

Approved

Stephen R. Cloud
Date 2-26-86

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

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

9:08 a.m./~~p.m.~~ on Friday, February 21, 1986 in room 522-s of the Capitol.

All members were present except:

Representative Ramirez - Excused

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Dept.

Conferees appearing before the committee:

Bill Shafer, semi-retired engineer and land surveyor
Murray L. Rhodes, registered land surveyor
Betty Rose, Executive Secretary, Kansas State Board of Technical Professions
Representative Patterson
Jeanne Chavez Martinez, President, Kansas Association of Hispanic Organizations
Marc Marcano, Ex. Dir., Advisory Committee on Mexican American Affairs
Tony Augusto, Chairman, Advisory Committee on Mexican American Affairs
Pedro Irigonegaray, Attorney
Larry Wolgast, Secretary, Department of Human Resources

AG
U

The meeting of the House Governmental Organization Committee was called to order on February 21 at 9:08 a.m. by Representative Stephen R. Cloud, Chairman. He announced the Monday, February 24 hearing on HB 2793 was cancelled. It will be rescheduled for the following week.

There have been three requests for committee bills, two of which have come out of the subcommittee studying the Department of Health and Environment. The first was a request for the setting up of a special fund to allow the Department to purchase laboratory equipment from fees currently being generated from work done for local agencies such as water analysis. This would ensure the laboratories have adequate, state of the art equipment without having to return to Ways and Means every year, even though Ways and Means would have to approve the expenditures.

Representative Bowden moved to introduce legislation that would set up the special fund. Representative Sutter gave a second to the motion. The motion carried.

The second request was to put the Mined Land Reclamation Board in a sunset position with a date of July 1, 1987. Presently, the Board is not under the sunset provision. If legislation is introduced and if the bill would pass, there would be a sunset review next session.

Representative Bowden moved to introduce legislation that would put the Mined Land Reclamation Board under the provisions of the sunset law. Representative Brown gave a second to the motion. The motion carried.

The third and final request came from the governor's office. The Civil Rights Commission would like to have the authority to hire part-time examiners as needed. After discussion, Representative Walker moved to introduce legislation allowing the Civil Rights Commission to hire part-time examiners as needed. Representative Roper gave a second to the motion. Further discussion as to what, exactly, was the intent of the legislation took place. Representative Walker withdrew his motion and Representative Roper withdrew his second. It was clarified that there are between one and three full time examiners. This legislation would allow the Commission to hire part time examiners as needed. It was questioned if the Commission could cease to hire any full time examiners and go only with part-time examiners.

Representative Sughrue moved to introduce the legislation. Representative Barr gave a second to the motion. The vote was taken, showing 8-3 in favor of the motion.

Representative Love was recorded as voting 'no'.

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.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 522-S, Statehouse, at 9:08 a.m./p.m. on Friday, February 21, 1986

The Chairman opened the hearing on HB 2884, the bill regarding surveyors. Bill Shafer, engineer, spoke as a proponent of the bill, stating that each profession should have its own separate license. He would like to see a grandfather clause that would allow those engineers who have done land surveying prior to 1968 to be allowed one year to get a permit and become certified. (See Attachment A)

Murray Rhodes, Wyandotte County Surveyor, spoke as a proponent of HB 2884, stating there is a vast difference between engineers and land surveyors. He elaborated on the education received, technology used and the professional image of the surveyors of today. He ended his testimony with a quotation from the Virginia Statutes. (See Attachment B)

The Chairman called on Betty Rose, Executive Secretary, Kansas State Board of Technical Professions. She stated the Board has studied the land surveyor's proposal and voted to support it. She presented a short statement from the Board with a copy of the proposed amendment attached. (See Attachment C)

As there were no more proponents to speak on HB 2884, the Chairman called on Representative Patterson, an opponent of the bill, to speak. Representative Patterson distributed several letters with reference to HB 2884, as well as a reference to K.S.A. 74-7034. (See Attachment D). He opposes the bill as it is now but would support it with the amendment. He would want to see the words, "and or practicing or professional engineers" added.

The Chairman entered into testimony a letter from Norman Bowers, Coffey County Engineer, in support of HB 2884. (See Attachment E) This concluded the hearing on the bill.

The next item on the agenda was HB 2885, the bill which would change the name of the Advisory Committee on Mexican American Affairs.

Jeanne Chavez Martinez, President, Kansas Association of Hispanic Organizations, spoke in favor of the name change. The word 'Hispanic' takes in the total community of Mexicans, Puerto Ricans, Cubans and other Spanish speaking peoples.

Marc Marcano, Executive Director, Advisory Committee on Mexican American Affairs, distributed attachments to the committee (See F & G). The present name discourages some Hispanics from seeking the Committee's services.

Tony Augusto, Chairman, Advisory Committee on Mexican American Affairs stated the Committee did vote for support of the bill.

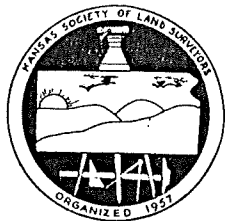
Pedro Irigonegaray, Attorney, spoke of the oppression Hispanics have undergone in the past and how they will become a very powerful economic base in the future. Times have changed and the entire community is becoming involved.

