

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on March 13, 2000, in Room 245-N of the Capitol.

All members were present except: Senator Petty
Senator Vidricksen

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Ken Wilke, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Karen France, Director of Government Affairs, Kansas Association of Realtors
Judy Moler, Kansas Association of Counties
Marilyn Nichols, Shawnee County Register of Deeds
Ruth Rahe, Republic County Register of Deeds
Jim Yonnally, Kansas Society of Land Surveyors
Bill Meek, Sedgwick County Register of Deeds
George Barbee, Barbee & Associates

Others attending: See attached list

Chairman Hardenburger opened the hearing on **HB 2750 concerning plat; and repealing the existing section**. This bill passed out of the House Committee of the whole with an amendment from the original bill, and **SB 582 concerning land surveys and land surveyors; and repealing the existing section** was passed in Senate Judiciary Committee and it is a bill that is much more acceptable to all the parties than was **HB 2750**. She said that the Committee will hear testimony on this bill, and if the Committee agrees, **HB 2750** will be gutted and **SB 582** amended into it with some amendments.

Karen France, Kansas Association of Realtors, gave testimony supporting **HB 2750**. She said that the protection of property owners should not be sacrificed over political squabbles within a county courthouse. (Attachment #1)

Legislative staff explained that KSA Supp. 58-2005 was supposed to be stricken from the Senate bill, which requires a county surveyor or, in the absence of a county surveyor, a land surveyor, to review a subdivision plat or plat survey, prior to recording of such plat.

Judy Moler, Kansas Association of Counties, an opponent of **HB 2750**, stated that last session, **HB 2205** amended KSA 58-2005 to its current status. **HB 2750** would repeal KSA 58-2005. (Attachment #2)

Marilyn Nichols, Shawnee County Register of Deeds, testified in opposition of **HB 2750**. She said the Register of Deeds Association cannot support the bill in the amended form, because it still calls for a review by the county surveyor and the certification of one surveyor's work to another. (Attachment #3)

Ruth Rahe, Republic County Register of Deeds presented testimony, in opposition and informed the Committee that this bill would present a financial burden to the smaller counties. She also presented testimony to the Committee signed by Board of County Commissioners, Republic County, stating this bill would represent an unfunded mandate due to the fact that it contains no provision to recoup expenditures which have been necessitated in complying with the law. (Attachment #4) (Attachment #5)

Jim Yonnally, Kansas Society of Land Surveyors, testified in opposition to **HB 2750** and said that **SB 582** had three sections. The Land Surveyors' Committee asked us to work out something, they met and worked out something on two sections. KSA 58-2003 and 58-2011 were left in the bill. He said that they agreed to leave 58-2005 out of the bill, and deal with 58-2005 in **HB 2750**, which was before the House. Therefore, Mr. Yonnally believes the language of 58-2005 in the bill should remain stricken.

CONTINUATION SHEET

George Barbee, Barbee Associates, representing Kansas Consulting Engineers, testified to the Committee that he is in favor of inserting **SB 582** into **HB 2750**, because it removes KSA 58-2005. There is a situation where a licensed land surveyor is preparing plats because he must be licensed to do that. Another licensed land surveyor is being asked to review the plats. If a surveyor that prepared the plat is not doing it in a manner consistent with the minimum standards adopted by the Board of Technical Professions, then charges can be brought against him for their errors. There are safeguards for the practice of surveying, engineering and architecture, all with the same agency. Therefore, Kansas Consulting Engineers supports the adoption of **SB 582** within **HB 2750**.

The Committee discussed the problems between Land Surveyors surveying and reviewing the same plat. Chairman Hardenburger said that current law requires a surveyor and there are not enough surveyors in each county.

Bill Meek, Sedgwick County Register of Deeds explained to the Committee that when a plat has been properly sealed by a surveyor, the Register of Deeds cannot by law refuse them. They have to be accepted.

Senator Gooch asked if the Surveyor's surveys are error free. Mr. Yonnally said that the survey plats turned in had 40 to 60% error rates, some very minor, but some were very important.

Meeting was adjourned at 2:15 p.m. Next meeting is scheduled for March 14, 2000.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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