

SENATE BILL No. 385

By Senator Steineger

2-7

1 AN ACT concerning certain county officers; amending K.S.A. 19-304, 19-
2 305, 19-306, 19-309, 19-310, 19-311, 19-312, 19-315, 19-318, 19-322,
3 19-323, 19-324, 19-502a, 19-506, 19-506a, 19-507, 19-508, 19-508a,
4 19-508b, 19-509, 19-510, 19-510a, 19-511, 19-514, 19-515, 19-516,
5 19-517, 19-518, 19-519, 19-520, 19-521, 19-524, 19-525, 19-531, 19-
6 532, 19-533, 19-534, 19-535, 19-547, 19-548, 19-1204, 19-1205, 19-
7 1206, 19-1209, 19-1210, 19-1211, 19-1213, 19-1216, 19-1217, 19-1218
8 and 19-1219 and K.S.A. 2011 Supp. 19-1207 and repealing the existing
9 sections.

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

11 New Section 1. (a) The board of county commissioners may establish
12 by passage of a resolution the duties of the county clerks, the county
13 treasurer and the county register of deeds.

14 (b) the provisions of K.S.A. 12-3901 *et seq.*, and amendments
15 thereto, shall not apply to actions of the board taken under this section.

16 (c) under provisions of this act "board" means the board of county
17 commissioners.

18 Sec. 2. K.S.A. 19-304 is hereby amended to read as follows: 19-304.
19 The county ~~clerk~~ *officer designated by the board* shall:

20 (a) Keep the ~~clerk's~~ office at the county seat;

21 (b) attend the sessions of the board of county commissioners, either
22 in person or by deputy;

23 (c) keep the seals, records and papers of the board of commissioners;

24 (d) sign the records of the proceedings of the board of
25 commissioners, and attest the same with the seal of the county; and

26 (e) have the general powers of a notary public in the performance of
27 all notarial acts.

28 Sec. 3. K.S.A. 19-305 is hereby amended to read as follows: 19-305.

29 It shall be the ~~general~~ duty of the county ~~clerk~~ *officer designated by the*
30 *board: First*, to record, in a book to be provided for that purpose, all
31 proceedings of the board; *second*, to make regular entries of their
32 resolutions and decisions in all questions concerning the raising of money;
33 *third*, to record the vote of each commissioner on any question submitted
34 to the board, if required by any member; *fourth*, to sign all orders issued
35 by the board for the payment of money; *fifth*, to preserve and file all
36

1 accounts acted upon by the board, with their action thereon; and ~~he shall~~
2 perform such special duties as are required ~~of him~~ by law.

3 Sec. 4. K.S.A. 19-306 is hereby amended to read as follows: 19-306.
4 It shall be the duty of ~~such clerk~~ *the officer designated by the board* to
5 designate, upon every account which shall be audited and allowed by the
6 board, the amount so allowed. Such ~~clerk~~ *officer* shall also deliver to any
7 person who may demand it, a certified copy of any record in such ~~clerk's~~
8 *officer's* office, or any account on file therein, on receiving from such
9 person a fee in accordance with a schedule of fees established pursuant to
10 subsection (c) of K.S.A. 45-219, and amendments thereto.

11 Sec. 5. K.S.A. 19-309 is hereby amended to read as follows: 19-309.
12 The ~~clerk~~ *officer designated by the board* of each county shall, as often as
13 a new township shall be organized in ~~his~~ *the* county, or the boundaries of
14 any township therein shall be altered, and immediately thereafter, make
15 out and transmit to the secretary of state a certified statement of the names
16 and boundaries of the township so organized, and of the boundaries of any
17 township the boundaries of which shall have been altered.

18 Sec. 6. K.S.A. 19-310 is hereby amended to read as follows: 19-310.
19 It shall be the duty of the county ~~clerk~~ *officer designated by the board* to
20 record in a proper book, to be called the "road record," a record of all
21 proceedings in regard to laying out and establishing roads in the county,
22 which ~~said~~ record shall include the report of the commissioners and
23 surveyor locating such roads, and maps thereof; and such records, or duly
24 certified copies thereof, are hereby declared *prima facie* evidence of the
25 statements therein contained, in the courts of this state.

26 Sec. 7. K.S.A. 19-311 is hereby amended to read as follows: 19-311.
27 The county ~~clerk of each county of this state~~ *officer designated by the*
28 *board* shall keep a book ~~in which he shall keep the~~ *of* receipts and
29 expenditures of ~~his~~ *the* county, and all accounts of ~~his~~ *the* county with the
30 different county, township, district, and other officers.

31 Sec. 8. K.S.A. 19-312 is hereby amended to read as follows: 19-312.
32 The county ~~clerk~~ *officer designated by the board*, in keeping the accounts
33 of ~~his~~ *the* county with the county ~~treasurer~~ *financial officer*, shall charge
34 ~~the county treasurer~~ *such financial officer* as follows: With the amount of
35 taxes levied and assessed by the state and county, and each city, town,
36 village, township, school district, or any other special tax levied for any
37 purpose in ~~his~~ *the* county, in each year, and the same shall be kept in
38 separate accounts; with the amounts of any sinking funds, in separate
39 accounts; with the amount of ~~money~~ *moneys*, and with the amount of state,
40 county, township, school, road and city warrants or orders, or other
41 evidences of indebtedness which the county ~~treasurer~~ *financial officer* may
42 be authorized by law to receive from ~~his~~ *the* predecessor in *such* office;
43 with the amount of the taxes on each tax roll, made out and delivered to

