

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon at 3:30 p.m. on February 21, 2000 in Room 521-S of the Capitol.

All members were present.

Committee staff present: Dennis Hodgins, Research
Mary Galligan, Research
Theresa Kiernan, Revisor
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Representative Ralph Tanner
Todd Burroughs, Professional Surveyor
John Taylor, Professional Surveyor
Marilyn Nichols, Register of Deeds Assn., Shawnee County
Judy Moler, Kansas Association of Counties
Ben Crosland, Registered Surveyor
Jim Yonally, Lobbyist for Kansas Society of Land Surveyors
Carol Williams, Governmental Ethics Commission

Others attending: See attached list.

HB 2750 -Review of plats prior to recordation

Chairperson Benlon opened hearings on **HB 2750**.

Representative Tanner appeared before the Committee and spoke in favor of this bill which actually repeals a bill passed during last year's legislative session. He said last year's legislation required that all plats of subdivisions and plats of survey be reviewed by the County Surveyor, or, in the absence of a surveyor, the County Engineer is authorized to contract with a land surveyor to review the survey in question. He explained that last year's law has not worked the way the Legislature thought it would, and has created full employment for a limited number of surveyors who have contracts with County Engineers for services under the 1999 law. He said that the law is requiring licensed surveyors to submit their work to another surveyor for approval, who could be a business competitor. He stated that licensed surveyors are not required to be bonded in the State of Kansas; however, they are responsible before the law for their work. He further said that most of them have insurance policies that protect them against errors and omissions, and regress of any grievance by any party to a survey can be had by going to court. Representative Tanner testified that he had spoken to a number of individuals who favor repealing the 1999 statute, and these included individual surveyors, county planning and zoning personnel, the Association of Counties, and the Register of Deeds of Franklin County. He said he had talked to only one party who was in favor of the 1999 law, and that was the County Surveyor in Douglas County. (Attachment 1)

Todd Burroughs, licensed land surveyor and owner of a surveying company from Ottawa, KS, testified in favor of **HB 2750**. He said the original legislation was written prior to any licensing laws being enacted for land surveyors in the State of Kansas. He further explained the requirements set out by current Kansas law to be a licensed surveyor, and also told about the establishment of the State Board of Technical Professions which administers and regulates licensed professionals. In his arguments in support of this bill, he revealed that most counties do not have County Surveyors or County Engineers, and that there are no guidelines as to what qualifications the reviewing surveyors must meet. Mr. Burroughs further elaborated that what is reviewed has differed tremendously between each reviewer, and there seems to be no set standard in place for reviews. He stated the law that is currently in place was confusing to local governments and is also costly to the taxpayers and consumers. (Attachment 2)

John Taylor, licensed land surveyor, spoke in favor of the proposed legislation to correct or repeal KSA 58-2005. He said before 1968, anyone could perform a survey since there were no licensing requirements, and at that time it probably was in the public's best interest to have the County Engineer or an actual

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surveyor check plats of surveys and subdivisions before they were filed. He further stated that there are stringent requirements in place to become a licensed professional surveyor. He said that a survey does not determine ownership, and it is the surveyor's opinion of where a line should be based upon the evidence he has gathered. Mr. Taylor testified that as professional land surveyors when they sign or seal a subdivision plat of boundary survey, they are saying that they have met the minimum requirements required by the State of Kansas. He further explained that if they fail to meet the requirements, they can be subjected to fines or possibly the loss of their license by the State Board of Technical Professions. He said he felt it was a conflict of interest for one surveyor to have his work checked by another surveyor who may be in direct competition. He also said that the checking of surveys delayed clients getting their surveys by 2-3 weeks. (Attachment 3)

Marilyn Nichols, Shawnee County Register of Deeds, appeared before the Committee representing the Kansas Register of Deeds Association, and testified in support of **HB 2750**. She stated that the Deeds Association did a survey of the 105 counties in Kansas, and discovered that 76 counties have no surveyor or engineer, and some have no planning commission. She said in some cases the only surveyor in an entire area of several counties is the surveyor that had prepared the survey in the first place and was not employed by the county. Miss Nichols related that the current statute does not make any provisions in such cases. She said that the Kansas Register of Deeds Association should not be in the business of reviewing a licensed professional surveyor's work. (Attachment 4)

