

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February, 9, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Ward Loyd- excused
Representative Tim Owens- excused
Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

Conferees appearing before the committee:

Kathy Olsen, Kansas Bankers Association
Randy Hearrell, Kansas Judicial Council
Kathy Porter, Office of Judicial Administration
Dina Fisk, Kansas Society of Land Surveyors
Thad Fowler, Kansas Society of Land Surveyors
Jim Kowach, Chief of Bureau Design, Kansas Department of Transportation

Hearings on **HB 2612 - technical amendments to the Uniform Commercial Code**, were opened.

Kathy Olsen, Kansas Bankers Association, informed the committee that the proposed bill simply addresses a printing error in which the word "or" was omitted in the final printing. ([Attachment 1](#))

Hearings on **HB 2612** were closed.

Hearings on **SB 297 - permanent docket fee to fund the Judicial Council**, were opened.

Randy Hearrell, Kansas Judicial Council, appeared as a proponent of the bill, which was the result of the Special Committee on Judiciary Interim Committee. While the bill would make the docket fee permanent, the Senate Judiciary Committee made a technical amendment to remove language that phased out the 2003 docket fee increases in 2005. The Senate also created a "judicial branch fund" in which the docket fees would be placed into. ([Attachment 2](#))

Kathy Porter, Office of Judicial Administration, provided the committee with a table showing what docket fees have been in the past three years. ([Attachment 3](#))

Hearings on **SB 297** were closed.

Hearings on **HB 2617 - allowing land surveyors to enter upon property for a land survey, not considered as trespass**, were opened.

Dina Fisk, Kansas Society of Land Surveyors, explained that the proposed bill would allow land surveyors and their agents to enter land for the purpose of rendering a survey. The bill would create an exemption to the charge of criminal trespass if the surveyor made reasonable attempts to gain permission to be on the land. ([Attachment 4](#))

Thad Fowler, Kansas Society of Land Surveyors, appeared as a proponent of the bill. The legislation is simple, straightforward and allows for complete surveys. ([Attachment 5](#))

Jim Kowach, Chief of Bureau Design, Kansas Department of Transportation, informed the members that the Public Land Survey System established monuments at approximately ½ mile intervals throughout the State, and uses those markers as reference points. It's vitally important that surveyors be able to find those markers when doing a survey. ([Attachment 6](#))

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February, 9, 2004 in Room 313-S of the Capitol.

Written testimony in support of the proposed bill was provided by the Kansas Trial Lawyers Association and Home Builders Association of Greater Kansas City. (Attachments 7 & 8)

Hearings on **HB 2617** were closed.

HB 2553 - relating to the time for filing claims against a municipality

Representative Long-Mast made the motion to report HB 2553 favorably for passage. Representative Goering seconded the motion. The motion carried.

HB 2564 - establishing a time frame for tenants to recover property following a forcible retainer action

Representative Ward made the motion to report HB 2564 favorably for passage. Representative Long-Mast seconded the motion.

Representative Patterson made a substitute motion to insert on page 2, "in writing signed by both parties, or stipulated to in court on the record". Representative Long-Mast seconded the motion. The motion carried.

Representative Long-Mast made the motion to report HB 2564 favorably for passage, as amended. Representative Patterson seconded the motion. The motion carried.

HB 2565 - clarifying amendments to the civil liability worthless check statute

Representative Goering made the motion to report HB 2565 favorably for passage. Representative Jack seconded the motion. The motion carried.

HB 2612 - technical amendments to the Uniform Commercial Code

Representative Long-Mast made the motion to report HB 2612 favorably for passage, and be placed on the Consent Calendar. Representative Swenson seconded the motion. The motion carried.

HB 2555 - amendments to the probate code; preparation of wills; claims against an estate

Representative Pauls made the motion to report HB 2555 favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

HB 2556 - Uniform Trust Code Amendments

Representative Long-Mast made the motion to report HB 2556 favorably for passage. Representative Swenson seconded the motion.