1 ~~him during his term of office~~ *the financial officer*; with the amount of the
 2 additional assessments made after the tax roll is made out and delivered to
 3 the county ~~treasurer~~ *financial officer*; with the amount of the ~~ten percent~~
 4 *10%* penalty added to the taxes after the ~~tenth~~ *10th* day of January of each
 5 year; with the amount paid by the county for advertising land and town
 6 lots for sale for delinquent taxes; with the amounts received on
 7 assignments of land and town lots sold to the county for delinquent taxes;
 8 with the amount of redemption money on land and town lots sold to the
 9 county for delinquent taxes, when the same are redeemed; with the amount
 10 of the state school fund received from the state treasurer; with the amount
 11 received from the sale of property belonging to the county; with the
 12 amount received from the sale of estrays; ~~with the amount received as~~
 13 ~~exemption from military duty in the state militia~~; with the amount received
 14 as fines and forfeitures; with the amount of receipts which the county
 15 ~~treasurer~~ *financial officer* gives for the ~~overplus~~ *surplus* of county orders
 16 received, as required by law; with the amount received for dramshop,
 17 tavern, grocery or other ~~license~~ *licenses*. And, upon presentation of proper
 18 vouchers, shall credit ~~him~~ *the financial officer* as follows:

19 With the amount of all county, city, town, village, township, school-
 20 district or other tax, which has been paid over to the proper authority and
 21 received therefor; with the amount of county orders received by the
 22 county treasurer and returned to the county board and canceled; with the
 23 amount paid to the state treasurer and to township trustees, school-district
 24 treasurers, city treasurers, or other officers entitled by law to receive the
 25 same; with the amount of delinquent taxes and the ~~ten percent~~ *10%* penalty
 26 thereon, on lands and town lots bid off for the county, together with the
 27 cost of advertising the same for sale, which ~~said~~ taxes have been
 28 transferred from the tax roll to the book of tax sales; with the amount of
 29 double and erroneous assessments of property, except the assessments on
 30 lands and town lots which have been sold or entered on the book of tax
 31 sales for delinquent taxes; with the amount of percentage fees allowed by
 32 law to the county ~~treasurer~~ *financial officer* for collecting taxes; with the
 33 amount of ~~money~~ *moneys* and the amount of warrants, or orders, or other
 34 evidences of indebtedness which the county ~~treasurer~~ *financial officer* is
 35 allowed by law to receive for taxes, which ~~he~~ *such financial officer* pays
 36 over to ~~his~~ *the* successor in office; with the amount of the taxes
 37 uncollected on the tax roll delivered over to ~~his~~ *the* successor in office.

38 Sec. 9. K.S.A. 19-315 is hereby amended to read as follows: 19-315.
 39 Whenever any lot or tract of land in any county, located outside of the
 40 limits of an incorporated city, upon which a special assessment has been
 41 levied for any special improvement, shall, subsequent to such levy or the
 42 initiation of ~~said~~ *such* improvement, and prior to the final payment of such
 43 levy, be subdivided, it shall be the duty of the county ~~clerk~~ *officer*

1 *designated by the board* of the county in which such lot or tract of land is
 2 located to apportion such assessment to the several pieces of land into
 3 which such lot or tract has been subdivided, so that each such piece of land
 4 shall be subject to its proper proportion of such assessment, on the basis
 5 originally made.

6 Sec. 10. K.S.A. 19-318 is hereby amended to read as follows: 19-318.
 7 It shall be the duty of the county ~~clerk~~ *officer designated by the board* to
 8 draw orders on the county ~~treasurer~~ *financial officer* of the ~~proper~~ county
 9 from time to time, for any ~~money~~ *moneys* that may have been collected for
 10 or that may be due to any city, town, township, school district or other
 11 municipal organization in ~~his~~ *the* county, in favor of the proper person or
 12 organization, and shall keep a record of the date and amount of all such
 13 orders, and the name of the person to whom given; and in a settlement
 14 with the county ~~treasurer,~~ *he financial officer* shall give ~~him~~ credit for all
 15 such orders that have been paid by such ~~treasurer~~ *financial officer* and
 16 filed in ~~his~~ *such financial officer's* office.

17 Sec. 11. K.S.A. 19-322 is hereby amended to read as follows: 19-322.
 18 Any farm owner in this state may, upon the payment of ~~one dollar~~ *\$1* to the
 19 county ~~clerk of the county~~ *officer designated by the board* in which ~~said~~
 20 *the* farm is located, have the name of ~~his~~ *the* farm duly recorded in a
 21 register which the county ~~clerk~~ *officer designated by the board* shall keep
 22 for ~~said~~ *such* purpose; and shall be furnished a certificate, issued under
 23 seal, and setting forth the name and location of the farm and the name of
 24 the owner: ~~Provided, That~~ When any name shall have been recorded as the
 25 name of any farm, ~~such~~ *the* name shall not be recorded as the name of any
 26 other farm in the same county, except by prefixing or adding designating
 27 words thereto.

28 Sec. 12. K.S.A. 19-323 is hereby amended to read as follows: 19-323.
 29 The county ~~clerk~~ *officer designated by the board* of the several counties
 30 of this state shall biennially, on the fourth Monday of January, prepare and
 31 file in the office of the secretary of state a list of the officers of their
 32 respective counties elected at the next preceding general election, which
 33 list shall contain the genuine signatures of all county officers and an
 34 imprint of the official seal of such as are by law required to keep them; and
 35 the county ~~clerk~~ *officer designated by the board* shall certify under the seal
 36 of ~~his~~ office that ~~such~~ *the* signatures and the imprint of ~~such~~ *the* seals are
 37 the genuine signatures and seals of the respective officers, and that they
 38 were attached in ~~his~~ *such officer's* presence: ~~Provided, That~~ In case of any
 39 vacancy in any county office, the county ~~clerk~~ *officer designated by the*
 40 *board* shall immediately transmit to the secretary of state the genuine
 41 signature of the person elected or appointed to fill such vacancy: ~~And~~
 42 ~~provided further, That~~ Any county ~~clerk~~ *officer designated by the board*
 43 failing or refusing to comply with the provisions of this act shall be

1 deemed guilty of a misdemeanor; and punished by a fine of not less than
2 ~~ten dollars (\$10)~~ \$10 nor more than ~~fifty dollars (\$50)~~ \$50.

