



Volume 3, Number 3, October 1987

# MMA NEWS

MISSOURI MAPPERS ASSOCIATION

P.O. BOX 1692

JEFFERSON CITY, MISSOURI, 65102

## LETTER FROM THE PRESIDENT

Following the 1987 Annual Meeting, your new Board of Directors met briefly to set a strategy for the upcoming year. Your Board is extremely excited about the opportunity to serve in a position of leadership for the Missouri Mappers Association and I personally look forward to serving you as President for the 1987-88 year. I have had the opportunity to be involved in this organization since its initiation and believe in its purpose. . . "To bring together those persons concerned with property mapping in state and local government and private industry. . . ."

The Missouri Mappers Association is your organization and I invite you to actively participate by serving on a committee or offering your expertise in any other way. The Board plans to meet regularly and following are the established meeting dates:

October 3, 1987  
January 23, 1988  
April 23, 1988  
July 16, 1988

As we prepare for these meetings, I will look forward to hearing from you regarding topics of interest or concern which should be placed on the agenda. We would also welcome your attendance at any one of these meetings.

Committees play a vital role in the success of any organization. The Missouri Mappers Association committees are currently being established. Following is a list of the members who have agreed to serve as Chairman of the Standing Committees and also the name of the Board Representative who will be working with these committees.

Committee	Board Representative	Chairman
Education	William R. (Bill) Brenner	Debbie Cochran
Publications	Ken Eftink	
Certification	Stan Balsman	Gary Drennan
Membership	Robert Pirrie	Robert Norris
Awards	Mary Ann Kaiser	Jan Elliott
Annual Meeting	Dianna Carter	Yvonne Haile
Legislative	Gail Sawicki	Robert Myers

During the next couple of weeks, committee members will be assigned to each committee. If you are interested in serving on any one of these, please contact me immediately. Again, your participation is encouraged and vital to the success of our organization.

During the next month, the committees will be establishing goals and objectives for the coming year. With the involvement we have had to date and the continuing interest of your Board and Committee Chairman, I look forward to serving as your President for the upcoming year.

## REPORT FROM THE ANNUAL MEETING MISSOURI MAPPERS ASSOCIATION AUGUST 12, 1987

The Annual General Membership meeting of Missouri Mappers Association was called to order by Vice-President Don Cleveland at 10:55 a.m., August 12, 1987 at the Holiday Inn Executive Center, Columbia, Missouri. The following Board members were in attendance: Vice-President, Don Cleveland; Secretary, Mary Ann

Kaiser; Treasurer, Ken Eftink; Directors, Robert Pirrie and Gary Drennan. In addition, forty-six members were present. There were no guests.

### MINUTES

The minutes of the 1986 Annual Meeting held August 5, 1986 were read by Secretary Mary Ann Kaiser. Motion was made by Robert Pirrie and seconded by James Matlock that minutes be approved as read. Motion was carried.

### TREASURER'S REPORT

Treasurer Ken Eftink reported that Treasury balance as of January 1, 1987 was \$4,283.65. The balance at the present time is \$4,230.19. Treasurer Eftink knows of no outstanding bills with the exception of these directly related to the Annual Meeting which is currently underway. The reported current balance also does not include the receipts for registrations for the Annual Meeting. Motion was made by Gary Drennan and seconded by Don Hallemeier that the Treasurer's Report be accepted as presented by Treasurer Eftink. The motion carried.

### COMMITTEE REPORTS

#### Education Committee

The Education Committee report was presented by Committee Chairman Bob Norris. The stated goals of the Education Committee for this year were to further the educational program by:

1. sponsoring an aerial photography workshop
2. sponsoring Course 6
3. preparing a mapping manual.

Mr. Norris reported that the Aerial Photography Workshop is being held in conjunction with the current Annual Meeting, the Course 6 is scheduled for October 5-9 in Springfield, Missouri and work has begun on the Mapping Manual. The process of completing the manual will require additional time, perhaps as much as another year.