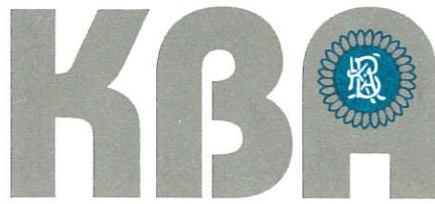
Representative Long-Mast made the substitute motion to strike on page 5, line 35 "agent" and replace it with "attorney in fact". Representative Swenson seconded the motion. The motion carried.

Representative Patterson made the motion to strike lines 37 & 38 on page 4. Representative Davis seconded the motion. Representative Klein asked if the motion could be amended to strike line 35. With permission of the second, Representative Patterson made the motion to strike section 4. The motion carried.

Representative Patterson made the motion to report HB 2556 favorably for passage, as amended. Representative Goering seconded the motion. The motion carried.

Representative Long-Mast made the motion to approve the committee minutes from January 26, 27 & 28. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for February 10, 2004.



The KANSAS BANKERS ASSOCIATION
A Full Service Banking Association

February 9, 2004

To: House Committee on Judiciary

From: Kathleen Taylor Olsen, Kansas Bankers Association

Re: HB 2612: Amendment to UCC Revised Article 9

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to testify in favor of **HB 2612**, a bill that would make a very technical, but meaningful correction to the Uniform Commercial Code Revised Article 9.

As you will recall the Kansas Legislature passed Revised Article 9 in the 2000 legislative session. It was an expansive piece of legislation that totally revamped Article 9 of the Uniform Commercial Code. In 2002, the Legislature passed "Errata and Amendments" that were suggested by the National Conference of Commissioners on Uniform State Laws (NCCUSL).

This proposal brings to your attention a missing word that needs to be inserted. The error is found in K.S.A. 84-9-509(a)(1), where the word "or" was omitted in the final printing.

K.S.A. 84-9-509, deals with financing statements (form UCC-1), and establishes the rules whereby debtors authorize the filing of the financing statement (since the requirement for the debtor to sign the UCC-1 has been eliminated). Reading subsection (a)(1) without the missing word, "or", a lender would have only two means by which to establish the debtor's authorization of the filing: 1) subsection (b) allows the lender to use the signed security agreement as the authenticated authorizing an accompanying UCC-1; or 2) subsection (c) states that the debtor automatically gives authorization when he or she acquires collateral that is already covered in a security agreement.

It is clear from the original draft by the NCCUSL (see attached) that they intended lenders to have another option – that being a separately authenticated record. This would allow a debtor to separately authorize the filing of the financing statement in an independent document.

In conclusion, while seemingly innocuous, the omission of the word, "or" is very misleading to practitioners and it was clearly intended by the drafters to be a part of that subsection. Thank you for your time and attention to this matter and we respectfully request the Committee to act favorably on **HB 2612**.

House Judiciary Committee

2-9-04

Attachment 1

UNIFORM COMMERCIAL CODE

REVISED ARTICLE 9. SECURED TRANSACTIONS
(With Conforming Amendments to Articles 1, 2, 2A, 4, 5, 6, 7, and 8)

ERRATA AND AMENDMENTS

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By
THE AMERICAN LAW INSTITUTE
and
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

**ON ASSIGNMENT OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES,
AND PROMISSORY NOTES INEFFECTIVE.**

* * *

(b) **[When notification ineffective.]** Subject to subsection (h), notification is ineffective under subsection (a):

* * *

(3) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) only a portion of the account, chattel paper, or general payment intangible has been assigned to that assignee;

SECTION 9-509. PERSONS ENTITLED TO FILE A RECORD.

(a) **[Person entitled to file record.]** A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) the debtor authorizes the filing in an authenticated record or pursuant to subsection (b) or (c); or

(2) the person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

SECTION 9-513. TERMINATION STATEMENT.

* * *

(1) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.


(g) **Subsection (b)(3) not waivable.** Subject to subsection (h), an account debtor may not waive or vary its option under subsection (b)(3).

(h) **Rule for individual under other law.** This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

(j) **Section prevails over specified inconsistent law.** This section prevails over any inconsistent provisions of any laws, rules, and regulations.

