

HOUSE Substitute for SENATE BILL No. 189

By Committee on Agriculture and Natural Resources

3-27

9 AN ACT concerning drainage and levees; relating to excavation by drain-
10 age districts; amending K.S.A. 24-132 and repealing the existing
11 section.
12

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

14 Section 1. K.S.A. 24-132 is hereby amended to read as follows: 24-
15 132. (a) Except as provided by this section and subject to the provisions
16 of K.S.A. 19-270, and amendments thereto, all of the rights, powers, au-
17 thority and jurisdiction conferred on counties and boards of county com-
18 missioners by the provisions of K.S.A. 19-3301, 19-3302, 19-3303, 19-
19 3304, 19-3305, 19-3306, 19-3308 and 19-3309, and amendments thereto,
20 also are conferred upon and vested in any drainage district traversed or
21 touched by the Kansas river, and contiguous to or including a part of a
22 city of the first class, and the governing body thereof.

23 (b) The governing body of any such drainage district, in the name of
24 the drainage district, shall have the power to enter into undertakings and
25 contracts and make agreements in like manner and for like purposes as
26 the board of county commissioners are authorized by this act to enter
27 into undertakings and contracts and make agreements in the name of the
28 county; and may acquire lands, rights of way and easements either within
29 or without the limits of the drainage district for like purposes as the board
30 of county commissioners are authorized by K.S.A. 19-3302 and 19-3308,
31 and amendments thereto, by purchase, gift or by eminent domain pro-
32 ceedings in the manner prescribed by K.S.A. 26-501 to 26-516, inclusive,
33 and amendments thereto, and may issue general obligation bonds of the
34 drainage district to pay the costs thereof and expenses connected there-
35 with in the manner provided by law. The aggregate of any such bonds so
36 issued shall not be in excess of 3½% of the total assessed tangible valu-
37 ation of the drainage district. The governing body of any drainage district
38 may issue additional general obligation bonds of the drainage district for
39 such purposes not in excess of 1½% of the total assessed tangible valu-
40 ation of the drainage district, but before such additional bonds may be
41 issued, the governing body of the drainage district shall submit the ques-
42 tion of the issuance of such additional bonds and the amount thereof to
43 the qualified electors of the drainage district at a regular drainage district

1 election or at a special election called for that purpose as provided by law.
2 The total aggregate of all such bonds which may be issued under the
3 provisions of this section shall not be in excess of 5% of the total assessed
4 tangible valuation of the drainage district. Such bonds shall not be subject
5 to, nor included in any restrictions or limitations upon the amount of
6 bonded indebtedness of the drainage district contained in any other law.

7 Funds received from the sale of bonds by any such drainage district
8 may be used to pay any loss, damage or expense for which the drainage
9 district or the governing body thereof may be liable in like manner as
10 counties are authorized to pay such loss, damage or expense under the
11 provisions of K.S.A. 19-3304, and amendments thereto.

12 (c) For the purposes of maintaining and operating such flood control
13 works as shall be constructed by the United States army corps of engi-
14 neers or other agencies of the United States government, when the same
15 shall have been completed and turned over to the drainage district, and
16 for the purpose of maintaining and operating any flood control works or
17 dikes heretofore or hereafter constructed for the purpose of protecting
18 such drainage district from floods, the governing body of such drainage
19 district shall be empowered to make an annual tax levy upon all the taxable
20 tangible property within the drainage district, of not to exceed one mill
21 and such levy shall be in addition to all other levies authorized or limited
22 by law.

23 (d) ~~Except as provided by this subsection, the governing body of the~~
24 ~~drainage district may regulate excavations within the boundaries in the~~
25 ~~same manner provided by K.S.A. 19-3309, and amendments thereto~~ *No*
26 *excavation shall be made or commenced within 1,000 feet either side of*
27 *interior drainage sewers located within the district boundaries or within*
28 *1,000 feet landward or riverward of the center line of any portion of any*
29 *flood control works constructed under the provisions of chapter 19, article*
30 *33 of the Kansas Statutes Annotated without first obtaining a permit.*
31 Applications for permits shall be submitted to and reviewed by the district
32 engineer. If the engineer determines that the proposed excavation shall
33 be detrimental or will impair or endanger the function of any flood pro-
34 tection works, permission for such excavation shall be denied. If the en-
35 gineer determines that a restricted or conditional permit for excavation
36 can be granted to the applicant which will not be detrimental or will not
37 impair or endanger the function of such flood protection works, the en-
38 gineer shall issue such restricted or conditional permit. If the engineer
39 determines that no impairment of or danger to such flood protection
40 works will occur as a result of such excavation, the engineer shall issue a
41 permit to the applicant. The issuance of any permits hereunder shall not
42 authorize the violation of any existing zoning laws or building codes.

43 Any person feeling aggrieved by the determination of the engineer may

1 appeal such decision in writing to the governing body of the drainage
2 district within 10 days of determination and the governing body after a
3 public hearing may affirm, reverse or modify the determination.

4 (e) It shall be the duty of the governing body of the drainage district
5 to keep all such flood control works and dikes in serviceable condition
6 and to make such repairs as may be necessary.

7 Sec. 2. K.S.A. 24-132 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.