authority.

Background

Proponents included representatives of the Oaklawn Improvement District in Sedgwick County, the Oaklawn Neighborhood Association, the Wichita/Sedgwick County Community Housing Services, a homeowners association, the Sedgwick County Code Enforcement Department, the City of Wichita, and others.

The Senate Committee added the contents of HB 2655 regarding city incorporation decisions and an amendment suggested by a representative of the Community Mental Health Partnership of Franklin and Wyandotte Counties.

The Senate Committee of the Whole added the drainage district provisions and the Blue Valley Recreation District provisions and deleted an amendment which would delete the unanimous vote requirement by the board of county commissioners in regard to decisions regarding the incorporation of a city located within five miles of an existing city.

The bill has no fiscal impact.