#### Publications Committee

The report of the Publications Committee was presented by Committee Chairman Joe Martin. Several newsletters have been published during the past year and the next newsletter is scheduled for publication approximately September 1. It will include coverage of the Annual Meeting.

#### Membership Committee

The report of the Membership Committee was presented by Vice-President Don Cleveland. He reported in December, 1985 there were 240 members, August, 1986 there were 280 members, and there presently are 206 members. New membership applications have been prepared and Mr. Cleveland encouraged all members to take these forms and distribute them. He reported that annual dues are currently payable and many have been included in the payments for the registration for the Annual Meeting. He also reported that proposed changes to the Constitution relating to membership classifications will be discussed as Old Business.

#### Legislative Committee

There was no report from the Legislative Committee. However, Robert Pirrie, who is on the Legislative Committee for MARLS, reviewed with the membership the following proposed MARLS legislation, which may be of interest to the Missouri Mappers Association.

1. Mandatory plat recording.

This would require all new surveys regardless of size to be recorded in the County Recorder's Office.

2. Legislation to permit Circuit Courts to judicate section corners.

3. An update of Chapter 60, which deals County Surveyors. Mr. Pirrie said that under the new Minimum Standards issued recently by the Department of Natural Resources, spot surveys can no longer be performed legally. Previously the Minimum Standards allowed for a waiver of some conditions but this has been removed from the new Minimum Standards.

#### **Certification Committee**

The Certification Committee report was presented by Committee Chairman Stan Balsman. He said that there are currently 10 Professional Missouri Mappers. During the past year, the Committee has been in the process of establishing guidelines. The PMM test was given and although 5 members requested applications only one was submitted. The test was successfully passed by Debra Cochran and her PMM certificate was presented by Stan Balsman at this time. Our congratulations to Debbie for her ambition and quality work in the mapping profession that reflects in her attaining the designation of Professional Missouri Mapper.

#### **Annual Meeting Committee**

Committee Chairman, Mary Ann Kaiser, reported that there are 65 paid registrants and 10 exhibitors at the meeting.

#### **Awards Committee**

Committee Chairman, Bob Pirrie, reported that a new award - The Outstanding Mapper of the Year, has been initiated this year. This award along with the Educational Award and the Fireball Award will be presented later in the meeting.

#### **Committee Reports**

A motion was made by Jack McDermott and seconded by Larry Hixson that committee reports be accepted as given. Motion carried.

#### **OLD BUSINESS**

##### **Constitution**

Vice-President Cleveland reviewed the proposed constitution amendments, which have previously been approved by the Executive Committee and circulated to the General Membership in accordance with Article VII, Sections I and II. They were presented to the Executive Committee on June 10, 1987 and mailed to the general membership on July 21, 1987. The purpose of the Amendment is to clarify the classifications on members. A copy of the proposed Amendments as presented is attached to the minutes. A motion was made Glen Nicoll and seconded by Steve Kock that the constitution be amended as presented and further that all references to associate members be deleted. Motion carried.

##### **Newsletter Responses**

In the Fall of 1986, the Executive Committee prepared a Membership Survey Questionnaire which was included in the newsletter. In an attempt to encourage participation by the members, cash awards to be given away on a drawing basis at the 1987 Annual Meeting were proposed. The drawing was held at this time and the winners are as follows:

\$10.00	Joe Ferris, Grundy Co. Assessor
\$25.00	Mary Jean Beasley, Crawford Co.
\$25.00	Floyd Evans, Graphics Elite, Cape Girardeau

##### **Awards**

Awards Committee Chairman Bob Pirrie presented the following awards:

Education Award	Bob Norris
Fireball Award	Mary Ann Kaiser
Mapper of the Year	Kitty Hedin

#### **NEW BUSINESS**

##### **Election of Officers**

The Election of Officers was conducted by Bob Norris, Chairman of the Nominating Committee. The slate of officers as proposed by the Nominating Committee was presented.

Nominations for President were Gary Drennan and Mary Ann Kaiser. Bob Pirrie moved nominations be closed. Ken Eftink seconded the motion. Motion carried. Mary Ann Kaiser was elected President.