3 Sec. 13. K.S.A. 19-324 is hereby amended to read as follows: 19-324.
4 It shall be the duty of the secretary of state to prepare and forward to the
5 county ~~clerks~~ *officers designated by the boards* the blanks necessary to
6 carry out the provisions of K.S.A. 19-323, *and amendments thereto*.

7 Sec. 14. K.S.A. 19-502a is hereby amended to read as follows: 19-
8 502a. The county ~~treasurer~~ *financial officer* of every county in this state
9 may purchase an insurance policy providing indemnity for, or protection to,
10 ~~said county treasurer~~ *such officer*, against ~~his~~ liability for the loss,
11 without fault, connivance; or neglect on ~~his part~~ *the part of such officer*, of
12 money, securities; or other property for which ~~he~~ *such officer* is
13 accountable, including, but not limited to, loss caused by robbery or
14 burglary. The principal amount of ~~such~~ insurance shall not exceed an
15 amount equal to the greatest amount of cash which was in the hands of the
16 county ~~treasurer~~ *financial officer* at any one time during the calendar year
17 immediately preceding the year in which such insurance policy is
18 purchased, unless the board of county commissioners shall authorize the
19 purchase of a policy greater in amount. The premium on ~~said~~ *such*
20 insurance policy shall be paid by the board of county commissioners from
21 the county general fund.

22 Sec. 15. K.S.A. 19-506 is hereby amended to read as follows: 19-506.
23 It shall be the duty of the county ~~treasurer~~ *financial officer* to receive all
24 moneys belonging to the county, from whatsoever source they may be
25 derived, and all other moneys which are by law directed to be paid to ~~him~~
26 ~~or her~~ *such officer*. In all cases when such payment is made to the county
27 ~~treasurer~~ *financial officer* by personal check, such check shall be cashed as
28 expeditiously as possible. All ~~money~~ *moneys* received by ~~him or her~~ *such*
29 *officer* for the use of the county shall be paid out by ~~him or her~~ *such*
30 *officer* only on the orders of the board of commissioners, according to law,
31 except where special provision for the payment thereof is or shall be
32 otherwise made by law.

33 It shall be unlawful for a county ~~treasurer~~ *financial officer* to refuse to
34 submit to a surprise cash count authorized by law.

35 Refusal by the ~~treasurer~~ *financial officer* to submit to a surprise cash
36 count shall cause ~~said treasurer~~ *such officer* to be subject to an ouster
37 proceeding instituted by the county attorney or district attorney.

38 Sec. 16. K.S.A. 19-506a is hereby amended to read as follows: 19-
39 506a. All moneys ~~heretofore or hereafter~~ paid to a county in this state by
40 the United States secretary of the interior, in accordance with the
41 provisions of 16 U.S.C.A. § 715s (78 Stat. 701, PL 88-523), which
42 provides for participation by counties in revenues from the national
43 wildlife refuge system, shall be received and placed in a separate fund; and

1 shall be apportioned, credited; and paid by the county ~~treasurer~~ *financial*
2 *officer* as follows:

3 (1) Seventy-five percent (~~75%~~) shall be paid to school districts in the
4 county in proportion to the assessed tangible valuation of school district
5 lands included in the wildlife refuge at the time of their inclusion, as
6 shown by the records of the county clerk or assessor;

7 (2) Twenty-five percent (~~25%~~) shall be credited to the county road
8 fund.

9 Credits, apportionments and payments shall be made by the county
10 ~~treasurer of the county~~ *financial officer* within ~~sixty (60)~~ 60 days after the
11 moneys are received from the federal agency. Moneys received by school
12 districts and counties may be expended for the purposes herein authorized
13 during the year received even though not included in the budget of
14 expenditures for such year; but such moneys may be used only for public
15 schools and roads.

16 Sec. 17. K.S.A. 19-507 is hereby amended to read as follows: 19-507.
17 The ~~said treasurer~~ *county financial officer* shall keep a just and true
18 account of the receipts and expenditures of all moneys which shall come
19 into ~~his hands by virtue of his~~ *such* office, in a book or books to be kept by
20 ~~him~~ for that purpose, which books shall be open at all times for the
21 inspection of the board of county commissioners or any member thereof,
22 and to all county and state officers; and at a meeting in October of each
23 year of the ~~said~~ board of commissioners, and at such other time as they
24 may direct, ~~he~~ *such officer* shall settle with them ~~his such officer's~~
25 accounts ~~as treasurer~~, and for that purpose ~~he shall exhibit~~ *shall exhibit* to
26 them ~~his the~~ books, moneys, accounts; and all vouchers relating to the
27 same, to be audited and allowed.

28 Sec. 18. K.S.A. 19-508 is hereby amended to read as follows: 19-508.
29 The October settlement shall include also a settlement of the financial
30 affairs of each city, ~~town~~, township, school district; or other municipal
31 organization; and at all such settlements the county ~~treasurer~~ *financial*
32 *officer* shall file in the office of the county ~~clerk~~ *officer designated by the*
33 *board* all receipts and vouchers for any and all ~~money~~ *moneys* paid out by
34 ~~him~~ *such financial officer*.

