

Approved: 2-2-98  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on January 26, 1998, in Room 521-S of the Capitol.

All members were present except: Rep. David Haley, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Mike Heim, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Mr. Michael D. Kelly, Kansas Society of Land Surveyors  
Mr. Bradley N. Anson, Immediate Past President, Kansas City Metro Surveyors Association  
Mr. Douglas A. Farrar, President, Kansas Society of Land Surveyors  
Mr. David Comstock, Chief of the Bureau of Design, KDOT

Others attending: See attached list

Chairperson Glasscock opened the meeting by giving a tribute to Representative Jim Long who passed away Saturday. Representative Glasscock stated that Representative Long was a valued friend, colleague, and an important member of this Committee. He remembered Representative Long as an outstanding individual and a gentleman of the first order. He then asked the committee members to pause for a moment of silence in Jim's memory.

Representative Powers made a motion to approve the minutes of January 13, 1998 and January 15, 1998. Representative Benlon seconded. Motion passed.

The Chair announced that there were several bills to be introduced. The first bill dealt with purchasing procedures for regents institutions.

Ms. Carol Williams presented two cleanup bills. The first one was an extension of the bill the committee passed last year regarding filing a campaign report in the county in which one is a candidate as opposed to filing in the home county. It requires the affidavit to be filed in the county in which one is a candidate. The second bill requires city election candidates to file a report on June 10 to coincide with legislators' reporting. Currently the city candidates do not have to file a report until January 10 of the next year while their elections are held in April.

Representative Kirk introduced two bills. The first concerned abatement of nuisance of notification by restricted mail. The bill would change to first class mail forwarded. The second concerned urban renewal laws. She said she was asked to bring to the Legislature one change when determining property to be demolished. Now assessed value is being used, and she would like it changed to replacement value. Representative Kirk requested that these two bills be filed as Committee bills.

Representative Ray introduced a bill requested by the Johnson County water district which wants the authority to have a special assessment.

Representative Powers made a motion to introduce all of the above-mentioned bills, and Representative Wilk seconded. Motion passed.

Chairperson Glasscock opened the Public Hearing on HB 2222.

**HB 2222 - Land surveys and surveyors; filing of reference point reports; surveyor requirements.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on January 26, 1998.

Chairperson Glasscock welcomed Mr. Michael D. Kelly, Kansas Society of Land Surveyors (KSLS), who spoke as a proponent for HB 2222. He pointed out the following seven issues: 1) Recording reference measurements to section corners; 2) Utilizing the state plane coordinate system; 3) Review of subdivision plats and plats of survey by the County Surveyor; 4) Filing reference measurements in counties without a County Surveyor; 5) Modern methods of information transmission; 6) Failure to preserve land survey corner; and 7) Eligibility to take the examination for licensure as a land surveyor. His testimony also proposed two changes to the bill as it is currently printed. The first change was for a provision for some counties with a large volume of subdivision platting activities to allow for their review responsibility to be delegated. The second change was to include a provision allowing Road Supervisors to contract land surveyor review services in counties without a County Surveyor or County Engineer. (Attachment 1.)

Representative Powers inquired about the credence and if the surveyors keyed in on these section corners? Mr. Kelly responded that properly done surveys should alleviate any potential problems.

Chairperson Glasscock asked how many counties do not have a County Surveyor, and Representative Wilk asked about how many licensed surveyors the State has. Mr. Kelly said that not many counties have a surveyor and that the number of surveyors in the state is somewhere in the 800's. Representative Wilk also inquired about the grievance process and was told that there have only been seven complaints this past year.

Representative Wells had a question on the wording on page 2, line 4, of the bill in which there is no mention of a licensed land surveyor. Chairperson Glasscock said this was a good point and instructed that a note be made to call attention to this deletion when the bill is worked.

Representative Horst had a question about the change from 8 years to 10 years of experience and wondered if this did not seem like an incentive for a surveyor to be a graduate of a university program. Mr. Kelly answered that he had no statistics on this.

