

SENATE BILL No. 112

By Committee on Federal and State Affairs

2-7

1 AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411,
2 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-
3 1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002,
4 58-2003, 58-2004, 58-2005, 58-2011, 68-104, 68-131, 68-1407 and
5 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing
6 sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-
7 108.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) The board of county commissioners of each
11 county shall appoint a land surveyor, whose official title shall be county
12 surveyor. The county surveyor may appoint deputy county surveyors,
13 and each deputy may perform the duties devolved upon the county
14 surveyor by law. The county surveyor shall be a land surveyor, licensed
15 pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and
16 amendments thereto. The county surveyor may be a full-time or part-
17 time county employee, or a contract employee, as determined appropriate
18 by the board of county commissioners. A land surveyor may be a county
19 surveyor in more than one county.

20 (b) For purposes of this section and article 14 of chapter 19 of the
21 Kansas Statutes Annotated, and amendments thereto, the term "land
22 surveyor" shall have the same meaning ascribed thereto in K.S.A. 74-
23 7003, and amendments thereto.

24 New Sec. 2. (a) Whenever a land surveyor performs a survey that
25 results in a new legal description or creates a new tract of land, a survey
26 plat shall be recorded with the register of deeds in the county where the
27 survey was located within 90 days after completion of the survey. The
28 survey plat shall be certified with the seal and signature of a land
29 surveyor. The land surveyor who signed and sealed the survey plat shall
30 be responsible for recording the survey.

31 (b) Except for subdivision plats, the board of county commissioners
32 may, by resolution, designate an alternative county office for the filing of
33 survey plats for archival purposes. If a county office other than the
34 register of deeds is designated for the filing of survey plats, then that
35 office shall maintain an index of all surveys by section, township and
36 range, and surveys of platted lots shall be indexed by subdivision. The

1 cost of filing the survey plat at the alternate county office shall not exceed
2 the cost of recording the same or similar documents at the register of
3 deeds.

4 Sec. 3. K.S.A. 19-1407 is hereby amended to read as follows: 19-
5 1407. The county surveyor shall keep records to show the following:

6 ~~(1) All surveys;~~

7 (2) (a) A plat of each *boundary* survey ~~showing all course lengths~~
8 ~~and angles of deflection, to a scale of not less than four (4) inches to the~~
9 ~~mile, and showing a directional arrow, a location legend and such other~~
10 ~~data as will properly identify the plat made by the county surveyor, which~~
11 ~~shall be in accordance with Kansas law in effect at the time such survey~~
12 ~~is made;~~

13 (3) (b) a full set of field notes, setting forth the ~~chainage~~ *distance*
14 and direction of all courses, and recording the stations of all permanent
15 fences and boundaries and of such existing landmarks as will allow a
16 complete study of the property, from such record;

17 (4) (c) ~~a description of all corners found or set with a tie in to at~~
18 ~~least three (3) permanent markers or witnesses also described, together~~
19 ~~with their direction and distance from a stone or corner. reference reports~~
20 ~~prepared by the county surveyor, such surveyor's deputies and other land~~
21 ~~surveyors pursuant to K.S.A. 58-2011, and amendments thereto.~~

22 Sec. 4. K.S.A. 19-1411 is hereby amended to read as follows: 19-
23 1411. In establishing the center corner of all sections closing on a parallel
24 or base line, the ~~county land~~ surveyor ~~or his deputy~~ shall commence at
25 the quarter-section corner on the south boundary of the section, and run a
26 line north, parallel to the east boundary of ~~said~~ *such* section; and at ~~forty~~
27 ~~40~~ chains from the quarter-section corner on the south boundary, ~~or place~~
28 ~~of commencement, said county such land~~ surveyor ~~or his deputy~~ shall
29 permanently establish the center corner of the section; and at the point
30 where the said north line produced intersects the parallel or base line,
31 which must be just ~~forty~~ *40* chains west of northeast corner of the section,
32 ~~said county such land~~ surveyor ~~or his deputy~~ must permanently establish
33 the quarter-section corner on the north boundary of the section.

34 Sec. 5. K.S.A. 19-1412 is hereby amended to read as follows: 19-
35 1412. In re-establishing missing corners, where no bearing or witness tree
36 or trees can be found, the ~~county land~~ surveyor ~~or his deputy~~ shall
37 establish ~~said~~ *the* missing corners in accordance with the government
38 surveys. Where government surveys cannot be accurately followed,
39 missing corners shall be established by proportionate measurement or
40 existing landmarks supplemented with other location data, monuments,
41 ~~chainage, distances and the stone of monuments for~~ the corners shall be
42 replaced according to the best calculations of the ~~county land~~ surveyor,
43 taking into account all the data, and, if necessary, replacing the

1 proportionate measurement requirement.

2 Sec. 6. K.S.A. 19-1413 is hereby amended to read as follows: 19-
3 1413. (a) If any county surveyor or ~~his such surveyor's~~ deputy shall be
4 molested, or prevented from doing or performing any of ~~his or their such~~
5 ~~surveyor's~~ official duties, by means of threats or improper interference of
6 any person or persons, such surveyor shall call on the sheriff of the
7 county, who shall accompany ~~him such surveyor~~ and remove all force; .