Judy Moler, Legislative Services Director/General Counsel for the Kansas Association of Counties, spoke in support of this bill and repeal of current statute. She said she has had numerous calls from counties with concerns about this issue, and has had a lot of discussion with the various interested parties on how to rectify the problem. She strongly feels that the Board of Technical Professions is in existence to monitor the professionalism of land surveyors, and that the counties should not be placed in this role. (Attachment 5)

Ben Crosland, registered land surveyor in Kansas, testified that he was in favor of **HB 2750**, and opposed to the review of surveys at the county level. He said that by placing their signatures and affixing their seals, the licensed surveyors certify the survey, legal description or other documents meets or exceeds the standards set out by State or Federal authorities. He stated that he had talked personally with over twenty other surveyors in the state and they are also opposed to the required reviews. He reiterated that a process was in place to review and discipline those who do not follow the standards set out by the Board of Technical Professions. (Attachment 6)

Jim Yonally, lobbyist for the Kansas Society of Land Surveyors, was the only opponent to **HB 2750**. He said that the basic change that was made in the law last year was to say a County Engineer may contract with a land surveyor to conduct the survey. He stated that the original policy decision in 1967 was not changed that required plats to be reviewed, and that last year's change only gave the counties another option. He believed there was no compelling evidence that harm is being caused by requiring counties to review surveys, and felt the review should be continued. (Attachment 7)

General questions and discussion followed relating to: what the reviewer is actually checking, accuracy of survey is not being checked on the ground—just merely opinion of one land surveyor, changes being requested are for typing or misspelling errors and not actual survey measurements, fees charged for the review of surveys, competitors of survey companies are making the reviews and charging fees for that service, and what harm to the public could come from passing this legislation as stated in the opponent's testimony.

Chairperson Benlon closed the hearings on **HB 2750**.

Representative Johnston made the motion to favorably pass HB 2750 out of Committee. The motion was seconded by Representative Welshimer, and the motion carried.

HB 2656 - Campaign finance; disposition of material assets of candidates

The Chair opened hearings on **HB 2656**.

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Carol Williams, Executive Director of the Governmental Ethics Commission, testified in support of this bill and it was requested by the Ethics Commission in 1999 because it became evident through campaign reporting that no provision, for disposition of material assets after a candidate or officeholder terminates his or her campaign, was provided for in the Campaign Finance Act. She said material assets included computers, printers, facsimile machines and office furniture purchased with campaign funds. Ms. Williams stated that currently the material assets purchased with campaign funds becomes the personal property of the candidate or elected official when the campaign account is terminated. She said that the Commission believes that these assets should not be permitted to become the personal property of the candidate or officeholder due to the increasing value of such assets. She stated the Commission feels that at the time the campaign is terminated and prior to the filing of a termination report, material assets should be contributed to a charitable organization, sold with the proceeds from the sale donated to a charity, or purchased by the candidate at a fair market value of the asset. Further, she said that whatever disposition was made of the assets, it would then be reported on the termination report. (Attachment 8)

A Committee member asked what the moral or ethical imperative was here that the Commission thinks is so wrong that if a legislator bought a computer and then decided to retire a year or two later, why should he have to turn that over.

Mrs. Williams responded that she thought the Commission was taking the same reasoning that the statute says you can't keep the funds for personal use, and that it should extend also to the assets.

Representative Johnston asked for a clarification if it was agreeable for a legislator to keep their campaign account open and file the required reports, then they could retain what they had purchased. Mrs. Williams said that was absolutely correct. She further explained that it is literally when you terminate, and say you are done that disposition of assets should occur. However, a lot of people do not terminate because they might run again in two, four, or 6 years; even one individual did for ten years. She said the people knew they wanted to come back; they just didn't know when so they kept an active account so they did not have to dispose of those funds.