35 Sec. 19. K.S.A. 19-508a is hereby amended to read as follows: 19-
36 508a. Each county ~~treasurer~~ *financial officer* shall submit each year to the
37 governing body of every city, all or any part of the territory of which is
38 located in the county, a report listing the amounts allocated or paid to each
39 such city during the year, itemized according to the source of moneys
40 distributed. Such report shall be made and submitted by transmission to
41 the clerks of the cities within ~~forty five (45)~~ 45 days after the end of the
42 calendar year, on forms prescribed by the director of accounts and reports
43 for the purpose.

1 Sec. 20. K.S.A. 19-508b is hereby amended to read as follows: 19-
2 508b. Whenever the board of education of any school district shall
3 withdraw any moneys from the funds of the school district which are in the
4 care, custody and control of the county ~~treasurer~~ *financial officer*, or
5 whenever the county ~~treasurer~~ *financial officer* shall pay any such moneys
6 to a school district, the county ~~treasurer~~ *financial officer* shall prepare and
7 transmit with such moneys an itemized statement showing the source of all
8 funds included in the withdrawal or payment. Within ~~thirty (30)~~ 30 days
9 after the end of the fiscal year of each school district, the county ~~treasurer~~
10 *financial officer* shall prepare and transmit to the board of education of
11 every school district, any part of the territory of which is located in the
12 county, a report listing the amounts withdrawn by or paid to such school
13 district during the fiscal year, itemized according to the source of moneys
14 distributed. A copy of every such report shall be transmitted to the state
15 board of education within ~~thirty (30)~~ 30 days after the end of each such
16 fiscal year. All reports and statements made in compliance with this
17 section shall be on forms prepared and furnished by the state board of
18 education for the purpose.

19 Sec. 21. K.S.A. 19-509 is hereby amended to read as follows: 19-509.
20 Every county ~~treasurer~~ *financial officer* in this state shall pay for and
21 redeem any county warrant presented ~~to him~~ for redemption at the time of
22 its presentation; and if so paid, shall mark the same "Paid," with red ink,
23 on its face, and the date when paid, at the time of payment, and sign the
24 same. ~~Provided, There is money then in his possession sufficient to pay the~~
25 ~~same; and~~ If there ~~is~~ *are* not sufficient ~~money in his hands~~ *moneys on hand*
26 to pay such warrant, ~~he~~ *such officer* shall make a certificate of that fact
27 upon the back of ~~said~~ *the* warrant, and date and sign the same; and it shall
28 also be the duty of ~~said treasurer~~ *the financial officer* to set down in a
29 book, to be kept ~~by him~~ for that purpose, the number, amount; and date of
30 all such warrants, to whom made payable; and the date when presented for
31 payment; and all county warrants shall be paid in the order of their
32 presentation for payment as appears by ~~his~~ *the* register; and it shall be the
33 duty of the county ~~treasurer~~ *financial officer*, whenever any ~~money comes~~
34 ~~to his hands~~ *moneys come into such officer's possession*, to set apart the
35 amount of the warrants thus presented, which ~~money~~ *moneys* shall be ~~by~~
36 ~~him~~ kept until called for; ~~and if not called for previous to the publication of~~
37 ~~his quarterly statements to be made on the first Mondays of January, April,~~
38 ~~July and October in each year, he shall embrace the same in his next~~
39 ~~quarterly statement, fully describing such warrants by giving their number~~
40 ~~and amount; and interest shall cease on each warrant after such~~
41 ~~publication.~~

42 The ~~said treasurer~~ *financial officer*, when ~~he goes out of~~ *leaving such*
43 office, shall deliver ~~said~~ *the* book, containing a list of the county warrants

1 so presented, to ~~his~~ *the financial officer's* successor, ~~who shall in all things~~
2 ~~act as though the entries of warrants were made by himself; but~~ Every
3 county ~~treasurer~~ *financial officer* shall receive in payment of county taxes
4 the county warrants issued in ~~said~~ *the* county, which may be presented in
5 payment for ~~such~~ county taxes.

6 Sec. 22. K.S.A. 19-510 is hereby amended to read as follows: 19-510.
7 The county ~~treasurer~~ *financial officer* shall, on the receipt of any county
8 order for the payment of taxes, or for other purposes, immediately endorse
9 thereon the date of its receipt, the amount of interest, if any, ~~allowed on the~~
10 ~~same~~, and the name of the party by whom the same was paid or delivered
11 to the county ~~treasurer~~ *financial officer*.

12 Sec. 23. K.S.A. 19-510a is hereby amended to read as follows: 19-
13 510a. In all cases when any person shall pay any money into the county
14 treasury ~~he shall take~~ *the person shall be given* a receipt ~~therefor from the~~
15 ~~county treasurer~~.

16 Sec. 24. K.S.A. 19-511 is hereby amended to read as follows: 19-511.
17 The county ~~treasurer~~ *financial officer* shall take duplicate receipts for all
18 moneys, warrants, orders or other evidences of indebtedness paid out ~~by~~
19 ~~him in his~~ *in such official's* official capacity, and forthwith file one of such
20 duplicates with the county ~~clerk~~ *officer designated by the board*.

21 Sec. 25. K.S.A. 19-514 is hereby amended to read as follows: 19-514.
22 ~~That~~ It shall be unlawful for any county ~~treasurer, or his~~ *financial officer,*
23 *or the officer's* deputies, to buy, directly or indirectly, or in any ~~wise~~ way
24 become a party in the purchase of, or traffic in, any state, county, city or
25 township warrant, bill or account against the state, or county, or any city,
26 or town, or township, for any sum less than the full par value expressed
27 upon the face thereof, except such amounts of ~~said~~ *such* state, county, or
28 city or township warrants as may be necessary to pay ~~his~~ *the* taxes; and at
29 each settlement the county ~~treasurer~~ *financial officer* shall file an affidavit
30 that ~~he~~ *the official* has not, directly or indirectly, ~~by himself or his~~
31 ~~deputies~~, violated the provisions of this section; and the same shall be filed
32 in the office of the ~~county clerk~~ *officer designated by the board*, and
33 preserved therein; and any ~~treasurer~~ *financial officer* who shall swear
34 falsely in any such affidavit shall be guilty of perjury, and on conviction
35 shall be confined in the county jail one year, and ~~his~~ *the* office declared
36 vacant.

