

REVISED
SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 112

As Amended by House Committee of the Whole

Brief*

SB 112, as amended, would address the appointment and duties of surveyors. The bill also would modify record keeping requirements, requirements for replacement of certain monuments, and requirements for survey plats.

The bill would permit county commissioners to appoint a land surveyor whose official title would be county surveyor. A county surveyor could be a surveyor in more than one county, and the county could appoint a deputy county surveyor who could perform the duties of the county surveyor.

When a survey is performed that requires a new legal description or creates a tract of land, the surveyor plat would have to be recorded with the register of deeds within 90 days after the completion of the survey. A survey plat would have to include closure calculations of the exterior boundary and interior lots and parcels, or equivalent data files, and corner references prepared by the land surveyor less than one year prior to the date reports are submitted to the county surveyor.

The board of county commissioners could, by resolution, designate an alternate county office for filing of survey plats for archival purposes, except for subdivision plats.

The bill would redefine what records a county surveyor would have to keep. Records of notice to landowners, who would be affected by the survey, would have to be retained for a period of one year in the office of the county surveyor.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Under the bill, if a United States land survey corner or section center monument that is located in a street or road and is at risk of fill covering the monument by more than two feet, the agency responsible for maintaining the road would have to employ a county surveyor to restore the monument. The cost of reestablishment would have to be paid by the agency responsible for maintaining the road.

Under current law, individuals may be fined up to \$100 and liable for damages if they threaten or interfere with surveyors while performing their duties. The bill would remove the fine and authorize a violation to be charged with a class A misdemeanor.

Background

Proponents of the bill were representatives of the Kansas Association of Counties, the Kansas Society of Land Surveyors, Kansas Highway Association and the Kansas Association of County Surveyors.

Opponents to the bill included representatives of Central Kansas Surveying and Mapping, Inc., and two licensed surveyors.

The Senate Committee made a technical amendment to the definition of condominium plat.

The House Committee of the Whole amended the bill to make it permissive, rather than require, that county commissioners appoint a land surveyor. (Note: the original version of the House Committee of the Whole amended bill made it permissive that the title of the land surveyor could be "county surveyor.")

According to the fiscal note from the Budget Director, there would be no fiscal effect to the counties.