

CHAPTER 78
HOUSE BILL No. 2793

AN ACT concerning drainage districts; relating to the powers and duties of the governing body thereof; amending K.S.A. 2003 Supp. 24-639 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 24-639 is hereby amended to read as follows: 24-639. (a) A district organized under the provisions of K.S.A. 24-601 *et seq.*, and amendments thereto, shall be a body politic and corporate, and shall be known by the corporate name of drainage district number _____ of _____ county.

(b) The board of supervisors of the drainage district shall have the power to:

- (1) Adopt a seal;
- (2) enter into contracts;
- (3) hold real and personal property;
- (4) sue and be sued;
- (5) determine and fix the district boundaries;
- (6) remove all obstructions from the channel of the watercourse;
- (7) commence and maintain suits against any and all persons or corporations unlawfully maintaining dams or other obstructions in the channel of the watercourse to compel the removal of the same;
- (8) exercise the power of eminent domain as to all lands necessary to the construction of cutoffs, spillways and auxiliary channels in accordance with K.S.A. 26-501 through 26-516, and amendments thereto;
- (9) require that all bridges across the watercourses shall be of sufficient length or that they shall be provided with sufficient trestle work to permit the unobstructed flow of the waters at flood time;

(10) construct cutoffs, spillways and auxiliary channels across railroads and highways, to compel the adequate bridging of the same and to compel the raising of the grades of the railroads and highways;

(11) levy an annual tax not to exceed five mills on the assessed value of all tangible taxable property located within the district to constitute a general fund to meet the incidental expenses of the district. ~~The board shall not levy a tax pursuant to this subsection for more than four years unless the board adopts a resolution declaring it necessary to continue such levy. Such resolution shall be published at least once each week for three consecutive weeks in a newspaper of general circulation within the district. If within 30 days after the last publication of such resolution, a petition protesting such levy, signed by qualified electors of the district equal in number to not less than 10% of the electors voting at the last election for the board of supervisors, is filed with the county clerk of the county in which the greatest portion of such district is located, no levy shall be made unless the question of continuing such levy is submitted to and approved by a majority of the electors of the district voting at an election called and held thereon. If no petition protesting the levy is filed within the prescribed time, the drainage district may continue to levy such tax for four more years. If the board determines that a higher tax levy is necessary, it may adopt a resolution proposing to raise the limitation. Any proposed increase of the levy limitation shall be submitted for approval by the qualified voters of the drainage district. The election shall be called and held in the manner provided by the general bond law. If a majority of the voters voting on the question votes in favor thereof, the levy limitation may be increased;~~

(12) issue bonds and provide for the payment of the same; and

(13) perform any other acts not inconsistent with the provisions of K.S.A. 24-601 *et seq.*, and amendments thereto.

(c) Nothing in this section shall be construed as exempting the drainage district from the requirements of K.S.A. 24-126 and 82a-301 *et seq.*, and amendments thereto.

Sec. 2. K.S.A. 2003 Supp. 24-639 is hereby repealed.

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