37 Sec. 26. K.S.A. 19-515 is hereby amended to read as follows: 19-515.
38 The county ~~treasurer~~ *financial officer* of each county shall be, by virtue of
39 ~~his~~ *such* office, collector of taxes therein, and shall perform such duties in
40 that regard as are prescribed by law.

41 Sec. 27. K.S.A. 19-516 is hereby amended to read as follows: 19-516.
42 ~~That~~ It shall be the duty of county ~~treasurers~~ *financial officers*, upon
43 request, to furnish and deliver by mail or personally, a written statement of

1 the personal property tax and of the real property tax of the person so
 2 requesting: ~~Provided, however, That such.~~ *The request shall* be made in
 3 writing stating the city or township in which ~~said~~ *the* personal property is
 4 assessed and a correct description of the real estate assessed.

5 Sec. 28. K.S.A. 19-517 is hereby amended to read as follows: 19-517.
 6 ~~That~~ It shall be unlawful for any county ~~treasurer~~ *financial officer* to make,
 7 demand or retain any fee for notifying any person or ~~his such person's~~
 8 agent of the amount of ~~his such person's~~ personal or real property tax, and
 9 it shall be unlawful for any county ~~treasurer~~ *financial officer* to demand or
 10 retain any fee for accepting payment through the mail of any personal or
 11 real property tax of any person.

12 Sec. 29. K.S.A. 19-518 is hereby amended to read as follows: 19-518.
 13 ~~That~~ Where any draft or check remitted to any county ~~treasurer~~ *financial*
 14 *officer* shall not be paid on presentation, any tax receipt issued to any such
 15 person shall be ~~forthwith~~ canceled by the county ~~treasurer~~ *on his financial*
 16 *officer on the books* noting on ~~his records~~ *the record* that such receipt is
 17 canceled for nonpayment of the check or draft sent in payment thereof.

18 Sec. 30. K.S.A. 19-519 is hereby amended to read as follows: 19-519.
 19 ~~That~~ Any county ~~treasurer~~ *financial officer*, deputy ~~county treasurer~~, clerk
 20 or assistant of any ~~treasurer~~ *financial officer* who shall violate K.S.A. 19-
 21 516 or 19-517, ~~and amendments thereto~~, shall be fined in the sum of not
 22 less than ~~five \$5~~ nor more than ~~one hundred dollars \$100~~ for such offense.

23 Sec. 31. K.S.A. 19-520 is hereby amended to read as follows: 19-520.
 24 ~~That~~ From and after the passage of this act it shall be the duty of the
 25 county ~~treasurer~~ *financial officer* in each county on the last business day of
 26 January, April, July and October in each year; to make a statement showing
 27 the amount in the treasury on the day of making the statement and the
 28 different funds to which it belongs; the amount of funds of the state,
 29 county and each township, city, school district or other district in the
 30 county being clearly set forth; and in all cases the interest and the sinking
 31 funds shall be given separately from the general fund.

32 Sec. 32. K.S.A. 19-521 is hereby amended to read as follows: 19-521.
 33 The statement made, as provided in K.S.A. 19-520, and amendments
 34 thereto, shall be signed and sworn to by the ~~treasurer.~~ *Any treasurer county*
 35 *financial officer.* Any county *financial officer* who shall swear falsely in
 36 any such statement shall be guilty of perjury, and on conviction shall be
 37 confined in the custody of the secretary of corrections for one year, and
 38 such ~~treasurer's county financial officer's~~ office shall be declared vacant.

39 Sec. 33. K.S.A. 19-524 is hereby amended to read as follows: 19-524.
 40 The statement of the county ~~treasurer~~ *financial officer*, when completed,
 41 shall be published once in the official newspaper of the county, and a copy
 42 thereof posted ~~on the inside of the door of the treasurer's~~ *in the financial*
 43 *officer's* office.

1 Sec. 34. K.S.A. 19-525 is hereby amended to read as follows: 19-525.
2 Should any county ~~treasurer~~ *financial officer* neglect or refuse to make and
3 publish the statement provided for in this act, ~~he~~ *such officer* shall be liable
4 to a fine of not less than ~~twenty-five dollars~~ \$25 for each and every day ~~he~~
5 *the officer* shall refuse or neglect to make such statement, to be recovered
6 by an action at law against ~~such treasurer;~~ ~~said action to~~ *the officer; the*
7 *action shall* be brought in the name of the board of county commissioners
8 of the ~~proper~~ county.

9 Sec. 35. K.S.A. 19-531 is hereby amended to read as follows: 19-531.
10 The county ~~treasurer~~ *financial officer* shall, when making up his deposits
11 for the bank, make a duplicate ticket of such deposits, and file the same
12 with the county ~~clerk~~ *officer designated by the board*; and whenever ~~said~~
13 ~~treasurer~~ *the financial officer* shall transmit any ~~money~~ *moneys* to any
14 designated fiscal agent outside of ~~his county,~~ ~~he~~ *the county, and the*
15 *financial officer* shall file with the ~~county clerk~~ *officer designated by the*
16 *board* a statement of the amount so transmitted.

17 Sec. 36. K.S.A. 19-532 is hereby amended to read as follows: 19-532.
18 It shall be the duty of the county ~~clerk of such~~ *officer designated by the*
19 *board of the county* to charge the bank designated as the depository of the
20 public ~~money~~ *moneys* with all moneys deposited by the ~~treasurer~~ *county*
21 *financial officer*; and charge the fiscal agent with the amount of ~~money~~
22 *moneys* transmitted to it by the county ~~treasurer~~ *financial officer*; and credit
23 the county ~~treasurer~~ *financial officer* with such amount transmitted.

