

HOUSE BILL No. 2595

By Representatives Hodge and Schroeder

1-31

1 AN ACT relating to the welfare of children and individuals with an
2 impairment of the mind; updating references to individuals with an
3 intellectual or developmental disability or a mental illness; eliminating
4 the crime of unlawfully placing or receiving a child from another state;
5 amending K.S.A. 24-612, 58-2255, 68-105 and 79-303 and repealing
6 the existing sections; also repealing K.S.A. 38-315.
7

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

9 Section 1. K.S.A. 24-612 is hereby amended to read as follows: 24-
10 612. When ~~said~~ the board of supervisors, by order entered of record, has
11 agreed upon a location or route for ~~said~~ any ditch or ditches, and
12 formulated a plan for the other improvements contemplated, then, they, ~~in~~
13 on behalf of ~~said~~ the district, shall have the right to acquire and if need be
14 condemn any real estate, easement, or franchise, whether the same be
15 within the limits of such district or outside its boundaries that may be
16 necessary for a right-of-way over or upon which to construct and maintain
17 the ditches, dikes, drains and other works contemplated by any of the
18 provisions of this act, ~~And~~. When the board of supervisors is unable to
19 agree with the owners of any such property as to the acquisition of such
20 right-of-way, or if the owners are not residents of the county, or cannot be
21 found, or are minors ~~or persons of unsound mind~~, *adults with an*
22 *impairment of the mind* or *are* incapable of making a legal contract, the
23 board of supervisors, when other means are not specifically provided, may
24 proceed to acquire such right-of-way under the power of eminent domain
25 in accordance with ~~K.S.A. 26-501 to 26-516, inclusive~~ *the eminent domain*
26 *procedure act*. ~~Said~~ The board of supervisors, ~~in~~ on behalf of such district,
27 shall have the right to acquire, and if need be, condemn in the same
28 manner as ~~hereinbefore~~ provided *above* for the acquirement and
29 condemnation of rights-of-way, any natural or artificial obstruction in any
30 existing watercourse and remove the ~~same therefrom~~ *obstruction* for the
31 benefit of ~~said~~ the district.

32 Sec. 2. K.S.A. 58-2255 is hereby amended to read as follows: 58-
33 2255. Any and all deeds purported to have been executed or ~~which that~~
34 have been executed by guardians of ~~an insane~~ a person ~~which~~ *with a*
35 *mental illness and that* have been recorded in the office of the register of
36 deeds in any county in the state of Kansas purporting to convey any real

1 estate shall be deemed to be valid notwithstanding any defects in
2 execution, acknowledgment, certificate of acknowledgment, recording,
3 certificate of recording, or any defects in the proceedings in the district
4 court for authority to execute such deed or any lack of authority from the
5 district court for the execution and delivery of such deed. This act shall not
6 apply to any such deed ~~which has~~ *that was* not ~~been~~ recorded in the office
7 of the register of deeds in the county ~~in which~~ *where* the land is situated at
8 least ~~fifty~~ 50 years prior to the taking effect of this act.

9 Sec. 3. K.S.A. 68-105 is hereby amended to read as follows: 68-105.
10 It shall be the duty of at least one of the petitioners to cause six days'
11 notice to be given in writing to the owner or owners or their agents, if
12 residing in the county, or if such owner ~~be is~~ a minor, ~~idiot~~ *person with an*
13 *intellectual or developmental disability* or ~~insane~~ *person with a mental*
14 *illness*, then to the guardian of such person, if a resident of the county,
15 through whose land such road is proposed to be laid out and established,
16 and also six days' notice to the county surveyor of the time and place of
17 meeting, as specified in the notice of the commissioners. Copies of ~~said~~
18 *the* notice of lands, with affidavits of service attached, shall be filed in the
19 county clerk's office before said road shall be established.

20 Sec. 4. K.S.A. 79-303 is hereby amended to read as follows: 79-303.
21 (a) Every person, association, company or corporation who shall own or
22 hold, subject to ~~his or her~~ control *by such person*, any tangible personal
23 property shall list ~~said~~ *such* property for assessment. The property of every
24 ward shall be listed by ~~his or her~~ *such ward's* guardian; of every minor by
25 ~~his or her father~~ *such minor's parents*, if living and ~~of sound mind~~ *without*
26 *an impairment of the mind*; but if ~~his or her father be not living~~, *such*
27 *minor's parents are deceased* or ~~be of unsound mind~~, *by his or her mother*;
28 ~~and if neither father nor mother is living~~ *have an impairment of the mind*,
29 by the person ~~having such property~~ *in charge of the property*. Any property
30 held in trust for the benefit of another shall be listed by the trustee. The
31 property of the estate of every deceased person shall be listed by the
32 executor or administrator.

33 (b) The property of persons, associations, companies or corporations
34 whose assets are in the hands of receivers shall be listed by such receivers,
35 and the property of every other corporation subject to taxation under this
36 act shall be listed by ~~some~~ *a* person designated by ~~said~~ *the* corporation;
37 and the property of any company or firm shall be listed by an agent or
38 partner thereof.

39 (c) If any person, association, company or corporation shall have in
40 their possession or custody any tangible personal property belonging to
41 others not specifically included in the ~~foregoing~~ *provisions above*, it shall
42 be their duty to list such property with the assessor in the name of the
43 owner thereof.

1 Sec. 5. K.S.A. 24-612, 38-315, 58-2255, 68-105 and 79-303 are
2 hereby repealed.

3 Sec. 6. This act shall take effect and be in force from and after its
4 publication in the statute book.