8 (b) ~~and the person or persons thus~~ Threatening or improperly
9 interfering with any county surveyor or ~~his such surveyor's~~ deputy, ~~while~~
10 ~~performing his or their during the performance of such surveyor's~~ official
11 duties, shall ~~be a class A nonperson misdemeanor; and on conviction~~
12 ~~thereof be fined in a sum not exceeding one hundred dollars, and~~
13 ~~moreover shall~~ be liable for all damages to any person by the hindrance
14 of the ~~county~~ surveyor or ~~hissuch surveyor's~~ deputy, and also for all the
15 expenses that may accrue in consequence of the attendance of the sheriff.

16 Sec. 7. K.S.A. 19-1416 is hereby amended to read as follows: 19-
17 1416. ~~That~~ It shall not be necessary for the county surveyor to take an
18 oath or affirmation before commencing ~~his such surveyor's~~ duties to
19 survey roads, except as is provided by law, when ~~he takes his such~~
20 ~~surveyor takes~~ oath of office, ~~as is provided in Laws of 1913, chapter~~
21 ~~157, section 1.~~

22 Sec. 8. K.S.A. 19-1417 is hereby amended to read as follows: 19-
23 1417. It shall be the duty of each county surveyor to employ disinterested
24 persons to act as ~~chainmen; and he may appoint markers, flagmen and~~
25 ~~rodmen; and such surveyor's assistants.~~ The expenses of ~~the chainmen,~~
26 ~~markers, flagmen and rodmen such assistants~~ shall be paid in advance, if
27 required by the county surveyor ~~or his deputy~~, by the party on whose
28 application the survey may be made, and the money so advanced shall be
29 accounted for by the ~~county~~ surveyor and the amount expended to be
30 taxed on the bill of cost. Any ~~chainman, marker or flagman appointed as~~
31 ~~aforsaid appointed assistant~~ shall receive, for each day that ~~he such~~
32 ~~assistant~~ may ~~be~~ actually ~~be~~ employed in performing the work, the
33 prevailing wages for like services within the area, as determined by the
34 board of county commissioners.

35 Sec. 9. K.S.A. 19-1420 is hereby amended to read as follows: 19-
36 1420. Upon the establishment of any road, the county surveyor shall enter
37 the plat and field notes thereof upon the official road record of the county.
38 ~~He~~ *The county surveyor* shall, when ordered by the board of county
39 commissioners, make out a complete description of all or any part of the
40 real estate of ~~his such~~ county, to be made out and entered in proper rolls
41 furnished by the county clerk for such purpose. ~~The county surveyor~~
42 ~~shall, when ordered by the county commissioners, make complete~~
43 ~~surveys, plans, specifications and estimates for all bridges, culverts,~~

1 roads, ditches, or other public works to be constructed under the authority
2 of the board of county commissioners, and shall report the same with his
3 recommendations thereon, and when so ordered he shall superintend the
4 construction of such work, and make reports on the progress of the same
5 to the board of county commissioners as often as they may require:
6 *Provided*, That the board of county commissioners may employ a civil
7 engineer or architect to act alone or in conjunction with the county
8 surveyor in making plans, specifications and estimates for any bridge,
9 culvert, road, ditch or other public work to be constructed by the county,
10 and in superintending the construction of the same.

11 Sec. 10. K.S.A. 19-1422 is hereby amended to read as follows: 19-
12 1422. In the resurvey of land surveyed under the authority of the United
13 States, the county land surveyor shall observe the following rules to wit:

14 *First*, Section and quarter-section corners, and all other corners
15 established by the government survey, must stand as the true corners.

16 *Second*, They must be re-established at the identical spot where the
17 original corner was located by the government surveyor, when this can be
18 determined.

19 *Third*, When this cannot be done, then said corners must be re-
20 established in accordance with the provisions of section K.S.A. 19-1412
21 of the General Statutes of 1949, as amended, and amendments thereto.

22 Sec. 11. K.S.A. 19-1423 is hereby amended to read as follows: 19-
23 1423. (a) Whenever the owner or owners of one or more tracts of land
24 shall desire to permanently establish the corners and boundaries thereof,
25 such owner or owners shall notify the county surveyor to make a survey
26 thereof and establish such corners and boundaries, and shall furnish to the
27 county surveyor the name or names and address or addresses of all
28 persons residing in the county and elsewhere, so far as known, who may
29 be affected by such survey. The county surveyor shall cause a notice in
30 writing to be served on each person who may be affected by the survey,
31 or their agent or agents residing in such county, stating the time when the
32 county surveyor will begin the survey, and the lines or corners to be
33 established, which notice shall be delivered to the person or left at their
34 usual place of residence, at least six days prior to the day set for the
35 survey.

36 (b) Notice may be served upon the landowners who may be affected
37 by the survey, and who do not reside in the county, notice may be served
38 by publication in a newspaper published in the county, if there is one,
39 once in each week for three consecutive weeks, the last publication to be
40 made at least three days prior to the day set for beginning the survey, and
41 in case no newspaper is published in the county, then in some newspaper
42 published in the state which has general circulation in the county, or such
43 notice may be served by mailing, by registered mail, postage prepaid,

1 with return receipt requested, addressed to such person at their usual
2 place of residence with proper post-office address. In all cases where all
3 the landowners interested shall consent in writing, the county surveyor
4 may, at such time as may be agreed upon, proceed to establish such
5 corners and boundaries without serving notice as required by this section.
6 Proof of service of notice as herein provided shall be made and entered of
7 record in the office of the county surveyor, *and retained for a period of*
8 *one year.*

9 (c) All costs incurred by the county surveyor in conducting such
10 survey and proceedings for establishing the corners and boundaries of
11 any tract or tracts of land requested by the owner of such property shall
12 be paid by the party or parties requesting such survey. All costs incurred
13 by the county surveyor in conducting surveys and proceedings for
14 establishing the corners and boundaries of tracts of land which are
15 authorized and directed by the board of county commissioners shall be
16 paid from funds of the county available for such purpose.

