

Approved March 2, 2000
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:22 a.m. on February 29, 2000 in Room 123-S of the Capitol.

All members were present except: Senator Harrington (excused)
Senator Vratil (excused)
Senator Petty (excused)
Senator Goodwin (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:
None

Others attending: see attached list

The minutes of the February 24th meeting were approved on a motion by Senator Bond, seconded by Senator Donovan. Carried.

SB 582—concerning land surveys and land surveyors

Committee discussed **SB 582**, a bill that reverses a bill passed in 1999 which states that sub-division plats had to be reviewed by land surveyors. At the request of the Chair, Judy Moler, Kansas Association of Counties, discussed the purpose of last year's bill and the problems it generated and she reviewed a balloon to amend **SB 582**. (attachment 1) Following discussion, Senator Bond moved to amend the balloon to read at line 20.... "county register of deeds and county surveyor".... and to adopt the balloon and recommend it favorably for passage, Senator Feleciano seconded. Carried.

SB 546—concerning corrections; relating to placement and conveyance of certain offenders; concerning the reception and diagnostic center

At Senator Oleen's request, Tim Madden, DOC, reviewed the provisions of **SB 546**, a bill which amends a sheriff's responsibility to deliver custody of prisoners to the state reception and diagnostic unit. (see 2-21 minutes, attachment 4) Following discussion Senator Oleen moved to recommend the bill out favorably for passage, Senator Bond seconded. Carried.

SB 583—concerning criminal prosecution of juvenile offenders; relating to traffic offenses

Following review of **SB 583** by Senator Oleen and brief discussion it was the consensus of the Committee to take no action at this time.

SB 438—concerning crimes and punishment; relating to unlawful sexual relations

The Chair reviewed **SB 438**, a bill which would amend current law to make it a criminal act of unlawful sexual relations for an employee of SRS or contracted employees within state institutions to have consensual sexual relations with a patient in the institution where the employee works. Following brief discussion, Senator Bond moved to pass the bill out favorably, Senator Oleen seconded. Carried.

SB 419—concerning criminal procedure and punishment; relating to sentencing

Following discussion it was the consensus of the Committee to take no action on this bill.

SB 382—enacting the uniform child-custody jurisdiction and enforcement act; amendments

Following discussion of this bill which replaces uniform child custody jurisdiction, Senator Donovan moved to pass the bill out favorably, Senator Bond seconded. Carried.

SB 453—concerning the uniform interstate family support act

Following brief discussion it was the Committee's consensus to take no action at time.

The meeting adjourned at 10:50 a.m. The next scheduled meeting is March 1, 2000.

SENATE BILL No. 582

By Committee on Judiciary

2-7

*Sen. Judicial
2-2-09
att 1*

10 AN ACT concerning land surveys and land surveyors; amending K.S.A.
11 1999 Supp. 58-2003, 58-2005 and 58-2011 and repealing the existing
12 sections.

13
14 Be it enacted by the Legislature of the State of Kansas:

15 Section 1. K.S.A. 1999 Supp. 58-2003 is hereby amended to read as
16 follows: 58-2003. When any section corner, quarter section corner or
17 section center is set or reset by a surveyor and when any such corner is
18 located by a surveyor in the course of carrying out a public survey, there
19 shall be recorded, in the manner provided by K.S.A. 58-2011, and amend-
20 ments thereto, with the ~~county register of deeds~~ reference measurements
21 from permanent, visible objects to the location of the point as set, reset
22 or located. These reference objects shall be described clearly. ~~In lieu of~~
23 reference measurements from visible objects, such reference measure-
24 ments may be made from triangulation stations maintained by the na-
25 tional ocean service/national geodetic survey or by utilizing the state plane
26 coordinate system prescribed by K.S.A. 58-20a01 et seq., and amend-
27 ments thereto.

county surveyor for the county or counties in which the survey corner exists. If there is no county surveyor of such county, such report shall be filed with the county engineer. If there is no county engineer, such report shall be filed in the office of the county road department

28 ~~Sec. 2. K.S.A. 1999 Supp. 58-2005 is hereby amended to read as~~
29 ~~follows: 58-2005. Before a subdivision plat or plat of survey may be re-~~
30 ~~corded, it shall be reviewed by the county surveyor. In the absence of the~~
31 ~~county surveyor, the county engineer may contract with a land surveyor~~
32 ~~who shall review such subdivision plat or plat of survey and certify the~~
33 ~~same if in compliance with the requirements of this act shall be respon-~~
34 ~~sible for the enforcement of this act, and shall certify that such plat meets~~
35 ~~all the requirements of this act. In the event that any such plat is required~~
36 ~~to be submitted to any planning commission for review and approval or~~
37 ~~disapproval that such review and approval duly certified upon the face~~
38 ~~of such plat shall constitute full compliance with the review required in~~
39 ~~this section.~~