Sec. 17. K.S.A. 2001 Supp. 84-9-509 is hereby amended to read as follows: 84-9-509. (a) **Person entitled to file record.** A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) The debtor authorizes the filing in an authenticated record *pur-*  *suant to subsection (b) or (c); or*

(2) the person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) **Security agreement as authorization.** By authenticating or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) The collateral described in the security agreement; and

(2) property that becomes collateral under K.S.A. 2001 Supp. 84-9-315(a)(2) and amendments thereto, whether or not the security agreement expressly covers proceeds.

(c) **Acquisition of collateral as authorization.** By acquiring collateral in which a security interest or agricultural lien continues under K.S.A. 2001 Supp. 84-9-315(a)(1) and amendments thereto, a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under K.S.A. 2001 Supp. 84-9-315(a)(2) and amendments thereto.



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MEMORANDUM

TO: House Judiciary Committee

FROM: Kansas Judicial Council - Randy M. Hearrell

DATE: February 9, 2004

RE: Judicial Council Testimony on 2004 SB 297

The Judicial Council supports the recommendation of the Special Committee on the Judiciary that docket fee funding for the Judicial Council be made permanent. Because of the additional flexibility the docket fee funding has provided to the Council, the Council and its advisory committees have held more meetings in the first six months of fiscal year 2004 than were held in all of fiscal year 2003, utilizing the same staff. In FY 2003, the Judicial Council received four assignments from the Legislature and in FY 2004, the Judicial Council received nine such assignments.

At this time last Legislative session Council funding was in doubt and while it was being resolved, two capable staff members accepted other job offers due to the uncertainty of future funding for their positions. The passage of SB 297 at this time would remove the possibility of similar problems next year.

SB 297 makes the docket fee funding for the Judicial Council permanent, but in order to keep the funding for the Council and other recipients of docket fees under the statute at current levels, the Senate Judiciary Committee made technical amendments in K.S.A. 2003 Supp. 28-172a, 59-104, 60-1621 and 60-2001 to remove language that phased out the 2003 docket fee increases in 2005. These amendments implement the recommendation of the Special Committee on the Judiciary.

On the Senate floor the bill was amended on page 2, line 1 by striking "state general" and inserting "judicial branch" and by adding a new section 6 creating the judicial branch fund. These changes provide that approximately 10 million dollars that now go to the state general fund will go to the Judicial Branch Fund.



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

February 9, 2004

**Testimony Regarding SB 297
House Judiciary Committee**

Kathy Porter
Office of Judicial Administration

New Section 6 of SB 297 was added as a Senate floor amendment and would create the Judicial Branch Fund. The fund would receive those amounts from the docket fees that are currently deposited into the State General Fund. Attached is a table showing what that amount has been in the past three fiscal years. In FY 2003, that amount was \$9,882,084.

	FY 2003			FY 2002			FY 2001		
	Amount Received	Percent to SGF	Amount to SGF	Amount Received	Percent to SGF	Amount to SGF	Amount Received	Percent to SGF	Amount to SGF
Fines, Penalties & Forfeitures	18,886,425	86.54%	16,344,312	15,892,395	86.54%	13,753,279	10,581,322	74.00%	7,830,178
Interest on Investments	158,582	100.00%	158,582	144,523	100.00%	144,523	288,542	100.00%	288,542
Clerk's Fees	18,516,178	53.37%	9,882,084	17,645,927	54.03%	9,534,094	16,566,792	54.03%	8,951,038
Law Enforcement Training Center	1,883,530	0.00%	0	1,782,657	0.00%	0	1,789,225	0.00%	0
Indigent Defense Service Fund	452,103	0.00%	0	401,457	0.00%	0	314,719	0.00%	0
Marriage License Fees	995,227	16.08%	160,033	1,015,447	16.08%	163,284	1,084,484	16.08%	174,385
Drivers License Reinstatement Fees	754,071	0.00%	0	807,501	0.00%	0	716,820	0.00%	0
Judicial Emergency Surcharge	3,384,394	0.00%	0	407,500	0.00%	0	0	0.00%	0
Total	45,030,510		26,545,010	38,097,408		23,595,180	31,341,903		17,244,143

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DINA FISK

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KANSAS SOCIETY OF LAND SURVEYORS (KSLs)

HB 2617

ALLOWING LAND SURVEYORS TO ENTER UPON PROPERTY FOR A LAND SURVEY, NOT CONSIDERED A TRESPASS

To: House Judiciary Committee
Date: February 9, 2004

Thank you Chairman O'Neal and Members of the Judiciary Committee for the opportunity to testify in support of HB2617. My name is Dina Fisk and I represent the Kansas Society of Land Surveyors.