17 Sec. 12. K.S.A. 19-1426 is hereby amended to read as follows: 19-
18 1426. (a) Upon the filing of the report of each survey, any person
19 interested in ~~the same~~ *such report* can at any time within 30 days
20 thereafter appeal to the district court, by filing with the county surveyor a
21 notice of such person's intention to appeal and by giving a bond, to be
22 approved by the judge of the district court, conditioned for the payment
23 of costs of the appeal if the report of the county surveyor is affirmed by
24 the court. Upon the filing of such notice and bond the county surveyor
25 shall certify the appeal to the clerk of the district court, and shall file with
26 the clerk a certified copy of the report appealed from, including the
27 affidavits, if any, filed therewith. The court shall hear and determine the
28 appeal, and enter an order of judgment approving or rejecting the report,
29 or modifying or amending the report, or may refer the report back to the
30 *county* surveyor to correct the survey and report in conformity with the
31 decree of the court, or may, for good cause shown, set aside the report
32 and appoint one or more *land* surveyors, who shall proceed at the time
33 mentioned in the order of the court, to survey and determine the corners
34 and boundaries of the land in question, and shall report the same to the
35 court for further action.

36 (b) The corners and boundaries established in any survey made in
37 pursuance of an agreement, or in any survey where no appeal is taken
38 from the *county* surveyor's report, and such corners and boundaries as are
39 established by the decree of the court, shall be held and considered as
40 permanently established, and shall not thereafter be changed. When any
41 report of a survey made in pursuance of an agreement, or of legal notice,
42 or by the order of court, becomes final, it shall be the duty of the county
43 surveyor to record the report in the records of permanent surveys. The

1 county surveyor shall also make a certified record of such survey on
 2 paper of the same size as the record of permanent surveys, suitable for
 3 binding, and shall file the record in the office of register of deeds.

4 Sec. 13. K.S.A. 19-1430 is hereby amended to read as follows: 19-
 5 1430. ~~When he shall find or be notified that, by reason of the wearing,~~
 6 ~~washing or blowing of the land below its usual surface, a cornerstone or~~
 7 ~~monument is in danger~~ *a United States public land survey corner or*
 8 *section center corner monument located in a street or road:*

9 (a) ~~Is at risk of being displaced or destroyed, it shall be the duty of~~
 10 ~~the township trustee on township roads, the county surveyor on county~~
 11 ~~roads, and of persons, firms or corporations on their property, to at once~~
 12 ~~fill in around such cornerstone or monument in such manner as to make it~~
 13 ~~secure; and further, when a cornerstone or monument ;~~

14 (b) ~~projects above the usual grade of a roadbed enough to be in~~
 15 ~~danger of being displaced by travel, by road graders, or by other means,~~
 16 ~~or if by reason of intended cuts or fills the cornerstone or monument is~~
 17 ~~likely to be displaced or destroyed or covered to a depth exceeding two~~
 18 ~~(2) feet or covered with ;~~

19 (c) ~~is at risk of coverage by concrete, asphalt or other permanent~~
 20 ~~type surfacing, and such cornerstone or monument has not at least two (2)~~
 21 ~~duly recorded witness monuments, the county surveyor shall be given~~
 22 ~~notice, served in person or by certified mail, of such fact, together with~~
 23 ~~the location of such cornerstone or monument.; or~~

24 (d) *is at risk that fill will cover the corner monument more than two*
 25 *feet, the agency responsible for maintaining the road shall preserve the*
 26 *corner monument by employing a land surveyor to comply with the*
 27 *provisions of K.S.A. 58-2011, and amendments thereto.*

28 *The cost of the preservation or reestablishment of the corner*
 29 *monument shall be paid by the agency responsible for maintaining the*
 30 *road, or if such corner monument is located on private property, by the*
 31 *landowner.*

32 Sec. 14. K.S.A. 24-106 is hereby amended to read as follows: 24-
 33 106. ~~Owners of land~~ *Landowners* may drain ~~the same~~ *their land* in the
 34 general course of natural drainage, by constructing open or covered
 35 drains, into any natural depression, draw, or ravine, on ~~his~~ *such*
 36 *landowner's* own land, whereby the water will be carried by ~~said~~ *such*
 37 depression, draw, or ravine into some natural watercourse, or into any
 38 drain upon a public highway, for the purpose of securing proper drainage
 39 to such land, ~~and he~~ . *Such landowner* shall not be liable in damages
 40 therefor to any person or persons or corporation. ~~Provided, That owners~~
 41 ~~of land~~ , *provided that* in constructing an outlet to a drain upon any public
 42 road, *the landowner* shall leave the road in as good a condition as it was
 43 before the drain was constructed; . The question as to such condition to