In addition to

40 Sec. 3. K.S.A. 1999 Supp. 58-2011 is hereby amended to read as
41 follows: 58-2011. (a) Whenever a survey originates from a United States
42 public land survey corner or any related accessory, the land surveyor shall
43 file a copy of the report of the completed survey and references to the

~~Land Survey Reference Report~~

go back to this language

1 corner or accessory with the secretary of the state historical society and
 2 with the county surveyor for the county or counties in which the survey
 3 corner exists. If there is no county surveyor of such county, such report
 4 shall be filed with the county engineer. If there is no county engineer,
 5 such report shall be filed in the office of the county road department.
 6 Reports filed with the secretary of the state historical society may be filed
 7 and retrieved using electronic technologies if authorized by the secretary.
 8 Such report shall be filed within 30 days of the date ~~the references are~~ _____ the survey is completed
 9 ~~made~~. At the time of filing such report with the secretary of the state
 10 historical society, the land surveyor shall pay a filing fee in an amount
 11 fixed by rules and regulations of the secretary of the state historical so-
 12 ciety. Fees charged for filing and retrieval of such reports may be billed
 13 and paid periodically.

14 (b) Any person engaged in an activity in which a United States public
 15 land survey corner or any related accessory is likely to be altered, re-
 16 moved, damaged or destroyed shall have a person qualified to practice
 17 land surveying establish such reference points as necessary for the res-
 18 toration, reestablishment or replacement of the corner or accessory. The
 19 land surveyor shall file a reference report with the secretary of the state
 20 historical society and with the county surveyor for the county or counties
 21 in which the survey corner exists. Such report shall be filed within 30
 22 days of the date the ~~references are made~~. At the time of filing such report _____ survey is completed.
 23 with the secretary of the state historical society, the land surveyor shall
 24 pay a filing fee in an amount fixed by rules and regulations of the secretary
 25 of the state historical society.

If there is no county surveyor of such county, such report shall be filed with the county engineer. If there is no county engineer, such report shall be filed in the office of the county road department.

26 (c) Upon completion of the activity likely to alter, remove, damage
 27 or destroy the public land survey corner or related accessory, the land
 28 surveyor shall review the survey corner and its accessories. If the survey
 29 corner or any accessory has been altered, removed, damaged or de-
 30 stroyed, the land surveyor shall replace the corner or accessory with a
 31 survey monument and file a restoration report with the secretary of the
 32 state historical society and the county surveyor in the county or counties
 33 in which it existed. If the survey corner and accessories are not damaged
 34 during the activity, a restoration report so stating shall be filed with the
 35 secretary of the state historical society and county surveyor's office. Such
 36 report shall be filed within 30 days after the activity is completed. At the
 37 time of filing such report with the office of the secretary of the state
 38 historical society the land surveyor shall pay a filing fee in an amount fixed
 39 by rules and regulations of the secretary of the state historical society.

40 (d) Failure to comply with the filing requirements of this section shall
 41 be grounds for the suspension or revocation of the land surveyor's license.

42 (e) The secretary of the state historical society may produce, repro-
 43 duce and sell maps, plats, reports, studies and records relating to land

1 surveys. The secretary of the state historical society shall charge a fee in
2 an amount to be fixed by rules and regulations of the secretary for the
3 furnishing of information retrieved from records filed pursuant to this
4 section and for reproductions or copies of maps, plats, reports, studies
5 and records filed in such office.

6 (f) All moneys collected by the secretary of the state historical society
7 under the provisions of this section shall be paid to the state treasurer on
8 or before the last day of each month. Upon receipt thereof the state
9 treasurer shall deposit the entire amount in the state treasury. Twenty
10 percent of each such deposit shall be credited to the state general fund
11 and the balance shall be credited to the land survey fee fund, which is
12 hereby created. All expenditures from such fund shall be made in ac-
13 cordance with appropriation acts upon warrants approved by the secretary
14 of the state historical society or a person designated by the secretary of
15 the state historical society and shall be used only for the purpose of paying
16 the costs incurred in administering the provisions of this act. After the
17 effective date of this act, any reference to the secretary of state in regard
18 to appropriations to the land survey fee fund shall be deemed to refer to
19 the secretary of the state historical society.

20 (g) The failure of any person to have a land surveyor establish ref-
21 erence points as required by subsection (b) shall be a class C
22 misdemeanor.

23 Sec. 4. K.S.A. 1999 Supp. 58-2003, 58-2005 and 58-2011 are hereby
24 repealed.

25 Sec. 5. This act shall take effect and be in force from and after its
26 publication in the statute book.