24 Sec. 37. K.S.A. 19-533 is hereby amended to read as follows: 19-533.
25 The fiscal agent of ~~said~~ *the county* shall, at the end of each month, transmit
26 to the ~~clerk of such county~~ *officer designated by the board* a statement of
27 the amounts received from ~~said treasurer~~ *the county financial officer*; and
28 of the amounts paid out by it, and for what purpose.

29 Sec. 38. K.S.A. 19-534 is hereby amended to read as follows: 19-534.
30 All checks or drafts of the ~~treasurer~~ *financial officer* of any county upon
31 the bank holding the public money not issued as a part of a warrant check
32 as provided by K.S.A. 10-802, ~~as amended and amendments thereto,~~ shall
33 show upon their ~~face~~ *faces* for what purpose they were drawn, and in
34 counties having a population of less than ~~forty thousand (40,000)~~ *40,000*
35 such checks or drafts or checks or drafts not issued pursuant to a warrant
36 as provided by K.S.A. 10-802, ~~as amended and amendments thereto,~~ shall
37 be countersigned by the county ~~clerk~~ *officer designated by the board*; and
38 such depository shall not pay the check or draft of ~~said treasurer~~ *the*
39 *county financial officer* unless so countersigned.

40 Sec. 39. K.S.A. 19-535 is hereby amended to read as follows: 19-535.
41 The county ~~clerk~~ *officer designated by the board* shall charge the ~~said~~
42 ~~treasurer~~ *financial officer* with the checks and drafts so countersigned, and
43 credit the bank therewith, and when the same are returned, charge the

1 ~~treasurer~~ *financial officer* with all moneys disbursed by the fiscal agent of
2 the county, and credit such agent with the same.

3 Sec. 40. K.S.A. 19-547 is hereby amended to read as follows: 19-547.
4 In addition to the duties required by K.S.A. 79-2101, and amendments
5 thereto, each county ~~treasurer~~ *financial officer*, within 10 days after
6 October 1 of each year, shall cause a statement to be published with
7 respect to unpaid or partially unpaid delinquent personal property tax
8 returns made by the sheriff as of October 1. Such statement shall be
9 published once each week for three consecutive weeks in the official
10 county newspaper or in a newspaper of general circulation in the county in
11 accordance with the provisions of K.S.A. 64-101, and amendments
12 thereto. The statement shall show the name of each delinquent or partially
13 delinquent taxpayer, listed alphabetically, appearing on such returns,
14 followed by the taxpayer's last known address and by the total amount of
15 unpaid taxes, penalties and costs. The cost of such publication shall be
16 paid from the general fund of such county, and \$15 shall be added to the
17 tax due as part of the costs of collection, to be collected in the same
18 manner as provided by law for the collection of the delinquent tax.

19 Sec. 41. K.S.A. 19-548 is hereby amended to read as follows: 19-548.
20 Should any county ~~treasurer~~ *financial officer* neglect or refuse to make and
21 publish the statement provided for in this act, ~~he~~ *the officer* shall be liable
22 to a fine of ~~twenty-five dollars (\$25)~~ \$25 for each and every day ~~he~~ *the*
23 *officer* shall refuse or neglect to make such publication, to be recovered by
24 an action at law against ~~said treasurer, said such officer~~, *such* action to be
25 brought in the name of the board of county commissioners of the ~~proper~~
26 county.

27 Sec. 42. K.S.A. 19-1204 is hereby amended to read as follows: 19-
28 1204. (a) The ~~register of deeds~~ *records officer designated by the board*
29 shall have custody of and safely keep and preserve all the books, records,
30 deeds, maps, papers and microphotographs deposited or kept in the office
31 of the ~~register of deeds~~ *records officer*. The ~~register of deeds~~ *records*
32 *officer designated by the board* shall also record, or cause to be recorded,
33 in a plain and distinct handwriting or in another legible manner, in suitable
34 books or other accessible format to be provided and kept in the office of
35 the ~~register of deeds~~ *records officer*, all deeds, mortgages, maps,
36 instruments and writings authorized by law to be recorded in the office of
37 the ~~register of deeds~~ *records officer* and left with the ~~register of deeds~~
38 *records officer* for that purpose, and shall perform all other duties as are
39 required by law.

40 (b) The ~~register of deeds~~ *records officer* shall have the option of
41 recording all such deeds, mortgages, maps, instruments and writings under
42 this section: (1) In books as provided in subsection (a);; (2) on computer
43 disks, tapes or other electronically accessed media in accordance with

1 K.S.A. 45-501, *and amendments thereto*; or (3) in another manner
 2 authorized by statute in accordance with the provisions thereof.

3 Sec. 43. K.S.A. 19-1205 is hereby amended to read as follows: 19-
 4 1205. (a) Every ~~register of deeds~~ *records officer* shall keep a general index,
 5 direct and inverted, in the office of the ~~register of deeds~~ *records officer*.
 6 The general index, direct, shall be divided into seven columns, with heads
 7 to the respective columns as follows:

8

					Volume	
					and	
10	Time	Names	Names	Nature	Page	
11	of	of	of	of	Where	Description
12	Reception.	Grantors.	Grantees.	Instrument.	Recorded.	Remarks. of Tract.

13 The ~~register of deeds~~ *records officer* shall make correct entries, in such
 14 general index, of every instrument recorded, under the appropriate
 15 headings, by entering the names of the grantors in an alphabetical form.