Chairperson Glasscock next recognized Mr. Bradley N. Anson, Immediate Past President, Kansas City Metro Surveyors Association, who spoke as an individual and a proponent of HB 2222. He specifically referred to his support in order to assure the perpetuation and documentation of public land corners. He stressed the need for review and evaluation by qualified individuals. He said that this legislation would encourage the professional development and stature of the Land Surveying Profession through improved and continuing education. (Attachment 2.)

Representative Welshimer summarized her understanding that the bill is trying to increase the quality of the profession since there are some counties without a qualified surveyor. She asked if in those counties that do not have a surveyor if they actually have to hire one. Mr. Anson said that some rural counties actually do not have a surveyor and that the County Engineer sometimes deals with the issues.

Representative Wilk asked for an example of a section monument. He was told that initially monuments were oak posts and then they went to limestone. Representative Wilk also asked how the GPS satellite program is affecting the efficiency. Mr. Anson said that there has been a tremendous reduction.

Representative Sharp expressed an interest in how one gets into a program to gain the 10 years of experience. Mr. Anson said that any person can request help and work, train, and study for the test.

Chairperson Glasscock welcomed Mr. Douglas A. Farrar, Overland Park, President of Kansas Society of Land Surveyors, who spoke as a proponent of HB 2222. His testimony pointed out several areas in existing State laws that need to be addressed to either update, clarify, or eliminate conflicts among existing statutes. He specifically mentioned Section 1. K.S.A. 58-2003, Section 2. K.S.A. 58-2005, Section 3. K.S.A. 58-2011, and Section 4. K.S.A. 74-7022. He reported that on January 15, 1998, Kansas Society of Land Surveyors reviewed HB 2222 and voted to support it in its present form. (Attachment 3.)

Representative Sharp asked if an apprentice received any pay. Mr. Farrar replied, "Yes." He also said that one who pursues an education would be compensated ultimately by receiving higher pay.

Representative Wells expressed concern that this legislation implies that "one size fits all." He also questioned whether all persons learn at the same rate and during the same length of time and why the test could not determine if a person was qualified to be a licensed surveyor.

Chairperson Glasscock welcomed Mr. David Comstock, Chief of the Bureau of Design, KDOT, who spoke as an opponent on HB 2222. His testimony expressed concern about the effect of the proposed changes in

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on January 26, 1998.

the minimum qualifications of applicants seeking licensure as land surveyors. He specifically mentioned the increase in the number of years of experience required for licensure of individuals who do not have a college degree. He reminded the committee that the requirements were increased to a minimum of 8 years during the 1992 Kansas Legislature. He said that currently, six of the eight years must be categorized as Progressive Land Surveying and the remaining two as Basic Surveying. KDOT feels the present minimum requirement of eight years' experience and education adequately prepares candidates to sit for the exam. (Attachment 4.)

Representative Tomlinson inquired if the newly requested requirements would have the potential of limiting the number of new licensees and if some of the new technology would reduce the time needed to do a survey. Mr. Comstock replied that the time would be reduced significantly, but that not all surveys lend themselves to the use of GPS, and that he doubted the need for surveyors would decrease.

Representative Welshimer questioned if KDOT was opposed to both the education and experience increases. Mr. Comstock said that they are particularly concerned about the increase in education because they are not sure how the K-State/Salina project will work.

Chairperson Glasscock closed the Public Hearing on HB 2222.

The Chair asked Representative Horst, Chairperson of the Subcommittee on Elections & Local Government, to have her Subcommittee study this bill in detail and to make a recommendation to the full committee. The Chair also instructed the Subcommittees to get their work done by the end of next week. He said this may require some extra as well as odd meeting times. The Chair assigned HB 2346 - An Act relating to Elections; concerning political contribution - to the Elections & Local Government Subcommittee. Chairperson Glasscock asked Representative Benlon to add Ms. Carol Williams' two newly introduced bills to her Campaign/Finance Subcommittee list.

Chairperson Glasscock opened the Public Hearing on HB 2685.

**HB 2685 - County clerks; relating to qualification for office**

The Chair reported that Representative Neufeld requested HB 2685, but since he was not in the Committee to explain it, he wanted to know the Committee's pleasure?

Representative Tomlinson made a motion to table HB 2685, and Representative Campbell seconded. Motion passed.

The Chair announced that there would be no Committee meeting on Wednesday due to the funeral of Representative Jim Long.