Nominations for Vice-President were Ken Eftink, Dawson Heathman, and Elva Beltz were nominated for Vice-President. Elva Beltz respectfully declined the nomination. Motion was made by Donna Heembrock and seconded by Glen Nicoll that nominations be closed. Motion carried and Ken Eftink were elected Vice-President.

Nominations for Secretary were Robert Pirrie, Dianna Carter, and Leota Blacksmith. Leota Blacksmith respectfully declined the

nomination. Larry Hixson moved that nominations be closed. Stan Balsman seconded the motion. Motion passed and following the first vote there was a tie. A revote was called for and Robert Pirrie was elected.

Nominations for Treasurer were Joe Martin, Donna Heembrock and Robert Boley. All respectfully declined the nomination. Stan Balsman and Dianna Carter were nominated from the floor. Gene Zimmerman moved nominations be closed. Bob Pirrie seconded the motion which passed. Dianna Carter was elected.

##### **Nominations for Directors**

Larry Wilson, Dave Tunnell, Doug Sprouls, Carl Sohn, Kay Schenewark, Dan Roe, Doyle High, Wayne Millington, Jim Matlock, Jerry Joe, Floyd Evans, Debbie Cochran, Bill Brenner and Stan Balsman. Wayne Millington and Jerry Joe respectfully declined the nomination. Robert Pirrie moved that nominations be closed. The motion was seconded by Gary Drennan and passed. Bill Brenner and Stan Balsman were elected Directors.

Following the Election of Officers, the Officers were installed by Vice-President Don Cleveland.

##### **CLOSING REMARKS**

Following the installation of the officers, newly elected President Mary Ann Kaiser expressed her appreciation for the opportunity to serve as President and requested the support of the membership. She also requested volunteers for various committees. Following her announcements, the meeting adjourned at 12:50 p.m. Respectfully submitted,  
Mary Ann Kaiser

## **PROFESSIONAL MISSOURI MAPPER CERTIFICATION**

The Professional Missouri Mappers certification program was set up to encourage all those people involved in the mapping profession to learn information and develop skills that would allow them to solve all types of property ownership mapping problems. The program gives a person confidence in themselves and pride in their work. Also other people who use the maps will have a greater respect for the professional mapper and the maps he/she produces.

The certification exam will be given in the spring of 1988. In order to take the exam you must complete a certification application. The application must be received by the certification committee no later than January 31, 1988.

If you would like to apply or if you have additional questions, please contact Gary Drennan, PMM, Hood-rich Arch. and Engineers, 801 Glenstone, Springfield, MO 65802.

## **CAREER GUIDE AVAILABLE**

The International Association of Assessing Officers has a new career guide available. The pamphlet is designed to explain assessment administration to high school and college students and to encourage their interest in the field.

You may find it useful for many other purposes: providing an overview of the field to new and potential employees, distributing to student groups and the general public, orienting the school board or the press, to name a few. The career guide also includes a section on mapping in the assessment process. The single copy price is \$.60.

To obtain copies of this career guide contact:

IAAO Publications Orders  
Debra Thomas  
P.O. Box 88874  
Chicago, IL 60680-1874

## **"THE LITE TABLE"**

### **There Oughta Be a Law. . . .**

The following "legal" description was recorded in Butler County in April of this year. Note that it is a "simple" quarter-quarter description that requires you to read at least 21 other deed references to determine what, if anything, is being transferred.

All of the Southeast Quarter of the Southeast Quarter of Section 10, except 5 acres lying west of Cane Creek, and all of the south half of the southwest quarter of section 11, and the north half of the northwest quarter of section 14, township 24 north, range 5 east, containing 195 acres, more or less, Butler County, Missouri, LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACTS:  
Except land described in General Warranty Deed, Book 596, p. 936