A question was also raised regarding page 4 of the bill, starting with line 32, in which it says material asset meaning computers, printers, facsimile machines, etc. which have a fair market value of \$100 or more. It was asked if the language of the bill meant to require reporting even for a fax machine that was purchased for \$97 since it was under \$100. The Revisor answered this question that the language is an asset of \$100 or more.

Clarification was requested on an example of a fax machine purchased several years ago for \$300, and now the fair market value of that machine was less than \$100; it did not have to be disposed of and reported. The Revisor said that was correct because it is fair market value at the time of disposition. Discussion was continued by Committee members regarding the loophole of keeping your campaign funds account open so that you could keep the previously purchased equipment, what the wording "material assets" actually includes and the lack of a clear definition in the bill language, the use of personal equipment until it has to be replaced with equipment purchased with campaign funds and then paying for the equipment again when you leave office, and the possibility of a candidate making loans to a campaign fund account and then use the loan to offset the cost that you are required to pay for equipment upon leaving office.

Representative Jenkins made the motion to pass out favorably **HB 2656**, and the motion was seconded by Representative Huff.

Representative Welshimer offered a substitute motion to table the bill, and it was seconded by Representative Hayzlett. Motion carried.

The Chair directed the Committee's attention to HB 2346 which was the bill introduced and supported by Representative Carmody.

Representative O'Connor made a motion to amend **HB 2346** with the three technical corrections as presented in the draft of her amendment that she and Representative Carmody recommended. The motion

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was seconded by Representative Powers. (Attachment 9)

Technical clarification of the language in the bill was reviewed by the Committee. Question was raised as to the clarification of item (b) under the New Sec. 3 of the drafted amended bill involving the 10 or fewer members clause. A member suggested that if the purpose of this bill was to get rid of leadership political action committees, then with 11 or more members the PAC could exist and this proposed legislation could be circumvented.

Representative O'Connor offered an amendment to her amended motion to delete everything after political committee in subsection (b), which would eliminate "or, if such committee has 10 or fewer members, as a member of a political committee." Representative Powers seconded the revised amended motion. Motion carried.

Representative Johnston made the motion to approve HB 2346, and pass out as amended. Representative Storm seconded the motion and the motion carried.

The minutes of the Governmental Organization and Elections Committee for January 24 were presented for additions or corrections. Representative O'Connor made a motion to approve the minutes as written, seconded by Representative Huff, and the motion carried. The minutes will be placed on the Internet after approval.

Chairperson Benlon adjourned the meeting at 5:40 p.m. The next meeting of the Governmental Organization and Elections Committee will be Monday, March 6, 2000, at 3:30 p.m., Room 521-S.

House Governmental Organization
and Elections
Guest List

2-2-00

| Your Name | Representing |
|---------------------|-----------------------------|
| Jim Yonally | Kan. Soc. Land Surveyors |
| Ben Crosland | self |
| MARILYN NICHOLS | Ks. Register of Deeds |
| RALPH TANNER | Self (- Dist. #10) |
| JOHN TAYLOR | TAYLOR SURVEYING |
| TODD BURROUGHS | TAYLOR SURVEYING |
| Ross T. Hendrickson | Secretary of State's Office |
| Stacy Kramer | WR, Inc. |
| Judy Melu | Ks. Assn. Counties |
| Dan Hermes | GOV'S OFFICE |
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STATE OF KANSAS
House of Representatives

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THE CAPITOL

RALPH TANNER
Representative, Tenth District

TESTIMONY ON **HB 2750**

February 21, 2000 – Committee on Government Organization and Elections

Madam Chair, and Members of the Committee:

I thank you for the opportunity to address the committee on this bill.

Last year the Legislature passed a bill which became law (KSA Supp 58-2005.) This measure required that all plats of subdivisions and plats of survey be reviewed by the County surveyor, or, in the absence of a surveyor, the county engineer is authorized to contract with a land surveyor who shall review such

I am sure the legislature thought it was doing something good in the area of public policy last year. However, Madame Chair, it has apparently not worked the way we thought. What is happening is that licensed surveyors are being required to submit their work to another surveyor, one who may even be a business competitor, for approval. I submit Madame Chair, that we have secured full employment for a limited number of surveyors who have contracts with county engineers for services under the 1999 law.