The meeting adjourned at 10:35 a.m.

The next meeting is scheduled for next week, and the weekly agenda will be planned at the Wednesday staff meeting.



Testimony of Michael D. Kelly, L.S. before the House Committee on  
Governmental Organization and Elections

January 26, 1998

My name is Michael Kelly and I am here before you to represent the Kansas Society of Land Surveyors (KSLs) and to indicate their support for H.B. 2222.

First, I wish to give you some brief information about myself. I was born and raised in Kansas. I was registered as a land surveyor in June of 1985. I have worked for the Douglas County Department of Public Works for 19 years. My principal duties involve right-of-way acquisition.

I sit on the KSLs Board of Directors and chair the KSLs Legislative Committee. I received a bachelor's degree in Personnel Administration from the University of Kansas and am pursuing graduate coursework.

**H.B. 2222 addresses seven issues** ranging from "general housekeeping" to preserving invaluable infrastructure to raising the level of expertise of those destined to practice land surveying.

I'd like to discuss these issues in the order in which they appear in the bill.

**1. Recording reference measurements to section corners.** K.S.A. 58-2003 requires reference measurements to be recorded with the local Register of Deeds. K.S.A. 58-2011 requires reference measurements to be recorded with County Surveyor and the State Historical Society. This is a duplication of effort at the local level that most counties have recognized and, as such, have designated the County Surveyor as the single local repository. **This bill eliminates the confusion some surveyor's face when trying to record their reference measurements across the state.**

**2. Utilizing the state plane coordinate system.** Kansas officially adopted the state plane coordinate system in 1996. Briefly stated: a state plane coordinate system is a method of utilizing plane surveying techniques for curved surfaces. In other words: because the earth is spherical in shape, and spherical geometry is rather complicated, methods of surveying "flat" surfaces have been utilized by surveyors for centuries. The recent technological advances in global position satellites allows for easy, sometimes cheaper, referencing of section corner locations. **This bill allows reference measurements to section corners to be acquired and submitted in a modern fashion.**

**3. Review of subdivision plats and plats of survey by the County Surveyor.** Currently, according to K.S.A. 58-2005, if a county does not have a County Surveyor then the County Engineer is responsible for reviewing surveys and subdivision plats. County Engineer's, if not also licensed to practice land surveying, are not qualified for such responsibilities and may be violating state law. If there is no County Surveyor then the County Engineer must locate a land surveyor to perform, in a part-time fashion, the review functions.

In addition, the current statute removes the responsibility for reviewing subdivision plats from the County Surveyor whenever there is a local planning commission present. Planning commissions do not typically have the technical expertise to properly review a subdivision plat for issues pertaining to land surveying! **This bill provides for the review of subdivision plats and plats of survey by qualified individuals.**

**4. Filing reference measurements in counties without a County Surveyor.** This legislation allows for recording reference measurements in those counties not having a County Surveyor since they usually do have a County Engineer or at least a Road Department. **This bill provides for a distinct location in each county for filing reference measurements.**

**5. Modern methods of information transmission.** In addition to filing reference measurements locally they must also be filed with the state historical society. The state historical society receives and distributes many reports of reference measurements annually. They have only one part-time staff member devoted to the task of maintaining the reference measurement database. New technology involving the Internet will make it possible to automate the filing system in the way we submit and retrieve our information as well as how we handle the fees for doing such. **This bill will allow the state historical society to utilize modern techniques of information management.**

**6. Failure to preserve land survey corner.** A provision of K.S.A. 58-2011 requires those persons engaged in an activity that will endanger a land survey corner to hire a land surveyor to take whatever action necessary to preserve the location of the corner. There is no penalty for failure to do so on the part of the person engaged in the activity while any land surveyor who fails to comply with the filing requirements is subject to suspension or revocation of their license. K.S.A. 21-3724 states that tampering with a landmark is a class C misdemeanor. This legislation equates the failure to take action to preserve a land survey corner with tampering with a landmark. **This bill recognizes the value of property corners and seeks to preserve them.**

**7. Eligibility to take the examination for licensure as a land surveyor.** The Kansas State Board of Technical Professions is responsible for oversight of five professions: architects, landscape architects, professional engineers, geologists,

and land surveyors. Only one profession, land surveyors, does not require graduation from a land-surveying curriculum to be eligible for licensure. There are many reasons to require such.