Except land described in General Warranty Deed, Book 600, p. 191  
 Except land described in General Warranty Deed, Book 608, p. 720  
 Except land described in General Warranty Deed, Book 610, p. 96  
 Except land described in General Warranty Deed, Book 610, p. 760  
 Except land described in General Warranty Deed, Book 610, p. 847  
 Except land described in General Warranty Deed, Book 618, p. 696  
 Except land described in General Warranty Deed, Book 622, p. 57  
 Except land described in General Warranty Deed, Book 628, p. 362  
 Except land described in General Warranty Deed, Book 630, p. 509  
 Except land described in General Warranty Deed, Book 638, p. 848  
 Except land described in General Warranty Deed, Book 642, p. 161  
 Except land described in General Warranty Deed, Book 642, p. 296  
 Except land described in General Warranty Deed, Book 642, p. 569  
 Except land described in General Warranty Deed, Book 644, p. 510  
 Except land described in General Warranty Deed, Book 652, p. 214  
 Except land described in General Warranty Deed, Book 652, p. 955  
 Except land described in General Warranty Deed, Book 660, p. 982  
 Except land described in General Warranty Deed, Book 668, p. 341  
 Except land described in General Warranty Deed, Book 668, p. 877  
 Except land described in General Warranty Deed, Book 674, p. 924

Our thanks to Larry "Chester" Hixson, Missouri State Tax Commission, for this interesting deed.

### DID YOU FORGET?

Membership dues for 1987-88 were due at our Annual Meeting in August. Dues need to be paid by October 31, 1987 to be included in the new membership directory. Make checks payable to: Missouri Mappers Association and mail to:

Missouri Mapper Association  
 P.O. Box 1692  
 Jefferson City, MO 65102

### HIGHLIGHTS FROM THE ATTORNEY GENERALS OPINION ON MAPPERS PRACTICING SURVEYING

This opinion is in response to the question asking:

Whether or not cadastral mapping by the Missouri Tax Commission and the County Assessors constitutes the practice of land surveying as defined in the statutes?

Cadastral, when referring to maps or surveys, is defined as showing or recording property boundaries, subdivision lines, buildings and other details. **See Webster's Third New International Dictionary.**

Chapter 327, RSMo 1986, provides for the registration of land surveys. Section 327.281, RSMo 1986, provides:

327.281. Unauthorized practice prohibited. -- No person, including any duly elected county surveyor, shall practice as a land surveyor in Missouri as defined in section 327.272 unless and until there is issued to him a certificate of registration or a certificate of authority certifying that he has been duly registered as a land surveyor in Missouri, and unless such certificate has been renewed as hereinafter specified.

Section 327.272, RSMo 1986, which defines practice as a land surveyor, provides:

Section 327.272. Practice as land surveyor defined. -- Any person practices in Missouri as a "land surveyor" who renders or offers to render, or holds himself out as willing or able to render, any service comprising the determination of the location of land boundaries and land boundary corners, the preparation of maps showing the shape and area of tracts of land and their subdivisions into smaller tracts and showing access thereto, or the preparation of official plats, or maps, of said land in this state; or who uses the title "registered land surveyor" or "land surveyor" or the word "surveyor" alone or preceded by any word indicating or implying that he is or holds himself out to be a land surveyor, or who shall by word or letters, figures, degrees, titles, or other description indicate or imply that he is a land surveyor or is willing or able to practice land surveying.

Chapter 137, RSMo 1986, provides the statutory scheme for the assessment of property for purposes of taxation. Section 137.185, RSMo 1986, provides:

Section 137.185. Tracts less than one-sixteenth of a section. -- 1. In all cases where any person. . . may. . . divide any tract of land into parcels less than one-sixteenth part of a section or otherwise, in such manner that such parcels cannot be described in the usual manner of describing lands in accordance with the surveys made by the general government, it shall be the duty of such person. . . to cause such lands to be surveyed and a plat thereof made by a surveyor. . . which plat shall particularly describe and set forth the lots of parcels of land surveyed, as aforesaid; . . . provided, that whenever. . . tracts of parcels of land less than one-sixteenth of a section. . . outside of the limits of any incorporated city. . . have been conveyed without having been surveyed and platted. . . as herein provided; the (county) commission may require the county surveyor. . . to survey and plat such. . . tracts of land. . . at the expense of the owner of such tracts of land.