Secretary Wolgast added a few words to the effect that the Department sees no problem with the bill.

This concluded the hearing on HB 2885.

February 18 minutes were approved on a motion from Representative Sutter with a second by Representative Roper.

The meeting adjourned at 10:00 a.m.



KANSAS SOCIETY OF LAND SURVEYORS

Affiliated With the American Congress on Surveying and Mapping

February 20, 1986

To: Representative Steve Cloud, Chairperson and
The Governmental Organization Committee

Reference : HB 2884

From : Wm. I. Shafer, PE-LS
8633 W. 90 Terrace
Overland Park, Kansas 66212
(913) 649-8633

Qualifications:

Thirty-five years experience as a professional engineer, license #2650 and land surveyor in the state of Kansas, license #131. I am semi-retired, after 33 years with Shafer, Kline and Warren, P.A., Overland Park, Kansas where my primary responsibilities were land development and land surveying.

Affiliation:

Legislative Committee Chairperson for the Kansas Society of Land Surveyors.

Position:

It is the desire of the Kansas Society of Land Surveyors to separate the profession of Land Surveying from the Professional Engineer and Architects license.

The professional architect's main function is the designing of habitable structures and accessories, and their placement on the client's property. This requires a working knowledge of the methods of measuring angles and distances, and the calculating of areas and boundaries from these measurements.

The professional civil engineer's main function is the designing of roads, sewers, bridges, airports, railroads, tunnels, and many other facilities. They also determine where they should be constructed on the earth's surface. The planning and designing of these features also requires a working knowledge of methods of measuring angles and distances and the calculating of areas and boundaries from these measurements.

Other professional engineers, Mechanical, Electrical, Aeronautical, etc. also need this same knowledge and ability to measure angles and distances.

2/21/86 Hs. Gov. Org.
Attachment A

The land surveyor's main function is establishing the corners of real property on the earth's surface. This also requires a working knowledge of measuring angles and distances and the calculating of areas and boundaries from these measurements.

Each of these professions have the need to measure angles and distances. Some projects for all professions require greater degrees of accuracy than others. Some of the projects may need extreme accuracy but cover relative small areas, while other projects may cover large areas but require a lesser degree of accuracy. In some of the projects the method of obtaining the measurements, its precision, is more important than the actual accuracy done to the limitations or object of the project.

Although the basic measuring knowledge needed for all of these professions is the same, they each have special needs not necessary to the other professions. These areas of special knowledge and training are not always known by the other professionals and it is basic knowledge that a person acquires that sometimes gets us in trouble. The surveying of a piece of property without the special knowledge given to land surveyors may not be complete.

The land surveyor specializes in the procedures used to reestablish lost and obliterated original government corners, searching of various records that affect the land and its uses and restrictions and the relationship of these items to the real property in question.

Land surveying is the art and science of reestablish the land boundaries based on documents of record, historic evidence, and the planning, designing and establishing property boundaries in the field and certifying of surveys as required by statute or local ordinances (such as subdivision plats), registered land surveys, judicial surveys, and space delineation.

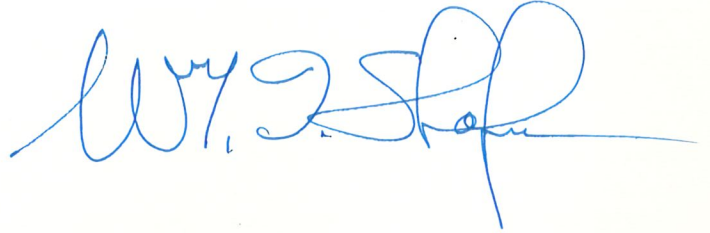
Land surveying is divided into the science of making measurements and the art of knowing where to place the boundary monuments after the measurements are made. The placement of monuments depends on law, and law is classified as an art. The professional land surveyor must have an extensive knowledge in the area of land law as it applies to the conveyance of land titles.

It is the feeling of the Kansas Society of Land Surveyors that those persons who meet the qualifications of two or more professions, should be licensed in each profession.

The need for specialized knowledge of the land surveyor is becoming more important in the protection of the location of real property, as the use of computers and land data systems develop in our country.

We appreciate the opportunity to meet with you and discuss our objectives. Should you need additional information, please contact me.

Thank you

A handwritten signature in blue ink, appearing to read "W. J. [unclear]". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

RHODES SURVEYORS, P.A.

SURVEYORS, PLANNERS AND
LAND INFORMATION SPECIALISTS

2803 NEW JERSEY KANSAS CITY, KS 66102
PHONE (913) 371-5300

Murray L. Rhodes, R.L.S.

David L. King, R.L.S.

Steven C. Shafer, R.L.S.

Hoang Vinh, Cartographer

FEBRUARY 21, 1986

REPRESENTATIVE STEVE CLOUD, CHAIRPERSON &
MEMBERS, GOVERNMENTAL ORGANIZATION COMMITTEE
KANSAS LEGISLATURE
STATE CAPITOL
TOPEKA, KANSAS 66612

IN RE: HOUSE BILL NO. 2884

AN ACT CONCERNING PRACTICE OF THE PROFESSION OF LAND SURVEYING;
AFFECTING CERTAIN EXEMPTIONS FROM LICENSURE AND CERTIFICATE OF
AUTHORIZATION REQUIREMENTS; AMENDING K.S.A. 74-7034 AND REPEALING
THE EXISTING SECTION.

