

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Representative Gerry Ray at 3:30 p.m. on March 1, 2001 in Room 519-S of the Capitol.

All members were present except:

Rep. Gilbert - excused
Rep. Minor - excused
Rep. Hayzlett
Rep. Hermes
Rep. Showalter
Rep. Barnes

Committee staff present:

Kay Dick, Committee Secretary

Conferees appearing before the committee:

HB 2406 Proponent:

Rep. Osborne
Judy Moler, Kansas Association of Counties
Jerry Fowler, Saline County
Ashley Sherard, Johnson County
Jim Yonally, Kansas Society Land Surveyors

Others attending:

See attached list

Chair Ray opened the Hearing on HB 2406 - concerning plats; relating to the review thereof

Representative Osborne testified before the committee in favor of the bill. (Attachment #1)
Representative Osborne answered questions posed by committee members.

Judy Moler, Kansas Association of Counties, gave testimony in support of **HB 2406**. She stated that it would allow counties to collect from the applicant for the county's review of a subdivision plat or plat of survey before it is recorded. However, Ms. Moler pointed out that this bill does not solve the problems of the less populated counties that have difficulty finding a county surveyor. She stated that KAC would propose an amendment that would restrict this mandated service to counties with a population of 25,000 and above. (Attachment #2) Mrs. Moler answered questions from the committee

Jerry Fowler, Director of Public Works, Saline Count, testified in favor **HB 2406** to amend KSA 58-2005. He stated that the amendment would provide much need relief to all counties. Mr. Fowler said that it would be a great disservice to all persons that would make a future land purchase if reviews were not completed because funding was not available. (Attachment # 3) Mr. Fowler answered questions from the committee.

Ashley Sherard, Intergovernmental Relations Manager expressed the Johnson County Commission's support for **HB 2406**. She gave testimony saying that under an Attorney General's opinion, counties currently are not permitted to be compensated for providing this service. However, **HB 2406** would enable countries to charge the applicant for the cost of the plat review and approval. (Attachment #4)

Jim Yonally, appeared before the committee on behalf of the Kansas Society of Land Surveyors (KSLs), testifying that KSLs supported last year, the "Kline" amendment to KSA 58-2005, but, as an alternative, the passage of **HB 2406** would assist counties in dealing with the funding problem, they would support the provision of the bill. (Attachment #5) Mr. Yonally answered question from the committee members.

Hearing was closed on HB 2406

Action was taken on HB 2406

CONTINUATION SHEET

HOUSE COMMITTEE ON LOCAL GOVERNMENT

March 1, 2001

Page 2

Representative Strom made the motion to pass **HB 2406** out of committee favorably. Representative Campbell seconded the motion. A substitute motion was made by Representative Peterson to accept the amendment. There was no second to the substitute motion. Substitute motion died for lack of a second. Following discussion by the committee, the original motion to pass the bill was voted. **HB 2406** passed out of committee favorably.

Chair asked for approval of the minutes as corrected. The minutes were accepted by the committee.

Meeting was adjourned at 4:15p.m.

HOUSE LOCAL GOVERNMENT COMMITTEE
GUEST LIST
MARCH 1, 2001

[PLEASE PRINT YOUR NAME]

[REPRESENTING]

Judy Inler

KAC

Marilyn Nichols

Reg. of Wleeds Assoc.

Jim Fowler

Saline County

Jim Yawally

Kan. Society of Land Surveyors

George Barber

KS Consulting Engrs

STATE OF KANSAS



TOPEKA
HOUSE OF
REPRESENTATIVES

VERN OSBORNE

REPRESENTATIVE, SIXTY-FIRST DISTRICT
HOME ADDRESS: 6940 KIRTNER DRIVE
ST. GEORGE, KANSAS 66535-9453
(785) 494-2449

OFFICE ADDRESS: STATE CAPITOL, SUITE 110-S
TOPEKA, KANSAS 66612-1504
(785) 296-7672

COMMITTEE ASSIGNMENTS
TAXATION COMMITTEE
TOURISM COMMITTEE
KANSAS 2000 SELECT COMMITTEE
ECONOMIC DEVELOPMENT COMMITTEE

Madam Chair and Committee Members:

I appreciate the opportunity to testify in regards to HB 2406.

As you know, I testified several weeks ago on HB 2172. In this bill we simply took the approach to repeal a statute that was confusing and caused an expenditure at the local level. I stated at the time that I would agree to go along with this repeal and if it didn't solve the problem then I would come back next year and submit a bill that I thought would be a solution. HB 2406 is the bill that I would have submitted to your Committee.

Therefore, I stand here today asking for your consideration of an equitable solution during this session rather than waiting a year to see if the subject parties could work out their difficulties.

This bill adds the requirement that, when a review occurs of a survey or a plat map, the applicant will pay for that review. On line 23 and 24 the sentence has been inserted to clearly state who is responsible for the cost of any review.

I appreciate your consideration in this matter and I stand for questions.

A handwritten signature in black ink, appearing to read "Vern", written in a cursive style.