Section 137.205, RSMo 1986, provides:

137.205. Assessor to have free access to plats and maps -- board to compare -- omissions. -- The assessor shall have free access to all landplats and maps during the time of assessment with a view to ascertain what lands are taxable; and upon the return of the assessor's books to the board of equalization, the said board shall compare that same with the plats and maps of the county; and in all cases where any lands have been omitted by the assessor, they shall be placed in the assessor's books and assessed as other lands are required to be assessed by this chapter.

Section 137.210, RSMo 1986, provides:

137.210. Assessor to examine and compare lists -- assessor's book. -- The assessor shall examine and compare the list of property delivered by individuals with the plats and maps, and after diligent efforts to ascertain all taxable property in his county shall make a complete list of all the real and tangible personal property taxable by his county to be called the assessor's book.

Section 137.215, RSMo 1986, provides for the assessor's book to be divided into two parts, one of which shall be "the land list." See also Section 137.220, RSMo 1986.

Section 138.410, RSMo 1986, provides for the State Tax Commission to exercise general supervision over all the assessing officers of this state. Such section provides in part:

138.410. General supervision -- attorney general and prosecuting attorney to assist in enforcement. -- 1. The commission shall exercise general supervision over all the assessing officers of this state, over county boards of equalization and appeal in the performance of their duties under this chapter and all other laws concerning the general property tax and shall institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with the provisions of this chapter, and of all laws relating to the general property tax.

In *State ex rel. Cassilly v. Riney*, 576 S.W.2d 325 (Mo. banc 1979), the Missouri Supreme Court interpreted this section as providing the State Tax Commission has the duty, responsibility and right to exercise general supervision over all county assessing offices and the county boards of equalization. The court further stated the commission has powers commensurate with its responsibility.

The key issue appears to be whether Section 327.281 prohibits the Missouri State Tax Commission and county assessors from engaging in cadastral mapping without using the services of a registered land surveyor.

In 1968, this office faced a similar issue with respect to county surveyors. At that time, Section 344.020, RSMo 1959, provided:

It shall be unlawful for any person to practice, or offer to practice, or to in any manner advertise or indicate to the public that he is engaged in, or will engage in the practice of land surveying in this state, without first registering with the state board of registration for architects and professional engineers, as a land surveyor.

This office in 1968 opined that county surveyors when duly qualified may perform surveys for the general public within the county for which they were elected without being a duly registered

land surveyor. Missouri Attorney General Opinion No. 146, Niewoehner, 1968 (now withdrawn). Our opinion was based in part on **Hayes v. City of Kansas City**, 241 S.W.2d 888 (Mo. 1951) wherein the court stated:

(6) "The state and its agencies are not to be considered as within the purview of a statute, however general and comprehensive the language of such act may be, unless an intention to include them is clearly manifest, as where they are expressly named therein, or included by necessary implication. . . ."

**Id.** at 892. In 1969, the General Assembly repealed Section 344.020, RSMo 1959, and enacted Section 327.281. Such section as enacted in 1969 provided:

No person, **including any duly elected county surveyor**, shall practice as a land surveyor in Missouri as defined in section 327.272 unless and until the board has issued to him a certificate of registration or a certificate of authority certifying that he has been duly registered as a land surveyor in Missouri, and unless such certificate has been renewed each year as hereinafter specified.

(Emphasis added.) See Missouri Attorney General Opinion No. 405, Caskey, 1971 and Missouri Attorney General Opinion No. 96, Myers, 1972, copies of which are enclosed.

Based upon the principle set forth in **Hayes v. City of Kansas City**, *supra*, and the reasoning in the opinions referenced above, we conclude the Missouri State Tax Commission and county assessors can engage in land surveying to the extent necessary to perform their duties under the law. If cadastral mapping is necessary for them to perform their duties, they may do so without being registered as land surveyors in Missouri.

#### CONCLUSION

It is the opinion of this office that the Missouri State Tax Commission and county assessors can engage in cadastral mapping to the extent necessary to perform their duties under the law without being registered as land surveyors in Missouri.

Very truly yours,  
William F. Webster  
Attorney General



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