

Approved March 20, 1989  
Date

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Robert D. "Bob" Miller at  
Chairperson

1:36 a.m./p.m./ on March 13, 1989 in room 521-S of the Capitol.

All members were present except:

Representative Clyde Graeber, excused  
Representative Elizabeth Baker, excused

Committee staff present:

Mike Heim, Legislative Research Dept.  
Theresa Kiernan, Revisor of Statutes' Office  
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Senator Nancy Parrish  
L. M. Cornish (Bud), Counsel for Topeka Library  
Dennis Schwartz, Director, Kansas Rural Water Association  
Wilbur Leonard, representing Committee of Kansas Farm Organizations  
Linda Fincham, Legislative Committee Chairman, Register of Deeds Association

Chairman Miller called for hearings on the following Senate Bills:

SB 185 - An act concerning certain libraries; relating to the powers and duties of the board of directors.

Senator Parrish, a sponsor of SB 185, testified in support of the bill and stated it had been endorsed by the Shawnee County Delegation. Senator Parrish recognized Bud Cornish, counsel for the Topeka Library, and Jim Marvin, Executive Director of the Topeka Public Library. Vice-Chairman Brown asked if this is localized to Topeka. Senator Parrish stated they are organized under a statute that also includes the Salina and Hutchinson libraries, but this provision applies only to Topeka.

Bud Cornish testified in support of SB 185. The Topeka Library is in the process of acquiring property and they need the authority to issue bonds. The bonds must be approved by the people of Topeka.

Discussion followed.

A motion was made by Representative Johnson and seconded by Representative Gomez to pass SB 185 favorably. Representative Williams made a substitute motion that would conceptually amend the bill. The amendment would require the approval of the governing body of the City of Topeka. The motion was seconded by Representative Patrick. Discussion followed. Chairman Miller asked for those in favor of the substitute motion. The motion carried. Representative Lane asked for a division. The motion failed on a tie vote, 8 to 8.

The Chairman went back to the original motion to pass favorably. Representative Williams requested a division. The motion carried, 13 to 3.

Chairman Miller turned the Committee's attention to SB 202.

SB 202 - An act concerning rural water districts; relating to easements.

Dennis Schwartz, Director, Kansas Rural Water Association, testified as a proponent on SB 202. (Attach. I)

Discussion followed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Local Government,

room 521-S Statehouse, at 1:36 a.m./p.m. on March 13, 1989

Wilbur Leonard, representing Committee of Kansas Farm Organizations, testified as a proponent on SB 202. (Attach. II)

Discussion between Committee members and conferees followed.

The Chairman closed the hearings on SB 202.

Chairman Miller called for hearings on SB 268.

SB 268 - An Act requiring the filing of certain decrees of the court with the register of deeds.

Linda Fincham, Legislative Committee Chairman of the Register of Deeds Association, testified in support of SB 268 and asked the Committee's consideration in amending the bill on lines 29, 67, 94, and 132 where the word "filed or filing" appears; she asked those words be changed to "recorded and recording". (Attach. III)

Discussion followed.

The Chairman closed the hearing on SB 268.

A motion was made by Representative Williams and seconded by Representative Lane to approve the minutes of February 27, February 28, March 1 and March 2. The motion carried.

The meeting adjourned at 2:38 p.m.



**KRWA**

TESTIMONY IN SUPPORT OF SENATE BILL 202  
BEFORE THE HOUSE LOCAL GOVERNMENT COMMITTEE  
MARCH 13, 1989

Rural Water Districts have been established by neighbors in rural areas working together for the benefit of all. Thus, the districts have generally established the policy that they do not pay for easements for the installation of water lines. This system has worked well for over thirty years of rural water system development.

Over the years, we have been made aware of instances where water lines are on properties where for one reason or another there are no recorded easements. These are various reasons for this, some being:

- problems presented at the time of construction (because of situations such as rock outcroppings, or other natural or man made obstacles) where a variance was agreed to between the landowner and the contractor, but which was not committed to writing;
- easements which were signed by the parties, but failed to be recorded;
- unintentional mistakes by the contractor;
- as a line was being constructed, new extensions were made on the spot. The extensions were agreed to but the paperwork was not completed.

Senate Bill 202 would place a two-year statute of limitations on any person who believes he has cause of action against a rural water district because of the location of a waterline.

The Kansas Rural Water Association would appreciate your support of Senate Bill 202 as amended by the Senate Committee on Local Government. Thank you.

Dennis Schwartz  
KRWA, Director

KANSAS RURAL WATER ASSOCIATION  
P.O. Box 226  
Seneca, Kansas 66538  
(913) 336-3760  
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3-13-89  
Attach. I

Committee of . . .

# Kansas Farm Organizations

Wilbur G. Leonard  
Legislative Agent  
109 West 9th Street  
Suite 304  
Topeka, Kansas 66612  
(913) 234-9016

TESTIMONY IN SUPPORT OF SB NO. 202

BEFORE THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

MARCH 13, 1989

Mr. Chairman and Members of the Committee:

I am Wilbur Leonard, appearing on behalf of the Committee of Kansas Farm Organizations. We welcome this opportunity to add the support of our members to the passage of Senate Bill No. 202. Our membership represents a substantial segment of rural Kansas and the persons who have a direct interest in the affairs of rural water districts.

