

**262.140 Commission to determine feasibility of district when majority favor.**

- (1) The commission shall publish the result of the referendum held under KRS 262.120 and shall then determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the commission determines that the operation of the district is not administratively practicable and feasible, it shall record the determination and deny the petition. If the commission determines that the operation of the district is administratively practicable and feasible, it shall record the determination and shall proceed with the organization of the district in the manner provided in KRS 262.150. In making the determination the commission shall give regard and weight to the attitudes of the owners and occupiers of lands lying within the defined boundaries, the number of landowners eligible to vote in the referendum who have voted, the proportion of the votes cast in the referendum in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the landowners and occupiers of the proposed district, the probable expense of carrying on erosion-control operations within the district, and such other economic and social factors as may be relevant to the determination, having due regard to the legislative determinations set forth in KRS 262.020.
- (2) The commission shall not determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of creation of the district have been cast in favor of creation of the district.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 42i-5.