16 (b) The general index, inverted, shall be divided into seven columns,
 17 as follows:

18

					Volume	
					and	
20	Time	Names	Names	Nature	Page	
21	of	of	of	of	Where	Description
22	Reception.	Grantees.	Grantors.	Instrument.	Recorded.	Remarks. of Tract.

23 The ~~register of deeds~~ *records officer* shall make, in such general index,
 24 correct entries of every instrument required by law to be entered in the
 25 general index, inverted, by entering the names of the grantees in
 26 alphabetical order.

27 (c) Whenever any mortgage, bond or other instrument has been
 28 released or discharged from record by recording a deed or release, the
 29 register of deeds shall immediately note, in both general indexes, under the
 30 column headed "Remarks," and opposite to the appropriate entry or in
 31 another manner which provides appropriate cross-referencing of such
 32 information, that such instrument has been satisfied.

33 (d) The indexes required by this statute may be kept in bound paper
 34 books or in another manner authorized by statute.

35 Sec. 44. K.S.A. 19-1206 is hereby amended to read as follows: 19-
 36 1206. The ~~register of deeds~~ *records officer* shall keep a receiving book,
 37 each page of which shall be divided into five columns, as follows:

	Time of	Name of	Name of	To Whom	Fees
39	Reception.	Grantor.	Grantee.	Delivered.	Received.

40 Whenever any instrument has been received by the ~~register of deeds~~
 41 *records officer* for record, the ~~register of deeds~~ *records officer* shall
 42 immediately endorse upon such instrument the certificate of the ~~register of~~
 43 ~~deeds~~ *records officer*, noting the day, hour and minute of its reception and
 44 the fees received for recording the instrument. The date of record of such

1 instrument shall be from the date of filing. Whenever any instrument has
2 been filed as required by this section, the ~~register of deeds records officer~~
3 shall immediately make an entry of the filing in the receiving book of the
4 ~~register of deeds records officer~~, under the appropriate heading, with the
5 amount paid as fee for recording the filing. After such instrument has been
6 recorded, the ~~register of deeds records officer~~ shall deliver it to the person
7 authorized to receive the same, writing the name of the person to whom it
8 is delivered in the appropriate column. The receiving records required
9 under this section may be kept in bound paper books or in another manner
10 authorized by statute.

11 Sec. 45. K.S.A. 2011 Supp. 19-1207 is hereby amended to read as
12 follows: 19-1207. (a) The ~~register of deeds records officer~~ also shall keep a
13 well-bound book, in which shall be kept all maps and plats of cities,
14 subdivisions or additions to the same within the county, together with the
15 description, acknowledgment or other writing thereon. The ~~register officer~~
16 shall keep an index to such book of plats. Such index shall contain the
17 name or names of the proprietor or proprietors of such cities, subdivisions
18 or addition and the name of the cities, subdivisions or addition. No ~~register~~
19 ~~of deeds records officer~~ shall be bound to perform any of the duties
20 required to be performed by this act, for which a fee is allowed, unless
21 such fee has been paid or tendered.

22 (b) The ~~register of deeds records officer~~ shall not record any plat,
23 replat, plat of survey pursuant to the apartment ownership act, K.S.A. 58-
24 3101 *et seq.*, and amendments thereto, or plat of survey pursuant to the
25 townhouse ownership act, K.S.A. 58-3701 *et seq.*, and amendments
26 thereto, unless such document is accompanied by a receipt from the county
27 ~~treasurer financial officer~~ for all real estate taxes and assessments on the
28 land legally described in such document for any year past due and unpaid
29 up to and including the tax year prior to the first tax year affected by the
30 plat recording. If the amount of *ad valorem* tax to be levied by a taxing
31 subdivision has not been certified to the county ~~treasurer financial officer~~,
32 the county ~~treasurer financial officer~~ shall calculate and collect an
33 aggregate amount which shall be deposited with the county ~~treasurer~~
34 ~~financial officer~~ in the manner described in subsection (d).

35 (c) The record of plats and indexes required by this section may be
36 kept in the manner provided by K.S.A. 19-1204, and amendments thereto,
37 or as otherwise authorized by statute.

38 (d) For the purposes of subsection (b), the aggregate amount collected
39 shall include the amount of the assessment to be certified by the ~~clerk~~
40 ~~officer designated by the board~~ and a sum equal to the product of the
41 assessed value directly related to the county appraiser's latest certified
42 valuation conducted pursuant to K.S.A. 79-1466, and amendments thereto,
43 on the property multiplied by the current year's tax levy rate. After the tax

1 roll has been certified to the county ~~treasurer, the treasurer~~ *financial*
2 *officer; the officer* shall then allocate so much of the sum collected as will
3 pay the taxes and assessments on the property. In the case in which the
4 sum collected is in excess of the amount necessary for the payment of the
5 taxes and assessments, the ~~treasurer~~ *officer* shall return the amount of
6 excess to the depositing party. In the case in which the sum collected is
7 insufficient to pay the taxes and assessments, the treasurer shall credit the
8 sum so collected ratably to the funds for which such taxes and assessments
9 were levied and notify the owner of record of the balance due and unpaid.
10 The unpaid portion shall become due in full on or before December 20 and
11 any amount still remaining due and unpaid after that date shall accrue
12 interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto.

13 Sec. 46. K.S.A. 19-1209 is hereby amended to read as follows: 19-
14 1209. Whenever the board of county commissioners of any county deems
15 it necessary, the board may order the ~~register of deeds~~ *records officer* to
16 furnish for the use of the county, in addition to other records and indexes
17 required by law, a numerical index containing the name of the instrument,
18 the name of the grantor, the name of the grantee, a brief description of the
19 property and the volume and page in which each instrument indexed is
20 recorded. A numerical index required under this section may be kept in
21 bound paper books or in another manner authorized by statute.