HOUSE LOCAL GOVERNMENT
3/1/01
Attachment #1



KANSAS
ASSOCIATION OF
COUNTIES

Kansas Association of Counties
In support of HB 2406
Before the House Local Government Committee
By Judy A. Moler, General Counsel/Legislative Services Director
March 1, 2001

Chairman Ray and Members of the Committee:

The Kansas Association of Counties is in support of HB 2406 that would allow counties to collect from the applicant for the county's review of a subdivision plat or plat of survey before it is recorded. As those of you on this committee know, this is not our first choice of legislation dealing with this issue. However, my mother taught me that half a loaf is better than no loaf at all. Thus we support this bill which would at least allow counties to charge for this review service.

HB 2406 still, however, does not solve the problem of the less populated counties that have difficulty finding a county surveyor. The Kansas Association of Counties would propose an amendment that would restrict this mandated service to counties with a population of 25,000 and above. This would include: Sedgwick, Johnson, Shawnee, Wyandotte, Douglas, Leavenworth, Riley, Reno, Butler, Saline, Montgomery, Cowley, Finney, Crawford, Harvey, Lyon, Ford, Barton, McPherson, Sumner, Miami, Ellis and Geary. It would leave the less populous counties to decide by home rule how they would handle this issue in a manner that makes sense to their individual counties.

Thank you for your consideration of this bill and the proposed amendment.

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.

6206 SW 9th Terrace
Topeka, KS 66615
785•272•2585
Fax 785•272•3585
email kac@ink.org

HOUSE LOCAL GOVERNMENT
3/1/01
Attachment #2



PUBLIC WORKS DEPARTMENT

SALINE COUNTY HIGHWAY DEPARTMENT

3424 Airport Rd.

Salina, Kansas 67401

28 February 2001

Re: HB 2406

Chairman and members of the Local Government Committee

I am in support of HB 2406 to amend K.S.A. 58-2005 that will provide much needed relief to all counties. Saline County has complied with this statute when it became effective and is very supportive of the review requirements. Of the 47 documents reviewed by Saline County since October 20, 1999, none were without need for some correction. This alone shows a need for review. Other professions have their work reviewed before it is accepted. Professional engineers who design road and bridge projects for the Kansas Department of Transportation have their work reviewed by that agency. Many agencies review work completed by professionals hired to provide specific services. For most people, the purchase of real property is the largest purchase of their life. They should be entitled to some peace of mind that the described property boundaries filed with the Register of Deeds were correct. This statute does provide some protection to the public.

This is not an issue regarding the policing of land surveyors and whether they meet requirements established by the State Board of Technical Professions. The issue is with K.S.A. 58-2005 as written. It does not allow the Register of Deeds to charge a fee to pay for the review. Amending the statute as stated in HB 2406 would correct that concern.

It would be a great disservice to all persons that would make a future land purchase if reviews were not completed because funding was not available. Particularly those living in the more rural communities throughout the state that must deal with limited resources.

Thank you for your consideration of these issues.

Jerry L. Fowler, P.E./L.S.
Director of Public Works
Saline County
3424 Airport Road
Salina, Kansas 67401

HOUSE LOCAL GOVERNMENT

3/1/01



Johnson County, Kansas

OFFICE OF THE COUNTY ADMINISTRATOR

To: The Honorable Gerry Ray, Chairman
Members, House Local Government Committee

From: Ashley Sherard
Intergovernmental Relations Manager

Date: March 1, 2001

Subject: **Support for HB 2406 – County Surveyor Plat Certifications**

I am writing to express the Johnson County Commission's support for HB 2406.

Currently, K.S.A. 58-2005 requires all county surveyors to provide additional certification of a subdivision plat or survey prior to its being recorded in the Register of Deeds Office. While the statute's intent may be good -- to minimize errors -- this requirement is essentially an unfunded mandate for county governments.

Under an Attorney General's opinion, counties currently are not permitted to be compensated for providing this service. HB 2406, however, would enable counties to charge the applicant for the cost of the plat review and approval. This authorization would greatly relieve the serious financial and staffing implications the current unfunded mandate creates.

For these reasons, the Johnson County Commission strongly urges you to report HB 2406 favorable for passage. Thank you for your consideration.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
LOCAL GOVERNMENT
MARCH 1, 2001
Presented by Jim Yonally
on behalf of the Kansas Society of Land Surveyors

Madam Chairman, and members of the committee, I am Jim Yonally, and I am appearing today as a representative of the Kansas Society of Land Surveyors.

You will, no doubt, recall that we support the requirement that subdivision plats and plats of survey be reviewed before they are recorded by the county register of deeds. However, we have always been sympathetic to the concern of the counties that this may require them to have an expenditure that they have not had before. We also understand that some county commissions have not approved additional budget authority for their county register of deeds, and the cost of a review has had to come out of their regular budget.

We have never felt that was fair. Therefore, we supported, last year, the "Kline" amendment to K.S.A. 58-2005, and would have, again this year, supported that amendment if it had been offered. As an alternative, if the committee believes that passage of HB 2406 would assist counties in dealing with the funding problem that compliance with the law brings, we would support the provisions of HB 2406.

I would be happy to stand for questions.