1 *shall* be determined by the board of county commissioners and the county
2 engineer ~~in counties having a county engineer, and in other counties the~~
3 ~~county surveyor.~~

4 Sec. 15. K.S.A. 24-802 is hereby amended to read as follows: 24-
5 802. Whenever a petition is presented to the board of county
6 commissioners of the county in which a levee is proposed to be
7 constructed, signed by the owners of a majority of the acreage on which
8 such levee or any portion of it is proposed to be constructed, or which
9 will be benefited by the construction of such levee, specifying
10 substantially the place of beginning, the general course and termination of
11 such levee, accompanied by a bond, with surety approved by the clerk of
12 such board, payable to the state of Kansas, conditioned that the
13 petitioners will pay all costs and expenses accruing in the proceedings in
14 case said levee be not finally located and allowed, the board of county
15 commissioners shall with such assistance as may be required of the
16 county ~~surveyor or~~ engineer, determine whether or not to institute
17 proceedings and exercise the power of eminent domain in accordance
18 with K.S.A. 26-501 to 26-516, inclusive, *and amendments thereto.*

19 Sec. 16. K.S.A. 25-101 is hereby amended to read as follows: 25-
20 101. (a) On the Tuesday succeeding the first Monday in November of
21 each even-numbered year, there shall be held a general election to elect
22 officers as follows:

23 (1) At each alternate election, prior to the year in which the term of
24 office of the president and vice-president of the United States will expire,
25 there shall be elected the electors of president and vice-president of the
26 United States to which the state may be entitled at the time of such
27 election;

28 (2) at each such election, when the term of a United States senator
29 for this state shall expire during the next year, there shall be elected a
30 United States senator;

31 (3) at each such election there shall be elected the representatives in
32 congress to which the state may be entitled at the time of such election;

33 (4) at each alternate election, prior to the year in which their regular
34 terms of office will expire, there shall be elected a governor, lieutenant
35 governor, secretary of state, attorney general, state treasurer and state
36 commissioner of insurance;

37 (5) at each such election there shall be elected such members of the
38 state board of education as provided by law;

39 (6) at each such election, when, in a judicial district in which judges
40 of the district court are elected, the term of any district judge expires
41 during the next year, or a vacancy in a district judgeship has been filled
42 by appointment more than 30 days prior to the election, there shall be
43 elected a district judge of such judicial district;

1 (7) at each such election, when, in a judicial district in which judges
 2 of the district court are elected, the term of any district magistrate judge
 3 expires during the next year, or a vacancy in a district magistrate
 4 judgeship has been filled by appointment more than 30 days prior to the
 5 election, there shall be elected a district magistrate judge of such judicial
 6 district;

7 (8) at each alternate election, prior to the year in which the regular
 8 term of office of state senators shall expire, there shall be elected a state
 9 senator in each state senatorial district;

10 (9) at each election there shall be elected a representative from each
 11 state representative district;

12 (10) at each alternate election there shall be elected, in each county,
 13 a county clerk, county treasurer, register of deeds, county or district
 14 attorney, sheriff and such other officers as provided by law; *and*

15 ~~at each alternate election, in counties that may by law be entitled to~~
 16 ~~elect such officer, there shall be elected a county surveyor;~~

17 (11) at each election, when the term of county commissioner in any
 18 district in any county shall expire during the next year, there shall be
 19 elected from such district a county commissioner.

20 (b) This section shall apply to the filling of vacancies only so far as
 21 is consistent with the provisions of law relating thereto.

22 Sec. 17. K.S.A. 42-358 is hereby amended to read as follows: 42-

23 358. (a) ~~Whenever the owners of land landowners~~ within any proposed
 24 irrigation district, who shall be residents of the county in which ~~said such~~
 25 proposed irrigation district is located, shall desire the erection of such
 26 district as provided for in K.S.A. 42-357, ~~and amendments thereto, they~~
 27 ~~such landowners~~ shall cause to be presented to the board of county
 28 commissioners of such county a petition signed by not less than ~~three-~~
 29 ~~fourths~~ ^{3/4} of the ~~owners of land landowners~~ within ~~said such~~ proposed
 30 district who are residents of such county, which petition shall define the
 31 boundaries of ~~said such~~ irrigation district, and shall ask for the erection of
 32 such district. Such petition shall be accompanied by an outlined map or
 33 plat showing the tracts of territory to be erected into such district,
 34 together with the numbers of sections and parts of the sections of land to
 35 compose such irrigation district; and ~~said such~~ map or plat shall contain a
 36 drawing and profile of the proposed main ditch to the source of supply,
 37 and of all other ditches and laterals proposed to be constructed or
 38 purchased for the purpose of irrigating said described lands in ~~said such~~
 39 proposed district.

40 (b) ~~And said Such~~ petition shall be accompanied by an estimate, to
 41 be made by the county engineer of such county, ~~if such engineer be then~~
 42 ~~in the employ of such county, and if not, by the county surveyor,~~ of the
 43 probable cost of ~~the building of said the~~ main ditch, ditches and laterals

1 and all other works necessary to be built in order to furnish a sufficient
2 supply of water to irrigate the lands in ~~said~~ *such* proposed district; or the
3 costs of reconstruction and repair of such ditches, laterals and other
4 works in case it is proposed to purchase the same; and at any time after
5 the filing of such petition the county commissioners may, on the written
6 application of any ~~ten~~ *10* of such petitioners, order such county engineer
7 ~~or surveyor~~ to make the estimates herein provided for, and ~~he~~ *such county*
8 *engineer* shall receive ~~for his work and labor~~ such reasonable
9 compensation as such board of commissioners shall allow *for such work*
10 *performed*.