I have spoken with a number of individuals about this matter and find support from only one source – that source is the County Surveyor in Douglas County. Among those who favor the repeal of the 1999 statute are individual surveyors, county planning and zoning personnel in Franklin, the Register of Deeds of Franklin County, and the Association of Counties.

Madame Chair, I believe we have need of revisiting this law, and that in the process, we need to return to the position of the law prior to 1999.

COMMITTEE ASSIGNMENTS

CHAIR: EDUCATION
JOINT COMMITTEE ON
LEGISLATIVE PROCESS/CD/ROM
NCSL (AFI)
EDUCATION, LABOR AND
JOB TRAINING

MEMBER: BUDGET COMMITTEE ON
EDUCATION
FISCAL OVERSIGHT
KANSAS COMMISSION ON TEACHING
AND AMERICA'S FUTURE
KANSAS READING AND LITERACY
PARTNERSHIP COUNCIL

ADVISORY BOARD: NATURAL AND SCIENTIFIC AREAS

TAYLOR SURVEYING

A division of Burroughs Surveying Corp., P.A.

Todd B. Burroughs

Professional Land Surveyor

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February 21, 2000

My name is Todd Burroughs,

I have been in the Land Surveying Profession since 1987. I received my license to practice Land Surveying in 1993 and purchased an existing land surveying business in 1997 and continue to operate that business today in Ottawa, Kansas. I am a member of the Kansas Society of Land Surveyors.

The purpose for my being here today is to address not only my concerns pertaining to the amendments made to K.S.A. 58-2005 in Section 2 of House Bill No. 2205, but also 58-2005 itself.

The original intent of 58-2005 was to have the county surveyor or the county engineer review subdivision plats and plats of surveys before either could be filed. This legislation was enacted prior to any licensing laws were enacted for land surveyors in the State of Kansas.

At that time:

- Anyone, who claimed to be a surveyor, was a surveyor. (Plumbers, Farmers, Realtors, Engineers)
- 58-2005 was needed to insure the public's welfare.

Then in Chapter 74 - Article 70

- The technical professions are defined.
- It becomes law that anyone wishing to practice a technical profession in Kansas must become licensed by the state.
- Established a board known as the State Board of Technical Professions. Established for and I quote "the purpose of administering the provisions of this act and in order to establish and maintain a high standard of integrity, skills and practice in the technical professions and to safeguard the life, health, property and welfare of the public".

Since the creation of the Board, Land Surveyors must meet several criteria to obtain and to maintain their professional license:

1. Eligibility to apply to take the licensing exam.
- Be a graduate of a 4-year approved land surveying curriculum and have a verified record of 4 years of surveying experience.

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- Be a graduate of a 2-year approved land surveying curriculum and have a verified record of 6 years surveying experience.
- Be a graduate of a 4-year accredited engineering curriculum and have a verified record of 6 years of surveying experience.
- A person who has not graduated with the approved degree must have a verified record of 8 years of surveying experience.

2. Sit for and pass the Land Surveyor's Examination.

- A 3 part, 2 day, 16 hour examination.

3. Once licensed they must meet continuing education requirements.

- Surveyors must acquire 30 PDH's (professional development hours) during the 2 year period immediately preceding their biennial renewal date.

4. The board has adopted Minimum Standards for Boundary Surveys and Mortgage Title Inspections.

4. By statute surveyors must file a complaint against other surveyors who they feel are in violation of these minimum standards and rules of professional conduct.

5. When minimum standards are not met surveyors can and are brought before the Board disciplinary action. Where they are assessed fines, have their licenses suspended or even revoked.

The changes made to 58-2005 in House Bill 2205 states that before a subdivision plat or plat of survey may be recorded it shall be reviewed by the county surveyor. In the absence of the county surveyor the county engineer may contract with a land surveyor who shall review such subdivision plat or plat of survey and certify the same if in compliance with the requirements of this act.