In a recent task analysis by the National Council of Examiners for Engineers and Surveyors (NCEES), a study which examined what surveyors actually do, surveyors were asked to rank the importance of 145 diverse tasks in nine topical areas, and to indicate the amount of time spent at each. A few of these tasks, such as the measurement of angles and distances or the computation of areas and volumes, represent skills which, one would hope, are well developed at the time of licensure. Many other tasks, however, reflect the growing complexity of a surveyor's job. These include establishing flood plain boundaries, determining subdivision development requirements, preparing condominium plats and identifying potential claims of unwritten conveyances.

Before the advent of the handheld computer, few surveyors were establishing astronomic meridians. Today, however, making solar observations is a common occurrence. More surveyors are performing least squares analyses on their field data, and the number of "field-to-finish" computer systems is increasing exponentially. Modern survey equipment consists of infrared distance measuring devices, electronic data collectors and computers. The typical surveyor may know what this equipment does....but not how.

Surveyors now are required to work in technical fields as remote sensing, Geographical Information Systems (GIS) and Global Position Satellite (GPS) systems.

While the technology and equipment have evolved dramatically, these changes represent but the tip of the iceberg. At one time subdividing a piece of property required little more than surveying a parcel's perimeter and drawing some internal lot lines. Surveyors are now faced with an awesome assortment of land-use regulations. There are regulations governing minimum lot size, stormwater routing, wetlands development, timber cutting, erosion control and loam stripping, to name but a few. Other regulations restrict the shape and configuration of new parcels, as well as the locations of buildings and other improvements on existing parcels.

Surveyors are now required to adhere to standards adopted by the State Board of Technical Professions. Such standards, as shown nationwide, can include how many times to turn angles, how firmly a corner monument must be set, and how intensive or extensive the deed research must be.

All of these aspects of surveying continue to evolve. It does not require much imagination to predict the extent of damage that could result from failing to advise a client of an environmental regulation. It also doesn't require much effort to imagine the problems facing a land surveyor lacking formal education in his or

her field.

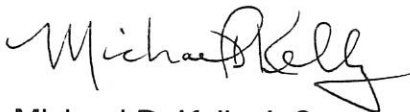
While this legislation does not mandate graduation from a land surveying curriculum it does provide incentive to do so by increasing the total years of experience needed to be eligible to take the examination for licensure from eight to ten years.

**This bill increases the amount of experience needed for licensure in lieu of education.**

**Proposed changes to the bill as currently printed.**

- 1) Some counties with a large volume of subdivision platting activities may wish for a provision that will allow for their review responsibility to be delegated.
- 2) Include provision allowing Road Supervisors to contract land surveyor review services in counties without a County Surveyor or County Engineer.

I wish to thank you for allowing me to discuss this legislation and I would be happy to answer any questions from the committee.



Michael D. Kelly, L.S.  
Dg. Co. Public Works Dept.  
1242 Massachusetts St.  
Lawrence, KS 66044  
785-832-5297  
mdkelly@midusa.net



DATE: January 26, 1998

TO: The Committee on Governmental Organization and Elections

FROM: Bradley N. Anson, Kansas LS-808  
Immediate Past President  
Kansas City Metro Surveyors Association  
Principal Owner of Anson & Associates  
Gardner, Johnson County, Kansas

RE: Session of 1997  
House Bill No. 2222



NOTE: These opinions are solely mine and are not intended to be representative of the Kansas City Metro Surveyors Association.