By this bill landowners do not give up any of their rights to object to the location of a waterline across their properties, but they cannot sit idly by for an indefinite period before deciding to do something about it. All this does is to place a two year statute of limitations on any person who has or who believes he has a cause of action against a rural water district over a disputed location of a waterline.

Two years, to us, seems to be a reasonable time within which to bring such action. Further, this restriction substantially parallels the limitation placed on persons who feel aggrieved by the location of power lines on their properties by a rural electric cooperative.

Thank you for your consideration.

LB  
3-13-89  
Attach. II

MEMBERS OF THE COMMITTEE OF KANSAS FARM ORGANIZATIONS

ASSOCIATED MILK PRODUCERS

KANSAS AGRI-WOMEN

KANSAS ASSOCIATION OF SOIL-CONSERVATION DISTRICTS

KANSAS ASSOCIATION OF WHEAT GROWERS

KANSAS COOPERATIVE COUNCIL

KANSAS CORN GROWERS ASSOCIATION

KANSAS ELECTRIC COOPERATIVES

KANSAS ETHANOL ASSOCIATION

KANSAS FARM BUREAU

KANSAS FERTILIZER & CHEMICAL INSTITUTE, INC.

KANSAS GRAIN & FEED DEALERS ASSOCIATION

KANSAS LIVESTOCK ASSOCIATION

KANSAS MEAT PROCESSORS ASSOCIATION

KANSAS PORK PRODUCERS COUNCIL

KANSAS RURAL WATER ASSOCIATION

KANSAS SEED DEALERS ASSOCIATION

KANSAS SOYBEAN ASSOCIATION

KANSAS STATE GRANGE

MID-AMERICA DAIRYMEN

KANSAS VETERINARY MEDICAL ASSOCIATION

KANSAS WATER WELL ASSOCIATION

WESTERN RETAIL IMPLEMENT AND HARDWARE ASSOCIATION

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*Linda Fincham*  
**REGISTER OF DEEDS**  
MARSHALL COUNTY

Good afternoon Chairman Miller and members of the committee. I am Linda Fincham, Legislative Chairman for the Register of Deeds Association. Because of an on going problem with a gap in the chain of title in the real estate records in the Register of Deeds Office and at the request of the Kansas Property Valuation Department, the Register of Deeds Association asked that this bill be drafted and introduced as a means to show a more complete chain of title in the Register of Deeds Office.

The Registrars are not trying to abstract property; however according to K.S.A. 58-2221.....it shall be the duty of the Register of Deeds to file the same for record immediately, and in those counties where a numerical index is maintained in his or her office the Register of Deeds shall compare such instrument, before copying the same in the record, with the last record of transfer in his or her office of the property described and if the Register of Deeds finds such instrument contains apparent errors, he or she shall not record the same until he or she shall have notified the grantee where such notice is reasonably possible.

A large amount of the property that is transferred today is transferred by divorce and descent or probate proceedings, these actions are rarely recorded in the Register of Deeds office and in order for the Registers to comply with K.S.A. 58-2221, we must first go to the Clerk of the District Court's office and check the file and read the final order to determine the heirs, devisees and legatees. During reappraisal, the County Appraisers also had problems in determining the last owner of record and they are in agreement that a document such as the Certificate of Title would list the new owner in the numerical index and would be a much faster and easier solution for them to obtain the last record owner then to search probate files and read page after page of final orders in a court case.

The Certificate of Title described in S.B. 268 would also aid in our office when attorneys, oil and gas landmen, bankers and the general public use our records. The Certificate of Title would serve as a simple notice to the public and would help close the gap in the chain of title that so often confuses people as to why their names do not appear as the record owner in our office records.

*LY*  
*3-13-89*  
*Attach. III*

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The Certificate of Title is already being used in Leavenworth County where it was implemented several years ago. This form is also being used in several other counties across the state, and to our knowledge it has presented no problems to anyone from these counties. The passage of S.B. 268 would insure that all Kansas counties would have the current name of the record land owner in the records of the Register of Deeds Office.

The Register of Deeds Association would ask your consideration in amending S.B. 268. On lines 29, 67, 94 and 132 where the word filed or filing appears, we ask those words be changed to recorded and recording. In the Register of Deeds Office, documents that are recorded are indexed against the real estate and alphabetized by name, these documents are made a permanent record by photocopying or micro-filming. If the document is only filed, it is only placed in a file with no indexing. This is why we would like the clear distinction between file and record.

Our association wishes to thank you for this time to appear in support of S.B. 268. We would appreciate your consideration on this bill, if you have any questions either myself or a member of my committee would be pleased to visit with you further.

Thank you.

Linda Fincham,  
Legislative Committee Chairman  
Register of Deeds Association

LY  
3-13-89  
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