11 Sec. 18. K.S.A. 58-2001 is hereby amended to read as follows: 58-
12 2001. (a) All *exterior* corners in the boundary of a subdivision of land
13 shall be monumented prior to recording of the plat submitted for
14 recording after the effective date of this section. ~~This monument~~ *The*
15 *monuments* shall be a metallic bar or ~~tube set rigidly in a concrete base-~~
16 *pipe which is in accordance with Kansas law at the time the survey is*
17 *made*.

18 (b) *As used in article 20 of chapter 58 of the Kansas Statutes*
19 *Annotated, and amendments thereto:*

20 (1) *"Condominium plat" means a type of subdivision plat for*
21 *condominiums as required by K.S.A. 58-3115, and amendments thereto.*

22 (2) *"Subdivision plat" means a type of survey plat that creates lots,*
23 *tracts, units or other parcels of land, that is acknowledged by the*
24 *landowner and which requires acceptance by a city or county governing*
25 *body.*

26 (3) *"Survey plat" means a drawing prepared by a land surveyor that*
27 *graphically depicts the details of a survey and the location of the*
28 *monuments.*

29 (4) *"Townhouse plat" means a type of subdivision plat for*
30 *townhouses as required by K.S.A. 58-3707, and amendments thereto.*

31 Sec. 19. K.S.A. 58-2002 is hereby amended to read as follows: 58-
32 2002. Where any ~~section corner, quarter section corner~~ *United States*
33 *public land survey corner* or section center is involved in the control
34 establishing the location of a subdivision boundary *or other property*
35 *boundary, said point such corners* shall be ~~clearly~~ *monumented and*
36 *labeled* before it is ~~being~~ *used* in the ~~subdivision~~ *control of the survey*.

37 Sec. 20. K.S.A. 58-2003 is hereby amended to read as follows: 58-
38 2003. When any ~~section corner, quarter section corner~~ *United States*
39 *public land survey corner* or section center is ~~set or reset~~ *monumented or*
40 *remonumented* by a *land* surveyor, and when any such corner is located
41 by a *land* surveyor in the course of carrying out a ~~public~~ *survey*, there
42 shall be recorded, in the manner provided by K.S.A. 58-2011, and
43 amendments thereto, reference measurements from permanent, visible

1 objects to the location of the ~~point corner~~ as set, ~~reset~~ *monumented*,
 2 *remonumented* or located. These reference objects shall be described
 3 clearly. ~~In lieu of reference measurements from visible objects, such~~
 4 ~~reference measurements may be made from triangulation stations~~
 5 ~~maintained by the national ocean service/national geodetic survey or by~~
 6 ~~utilizing the state plane coordinate system prescribed by K.S.A. 58-20a01~~
 7 ~~et seq., and amendments thereto.~~

8 Sec. 21. K.S.A. 58-2004 is hereby amended to read as follows: 58-
 9 2004. The following information shall be submitted *to the county*
 10 *surveyor* with all *survey plats for subdivisions of land that are required*
 11 *to be reviewed by the county surveyor:*

12 (a) ~~Exterior boundary~~ *Survey plat showing: (1) Theory of location*
 13 *used for the exterior boundary; (2) locations of the monuments; (2) ; and*
 14 *(3) bearings and distances between the monuments; (3) closure*
 15 *calculations. .*

16 (b) ~~All horizontal lot calculations and street calculations. Closure~~
 17 *calculations of the exterior boundary and interior lots and parcels, or*
 18 *equivalent electronic data files acceptable to the county surveyor.*

19 (c) *Corner reference reports prepared by the land surveyor as*
 20 *required by K.S.A. 58-2003 and 58-2011, and amendments thereto, less*
 21 *than one year prior to the date such reports are submitted to the county*
 22 *surveyor.*

23 Sec. 22. K.S.A. 58-2005 is hereby amended to read as follows: 58-
 24 2005. (a) Before a subdivision plat, or ~~survey plat of survey may~~
 25 *required to be recorded pursuant to section 2, and amendments thereto,*
 26 *can be recorded, it shall be reviewed by the county surveyor or a land*
 27 *surveyor designated by the county. If the county does not have a*
 28 *designated county surveyor, the county engineer shall review the plat if*
 29 *the county engineer also is a registered land surveyor. In the absence of*
 30 *both a county surveyor and a county engineer who is a registered land*
 31 *surveyor the plat shall be reviewed by a registered land surveyor*
 32 *designated by the county. All cost for plat review and approval shall be*
 33 *charged back to the applicant for plat approval. The county shall be*
 34 *responsible for the enforcement of this act. The county surveyor or*
 35 *county engineer other land surveyor designated by the county shall*
 36 *certify that such plat meets all the requirements of this act. If any such*
 37 *plat is required to be submitted to any planning commission for review*
 38 *and approval or disapproval, such review and approval duly certified*
 39 *upon the face of such plat shall not constitute full compliance with the*
 40 *review required in this section unless reviewed by the county surveyor or*
 41 *county engineer.*

