

CHAPTER 78
HOUSE BILL No. 2139

AN ACT concerning fences; relating to fence viewers; amending K.S.A. 29-201 and 29-314 and repealing the existing sections.

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

Section 1. K.S.A. 29-201 is hereby amended to read as follows: 29-201. The board of county commissioners, in each county in this state, *or their designees*, shall be fence viewers in each township of such county; ~~any two of whom shall be authorized and empowered to act under the provisions of this act. Any action taken by the board pursuant to 29-201 et seq., and amendments thereto, shall require a majority vote of the board of county commissioners. If the board appoints designees to act as fence viewers, any recommendation of such designees shall not be effective unless approved by a majority of the board of county commissioners.~~

Sec. 2. K.S.A. 29-314 is hereby amended to read as follows: 29-314. ~~In all cases where~~ *If the line upon which a partition fence is to be made or to be divided is the boundary line between counties and in all cases where or if such line is partly in one county and partly in another, two of the fence viewers shall be the chairmen chairpersons of the board of county commissioners of the respective counties and in case of their disagreement a third shall be chosen by them. If such commissioners cannot agree, they shall select a third commissioner from the county fence viewers in the two counties, and their assignment, in order to be binding and effectual, must be recorded, as hereinbefore provided, in each of such counties. A county commissioner may appoint a designee to serve as a fence viewer in place of such commissioner.*

Sec. 3. K.S.A. 29-201 and 29-314 are hereby repealed.

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

Approved April 6, 2005.