SUBMITTED BY: MURRAY L. RHODES
2803 NEW JERSEY
KANSAS CITY, KANSAS 66102
(913) 573-2941
(913) 371-5300

QUALIFICATIONS:

REGISTERED LAND SURVEYOR IN SEVERAL STATES
CURRENTLY HOLD THE OFFICE OF WYANDOTTE COUNTY SURVEYOR,
AN ELECTED POSITION WHICH I HAVE HELD SINCE 1968
APPOINTED CHAIRMAN OF THE KANSAS LAND SURVEY ADVISORY
COMMITTEE BY THE SECRETARY OF STATE
INSTRUMENTAL IN INITIATING A COMPUTERIZED BASE MAPPING
PROGRAM FOR WYANDOTTE COUNTY (A MULTI-PURPOSE LAND
INFORMATION SYSTEM OF WHICH I AM EXECUTIVE DIRECTOR)
DIRECTOR, WYANDOTTE COUNTY PLANNING BOARD
AFFILIATION: LEGISLATIVE COMMITTEE MEMBER FOR THE
KANSAS SOCIETY OF LAND SURVEYORS
PRIVATE PRACTICE OF LAND SURVEYING FOR TWENTY YEARS
(SPECIALIZING IN CADASTRAL SURVEYS, GEODETIC POSITIONING,
ACCIDENT RECONSTRUCTION, TECHNICAL MEASUREMENT AND
LAND INFORMATION RESEARCH)
PAST PRESIDENT, KANSAS SOCIETY OF LAND SURVEYORS
PAST AREA DIRECTOR, AMERICAN CONGRESS ON SURVEYING AND MAPPING
(OVER 10 STATE REGION)

Attachment B
2/21/86 Hs. Gov. Org.

LAND SURVEYORS SHOULD BE LICENSED SEPARATELY FROM OTHER PROFESSIONS BECAUSE OF THE SPECIAL KNOWLEDGE REQUIRED TO PROVIDE LAND BOUNDARIES FROM WHICH TITLE TO PROPERTY, BOTH PUBLIC AND PRIVATE, STEMS.

IT MUST BE FULLY UNDERSTOOD THAT THE PUBLIC RECTANGULAR LAND SYSTEM, DEvised BY THE UNITED STATES GOVERNMENT IN 1785, IS THE ONE EXISTING LEGAL FRAMEWORK FOR LAND TITLES. THE LAND SURVEYOR IS THE PROFESSIONAL RESPONSIBLE FOR THE PERPETUATION AND MAINTENANCE OF THIS LAND SYSTEM. IN ADDITION, HE IS THE RESPONSIBLE PROFESSIONAL FOR WRITING LEGAL DESCRIPTIONS, THE RETRACEMENT OF BOUNDARIES AND DIVISION OF LAND FOR THE PUBLIC.

AS COMPARED WITH THE VOCATION OF THE CIVIL ENGINEER, THE CALLING OF THE SURVEYOR HAS ALWAYS BEEN REGARDED AS COMPARATIVELY EASY AND SIMPLE. THIS IS TRUE NOT ONLY IN THE POPULAR CONCEPTION OF THE TWO LINES OF WORK, BUT ALSO IN THE VIEW TAKEN OF THEM IN TEXTBOOKS AND IN COURSES OF INSTRUCTION. THE TRAINING OF THE SURVEYOR CONSISTS ESSENTIALLY IN PRACTICE OF TURNING ANGLES, MEASURING LINES AND GETTING OVER OBSTRUCTIONS, TO WHICH ARE ADDED RATHER MEAGER SUGGESTIONS ON THE SUBJECTION OF THE COMPASS AND THE RERUNNING OF OLD SURVEYS. HE IS CONSIDERED PRE-EMINENTLY A MEASURER OF LAND. THIS IS VERY TRUE, AND IN CERTIAN LOCALITIES AND UNDER CERTAIN CONDITIONS THIS MAY COMPOSE ALMOST THE ENTIRE WORK OF THE SURVEYOR. BUT IN THE VAST MAJORITY OF CASES THE ACTUAL MEASURING OF LAND FORMS THE SMALLER PORTION OF HIS DUTIES. HIS HARDEST WORK IS OFTEN, TO USE A COLLOQUIAL PHRASE, TO "FIND THE LAND"

PAGE TWO

TO BE SURVEYED.

IN A LARGE PART OF OUR LAND, THROUGH THE GENERATIONS PAST, THE PRECISE BOUNDARIES OF HOLDINGS HAVE RECEIVED LITTLE ATTENTION. IN THE YEARS WHEN LAND WAS WORTH COMPARATIVELY LITTLE, WHEN THERE WAS LITTLE MONEY TO BE SPARED FROM THE NECESSITIES OF LIFE FOR SURVEYS, AND WHEN THE SURVEYS, WHEN MADE, WERE VERY CRUDE, LITTLE ATTENTION WAS GIVEN TO THE ESTABLISHMENT OR THE MAINTENANCE OF BOUNDARIES. LOOSE, FAULTY AND IGNORANT CONVEYANCES, THE USE OF PERISHABLE LANDMARKS OR NO LANDMARKS AT ALL, THE TEMPTATION TO BUILD FENCES "OFF LINE " FOR A DOZEN REASONS, GOOD AND BAD, AND INNUMERABLE OTHER THINGS HAVE CONSPIRED TO RENDER THE BOUNDARIES OF LAND THE MOST UNCERTAIN OF ALL THINGS.

