

Transfer of Responsibility for the White Clay Watershed District; Property Tax Lid Exemption; HB 2188

HB 2188 makes the City of Atchison (City) responsible for the maintenance and repair of all watershed lakes, dams, and other projects of the White Clay Watershed District No. 26 (District), on and after January 1, 2020. The bill dissolves the District on January 1, 2020, and makes the City the District's successor.

Successorship

Upon the dissolution of the District, the bill transfers to the City all property of the District subject to any valid leases or agreements. The bill makes the City responsible for payment or retirement of any District debts or obligations, and it vests all District property, funds, and assets with the City.

The bill makes the City the successor in every way to the powers, duties, and functions of the dissolved District.

When the term "watershed district" or words of like effect are referred to by a document in regard to any of the powers, duties, and functions transferred to the City, the reference or designation applies to the City as the context requires. Additionally, the City will have legal custody of all records, memoranda, writings, entries, prints, representations, electronic data, or combination of any act, transaction, occurrence, or event of the dissolved District.

The bill states no suit, action, or other proceeding that has commenced, or could have commenced, by or against the District or any of its officers in such officer's official capacity before dissolution of the District will abate by reason of the governmental reorganization under the bill. The bill authorizes the court to allow such suit, action, or other proceeding to be maintained by or against the City or any officer affected.

Property Tax Lid Exemption

The bill makes a tax levy increase resulting from the dissolution of one taxing entity and a transfer of its responsibilities to another city or the county exempt from the provisions of the property tax lid, requiring approval from a majority of a city's or the county's qualified electors for certain increases in the appropriation or budget from property tax revenues, provided any such levy increase does not exceed the prior levy of the dissolved entity.