



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

March 10, 1975

Opinion No. 75-104

Mr. Gaylord I. Maples
Attorney at Law
215 North Walnut
Peabody, Kansas 66866

Dear Mr. Maples:

K.S.A. 82a-614, concerning the organization of a rural water district thereunder, prescribes in pertinent part thus:

"A petition addressed to the board of county commissioners may be filed with the county clerk, praying for the incorporation of a district. Such petition shall be signed by at least fifty percent (50%) of the owners of land within the proposed district, or signed on behalf of the owners of land within the proposed district when such petition is accompanied by a request for petitioning signed by at least fifty percent (50%) of the owners of land within the proposed district."

K.S.A. 82a-615 requires that a hearing be held upon the petition thus filed. The county commissioners must fix a date for a hearing thereon, and must

"with the advice of the petitioners . . . forthwith fix a time and place of landowners meeting, immediately after said hearing, for the purpose of electing directors, and shall with the advice of the petitioners forthwith fix a time and place within seven (7) days from the date of said hearing for a meeting of the landowners for the purpose of adopting bylaws for said district"

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It is the duty of the county clerk, at least seven days before the date fixed for said hearing, to "give by mail, written notice of said hearing and said landowners meetings, giving time and place to each of the petitioners" [Emphasis supplied.]

You inquire whether, when a petition is filed which is signed not by fifty percent of the owners of land within the proposed district, but by certain persons on behalf of those owners, and the petition is accompanied by a "request for petitioning" signed by the requisite number of owners, the county clerk is required to give notice not only to the petitioners, but to the signers of the "request for petitioning." In our opinion, notice is required to be given only to the signers of the petition. When a petition is signed by others on behalf of the landowners, and the petition is accompanied by a "request for petitioning," the petitioners are those acting pursuant to the request and as representatives of the requesting landowners. Such representatives are the sole signers of the petition proper, their representative status being supported by the "request for petitioning." In such an instance, it is the representatives, and not the persons requesting the petition, who are the signers of the petition who are entitled to the notice of hearing required to be furnished by the county clerk.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

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