WE HAVE TODAY FULLY ENTERED UPON THE ERA OF HIGH LAND VALUES. THE HIGH PRICES PAID BY THE WEALTHY FOR LANDS HAVE REVOLUTIONIZED THE METHODS OF HANDLING REALTY. THE TITLE OF ALL PROPERTY MUST BE ABSOLUTELY GUARANTEED AND PAYMENT IS USUALLY MADE BY THE ACRE. AS A RESULT HEAVY DEMANDS ARE MADE UPON THE SURVEYOR WHO FINDS HIMSELF CONFRONTED BY TWO NECESSITIES, FIRST, THE NECESSITY OF MAKING AN EXTREMELY ACCURATE SET OF MEASUREMENTS AND, SECONDLY, THE NECESSITY OF DEFINING CLEARLY THE BOUNDARIES OF THE LAND WHICH HE MUST MEASURE --AND THE LATTER IS BY FAR THE HARDER TASK. THESE PROBLEMS HE MUST WORK OUT SINGLE-HANDED AND WITH THE FEAR OF FAILURE SHADOWING HIM DAY BY DAY AND HOUR BY HOUR. SINCE NO TWO PROBLEMS PRESENT EXACTLY THE SAME COMPLICATIONS, IT IS USELESS FOR ANYONE TO ATTEMPT TO LAY OUT ANY FIXED RULES OF PROCEDURE, YET IT MAY BE FAIRLY SAID

PAGE THREE

THAT FROM EXPERIENCE EACH SURVEYOR ACQUIRES A CERTAIN AMOUNT OF DEFINITE INFORMATION CONCERNING BOUNDARIES AND LANDMARKS AND CERTAIN DEFINITE CONCEPTIONS CONCERNING THE RELATIVE IMPORTANCE OF DIFFERENT KINDS OF EVIDENCE, BOTH DIRECT AND CIRCUMSTANTIAL. HE IS COMPELLED TO FORMULATE FOR HIS OWN USE CERTAIN GENERAL METHODS OF PROCEDURE, AND IT IS PROBABLE THAT THE METHODS WORKED OUT BY DIFFERENT SURVEYORS BEAR A MUCH CLOSER RESEMBLANCE TO EACH OTHER THAN WOULD BE SUPPOSED AT FIRST THOUGHT.

AS FAR AS MY OBSERVATION GOES, IN HIS PREPARATORY STUDIES THE SURVEYOR RECEIVES LITTLE HELP OR SUGGESTION TO ENABLE HIM TO GRAPPLE WITH THIS IMPORANT BUT ELUSIVE PART OF HIS WORK.¹

WITH EVERY TECHNOLOGICAL ADVANCEMENT, WITH EVERY SIMPLIFICATION OF A COMPLEX PROCESS, EXPECTATIONS GROW. INCREASED KNOWLEDGE AND USE OF ELECTRONICS AND COMPUTERS HAS CREATED A DEMAND FOR GREATER ACCURACY, MORE PRECISE INFORMATION AND INSTRUMENTS AND AN INCREASE IN PRODUCTIVITY.

SURVEYORS TODAY ARE CHALLENGED TO MEET THEIR SHARE OF THOSE EXPECTATIONS. AND THEY WILL MEET THEM BY UTLIZING TECHNOLOGY TO ACHIEVE PRECISION AND ACCURACY, AND BY DOING EVERYTHING THEY CAN TO PROMOTE AND WORK TOGETHER WITH THOSE INSTITUTIONS THAT ARE DEVELOPING INFORMATION RESOURCES THAT PROVIDE VALUE PRODUCTS SUCH AS THE MULTI-PURPOSE CADASTRE.

THERE IS NO DOUBT THAT THE IMPACT OF LAND INFORMATION SYSTEMS ON THE SURVEYING PROFESSION WILL BE GREAT. IN FACT, THE SURVEYOR'S

PAGE FOUR

ROLE IN THEIR DEVELOPMENT WILL DETERMINE THE DIRECTION OF GROWTH AND CHANGE IN THE STANDARD PROFESSIONAL SURVEYING PRACTICE.

LOOKING FORWARD TO THE FUTURE OF LAND INFORMATION SYSTEMS, THE SURVEYOR'S ROLE IS THREE-FOLD. A SURVEYOR WILL WORK AS AN ADVOCATOR, AN IMPLEMENTOR AND A USER.

FIRST, AS AN ADVOCATOR OF LAND INFORMATION SYSTEMS, THE SURVEYOR WILL BE CALLED ON TO ORGANIZE INSTITUTIONAL, GOVERNMENTAL, PUBLIC AND FINANCIAL SUPPORT IN ORDER TO ENSURE THE PROGRAM AND GROWTH OF LAND INFORMATION SYSTEM PROGRAMS.