- Most counties have no county surveyor
- A lot of counties have no county engineer
- This left registers of deeds & county commissions unsure of what to do.
- There are no guidelines as to what qualifications the reviewing surveyors have to meet.

Where neither existed:

- Some county commissions hired county surveyors
- Some county commissions themselves contracted with private land surveyors to meet review requirements (which is not part of the legislation)
- Whose to say that the person making the reviews is better qualified than the

We have in our area two counties sharing 1 county engineer. This person is also a licensed land surveyor. In one county, he has still contracted out to a private individual for review services, in the other county he also has 2 employees who are also licensed land surveyors, and still he has contracted out the services of the same individual for review services.

There is no mention of whether or not fees are to be collected or who is to collect those fees. There are no guidelines as to how private contractors are to be selected or compensated. In counties where there are county surveyors no fees have been collected. In counties where a private contracted surveyor are completing these reviews, fees are being collected from the surveyor submitting surveys to cover counties expenses to the private contractors. These fees are then passed on to the consumer.

In most cases when I am submitting surveys to a private contracting surveyor, I am asking for a review of my work, from a direct competitor in my area. These surveys will not be filed until approved.

I'm not certain but don't think that lawyers, bankers, doctors, or abstractors, have their opinions or work checked by their competitors.

The reviews and what is to be reviewed has differed tremendously between each reviewer. There seems to be no standard review.

It is my opinion that there was a need for KSA 58-2005 before the state board and its stringent licensing requirements.

This legislature created the Board of Tech. Professions to license, police, and insure continued education of this states Professionals.

With the creation of that board, their strict licensing requirements, their continued education requirements, and their policing authority of the Technical professions, I believe that KSA 58-2005 should be fully repealed. The amendments in HB2205 only confused local governments. They also cost the taxpayers and consumers a lot of money.

Once again I believe you should allow your State board of Tech do its job and repeal 58-2005.

February 18, 2000

KSA 58-2005, as it is now written and being interpreted, is very vague and confusing. I know of no other profession that requires its members to have their work checked by one of their peers. Some of the counties have a county surveyor and do not charge for the checking of the survey. Some of the counties have contracted the work out and the rates are set by the contracting individual. I feel that it is a conflict of interest for a person to have to have his work checked by another surveyor who may be his direct competition. The checking of surveys has added 2-3 weeks to the length of time before a client gets his finished survey. We do not feel that it is fair or right to have your work held up by someone who may or may not be your competition.

We ask that you repeal 58-2005 in its entirety.

Thank you for your time.

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My name is John E. Taylor.

I am a Professional Land Surveyor in the State of Kansas.

I have been licensed to practice surveying in the State of Kansas since December 1978.

My license number is 713 and in order to be licensed in the State of Kansas, I had to meet certain requirements before I was allowed to take a 16 hour written exam.

In 1967, when KSA 58-2005 was enacted, most counties had a County Engineer or a County Surveyor or both. Prior to 1968, anyone could perform a survey as there were no licensing requirements. I believe that it was in the public's best interest at that time for the County Engineer or Surveyor to check plats of surveys and subdivisions before they were filed.

In 1968, Kansas began requiring anyone wishing to practice land surveying, to be licensed.

KSA 74-7022 lists the four ways in which a person can be licensed in the State of Kansas.

- a) Graduation of a 4 year engineering curriculum plus ⁴~~2~~ years of survey experience.
- b) Graduation of a 2 year surveying curriculum plus ²~~2~~ years of survey experience.
- c) ~~6~~ years of survey experience.
- d) Reciprocity from another state with similar licensing standards.

Once a person has acquired the necessary education or experience, he can apply to the State Board of Technical Professions for licensing. If accepted, he must then successfully pass a 16 hour written test on subjects ranging from basic principals of surveying to Kansas boundary law.

In order to protect the public, the State of Kansas has adopted Minimum Standards for Boundary Surveys and Mortgage Title Inspections. These standards set forth the minimum technical standards that must be achieved as well as standards for the drafting of the plat of survey.

A survey does not determine ownership. A survey is the surveyor's opinion of where a line should be based upon the evidence he has.