42 (b) (1) *The survey plat shall be reviewed for: (A) Closure of the*
 43 *exterior boundary; (B) monumentation of the exterior boundary and*

1 *United States public land survey corners; (C) legal description; and (D)*
2 *compliance with K.S.A. 58-2011, and amendments thereto.*

3 *(2) A townhouse plat shall be reviewed in accordance with*
4 *paragraph (1), and shall also be reviewed for compliance with K.S.A. 58-*
5 *3707, and amendments thereto.*

6 *(3) A condominium plat shall be reviewed in accordance with*
7 *paragraph (1), and shall also be reviewed for compliance with K.S.A. 58-*
8 *3115, and amendments thereto.*

9 *(4) The board of county commissioners may, by resolution, adopt*
10 *additional review requirements, including, but not limited to, review of*
11 *proposed new tracts for compliance with zoning ordinances and*
12 *regulations.*

13 *(c) Costs for the plat review and approval may be charged to the*
14 *applicant for plat approval. All costs charged pursuant to this section*
15 *shall be based on actual costs of the review and approval as approved by*
16 *the board of county commissioners. There shall be no charge to the*
17 *applicant for the completion of a deficiency correction verification. If*
18 *new deficiencies are identified on an amended plat, and were not present*
19 *on the initial plat, then the cost of the additional review may be charged*
20 *to the applicant, provided, such charge does not exceed the charge for the*
21 *initial review.*

22 *(d) If a survey plat is required to be reviewed, the register of deeds*
23 *for such county may:*

24 *(1) Accept a survey plat for recordation only after the county*
25 *surveyor, or such surveyor's designee, signs the face of the plat; or*

26 *(2) accept the survey plat, filing fee and review fee prior to review,*
27 *then deliver the plat along with the review fee to the county surveyor or*
28 *such surveyor's designee. The county surveyor, or such surveyor's*
29 *designee, shall return the plat to the register of deeds, or to the*
30 *submitting land surveyor, if necessary, upon completion of the review.*

31 *(e) The county surveyor, or such surveyor's designee, shall complete*
32 *any initial plat review and deliver such plat to the submitting land*
33 *surveyor or the register of deeds, as the case may be, no later than eight*
34 *business days after such plat was submitted for review. During the initial*
35 *review of a plat, the county surveyor, or such surveyor's designee, shall*
36 *identify deficiencies related to those items described in subsection (b), if*
37 *applicable. The county surveyor, or such surveyor's designee, shall*
38 *complete any amended plat review and deliver such amended plat and*
39 *the deficiency correction verification to the submitting land surveyor or*
40 *the register of deeds, as the case may be, no later than three business*
41 *days after such amended plat was submitted for review.*

42 *(f) Except for subdivision plats, townhouse plats and condominium*
43 *plats, the board of county commissioners may, by resolution, waive the*

1 *requirement for review of survey plats prior to recording with the register*
2 *of deeds.*

3 Sec. 23. K.S.A. 58-2011 is hereby amended to read as follows: 58-
4 2011. (a) Whenever a survey originates from a United States public land
5 survey corner or any related accessory, the land surveyor shall file a ~~copy~~
6 ~~of the report of the completed survey and references to the reference~~
7 *report for each* corner or accessory with the secretary of the state
8 historical society and with the county surveyor for the county or counties
9 in which the survey corner exists. If there is no county surveyor of such
10 county, such *reference* report shall be filed with the county engineer. If
11 there is no county engineer, such report shall be filed in the office of the
12 county road department. Reports filed with the secretary of the state
13 historical society may be filed and retrieved using electronic technologies
14 if authorized by the secretary. Such report shall be filed within 30 days of
15 the date the references are made. At the time of filing such report with the
16 secretary of the state historical society, the land surveyor shall pay a filing
17 fee in an amount fixed by rules and regulations of the secretary of the
18 state historical society. Fees charged for filing and retrieval of such
19 reports may be billed and paid periodically.

20 (b) Any person engaged in an activity in which a United States
21 public land survey corner or any related accessory is likely to be altered,
22 removed, damaged or destroyed, shall have a person qualified to practice
23 land surveying establish such reference points as necessary for the
24 restoration, reestablishment or replacement of the corner or accessory.
25 The land surveyor shall file a reference report with the secretary of the
26 state historical society and with the county surveyor for the county or
27 counties in which the survey corner exists. Such report shall be filed
28 within 30 days of the date the references are made. At the time of filing
29 such report with the secretary of the state historical society, the land
30 surveyor shall pay a filing fee in an amount fixed by rules and regulations
31 of the secretary of the state historical society.

32 (c) Upon completion of the activity likely to alter, remove, damage
33 or destroy the public land survey corner or related accessory, the land
34 surveyor shall review the survey corner and its accessories. If the survey
35 corner or any accessory has been altered, removed, damaged or
36 destroyed, the land surveyor shall replace the corner or accessory with a
37 survey monument and file a restoration report with the secretary of the
38 state historical society and the county surveyor in the county or counties
39 in which it existed. If the survey corner and accessories are not damaged
40 during the activity, a restoration report so stating shall be filed with the
41 secretary of the state historical society and county surveyor's office. Such
42 report shall be filed within 30 days after the activity is completed. At the
43 time of filing such report with the office of the secretary of the state

1 historical society the land surveyor shall pay a filing fee in an amount
2 fixed by rules and regulations of the secretary of the state historical
3 society.