SECOND, AS AN IMPLEMENTOR, A SURVEYOR SHOULD HAVE A PRIMARY PART IN DESIGNING AN ADEQUATE FRAMEWORK THAT WILL ALLOW FOR MORE DEMANDING CAPABILITIES. THE SURVEYOR WILL STRENGTHEN THE CREDIBILITY OF CARTOGRAPHY AND RECORDKEEPING WHILE CAPITALIZING ON HIS OWN SKILLS OF RESEARCH AND INFORMATION SYNTHESIS.

FINALLY, AS A USER, THE SURVEYOR WILL BE MUCH BETTER EDUCATED, WITH BACKGROUND IN COMPUTER APPLICATIONS, AND A GREATER DEPTH OF KNOWLEDGE IN LEGAL ASPECTS CONCERNING LAND INFORMATION. HE WILL BECOME A SKILLED LAND AND RESOURCE PLANNER, WITH MORE KNOWLEDGE AND EXPERIENCE IN BUSINESS, MANAGEMENT AND COMMUNICATIONS.

IN CONCLUSION, THE CHARACTERISTICS OF PROFESSIONAL SURVEYING PRACTICES WILL BE CENTERED AROUND PROCESSING INFORMATION AND CREATING NEW PRODUCTS AND SERVICES WITH THE AID OF THE DATA BASE AND AUTOMATED SURVEYING AND MAPPING CAPABILITIES. IN SHORT, THE ENTIRE

PAGE FIVE

PROFESSIONAL IMAGE OF THE SURVEYOR IS EVOLVING AND WILL CHANGE FROM THAT OF THE DIRT-SURVEYOR WAVING FLAGS IN THE ROAD TO A MORE SOPHISTICATED, ANALYTICAL PERSON ABREAST OF THE LATEST TECHNOLOGY IN LAND INFORMATION RESOURCES.

"THE QUIET OF OUR ESTATES, IN A GREAT MEASURE, DEPENDS UPON THE FAITHFULNESS, UNDERSTANDING, AND CARE OF OUR SURVEYORS."

---Virginia Statutes, 1705 ²

Footnotes:

¹Boundaries and Landmarks, A Practical Manual, A.C. Mulford



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
214 West Sixth Street (913) 296-3053 Topeka, Kansas 66603

January 24, 1986

Mr. William I. Shafer, Legislative Chairman
Kansas Society of Land Surveyors
8633 W. 90th Terrace
Overland Park, Kansas 66212

Dear Mr. Shafer:

At its regular board meeting on January 10, 1986, the Board of Technical Professions discussed the revisions to the Kansas Statutes that the Kansas Society of Land Surveyors is proposing for the 1986 legislative session.

The board directed me to write and advise you that the board voted to support the revisions to K.S.A. 74-7034, as was submitted to the Board of Technical Professions (copy attached hereto) by the Kansas Society of Land Surveyors.

Sincerely,

A handwritten signature in cursive script that reads "Betty L. Rose".

Betty L. Rose
Executive Secretary

BLR

Attachment

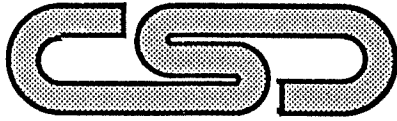
Attachment C
2/21/86 Hs. Gov. Org.
● LAND SURVEYORS

Proposed Supplement to K.S.A. 74-7022

(e) At any time within one year after July 1, 1986, upon due application and payment of the registration fee, the board shall issue a certificate of registration without oral or written examination, to any practicing professional engineer that was licensed in the State of Kansas prior to July 1, 1968, who shall submit evidence under oath satisfactory to the board that he or she is of good character, was a resident of the State of Kansas for at least one year prior to July 1, 1968 and was in responsible charge of land surveying work for at least one year prior to July 1, 1968. After July 1, 1987, the board shall issue certificates of registration only as provided under K.S.A. 74-7022, paragraphs a,b,c and d.

Proposed Revision to K.S.A. 74-7034

(d) Delete paragraph (d).



CENTRAL STATES CONSULTANTS INC.
103 WEST MAIN, P.O. BOX 502
INDEPENDENCE, KANSAS 67301
TELEPHONE 316-331-8200

February 18, 1986

Honorable Jim Patterson
State Representative
State Capitol
Room 501-C
Topeka, Ks. 66612

Dear Representative Patterson:

This is in reference to proposed Kansas House Bill No. 2884.

This bill came to the surface without any prior notice to a majority of the Registered Professional Engineers, Architects and Kansas Consulting Engineer Corporations practicing land surveying in the State of Kansas.

The bill, in present form, will result in the above noted professional engineers, architects and consulting engineer corporations not being allowed to continue their practice of certain consulting engineering in the State of Kansas.

As a Registered Professional Engineer since 1954 and a Registered Professional Engineer in the State of Kansas since June 1961 I have been allowed to practice mechanical and civil engineering, including land surveying, without any restraints.

This bill, in its present form, will deny me some of the rights provided by my engineering degree which has allowed me to practice engineering and land surveying all these many years.

Had the impact of this bill been investigated thoroughly and submitted for comment, public input would have shown many Professional Engineers, Architects and Consulting Engineer Corporations will be denied to continue part of their practice without due process since there are not any provisions in the bill to take care of the people in these professions who have been practicing land surveying for many years.