A Professional Land Surveyor renders a highly technical service that in the general interest of the public must be in compliance with the criteria of standards and laws as set forth in the Kansas Statutes. (See examples page 2 – Kansas Statutes for Surveyors)

All surveys (See types of surveys – page 3) must have a reference point or Point of Beginning which are often marked with a 'monument'. Evidence of monuments are required to be shown in a survey and noted to indicate which were found, including those found beyond the surveyed premises on which establishment of the corners of the surveyed premises are dependent, and their application related to the survey need to be indicated.

Without the ability to locate the marker or some other relative indicator of the boundary, it is difficult to determine the Point of Beginning to render a survey. Since markers or other indicators are not always located on the property to be surveyed, or on public property such as a right of way or an easement, it is necessary for a licensed land surveyor or his authorized agent or employee to gain entry upon the adjacent land to find the reference point.

A reasonable attempt is always made to notify a property owner of the necessity to gain entry upon the land. However, in some cases a land owner is not available, cannot be located or for other reasons the surveyor cannot gain permission. Land surveyors typically have a limited time frame in which they must conduct a survey for Government or Private Entities (Re: Cities, Counties, State, Townships, Businesses, Developers, Homeowners, Investors, Landowners, Realtors, Title Mortgage Company.)

HB 2617 would allow land surveyors and their agents to enter land of a party other than a client for the purpose of rendering a survey. The bill would create an exemption to the charge of criminal trespass for surveyors, providing the surveyor has made a reasonable attempt to gain permission to be on the land. A surveyor would be required to display proper identification upon request. The land surveyor would be responsible for any damages to property done during the survey. A surveyor may not enter any building or structure used as a residence or storage.

The Kansas Society of Land Surveyors requests your favorable consideration of HB2617.

Government Affairs & Public Relations
Kansas Legislative Lobbyist

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KANSAS STATUTES FOR LAND SURVEYORS

Chapter 58. -- PERSONAL AND REAL PROPERTY

PART 6. — MISCELLANEOUS PROVISIONS

Article 20. -- LAND SURVEYS

58-2001. *Monumentation of corners in boundaries of subdivisions before recording plat; type. All corners in the boundary of a subdivision of land shall be monumented prior to recording of the plat submitted for recording after the effective date of this section. This monument shall be a metallic bar or tube set rigidly in a concrete base.

History: L. 1967, ch. 309, § 1; July 1.

58-2002. Same; subdivision control; *monumentation. Where any section corner, quarter section corner or section center is involved in the control establishing the location of a subdivision boundary, said point shall be clearly *monumented and labeled before it is used in the subdivision control. *History: L. 1967, ch. 309, § 2; July 1.*

58-2003. Recording measurements from visible objects to location of point; description; alternative. When any section corner, quarter section corner or section center is set or reset by a surveyor and when any such corner is located by a surveyor in the course of carrying out a public survey, there shall be recorded, in the manner provided by K.S.A. 58-2011, and amendments thereto, reference measurements from permanent, visible objects to the location of the point as set, reset or located. These reference objects shall be described clearly. In lieu of reference measurements from visible objects, such reference measurements may be made from triangulation stations maintained by the national ocean service/national geodetic survey or by utilizing the state plane coordinate system prescribed by K.S.A. 58-20a01 et seq., and amendments thereto. *History: L. 1967, ch. 309, § 3; L. 1999, ch. 27, § 1; July 1.*

58-2004. Information required with plats. The following information shall be submitted with all plats for subdivisions of land:

(a) Exterior boundary plat showing:

- (1) Locations of the *monuments,
- (2) bearings and distances between the *monuments,
- (3) closure calculations.

(b) All horizontal lot calculations and street calculations.

History: L. 1967, ch. 309, § 4; July 1.