With regard to the above referenced Bill, I would like to offer the following comments and opinions:

- Section 1. I fully agree with and support adoption of this section in order to assure the perpetuation and documentation of our public land corners.
- Section 2. I fully support this change in order to assure that these surveys are reviewed and evaluated by qualified individuals which will protect the public and insure that current surveying standards are met, and maintained.
- Section 3. I generally support this section for the same reasons as given for Support of Sections 1 and 2. However, if by report, it is meant a copy of the actual Certificate of Survey, then I would disagree with the need to file a copy of said certificate with the Historical Society. These survey drawings are generally relevant to the localities and Counties in which they pertain. However, I do agree with the need for recordation of reference ties and reports pertaining to the land corners referenced or used in said surveys, and furthermore agree to filing with both the Historical Society and local County authority.
- Section 4. I support these proposed changes in order to continue to encourage the professional development and stature of the Land Surveying Profession through improved and continuing education. I believe these changes would be further enhanced by offering an L.S.I.T. (Land Surveyor in Training) program similar to the current program being used in Missouri. This L.S.I.T. program would allow a candidate who has successfully completed 12 accredited hours of approved college courses in applied land surveying to be tested over the first 8 hours of the Land Surveyors NCEE

House GO + E  
1-26-98  
Attachment 2

examination. After successful completion of said college and examination, the candidate would then be required to serve under the direction of a Licensed Land Surveyor for a period of 2 years, after which said candidate would then be allowed to take the balance of the Land Surveyors Exam.

Section 5. I would fully support the repealing of the referenced sections pursuant to my comments as stated above.

Thank you for your consideration of these very important issues.

Sincerely,

  
Bradley N. Anson, L.S.



TESTIMONY OF  
DOUGLAS A. FARRAR, KS. L.S.-720  
TO  
COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS  
HOUSE BILL NO. 2222  
JANUARY 26, 1998

In reviewing the current laws covering the practice of land surveys in the State of Kansas, by the Legislative committee of the Kansas Society of land Surveys, it was found that there are several areas in existing State laws that needed to be addressed to either update, clarify or eliminate conflicts between existing statutes. I would like to address these, item by item.

Section 1. K.S.A. 58-2003

Amends a current statute by removing the location of the recording of section corner references with the county register of deeds which is in direct conflict of K.S.A. 58-2001 that states that they will be filed with the county surveyor. It also allows the surveyor to tie these corners to the Kansas state plane coordinate system as prescribed by K.S.A. 58-20a01. This will be very helpful in areas, such as the western part of our state, where there are no stable objects available to reference these land corners.

Section 2. K.S.A. 58-2005

Amends the current statute which provides that a subdivision plat or plat of survey may be reviewed by the county engineer in the absence of a county surveyor. The preparation of these plats are beyond the scope of the practice of engineering as defined in K.S.A. 74-7003, but is defined as being within the scope of the practice of land surveying. Therefore it is only logical that these plats should be reviewed by a qualified land surveyor prior to filing.

Section 3. K.S.A. 58-2011

Amends the current statute to define where section corner reports are to be filed. Not all counties have a county surveyor or county engineer. It is very important to have these records on file within the county, and in an office that deals directly with these land corners.

Amends the current statute to reflect where section corner will be filed at the state level. They are currently filed with the State Historical Society and not with the Secretary of State. It also states that reports may be filed and retrieved using electronic technology if authorized by the secretary. Access to section corner reports in a timely manner is very important, and electronic access will be of great benefit to the land surveyor, and could result in monetary savings for his client.

Adds penalty for failure to comply with subsection (b). This is needed to promote compliance. It doesn't do a lot of good to make a requirement if there is no penalty for failure to comply.

House GO + E  
1-26-98  
Attachment 3

Section 4. K.S.A. 74-7022

This is a revision of minimum qualifications to become licenced as a land surveyor in the State of Kansas. The current requirement of eight years of experience, education or combination thereof is completely out dated. The field of surveying is constantly changing with tomorrow's technology. The surveyor of today may adapt to this technology, but may not totally understand the basis behind it.

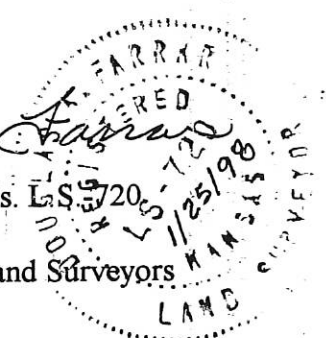
A requirement of a degree from a college or university, along with four years experience is the minimum time that should be required. I am not saying that a degree should be required for licensing at this time. Increasing the time from eight years to ten years experience, satisfactory to the board of tech, will help insure that the applicant has sufficient experience (at this time) to become licensed. I can for see a time when a degree will be necessary.