In its present form this bill is a restraint of trade and could put many Kansas professionals and technicians out of work.

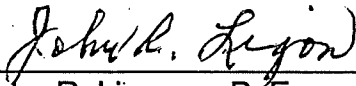
Our corporation has invested in computers, electronic land surveying equipment and programmable calculators for use by our personnel in the field which has resulted in us supplying a service in Southeast Kansas which has never been available before.

2/21/86 Hs. Gov. Org.
Attachment *D*

Further, I would also like to point out that competition has always been the American way. This proposed bill, in its present form, will result in fewer people practicing land surveying in the State of Kansas which will reduce competition, raise land surveying costs, and make surveys more difficult to obtain in a reasonable time period.

For these and previously listed reasons your assistance is respectfully requested to try to get this proposed bill removed from consideration until some provisions can be made to take care of the people presently in this practice without placing their professions in jeopardy and from suffering the resulting undue hardships.

Respectfully,



John R. Ligon P. E.
President



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION 296-3751

December 17, 1984

The Honorable Jim Patterson
State Representative, 8th District
2610 N. 10th Street
Independence, Kansas 67301

Re: Land Surveying by Corporation Authorized to Practice
Engineering

Dear Representative Patterson:

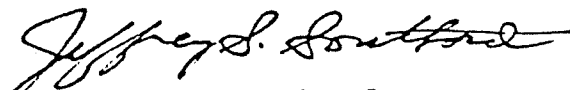
As you will recall, some time ago you communicated with this office concerning an inquiry you received from a constituent who was having a problem with the State Board of Technical Professions. Your constituent was being informed that, despite the fact that he was himself authorized to practice land surveying, his corporation could not do so.

In that this result seemed to be inconsistent with a Kansas statute, K.S.A. 74- 7034, the matter was forwarded on to the Board of Technical Professions. Due to a change in their executive director, the matter was delayed for discussion. However, the board did have a chance to go over the matter in their November meeting, with the result that we have received the attached letter from their counsel. As you can see from the letter, the board apparently has changed its position and now agrees with the conclusion which you pointed out in your original letter.

I trust this will be of some assistance to your constituent, and apologize for the delay in getting back to you. If you have any further questions, please do not hesitate to let me know.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN


Jeffrey S. Southard
Deputy Attorney General

JSS:crw
Enclosure

DAVIS & BENNETT

500 CAPITOL FEDERAL BUILDING

700 KANSAS AVENUE

TOPEKA, KANSAS 66603

December 5, 1984

CLAYTON M. DAVIS
MARK L. BENNETT
MARK L. BENNETT, JR.

GREGORY A. LEE
R.E. "TUCK" DUNCAN

TELEPHONE 234-0417
AREA CODE 913

Southard

Mr. Jeffrey S. Southard
Deputy Attorney General
Office of the Attorney General
Kansas Judicial Center - Second Floor
Topeka, KS 66612

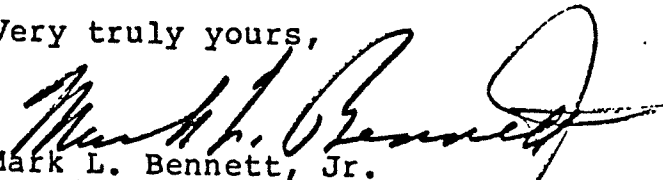
Dear Mr. Southard:

Re: Land Surveying By Corporation Authorized to
Practice Engineering

As you are aware, I am a Special Assistant Attorney General appointed by Attorney General Stephan to represent the Kansas State Board of Technical Professions.

At the Board's most recent monthly Board meeting on November 29, 1984, they discussed your inquiry of September 13, 1984, concerning the above-referenced subject, and following an extended discussion, they reached the same conclusion as was pointed out by Representative Patterson in his letter to you. It is the Board's opinion that K.S.A. 74-7034 does, in fact, exempt a professional engineer or architect licensed in the State of Kansas, or a corporation which has been issued a certificate of authorization to provide services in engineering or architecture under K.S.A. 74-7036, from the necessity of licensure as a land surveyor.

Very truly yours,


Mark L. Bennett, Jr.
Special Assistant Attorney General
for the State of Kansas

MLBJ:ln

cc: Ms. Betty Rose

JSS:crw
Enclosure



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION 296-3751

September 18, 1984

The Honorable Jim Patterson
State Representative, Eighth District
2612 N 10th Street
Independence, Kansas 67301

Re: Request for Attorney General's Opinion

Dear Representative Patterson:

Attorney General Stephan has received your letter of September 6, 1984, and has requested that I respond. In your letter, you request the opinion of this office concerning the legality of a corporation that is authorized to practice engineering by the Board of Technical Professions being precluded from performing land surveying services by the same board.

In view of the statutes which you enclosed which appear to make it clear that such activity should be permitted, I forwarded a copy of your letter to the executive secretary of the State Board of Technical Professions, Ms. Jean Barbee. She has informed us that the issue has been placed on the agenda for the next meeting of the board, which is to be held on October 11 and 12 in Hutchinson. She informs us that this office will hear from her, on behalf of the board, shortly after the meetings are concluded.