4 (d) Failure to comply with the filing requirements of this section
5 shall be grounds for the suspension or revocation of the land surveyor's
6 license.

7 (e) The secretary of the state historical society may produce,
8 reproduce and sell maps, plats, reports, studies and records relating to
9 land surveys. The secretary of the state historical society shall charge a
10 fee in an amount to be fixed by rules and regulations of the secretary for
11 the furnishing of information retrieved from records filed pursuant to this
12 section and for reproductions or copies of maps, plats, reports, studies
13 and records filed in such office.

14 (f) All moneys collected by the secretary of the state historical
15 society under the provisions of this section shall be remitted to the state
16 treasurer in accordance with the provisions of K.S.A. 75-4215, and
17 amendments thereto. Upon receipt of each such remittance, the state
18 treasurer shall deposit the entire amount in the state treasury. Twenty
19 percent of each such deposit shall be credited to the state general fund
20 and the balance shall be credited to the land survey fee fund, which is
21 hereby created. All expenditures from such fund shall be made in
22 accordance with appropriation acts upon warrants approved by the
23 secretary of the state historical society or a person designated by the
24 secretary of the state historical society and shall be used only for the
25 purpose of paying the costs incurred in administering the provisions of
26 this act. After the effective date of this act, any reference to the secretary
27 of state in regard to appropriations to the land survey fee fund shall be
28 deemed to refer to the secretary of the state historical society.

29 (g) The failure of any person to have a land surveyor establish
30 reference points as required by subsection (b) shall be a class C
31 misdemeanor.

32 Sec. 24. K.S.A. 68-104 is hereby amended to read as follows: 68-
33 104. (a) Upon presentation of any petition for a road, or for the
34 alteration or vacation of any road, to the county commissioners, at any
35 regular session of their board, it shall be the duty of ~~said~~ *such*
36 commissioners, if they find the petition to be a legal one, and that the
37 proper bond has been filed, to appoint three disinterested householders of
38 the county as viewers with ~~said~~ *such* commissioners, who may act as
39 viewers of ~~said~~ *such* road, and the county clerk shall give notice by
40 advertisement set up in the county clerk's office and in every municipal
41 township through which any part of ~~said~~ *such* road is designed to be laid
42 out, altered, or vacated, for at least ~~twenty~~ 20 days, and by publication for
43 two consecutive weeks in a newspaper of general circulation in the

1 county, setting forth that such petition has been presented, giving the
2 substance thereof, and that the commissioners or the viewers, on the day
3 designated, which shall not be more than ~~twenty~~ 20 days after the date of
4 the second publication in the newspaper of the notice herein required, will
5 proceed to view the ~~said~~ such road, and give all parties a hearing.

6 (b) They shall also cause a record of such notice to be entered on
7 their journal by the county clerk. They shall issue an order directing the
8 county surveyor to meet with them at the time and place named in ~~said~~
9 such notice to survey such road. In case of failure to meet on the day
10 designated, they may meet on the following day, without further notice;
11 and in case of failure to meet within the time herein specified, new notice
12 shall be given as hereinbefore provided; that in all applications for the
13 location, change and relocation of any road to be located upon or along
14 any section line, and the petition shall so state, and shall specify the
15 section lines to be followed, the place of beginning and the place of
16 ending, the survey may be dispensed with, and in case the owners of the
17 lands taken agree in writing to the proposed location, relocation, or
18 change, and the commissioners are satisfied that the location, relocation
19 or change prayed for is practicable, and can be made without
20 unreasonable expense, they may dispense with the viewing of such
21 location, relocation or change of road, and shall order the same to be
22 surveyed, platted and opened, and shall also direct the county ~~engineer~~
23 surveyor to note such location, relocation or change of roads upon the
24 road records of ~~his~~ such county surveyor's office.

25 Sec. 25. K.S.A. 68-131 is hereby amended to read as follows: 68-
26 131. (a) It shall be lawful for the township board of any township to
27 establish and maintain a sidewalk not more than five (5) feet in width in
28 and along the outer edge of any highway or across the same whenever a
29 petition for such sidewalk or crossing is signed by the resident owners
30 representing ~~fifty-one percent~~ 51% or more of the property abutting upon
31 the improvement sought to be made, and when ~~said~~ such petition is filed
32 with the clerk of the township board, the township board shall cause such
33 improvement to be made and shall contract therefor and shall levy a tax
34 for the actual cost of such improvement against the lots, parcels or pieces
35 of land abutting upon such improvement on the front-foot basis, and the
36 clerk of the township board shall certify the amount so levied against
37 each lot, parcel or piece of land for such improvement to the county clerk,
38 who shall place the same upon the assessment rolls and ~~said~~ such tax
39 shall be collected in the same manner as other taxes: ~~Provided, That~~ . The
40 owner of any lot, parcel or piece of land liable to any such special
41 assessment may redeem ~~his~~ such owner's property from such liability by
42 paying the entire amount chargeable against ~~his~~ such owner's property at
43 the time the amount of such tax is ascertained or after the issuance of the

1 sidewalk scrip by paying the full amount of such special assessment
2 represented by such scrip, together with the accrued interest.

