

**80-2028. Same; finding of inadequacy; notice; issuance of bonds; election, when; limitations; tax levies.** (a) If after such hearing the secretary of health and environment shall find that said sewage system is inadequate, the secretary shall so notify the governing body of such sewage district and said governing body shall proceed promptly to adopt a plan to correct the inadequacies specified by said secretary.

(b) If the governing body of such sewage district has issued bonds after an election held pursuant to K.S.A. 80-2005, or acts amendatory thereof, to pay the cost of said sewage system such governing body may issue the general obligation bonds or revenue bonds of said sewage district without an election for the purpose of constructing, reconstructing, repairing, replacing, extending, improving or enlarging, in any manner, said sewage system, including any sewage treatment or disposal facilities but excluding lateral sewers, in order to correct the inadequacies of such system, if the secretary of health and environment approves the amount and purpose for which such bonds are to be issued. The total amount of general obligation bonds issued without an election under the authority of this act shall not exceed twenty-five percent (25%) of the total amount of the original bonds authorized at the election hereinbefore mentioned, which was held under the provisions of K.S.A. 80-2005. If the amount of bonds hereinbefore authorized to be issued without an election does not provide sufficient moneys to make such improvements, then the governing body of such sewage district may issue the necessary additional bonds, but no such additional bonds shall be issued unless and until the question of their issuance shall have been submitted to a vote of the electors of such sewage district and a majority of those voting on the question shall have voted in favor thereof. The election on such question shall be noticed, held, conducted, and canvassed in like manner as provided in K.S.A. 80-2005 insofar as the same can be made applicable, but the ballot used at said election and the proposition submitted to the electors shall be in conformity with the provisions of K.S.A. 10-120.

(c) The governing body of such sewage district may levy an annual tax on all real property within such sewage district for any purpose for which bonds may be issued under the provisions of this section, which tax shall be in addition to all other taxes authorized or limited by law, and use the proceeds of such tax to correct the inadequacies of said sewage system and to pay expenses incidental thereto.

**History:** L. 1961, ch. 468, § 2; L. 1975, ch. 462, § 126; July 1.