We will await the board's response before taking any further action. Thank you for bringing this matter to our attention. If you have any further questions or comments, please do not hesitate to contact me.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

COPY

Jeffrey S. Southard
Jeffrey S. Southard
Deputy Attorney General

September 6, 1984

Robert T. Stephan,
Attorney General
State Capitol Building
Topeka, Kansas 66612

RE: Request for Attorney General's Opinion Concerning the Legality
of a Corporation Authorized by the Board of Technical
Professions to Practice Engineering to Perform Land
Surveying Services

Dear Attorney General Stephan:

A problem concerning one of my constituents has been brought to my attention. It appears that this gentleman who is a licensed professional engineer, formed a corporation and made application to the Board of Technical Professions for a certificate of authorization allowing the corporation to practice engineering. The certificate was granted.

Subsequently, the corporation received a letter from the Board of Technical Professions stating the Board's concern that the corporation was offering land surveying services as well as engineering services. The Board in its letter indicated that unless a certificate of authorization to practice land surveying was obtained by this corporation, the corporation and my constituent would be subject to license revocation and other criminal penalties. The Board apparently concedes that an individual practicing the engineering profession may do survey work. However, upon the obtaining of corporate status, something changes and the profession of land surveying may not be practiced.

I'm enclosing a copy of K.S.A. 74-7034, and I would call your attention to subsection (d) of that statute. It appears that the legislature intended to permit such a practice of surveying by corporations authorized to practice engineering. The Board of Technical Professions, however, refuses to see it this way.

ROBERT T. STEPHAN
Page Two

I will thank you in advance for your prompt consideration of this matter.

Very truly yours,

Jim Patterson

JP/cs
encl.

74-7032. Landscape architecture, requirements for practice; certain exemptions. The provisions of this act requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036 to engage in the practice of landscape architecture shall not be construed to prevent or to affect:

(a) The right of any individual to engage in the occupation of growing and marketing nursery stock or to use the title nurseryman, landscape nurseryman or gardener, or to prohibit any individual to plan or plant such individual's own property.

(b) The right of nurserymen to engage in preparing and executing planting plans.

(c) The practice of site development planning, in accordance with the practice of architecture, or the practice of engineering.

(d) The practice of landscape architecture by any officer or employee of the federal or state governments while engaged in the performance of official duties.

History: L. 1978, ch. 326, § 24; L. 1980, ch. 244, § 11; July 1.

74-7033. Engineering, requirements for practice; certain exemptions. The provisions of this act requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036 to engage in the practice of engineering shall not be construed to prevent or to affect:

(a) The design or erection of any structure or work by the owner thereof, upon such owner's own premises for such owner's own use.

(b) Persons preparing plans, drawings or specifications for one or two family dwellings or for agricultural buildings.

(c) Persons engaged in planning, drafting, and designing of products manufactured for resale to the public.

(d) The performance of services by a licensed landscape architect in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

(e) The practice of engineering by any officer or employee of the federal government while engaged in the performance of official duties.

History: L. 1978, ch. 326, § 25; L. 1980, ch. 244, § 12; July 1.

74-7034. Land surveying, requirements for practice; certain exemptions. The

provisions of this act requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036 to engage in the practice of land surveying shall not be construed to prevent or to affect:

(a) Surveying, other than land surveying where such surveying is incidental to the design or construction of engineering or architectural works.

(b) The practice of land surveying by an individual of such individual's own real property or that of such individual's employer for purposes other than the conveyance of an interest in such real property.

(c) The surveying on farms for agricultural purposes other than the conveyance of an interest in such farm property.

(d) The practice of land surveying by a professional engineer or architect licensed in the state of Kansas or by a corporation issued a certificate of authorization to provide services in engineering or architecture under K.S.A. 74-7036.

(e) The performance of services by a licensed landscape architect or by a corporation issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-7036 in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

(f) The practice of land surveying by any officer or employee of any federal, state, county or city governmental agency while engaged in the performance of official duties.

History: L. 1978, ch. 326, § 26; L. 1980, ch. 244, § 13; July 1.

74-7035. Act not applicable to certain practices. The provisions of this act shall not apply to:

(a) The practice of any technical profession by a person not a resident of and having no established place of business in the state of Kansas, or who has recently become a resident of this state, if such person shall have filed with the board an application for a license and shall have paid the application fee required by this act. Such person shall be legally qualified by license or registration to practice said profession in his or her own state or country in which the requirements and qualifications for obtaining a license or certificate of registration are not lower than those specified in this act. Such practice

OFFICE OF

Coffey County Engineer**Burlington, Kansas 66839**

February 18, 1986

Representative Steven R. Cloud
Chairperson, Governmental Organization Committee
Room 112 South State Capitol
Topeka, Kansas 66612

Dear Mr. Cloud:

I am unable to attend the hearing on HB 2884 this Friday. Please enter this letter into the minutes of the hearing.

I support HB 2884 which restricts the practice of land surveying to land surveyors. I am a graduate engineer and licensed in both land surveying and engineering. I can attest that engineering education and experience in no way prepares a person to practice land surveying. Architecture is farther removed from surveying.

Limiting land surveying to those people that have the proper experience and passed a surveying examination is in the best interest of the people of Kansas.

