

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 surveyor check plats of surveys and subdivisions before they were filed. He further stated that there are

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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**.

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

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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 was seconded by Representative Powers. (Attachment 9)

Technical clarification of the language in the bill was reviewed by the Committee. Question was raised as

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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.