3 (b) The owners shall designate in their petitions the width and kind
4 of sidewalks, and the board shall determine the plans and specifications
5 and material for such improvement in accordance with such petitions, and
6 shall issue scrip to contractors for the payment of the same for five (5)
7 years with interest at the rate of not to exceed ~~five (5) percent~~ 5%, ~~one~~
8 ~~fifth (1/5)~~ $\frac{1}{5}$ of such scrip and interest payable each year. ~~It shall be the~~
9 ~~duty of the county surveyor to establish the grades for all such~~
10 ~~improvements.~~ Resident owners in this act shall be considered residents
11 of the township wherein the improvement is sought to be made.

12 Sec. 26. K.S.A. 2010 Supp. 68-1402 is hereby amended to read as
13 follows: 68-1402. (a) The reconstruction, improvement, removal and
14 relocation of bridges or approaches thereto provided for in this act shall
15 be by written contract separately made and awarded as to each bridge, to
16 the lowest responsible bidder, upon sealed proposals, based upon plans
17 and specifications therefor on file in the office of the county clerk of the
18 county. The county ~~surveyor of the county~~ *engineer*, when so directed to
19 do by the board of county commissioners, shall make all necessary
20 surveys and investigations and prepare plans and specifications for the
21 reconstruction, improvement, removal or relocation of any bridge or the
22 approaches thereto, and grade separation structures connected therewith,
23 together with an estimate under oath of the cost thereof, and file such
24 plans, specifications and estimate in the office of the county clerk of the
25 county. No contract shall be awarded for any such improvement at a price
26 in excess of ~~said~~ the estimated cost.

27 (b) The board of county commissioners shall have power, if they
28 deem it necessary, to employ engineers to assist the county ~~surveyor~~
29 *engineer* in preparing plans and specifications or superintending the
30 construction of such improvements, and to pay such engineers out of the
31 proceeds of bonds issued on account of the cost thereof. After considering
32 and approving plans and specifications, prepared and filed as aforesaid,
33 the board of county commissioners shall advertise for three consecutive
34 weeks in the official county paper for sealed proposals for the
35 construction of such improvements or works, in accordance with the
36 plans and specifications therefor. The board of county commissioners
37 shall require any contractor to whom any such contract is awarded to
38 enter into a written contract, and to secure the performance thereof by a
39 bond signed by a surety company. All bids for the construction of any
40 such improvement or work shall be presented simultaneously to the board
41 of county commissioners and opened forthwith by them, in the presence
42 of the public and all bidders present.

43 Sec. 27. K.S.A. 68-1407 is hereby amended to read as follows: 68-

1 1407. (a) The county ~~surveyor of said county engineer~~, when so-
2 directed ~~to do~~ by the board of county commissioners, shall make all
3 necessary surveys and investigations and prepare plans and specifications
4 for the construction of ~~such a~~ bridge and the approaches thereto, together
5 with an estimate, ~~under oath~~, of the cost thereof, and file such plans,
6 specifications and estimate in the office of the county clerk of ~~said such~~
7 county. ~~Said~~ Such bridge shall be constructed under written contract made
8 and awarded to the lowest responsible bidder, upon sealed proposals
9 therefor based upon the plans and specifications so prepared and filed in
10 the office of the county clerk of ~~said such~~ county. No contract shall be
11 awarded therefor at a price in excess of ~~said the~~ estimated cost.

12 (b) The plans and specifications prepared and filed as above
13 provided shall be considered and approved by the board of county
14 commissioners and thereafter ~~said the~~ board shall advertise for three
15 consecutive weeks in the official county paper for sealed proposals for
16 the construction of ~~said such~~ bridge, and the contract therefor shall be
17 awarded to the lowest responsible bidder, and any contractor to whom
18 any such contract is awarded, shall enter into a written contract therefor
19 and to secure the faithful performance thereof shall file in the office of
20 the county clerk of ~~said such~~ county a bond duly executed by one or more
21 surety companies duly authorized to do business in this state to be
22 approved by ~~said the~~ board of county commissioners.

23 Sec. 28. K.S.A. 79-409 is hereby amended to read as follows: 79-
24 409. If the owner or occupant of any lot or tract of land shall neglect or
25 refuse to furnish the description required by K.S.A. 79-408, *and*
26 *amendments thereto*, when demanded by the county clerk, ~~the county a~~
27 *land* surveyor shall ascertain the boundaries and quantity of such
28 property, and such description shall be held to be valid for all purposes of
29 taxation; and the expense of such survey shall be returned to the county
30 clerk of the county in which such property is located; and, by such county
31 clerk, shall be added to the tax upon such property and made a part
32 thereof, and when collected the county treasurer shall be required upon
33 warrants drawn by the county clerk on the orders of the board of county
34 commissioners to pay the expenses of said survey.

35 Sec. 29. K.S.A. 19-1403, 19-1407, 19-1411, 19-1412, 19-1413, 19-
36 1416, 19-1417, 19-1420, 19-1421, 19-1422, 19-1423, 19-1426, 19-1430,
37 19-1432, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003,
38 58-2004, 58-2005, 58-2011, 68-104, 68-108, 68-131, 68-1407 and 79-409
39 and K.S.A. 2010 Supp. 68-1402 are hereby repealed.

40 Sec. 30. This act shall take effect and be in force from and after its
41 publication in the statute book.

42