

Approved

*Stephen R. Cloud*  
Date 2-9-84

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Rep. Stephen R. Cloud at  
Chairperson

9:09 a.m./p.m. on February 2, 1984 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman - Revisor  
Carolyn Rampey - Legislative Research Department  
Russ Mills - Legislative Research Department

Conferees appearing before the committee:

Rep. S. Duncan - Rules & Regulations Chairman  
George Barbee - Executive Director, Kansas Consulting Engineers  
Vance Liston - Kansas Society of Architects  
Jean Barbee - Executive Secretary, State Board of Technical Professions  
Bill Henry - Executive Secretary, Kansas Engineering Society

The meeting of the House Governmental Organization Committee was called to order at 9:09 a.m. by Rep. Stephen R. Cloud, Chairman. The minutes of the January 27 meeting were approved.

HB 2780 - An Act relating to the technical professions  
HCR 5070 - relating to rules of conduct for technical professions

Rep. Duncan stated that HB 2780 amends 74-7004. Rep. Duncan stated that HB 2780 adds language which will be stricken by HCR 5070. Both HB 2780 and HCR 5070 need to be passed for a clear, understandable and uniform statement, according to Rep. Duncan.

George Barbee, Executive Secretary, State Board of Technical Professions, spoke in support of HB 2780 and HCR 5070 (Attachment I), stating that this language should be retained.

Vance Liston, Kansas Society of Architects, spoke in support of HB 2780 and HCR 5070. He believes that this will put in the statutes the value of a high degree of integrity. He said that he could not answer what would be gained by this language from a legal standpoint, but it would be something to fall back on in case of a problem.

Jean Barbee, Executive Secretary, State Board of Technical Professions, said that this will give the Board the kind of clout it needs to carry out the provisions of this act. It will protect the health and safety of our citizens.

Bill Henry, Executive Secretary, Kansas Engineering Society, stated that it gives them a backup position of support. He stated that the Supreme Court has asked where the basis for the language is.

The Chairman stated that this constituted hearings on HB 2780 and HCR 5070.

The Committee turned to HCR 5060. Rep. Ramirez moved to report HCR 5060 out of Committee favorably. Rep. Harder gave a second to the motion. The motion carried.

The Chairman announced the agenda for next week and adjourned the meeting at 9:45 a.m.



# KANSAS CONSULTING ENGINEERS

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## STATEMENT TO HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

FEBRUARY 2, 1984

My name is George Barbee and I am the Executive Director of Kansas Consulting Engineers (KCE), which is an association representing engineering firms practicing in the state of Kansas.

KCE has an Executive Committee of eight individuals who act as the governing body of the association. The Executive Committee had an opportunity to review the Board of Technical Professions proposed administrative regulations at their November meeting. Generally the regulations were acceptable, with one exception, which centered on the possible deletion of some language in the preamble to the rules of professional conduct under 66-6-3 where it is presently stated: "(a) In order to establish and maintain a high standard of integrity, skills and practice in the technical professions, and to safeguard the life, health, property, and welfare of the public, the following...". We believed that this language should be retained, the Board of Technical Professions agreed, and the language was retained in the rules. However, the Joint Committee on Rules and Regulations felt the act needed to be amended to include similar language to support the rules.

In recent years the codes of ethics for the various professional societies of engineers have been decimated by constant pressure and attack by the U.S. Department of Justice, but the societies have held steadfast to their belief that their work has a direct and vital impact on the quality of life for all people. The preamble to the codes of ethical conduct for the American Consulting Engineers Council, the National Society of Professional Engineers, and the American Society of Civil Engineers all have language that states "...engineers require honesty, impartiality, fairness and equity and must be dedicated to the protection of public health, safety and welfare."

To the best of my knowledge, this concept has been echoed by all state engineering licensing statutes as the general purpose of the licensing of engineers.



AFFILIATED WITH:  
KANSAS ENGINEERING SOCIETY  
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS  
PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE  
AMERICAN CONSULTING ENGINEERS COUNCIL

Kansas had similar language in the engineers' licensing statutes until 1976 in K.S.A. 26a-101 (Attachment A). It read, "General purposes of act. In order to safeguard life, health and property; and to promote the public welfare, any person in either public or private capacity practicing or offering to practice professional engineering shall hereafter be required to submit evidence that he is qualified so to practice and shall be licensed as hereinafter provided;..."

We lost that language in 1976 when the Legislature combined the four professions into one licensing agency as now exists. When it was pointed out that the language was being deleted, we were told by the bill drafters that the rules of professional conduct would have a preamble with similar language.

KCE urges you to support HB-2780 which would, by statute, state the purpose for licensing the design professional to be to safeguard the health and welfare of the public, restoring the language that was lost in the 1976 revisions.

## PROFESSIONAL ENGINEERS LICENSE LAW

[K. S. A. 26a-101 to 26a-125, inclusive]

**26a-101. General purposes of act.** In order to safeguard life, health, and property; and to promote the public welfare, any person in either public or private capacity practicing or offering to practice professional engineering shall hereafter be required to submit evidence that he is qualified so to practice and shall be licensed as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in the state of Kansas, professional engineering as defined in the provisions of this act, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly licensed under the provisions of this act.

**26a-102. Definitions.** As used in this act: (a) The term "engineer" shall mean a person who, by reason of his special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering. (b) The term "professional engineer" shall mean a person who has been duly registered and licensed by the state board of engineering examiners. (c) The term "practice of engineering," within the intent of this act, shall mean any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, engineering surveys, and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such service or work in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, or projects and including such architectural work as is incidental to the practice of engineering.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be an engineer, or through the use of some other title implies that he is an engineer or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering service or work of any other service designated by the practitioner which is recognized as engineering: *Provided, however,* That the provisions of this act shall not apply to or interfere with those persons and practices set forth in K. S. A. Section 26a-122.

(d) The term "board" shall mean the state board of engineering examiners, hereinafter provided by this act. (e) The term "architect" as used in this act shall mean a person who practices or is engaged in the profession of architecture or who has practiced the profession of architecture and was practicing the profession in this state at the time this act takes effect.

**26a-103. State board of engineering examiners; appointment; terms; oaths.** A state board of engineering examiners is hereby created whose duty it shall be to administer the provisions of this act. The board shall consist of five