***Monument**

An object placed to mark the physical location of a position. A property corner monument is often a length of iron rod driven vertically into the ground so that the top is at or below natural grade. A cap identifying the registration number of the surveyor responsible for placing the monument must be placed atop the monument.

TYPES OF SURVEYS

Boundary Survey

A boundary survey of the subject property will be made and the property corners will be located and verified or reset. This survey is normally performed on vacant property. A check for violations or encroachments onto or from the subject property will be made. This of survey can be used, by the property owner, for the construction of a fence, structure, or other improvements.

Boundary and Improvement Survey

A boundary survey of the subject property will be made and the property corners will be located and verified or reset. The improvements on the property will be located and a check for violations or encroachments onto or from the subject property will be made. This survey can be used, by the property owner, for the construction of a fence structure or other improvements.

Tract Survey

A tract survey is similar to a boundary survey in that a boundary survey of the subject property will be made and the property corners will be located and verified or reset. This survey is normally performed on large parcels of land, which have improvements that do not require location. A check for violations or encroachments onto or from the subject property will be made, with the primary emphasis being concentrated along the property lines for to establish any conflicts between the surveyed line and any apparent lines of possession. This survey can be used by the property owner, for the construction of a fence, structure, or other improvements.

ALTA/ACSM Land Title Survey

This is the most comprehensive type of survey and improvement location. It covers all aspects of the boundary survey and improvement location and identification of any additional evidence of possession or use, which could be adverse to the interests of the purchaser. This type of survey is normally only performed on commercial property because of the expense involved.

Architectural/Topographic Survey

This is a survey of real property with the main purpose of determining the configuration of the surface of the ground and the location of all natural and artificial objects, including utilities, drainage ways, structures, ingress and egress to the property and any other visible limitations or enhancements to the property. This survey should be performed in conjunction with a Boundary Survey to show lines of possession and is normally conducted for an architectural planning or engineering design projects.

Mortgage Title Inspections

The sole purpose of this inspection is to obtain mortgage title insurance. This is the minimum service that your lender requires for closing your loan. It is a location of improvements and a cursory check for violations or encroachments onto or from the subject property based on existing but not confirmed evidence. This does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. No property corners will be set and it should not be used or relied upon for the establishment of any fence, structure or other improvement. No warranty of any kind is extended therein to the present or future owner or occupant.

**Kansas House of Representatives
Judiciary Committee
House Bill No. 2617**

Proponent Testimony
by
Thad T Fowler, PLS
(on behalf of the Kansas Society of Land Surveyors)

Mr. Chairman and Members of the Judiciary Committee:

My name is Thad Fowler. I am, and have been for the past thirty years, a land surveyor. I am before you today to provide testimony on behalf of the Kansas Society of Land Surveyors as a proponent of House Bill No. 2617.

My testimony today will be brief for the proposed legislation before this committee is simple; it is straightforward; and it is just. Beyond the legislation's stated purpose of allowing a land surveyor conditional access onto the lands, waters and premises of a party who has not requested the survey, this legislation will provide the means for Kansas citizens and business entities to receive a complete and comprehensive survey of their properties.

The profession of land surveying is a union of the science of measurement with the art of law. The land surveyor's role in determining land boundaries is objective and impartial. Certain "Minimum Standards for Boundary Surveys" have been adopted by the Kansas State Board of Technical Professions as administrative regulations and have the force and effect of law. These minimum standards make it incumbent upon the land surveyor to perform a thorough search for necessary controlling monuments and physical evidence of possession and to then procure essential measurements in order to adequately analyze and evaluate the physical positions of these monuments and other physical evidence.

To meet these requirements of law and to provide the property owner, and by extension, the adjoining to the property owner, with a complete, comprehensive, and defensible

survey; there exists a legal and ethical onus upon the surveyor to enter upon the lands of others who have not engaged the services of the land surveyor.

The proposed legislation before you is, in most respects, a reflection of similar legislation passed by the State of Maine in 2003. The State of Kansas currently has conditional right of entry statutes for such entities as the Secretary of Transportation (K.S.A. 68-404); the Kansas Turnpike Authority (K.S.A. 68-2097); and for County Surveyors and their deputies (K.S.A. 19-1413). Considering the impartial and objective status of the land surveyor, this proposed legislation is a logical, just, and due extension of these status quo statutes.