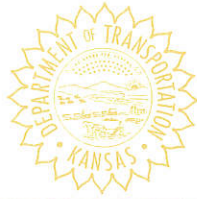
On January 15, 1998 a board meeting of the Kansas Society of Land Surveyors was held in Salina, Kansas. At that time the board reviewed the contents of House Bill No. 2222, and elected to support this bill in its present form.

Respectivley



Douglas A. Farrar, Ks. L.S. 5720  
Presidet  
Kansas Society Of Land Surveyors





## KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson  
Secretary of Transportation

Docking State Office Building  
Topeka 66612-1568  
(913) 296-3566  
TTY (913) 296-3585  
FAX (913) 296-1095

Bill Graves  
Governor of Kansas

TESTIMONY BEFORE THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION  
AND ELECTIONS

Regarding House Bill No. 2222

Relating to Minimum Qualification for Land Surveyors

January 26, 1998

Mr. Chairman and Members of the Committee:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony on House Bill 2222. The Department would like to provide some additional information about the effect of proposed changes in the minimum qualifications of applicants seeking licensure as land surveyors.

The Kansas Department of Transportation employs licensed land surveyors in accomplishing preliminary surveys for highway improvements, developing legal descriptions for right-of-way acquisition, and perpetuating existing land corners on right-of-way corridors. In addition the Agency contracts with numerous firms for land survey services in support of construction services. Surveying activities over the life of the eight-year Comprehensive Highway Program supported a construction budget averaging \$416,500,000 per year.

House Bill 2222 would again increase the number of years of experience required for licensure of individuals who do not have a college degree. Those requirements were increased to a minimum of eight years during the 1992 Kansas Legislature. Currently, six of the eight years must be categorized as Progressive Land Surveying and the remaining two as Basic Surveying.

Under the work schedules considered by the Kansas State Board of Technical Professions, less than 100 percent of an employee's work experience in the field may be considered land surveying. As a result, it would not be unusual for an individual to be employed for 10 to 12 years in the survey profession before qualifying for examination, based on the current criteria for K.S.A. 74-7022. We believe it is likely that increasing the work experience time to 10 years, as proposed by House Bill 2222, will lengthen that overall time requirement to somewhere between 12 and 14 years.

House GO and E  
1-26-98  
Attachment 4

The Kansas Department of Transportation does not support further change in the minimum qualifications of applicants seeking licensure as land surveyors for the following reasons:

1) There is minimal evidence to support a claim that the present work experience requirement does not satisfactorily prepare candidates for licensure or that those individuals licensed based upon passing the examination with eight years experience have acted detrimental to the life, safety, and welfare of the general public. Testimony offered by the Board of Technical Professions on January 25, 1996 to the House Governmental Organization Committee stated that the majority of the disciplinary cases were credited to those land surveyors grandfathered into licensure status by legislation in 1969 and 1988.

2) At present we are aware of only one college or university in Kansas offering extensive course work in Land Surveying. This is a program just recently initiated at KSU-Salina. The number of potential students or graduates is unknown, which will ultimately have an impact on the available pool of future land surveyors within this state.

3) Increasing the number of years of work experience required for licensure will reduce the available number of applicants and potentially available land surveyors in the future. As the following table indicates, the number of original applicants for licensure received by the Kansas State Board of Technical Professions dropped significantly for the 3 years following the experience requirements being increased on January 1, 1993.

FY 91 -	(14)	Applicants
FY 92 -	(16)	Applicants
FY 93 -	(17)	Applicants
FY 94 -	( 5)	Applicants
FY 95 -	( 5)	Applicants
FY 96 -	( 6)	Applicants
FY 97 -	(13)	Applicants

This Agency does not oppose legislation that will improve or enhance the quality of the technical professions. These professions are vitally important to our daily work product. KDOT did not oppose the legislation passed in 1992, because it had numerous elements which would enhance the practice of Land Surveying. These included the removal of the exemption for public employees, improvements in the definitions of land surveying and engineering surveying, and a revised structure of the Kansas State Board of Technical Professions. However, we feel the present minimum requirement of eight years' experience and education adequately prepares candidates to sit for the exam, and should be retained.