

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2139

As Amended by House Committee on
Governmental Organization and Elections

Brief*

HB 2139 would amend laws associated with the process of fence viewing, used to settle disputes between adjoining landowners over repair and maintenance of fences. The bill would:

- Authorize county commissioners to assign designees to be fence viewers in their stead;
- Clarify that a majority vote of the board of county commissioners is necessary in order to carry out any action related to fence viewing (as opposed to current law, which authorizes two commissioners to act); and
- Require a third commissioner or designee be selected as a fence viewer when, in the case of a fence located either on a boundary line between counties or partly in both counties, the two chairpersons of the boards of county commissioners cannot agree on the action to be taken.

Background

Representative Nile Dillmore and officials of the Kansas Association of Counties and Johnson and Sedgwick counties testified in favor of HB 2139. Several conferees noted the fence viewer laws have become antiquated and inefficient in resolving disputes regarding fences. An official from the Kansas Farm Bureau also testified on the bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill was amended by the House Committee on Governmental Organization and Elections to require a third commissioner or designee be used when the two chairpersons of the boards of county commissioners cannot agree in a fence viewing situation involving a fence located either on a boundary line between counties or partly in both counties.

The fiscal note for HB 2139 stated that the bill's passage would have no fiscal effect on state operations. It also noted the bill could improve efficiency but would not have a fiscal effect at the local level.