When we as professional land surveyors sign or seal a subdivision plat of boundary survey, we are saying that we have met the minimum requirements required by the State of Kansas. If we fail to meet these requirements, we can be brought before the State Board of Technical Professions. We must then justify our actions or be subject to possible fines or possibly the loss of our license.

KSA 58-2005, as it is now written and being interpreted, is very vague and confusing. I know of no other profession that requires its members to have their work checked by one of their peers. Some of the counties have a county surveyor and do not charge for the checking of the survey. Some of the counties have contracted the work out and the rates are set by the contracting individual. I feel that it is a conflict of interest for a person to have to have his work checked by another surveyor who may be his direct competition. The checking of surveys has added 2-3 weeks to the length of time before a client gets his finished survey. We do not feel that it is fair or right to have your work held up by someone who may or may not be your competition.

We ask that you repeal 58-2005 in its entirety.

Thank you for your time.

KANSAS REGISTER OF DEEDS ASSOCIATION

President-Marcia Johnson, Barton County
Vice President-Kari Weis, Sheridan County
Secretary-Susan Lucas, Stanton County
Treasurer-Jeanette Nepote, Crawford County

Legislative Co-Chairs-Nancy Prawl, Brown County
Marilyn Nichols, Shawnee County

House Bill 2750

I am here today on behalf of the Kansas Register of Deeds Association. We thank you for the opportunity to provide input during your decision making process.

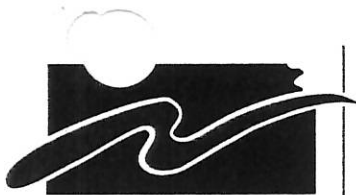
Our understanding of the intent of this bill is simply to repeal K.S.A. 1999 Supp. 58-2005.

The Register of Deeds Association supports this bill. As you know KSA 58-2005, was amended to require a review of plats and surveys by a county surveyor or engineer. In the absence of either, the county could contract with a private surveyor to complete the review as required by the amendment. The attempt to come into compliance on that amendment has become costly to some counties and impossible for others.

Of the 105 counties in the State of Kansas, 76 counties have no surveyor or engineer, and some have no planning commission. That is over 72% of the counties in Kansas with no specific plan in place to come into compliance with this statute as amended in 1999. In some instances the only surveyor in an entire area of several counties is the surveyor that has prepared the plat of subdivision or the survey in the first place and is not employed by the county. The statute would make no provisions in such cases. Even if a county had a surveyor on the payroll, could he or she certify to his or her own work done on a plat? Further, we do not feel that the county should be in the business of reviewing a licensed professional surveyor's work.

Concurrently Senate Bill 582, referred to the Senate Judiciary Committee, had a hearing on Wednesday, February 16, at which we testified in opposition to another amendment to this statute. At that time the committee asked the KAC, Surveyors and Registers of Deeds to meet and try to come up with some language that we could all agree upon. We did meet on Friday, February 18, but could not reach an agreement in the time allotted. While I firmly believe we will come to that point, we must support the repeal of the amendment at this time.

We want to assure this committee that we have had numerous contacts concerning this bill, urging us to support the repeal. We thank you for considering our position and I would be happy to stand for any questions.



**KANSAS
ASSOCIATION OF
COUNTIES**

TESTIMONY

Before the Governmental Organization and Elections Committee

Judy A. Moler, Legislative Services Director/General Counsel

Kansas Association of Counties

HB 2750

February 21, 2000

Representative Benlon and Members of the Committee, thank you for allowing me to speak today regarding HB 2750. Last session, HB 2205 was passed with relative ease. This is the bill that amended K.S.A. 58-2005 to its current status. It seemed at the time a minor change. However, I would tell you that I have had more calls from counties with concerns about how they can implement this law than almost any other issue. As it appears, HB 2205 did very little to change the law, it just made counties aware of statutes that had not been workable for some time.

During the summer the Kansas Association of Counties in order to make this bill workable for counties held a meeting with county counselors, county registers of deeds and land surveyors. We prepared a resolution whereby the county could appoint a county surveyor in order to meet the letter of the law. However, in our less populous counties especially, this is just not a viable option. During the adoption of the KAC 2000 Platform, language was added to the platform asking for repeal of K.S.A. 58-2005.

