

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:40 p.m. on March 10, 2011, in Room 144-S of the Capitol.

All members were present except:

Representative Sloan – excused
Representative Lane – excused

Representative Hineman – excused
Representative Garber - excused

Committee staff present:

Reed Holwegner, Kansas Legislative Research Departments
Eunice Peters, Office of Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Representative Larry Powell, District 117, Garden City, Kansas
Melissa Wangemann, General Counsel and Director of Legislative Services, Kansas Association of Counties
Darryl Lutz, County Engineer and Director of Public Works, Butler County

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2314 – Finney County Drainage District No. 2; election of directors.**

Staff Eunice Peters said that the bill is a reintroduction of legislation from 2009 and would change the term of office for Drainage District No. 2 of Finney County from a three-year staggered term to a four-year staggered term.

Representative Larry Powell, District 117, Garden City, Kansas, spoke as a proponent of **HB 2314**. He noted that the knowledge and experience of previous board directors provides comprehensive direction for newly elected directors (Attachment 1). When asked a question regarding the election cycle, Representative Powell said that the community could be flexible as to the spring or fall elections. The Chairman requested staff research the possibility of a director inadvertently serving for a six-year period.

The Chairman closed the hearing on **HB 2314**.

The Chairman opened the hearing on **SB 112 - Amendments to statutes pertaining to land surveyors.**

Staff Eunice Powers explained the bill addresses the requirements of county commissioners in the appointment of land surveyors holding official duties as county surveyors. She noted the bill includes many facets, including language delineating legal descriptions of tracts of land, the recording of plats with the register of deeds within 90 days, redefining the responsibilities of record-keeping, restoring any excavation or fill-covering of a corner monument, and designating criminal penalties of any individual who threatens or interferes with surveyors while they are performing their duties.

Melissa Wangemann, General Counsel and Director of Legislative Services, Kansas Association of Counties, spoke as a proponent of **SB 112**, saying that the bill is a compromise among surveyors, county engineers and highway personnel to protect the public and satisfy the concerns of each of the organizations (Attachment 2). She noted that some individuals in the organizations disagreed with their association's position on various issues. (The Chairman requested staff to provide copies of testimony given in opposition to the bill.) Ms. Wangemann requested the committee find the bill favorable for passage.

Darryl Lutz, County Engineer and Director of Public Works, Butler County, speaking as a proponent of **SB 112**, said that associations have worked for the past ten years to update county surveyor statutes and survey review statutes, many of which relate to county roads and bridges (Attachment 3). He noted that the issue of reviews has been contentious in past years and this bill provides a compromise among the various agencies and associations. Mr. Lutz requested the committee consider the bill favorable for passage.

CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on March 10, 2011, in Room 144-S of the Capitol.

The hearing on **SB 112** was closed.

The meeting was adjourned at 4:10 p.m. The next meeting is scheduled for March 15, 2011.

HOUSE LOCAL GOVERNMENT

GUEST LIST

DATE: March 10, 2011

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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: AGRICULTURE AND NATURAL
RESOURCES
MEMBER: AGRICULTURE AND NATURAL
RESOURCES BUDGET
TAXATION

HOUSE LOCAL GOVERNMENT COMMITTEE

March 10, 2011

HB 2314 - Finney County Drainage District No. 2; election of directors

Chairman Huebert and members of the committee, thank you for hearing **HB 2314**.

The purpose of the bill is to stagger the terms of members of the Board of Directors of Finney County Drainage District No. 2 so that all of the directors aren't elected in the same election. There have been no problems so far, but this bill is trying to get out in front of a possible situation where all of the board members were new to the board. They would like to retain someone at least 2 years because of their institutional knowledge.

Thank you for your attention and consideration and I will stand for questions.

Representative Larry Powell
117th District

House Local Government
Date 3-10-11
Attachment 1



TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES
TO THE HOUSE LOCAL GOVERNMENT COMMITTEE
ON SB 112

Chairman Huebert and Members of the Committee:

Thank you for the opportunity to testify in support of SB 112.