I have in my company today Mr. Max Baker, a peer in my profession and a long-time friend. Mr. Baker was arrested in 2002 for criminal trespass during the conduct of a boundary survey. These charges against Mr. Baker were subsequently dismissed but the incident most certainly underscores the need for the passage of this Right of Entry legislation.

Both Mr. Baker and I will stand for any questions this committee may have. I thank you all for your time today and for your thoughtful consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Thad T Fowler". The signature is written in black ink and includes a horizontal line extending to the right from the end of the name.

Thad T Fowler
Professional Land Surveyor
PO Box 3
Lyndon, KS 66451



KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE

REGARDING HOUSE BILL 2617 RELATING TO LAND SURVEYORS

FEBRUARY 9, 2004

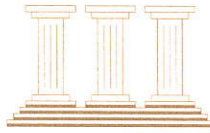
Mr. Chairman and Members of the Committee:

I am Jim Kowach, Chief of the Bureau of Design. On behalf of the Kansas Department of Transportation (KDOT) I am here to provide testimony in support of HB 2617.

In the profession of surveying, there is a necessity to examine and measure evidence beyond the immediate location of the survey site. The Public Land Survey System, which was originally surveyed during the days of the early settlers in Kansas, established monuments at approximately ½ mile intervals throughout the State. Subsequent surveys and development since that time have referenced these positions and monuments. The ability to have access to the evidence is vitally important in the process of performing accurate surveys.

At present, it is the policy of KDOT to contact land owners and tenants prior to entry upon private property. Absentee owners may be notified by letter if necessary; however, there can be unforeseen instances in which the contact cannot be made. This bill would allow entry onto property after a reasonable attempt to contact the property owner has been made.

KDOT supports HB 2617. It would also have a favorable impact on all the survey community in Kansas.



KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

TO: Members of the House Judiciary Committee

FROM: Barb Conant
Director of Public Affairs
Kansas Trial Lawyers Association

RE: 2004 HB 2617/Allowing land surveyors on land

DATE: Feb. 9, 2004

Chairman O'Neal and members of the House Judiciary Committee, the KTLA appreciates the opportunity to submit written testimony on HB 2617.

We were pleased to be asked by the Kansas Society of Land Surveyors to review the proposed language for this bill. Our members have reviewed the bill and we have no concerns with HB 2617.

As advocates for the safety and protection of consumers and families, we commend KSLs members for their concern for the safety of Kansans.

KTLA is a statewide, nonprofit organization of lawyers who represent consumers and advocate for the safety of families and the preservation of the civil justice system. Again, we appreciate the opportunity to submit our comments to the committee.

Terry Humphrey, Executive Director

Fire Station No. 2 • 719 SW Van Buren Street, Suite 100 • Topeka, Ks 66603-3715

E-Mail: triallaw@ink.org

House Judiciary Committee

2-~~19~~-04

Attachment 7



**HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY**



600 EAST 103RD STREET • KANSAS CITY, MISSOURI 64131-4300 • (816) 942-8800 • FAX (816) 942-8367 • www.kchba.org

February 9th, 2004

Representative Mike O'Neal, Chair
House Judiciary Committee
State Capitol
Topeka, KS 66612

Dear Chairman O'Neal and Committee Members:

I am writing to express support on behalf of the Home Builders Association of Greater Kansas City for HB 2617. It is essential that land surveyors be able to go where they need to go in order to complete the survey and often that means going on to adjacent properties. The surveyors I spoke with said they always try to get permission from adjacent property owners before proceeding but it is not always possible and often causes long delays in the process.

HB 2617 offers a common sense solution to a problem encountered in our industry and I applaud the Kansas Society of Land Surveyors for their work in remedying this situation. I encourage you to support HB 2617.

Sincerely,

A handwritten signature in cursive script that reads "Dave".

Dave Holtwick
Staff Vice President-Kansas Government Affairs

Do Business With A Member

House Judiciary Committee
2-9-04
Attachment 8