Indeed, last Friday, a meeting of the same interested parties was held in the KAC offices to try to resolve this issue. After much discussion, it became apparent that there is no agreement around this issue....in fact, at the meeting it became apparent that there is much disagreement among licensed land surveyors themselves.

As I understand it, HB 2205 bill was forwarded by the Kansas Society of Land Surveyors in order to stop plats or plats of surveys being filed which contained errors. While this may be a laudable motive, the Board of Technical Professions exists to monitor the professionalism of land surveyors. The county should not be placed in this role.

There are several counties who have selected a county surveyor or have one on staff who can review the plats or plats of survey before they are filed. Many would like to continue this practice. **Even if the statute were**

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repealed, there is nothing that would prohibit counties from continuing or establishing this practice under the counties' existing home rule powers.

The Kansas Association of Counties would ask that the Legislature repeal K.S.A. 58-2005.

There are several county officials here today. These officials can speak to the specific problems surrounding this issue.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to the KAC by calling (785) 272-2585.

**TESTIMONY
HOUSE BILL 2750
FEBRUARY 21, 2000**

I would like to thank you for the opportunity to address the committee this afternoon. There has been quite a lot of discussion regarding K.S.A 1999 Supp. 58-2005, and the proposed Senate Bill 582. As a Registered Land Surveyor in Kansas, I am opposed to the review of surveys at the county level. By placing our signatures and affixing our seal, we certify the survey, legal description or other document meets or exceeds the standards set out by State or Federal authorities. If there is concern about the quality of work, then a complaint can be filed with the Board of Technical Professions. A process is in place to review and discipline those who do not follow the standards set out by the Board. I do not know of any other profession required to be reviewed at the county level. Therefore I would ask that K.S.A. 58-2005 and amendment thereto be repealed.

Respectfully,

Ben Crosland L.S.
617 Lawrence Street
Carbondale, Kansas 66414
Ph. (785) 836-7702

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
GOVERNMENTAL ORGANIZATION AND ELECTIONS
FEBRUARY 21, 2000

Presented by Jim Yonally
on behalf of the Kansas Society of Land Surveyors

Madam Chairman, and members of the committee, I want to thank you for the opportunity to appear before you today, and speak in opposition to HB 2750. As you know, the sole purpose of HB 2750 is to repeal K.S.A. 58-2005. As nearly as I can tell 58-2005 was first enacted into law in 1967, and was not amended until you did so by passing HB 2205 in the 1999 session. I have distributed, with my testimony, a copy of the pertinent part of HB 2205, which includes as section 2, the amendment to 58-2005.

If you would turn your attention to that bill, you will see that the basic change we made in the law was to say that a county engineer MAY contract with a land surveyor to conduct the survey. We did not change the policy decision made in 1967 that these plats need to be reviewed by somebody, we simply gave counties another option, that they could contract with a surveyor to do the review.

What has happened is that we now know that many counties were apparently ignoring the law, and that NO ONE was doing the reviews called for in 58-2005. I can only speculate as to the reasons why they thought they didn't need to follow the law. One real possibility is that the law says the reviewing must be done by the county surveyor, or in the absence of one, by the county engineer. If you have neither in your county, perhaps you could rationalize that you just didn't need to do the reviews. Anyway, after the option appeared that the county could contract with a surveyor to do the review, there was no longer any "loophole" to avoid doing the review, thus the support for HB 2750.

The policy question, then, for this committee to decide is this: Is there compelling evidence that some harm is being caused by requiring counties to review these documents? We believe there is no such compelling evidence, and that the potential harm to the public by having survey plats that are inaccurate is of such importance that these reviews should be continued.

I would be happy to stand for questions.