22 Sec. 47. K.S.A. 19-1210 is hereby amended to read as follows: 19-
23 1210. It shall be the duty of the ~~register~~ *records officer* to make correct
24 entries in such numerical index, of all instruments recorded concerning
25 real estate, under the appropriate headings, and in the subdivision devoted
26 to the particular quarter section described in the instrument making the
27 conveyance.

28 Sec. 48. K.S.A. 19-1211 is hereby amended to read as follows: 19-
29 1211. Whenever such index is procured, it shall be the duty of the ~~register~~
30 *records officer* to enter, in their appropriate divisions, before any other
31 entries are made, all the transfers embraced within the instruments
32 recorded in his office, commencing with the first.

33 Sec. 49. K.S.A. 19-1213 is hereby amended to read as follows: 19-
34 1213. Every ~~register of deeds, or his~~ *records officer or the officer's* deputy,
35 shall, after recording each instrument in the office of the ~~register of deeds~~
36 *records officer*, proofread the same by comparing the instrument filed for
37 record with the record that has been made by the ~~register of deeds~~ *records*
38 *officer* from such original instrument.

39 Sec. 50. K.S.A. 19-1216 is hereby amended to read as follows: 19-
40 1216. This act shall apply to every county in the state, wherein all or any
41 portion of the records in the office of the ~~register of deeds~~ *records officer*
42 have been or shall hereafter be destroyed or made illegible by fire or other
43 casualty.

1 Sec. 51. K.S.A. 19-1217 is hereby amended to read as follows: 19-
2 1217. Whenever any instrument in writing affecting real estate in any such
3 county which has been ~~heretofore~~ recorded in the office of the ~~register of~~
4 ~~deeds records officer~~, shall be delivered to the ~~register of deeds, the~~
5 ~~register of deeds records officer~~, *the records officer* shall examine the
6 record and indexing of such instrument and shall reindex the same if any
7 portion of such index be missing or illegible, and if the record of ~~said such~~
8 instrument be destroyed or illegible, the ~~register of deeds records officer~~
9 shall record ~~said such~~ instrument together with the certificate of previous
10 recording and shall reindex the same and the date of filing for record
11 appearing in ~~said such~~ original certificate of recording shall be deemed and
12 taken as the date of record thereof. If a duly certified or authenticated copy
13 of any such instrument is delivered to the ~~register of deeds, the register of~~
14 ~~deeds records officer~~, *the records officer* shall reindex and record the same
15 including the certification or authentication thereof, in the same cases and
16 in the same manner and with like effect as ~~hereinbefore~~ provided in the
17 case of original instruments. No fee shall be charged for the recording or
18 indexing of instruments or copies pursuant to the provisions of this
19 section.

20 Sec. 52. K.S.A. 19-1218 is hereby amended to read as follows: 19-
21 1218. Upon payment of a fee of ~~two dollars (\$2), the register of deeds \$2,~~
22 *the records officer* of any such county shall examine the numerical index
23 to any tract of land in the county and furnish to the person paying ~~said~~
24 ~~such~~ fee a certificate showing whether or not any portion of numerical
25 index pertaining to such tract is destroyed or illegible and showing
26 whether or not any material part of the record of any instrument shown in
27 the numerical index for such tract is destroyed or illegible. Such certificate
28 shall also state the date upon which the records were damaged or
29 destroyed and by what event. For the purpose of making such certificates,
30 each government quarter section, or part thereof in case of unplatted lands
31 and each block or part thereof in the case of platted land, shall be deemed
32 a separate tract.

33 Sec. 53. K.S.A. 19-1219 is hereby amended to read as follows: 19-
34 1219. In actions brought to quiet title to or foreclose upon real estate in
35 any such county, if it be alleged that a portion of the record or numerical
36 index pertaining to ~~said such~~ land has been destroyed or rendered illegible
37 by reason of fire or other casualty and there be attached to the petition a
38 certificate issued by the ~~register of deeds records officer~~ pursuant to the
39 preceding section, showing that a portion of such record or index has been
40 so destroyed or rendered illegible, then, and in that event, all persons
41 whose interest in ~~said such~~ real property does not appear of record in the
42 records and indexes which remain legible and undestroyed may be made
43 parties defendant under the general designation of "all others claiming any

1 right, title, or interest in, or lien upon the real property described in the
2 petition" and such persons may be served with summons by publication,
3 which summons by publication shall contain the legal description of the
4 real estate in the same manner and upon the making of the same affidavit
5 as is required for service by publication upon unknown heirs. Any
6 judgment rendered in any such action against parties so designated and
7 served shall be binding upon all persons whose right, title or interest in or
8 lien upon ~~said~~ such lands is not disclosed by the records which remain
9 undestroyed and legible: ~~Provided always, That~~. Such judgments may be
10 reopened upon the same conditions and within the time provided in the
11 case of other judgments rendered on publication service.

12 Sec. 54. KK.S.A. 19-304, 19-305, 19-306, 19-309, 19-310, 19-311,
13 19-312, 19-315, 19-318, 19-322, 19-323, 19-324, 19-502a, 19-506, 19-
14 506a, 19-507, 19-508, 19-508a, 19-508b, 19-509, 19-510, 19-510a, 19-
15 511, 19-514, 19-515, 19-516, 19-517, 19-518, 19-519, 19-520, 19-521, 19-
16 524, 19-525, 19-531, 19-532, 19-533, 19-534, 19-535, 19-547, 19-548, 19-
17 1204, 19-1205, 19-1206, 19-1209, 19-1210, 19-1211, 19-1213, 19-1216,
18 19-1217, 19-1218 and 19-1219 and K.S.A. 2011 Supp. 19-1207 are hereby
19 repealed.

20 Sec. 55. This act shall take effect and be in force from and after its
21 publication in the statute book.