Sincerely,



Norman L. Bowers
Coffey County Engineer

NLB/mlc

2/21/86 Hs. Gov. Org.
Attachment **E**

UNITED STATES DEPARTMENT OF
COMMERCE
NEWS
 WASHINGTON, D.C. 20230

FEB 7 1986

BUREAU OF
 THE
 CENSUS

Nampeo McKenney
 (202) 575-3444 (home)

For Release Wed., Jan. 29, 1986
 CB86-15

Art Cresce
 (301) 262-2085 (home)

Public Information Office
 (301) 763-4040

CENSUS BUREAU SAYS HISPANIC POPULATION JUMPED 16 PERCENT
 SINCE 1980, STILL LAGGED IN SCHOOLING AND INCOME

The nation's Hispanic population reached 16.9 million in March 1985, an increase of 16 percent since the 1980 census, the Commerce Department's Census Bureau reported.

The increase compares with a 3 percent growth in the total population. The Hispanic proportion of the total population grew from 6.4 percent to 7.2 percent.

The following table shows the Hispanic population by type of Spanish origin for 1985 and 1980:

Type of Spanish Origin	March 1985 CPS			1980 Census		
	Number (000s)	% of Total Spanish origin	% of U.S. Total	Number (000s)	% of Total Spanish origin	% of U.S. Total
Total Spanish Origin	16,940	100.0	7.2	14,604	100.0	6.4
Mexican	10,269	60.6	4.4	8,679	59.4	3.8
Puerto Rican	2,562	15.1	1.1	2,005	13.7	0.9
Cuban	1,036	6.1	0.4	806	5.5	0.4
Other Spanish	3,072	18.1	1.3	3,114	21.3	1.4

NOTE: The 1980 census data are based on sample tabulations. The "Other Spanish" category includes Central or South American and other Spanish origin.

(more)

*2/21/86 Hs. Gov. Org.
 Attachment F*

This is the first Current Population Survey (CPS) report in the series covering the Spanish origin population to present Hispanic data based entirely on current estimates of Hispanics. These estimates were developed independently of the CPS, using 1980 census data as a base, and were used to adjust the CPS statistics on Hispanics to make them more comparable with the census data.

The Hispanic population is getting somewhat older. Its median age is 25, up from 23 in 1980 but still younger than the median of 32 for the non-Hispanic population.

Hispanic people still lagged behind the rest of the nation in major socioeconomic areas. About 14 percent of Hispanic persons aged 25 and over had completed less than five years of school compared with 2 percent for all others; only 48 percent had completed high school compared with 76 percent for all others; and only 8 percent had completed four or more years of college compared with 20 percent for all others.

Of the 3.9 million Hispanic origin families shown by the survey, 72 percent consisted of married-couple families and 23 percent consisted of families maintained by women with no husband present.

About 7.4 million Hispanic persons aged 16 and over were in the civilian labor force in March 1985. The Hispanic unemployment rate was 11.3 percent, substantially higher than the non-Hispanic rate of 7.4 percent.

Hispanic money income lagged well behind that for the rest of the nation; Hispanic families had a median in 1984 of \$18,800 compared with a non-Hispanic median of \$27,000.

The proportion of Hispanic families below the poverty level in 1984 was more than double that of non-Hispanic families-- 25 percent compared with 11 percent.

The CPS estimates are subject to sampling and nonsampling errors typical in a sample survey. More information on their reliability and the methodology used to derive the independent estimates will be included in a final version of this report.

Copies of Persons of Spanish Origin in the United States: March 1985, Advance Report, P-20, No. 403, (GPO Stock No. 003-001-90802-6) are available for \$1.00 each prepaid from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

TESTIMONY TO THE GOVERNMENTAL ORGANIZATION COMMITTEE

CONCERNING H.B. 2885

by Marc Marcano
Executive Director
Advisory Committee on Mexican American Affairs

Mr. Chairman and Committee Members:

The Kansas Hispanic population has experienced considerable growth and changes in composition, as has the entire nation during this decade. The influx of Central American political refugees; an increase of South American immigrants; and the increased mobility of Cuban Americans and Puerto Ricans have all added greatly to the changes experienced in Kansas. According to our figures 21% of the state's Hispanics are of non-Mexican heritage. The approximate number of individuals represented by this figure is 13,000.

In view of these demographic changes and the Advisory Committee's efforts to be more inclusive rather than exclusive we, at KACMAA, fully support this proposed change.

This measure will not substantially affect the operation of this office since we already strive to serve all Kansas Hispanics equally. Despite our efforts, our present limiting name discourages some Hispanics from seeking our services and fully participating in the governmental process. One of the principal functions of our office is to serve as liaison to the Hispanic Community and state government. Passage of this bill will encourage more participation in and thus support of Kansas state government by all Hispanics.

*2/21/86 Hs. Gov. Org.
Attachment G*

We also believe the change will have no affect on our budget. However, we are sure that the public base of support for our office will grow substantially.

The Advisory Committee on Mexican American Affairs fully recognizes the many contributions the Mexican American people have made to the development of Kansas and, in fact, the nation. In our support of this bill we in no way lose sensitivity to that fact, nor will we lose sight of our mission to address the concerns of a major segment of the population we serve. We hope this measure helps in breaking down barriers to harmony among Hispanics which are sometimes created inadvertently.

2-21-86