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As Amended by House Committee

Session of 1999

HOUSE BILL No. 2205

By Committee on Governmental Organization and Elections

2-1

10 AN ACT concerning land surveys; ~~relating to qualifications and duties of~~
 11 **and land surveyors; amending K.S.A. 58-2003, 58-2005 and 58-2011**
 12 **and repealing the existing sections; also repealing K.S.A. 19-1401.**
 13

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

15 Section 1. K.S.A. 58-2003 is hereby amended to read as follows: 58-
 16 2003. When any section corner, quarter section corner or section center
 17 is set or reset by a surveyor and when any such corner is located by a
 18 surveyor in the course of carrying out a public survey, there shall be
 19 recorded ~~with the county register of deeds, in the manner provided by~~
 20 *K.S.A. 58-2011, and amendments thereto*, reference measurements from
 21 permanent, visible objects to the location of the point as set, reset or
 22 located. These reference objects shall be described clearly. ~~Provided,~~
 23 ~~That~~. In lieu of reference measurements from visible objects, such ref-
 24 erence measurements may be made from triangulation stations ~~estab-~~
 25 ~~lished by the United States coast and geodetic survey maintained by the~~
 26 *national ocean service/national geodetic survey or by utilizing the state*
 27 *plane coordinate system prescribed by K.S.A. 58-20a01 et seq., and*
 28 *amendments thereto.*

29 Sec. 2. K.S.A. 58-2005 is hereby amended to read as follows: 58-
 30 2005. Before a subdivision plat or plat of survey ~~can~~ may be recorded, it
 31 shall be reviewed by the county surveyor ~~or~~. In the absence of the county
 32 surveyor, the county engineer ~~shall be responsible for the enforcement~~
 33 ~~of this act, and shall certify that such plat meets all the requirements of~~
 34 ~~this act. Provided, however, That in the event that any such plat is re-~~
 35 ~~quired to be submitted to any planning commission for review and ap-~~
 36 ~~proval or disapproval that such review and approval duly certified upon~~
 37 ~~the face of said plat shall constitute full compliance with the review re-~~
 38 ~~quired in this section~~ **may contract with a land surveyor who shall review**
 39 **such subdivision plat or plat of survey and certify the same if in compli-**
 40 **ance with the requirements of this act.**

41 Sec. 3. K.S.A. 58-2011 is hereby amended to read as follows: 58-
 42 2011. (a) Whenever a survey originates from a United States public land
 43 survey corner or any related accessory, the land surveyor shall file a copy
 44 of the report of the completed survey and references to the corner or



GOVERNMENTAL ETHICS COMMISSION

**Testimony before House Committee
on Governmental Organization and Elections
in Support of House Bill 2656
by Carol Williams, Executive Director
February 21, 2000**

House Bill 2656 is a recommendation made by the Governmental Ethics Commission in its 1999 Annual Report and Recommendations.

Campaign funds are frequently expended to acquire material assets like computers, printers, facsimile machines, and office furniture during the course of a campaign or is purchased by the officeholder once in office. When a candidate or officeholder terminates his or her campaign, the Campaign Finance Act provides four alternatives for disposing of residual funds. The Act does not address the disposition of the material assets accumulated by a candidate or officeholder. Currently, these purchases become the personal property of the candidate or elected official when the campaign account is terminated. Because of the increasing value of such assets, the Commission believes the disposition of these assets should be addressed.

The Commission believes these assets should not be permitted to become the personal property of the candidate or officeholder. The Commission believes at the termination of any campaign and prior to the filing of a termination report, material assets should be contributed to a charitable organization, sold with the proceeds from the sale contributed to a charity, or purchased by the candidate at a price which is equal to the fair market value of the asset.

The amendment to K.S.A. 25-4143 defines "material asset" and moves the definition of "personal expenditure of the candidate" from K.S.A. 1999 Supp. 25-4157 to 25-4143, which is the general definition section of the Act.

The amendment to K.S.A. 25-4148 requires the disclosure of information relating to the disposition of any material assets to be reported on a candidate's termination report.

K.S.A. 1999 Supp. 25-4157a is amended to delete the definition of expenditures for "personal use", clarifies that money received as contributions can be used for specific purposes, and adds a new section which provides for the disposition of any material assets.

The Commission urges your support for passage of HB2656.