Last year SB 301 was introduced by the Kansas Society of Land Surveyors to repeal the laws relating to the review of county surveys. The Kansas Association of Counties opposed the bill because we felt the reviews were an important safeguard to ensuring that our land records are accurate.

Following the 2010 legislative session, the Kansas Association of Counties worked with the Kansas Society of Land Surveyors as well as the Kansas County Highway Association and the Kansas Association of County Engineers to find a solution that would both protect the public and satisfy the concerns of each organization. While these three were the main players many other organizations were also consulted. I am happy to report that these organizations are in agreement on the proposal before you. This bill updates the county surveyor laws as well as addressing the issue of reviewing surveys.

I will leave the technical explanation of the bill to those proponents who work in the field of land surveying. KAC believes this is a good compromise between all parties, and we ask you to pass this bill. Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Melissa A. Wangemann". The signature is fluid and cursive, written over the printed name.

Melissa A. Wangemann

General Counsel and Director of Legislative Services

TESTIMONY

Concerning Senate Bill 112

Presented by Darryl Lutz, representing the Kansas County Highway Association an affiliate organization of the Kansas Association of Counties

Chairman Huebert and members of the House Local Government Committee, my name is Darryl Lutz, County Engineer and Director of Public Works of Butler County. I appreciate the opportunity today to present my remarks in support of Senate Bill 112 as drafted.

In addition to my duties as Butler County Engineer, I serve as the Legislative Committee Chairman of the Kansas County Highway Association. The Kansas County Highway Association consists of the County Engineers and Road Supervisors of Kansas Counties. Usually the county surveyors work within the county road and bridge departments so our association is well aware of surveying laws and issues. Our association has worked with the legislature over the last 10 years to update the laws relating to county roads and bridges. This last year the KCHA made a comprehensive review of county surveyor statutes and the survey review statutes. The bill you have before you is our effort to update these statutes to reflect current conditions and interrelationship with other laws. Many of the laws have not been updated since 1911 when the legislature required counties to employ a county engineer. So an update has been long overdue. This effort was led by our Land Survey Committee, which was chaired by, David Nowak, Saline County Surveyor.

The bill is rather long reflective of the fact that many of these statutes have not been revised for over 90 years. That was a time when there was no licensing requirement for engineers or land surveyors. Only the county surveyor could then survey land and he could even practice what we now call engineering. We took the opportunity while updating the county surveyor laws to address the issue of county surveyor reviews of surveys prior to recording at the register of deeds. The review issue has been contentious in the last few years, but I am happy to report to you that we have reached a compromise that we feel will not only protect the public but will recognize the diverse situations that occur within our state. During this process we have requested comments and participation from many groups, agencies and associations. These groups include:

- Kansas Society of Land Surveyors (KSLS)
- Kansas Association of County Surveyors (KACS)
- County Counselors Association of Kansas (CCAK)
- Kansas Register of Deeds Association
- Kansas Association of Mappers
- Kansas Association of County Planning and Zoning Officials(KACPZO)
- Kansas State Historical Society
- Kansas Information Technology Office (KITO)
- Kansas State Board of Technical Professions
- Kansas Department of Transportation
- Kansas Land Title Association

House Local Government

Date 3-10-11

Attachment 3

Some groups have been more involved than others, but all the comments and concerns have been considered and to our knowledge there is no group in opposition to the proposed bill.

I will highlight the key points relating to review of surveys by the county surveyor.

- Clarified and listed the items the county surveyor will review.
- Set time limits for the review
- Require that surveys of new tracts and surveys that result in new legal descriptions be recorded at the register of deeds. (This is currently an administrative regulation.)
- The county surveyor review is only required of surveys that are required by law to be recorded at the register of deeds.
- County commissions can by resolution waive the review requirement for regular surveys, but not subdivision plats.

We think this compromise will work much better than the current law. It will encourage surveys to be recorded at the register of deeds where other land records are recorded. It will retain county surveyor review of those surveys that are more likely to have errors, such as subdivision plats.

The KCHA respectfully asks this committee to pass this bill favorably out of committee. Thank you for considering this legislation.

March 10, 2011